

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

Monday, October 4, 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 Tyler, Clerk to the Board, Attorney Charles L Revelle, III, County Attorney  
Attorney Maria Jones, Revelle & Lee

The following employees attended the meeting: HR Director Kimberly Turner, Tax Collector  
Tammy Eason, Register of Deeds Melanie Storey, Development Director Ms. Kelly Bowers, Emergency Management Director Chris Smith.

Chairman Ronald J. Gatling called the meeting to order at 7:02 PM and Reverend Dorian Daniels, Pastor New Ahoskie Baptist Church, Ahoskie provided the invocation.

**CONSENT AGENDA**

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

Approval of Minutes September 7, 2021

Approval of September 2021 Tax Payer Releases

**RELEASES FOR MONTH ENDING**

**September 2021**

		LEVY	VALUE	TAX
AHOSKIE TOWNSHIP	NAME	YEAR	RELEASED	RELEASED
MURFREESBORO TOWNSHIP				
WINTON TOWNSHIP				
MANEY'S NECK TOWNSHIP				
ST. JOHN TOWNSHIP				
Bill#0000000027-2021-2021 Property is not habitable or is unoccupied with no electrical service during the period of July 1, through June 30 <sup>th</sup> of the taxable year.	Lassiter Melissa H.	2021		W01-\$95.00 W02-\$95.00

TOTAL VALUE APPROVED THIS REPORT (2020 LEVY)	\$
TOTAL TAX RELEASED THIS REPORT (2020 LEVY)	\$
TOTAL VALUE APPROVED THIS REPORT (PRIOR LEVY)	\$
TOTAL TAX RELEASED THIS REPORT (PRIOR LEVY)	\$
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE SITE 2021)	\$95.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATON 2021)	\$95.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE SITE 2020)	\$
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2020)	\$

Respectfully submitted,  
*Tammy H. Eason*  
 Tammy H. Eason, Tax Collector

## INTRODUCTION OF SEPTEMBER AND OCTOBER 2021 NEW HERTFORD COUNTY EMPLOYEES

Ms. Kimberly Turner, Director of Human Resources/Risk Management presented the following new Hertford County Employees to the Board as follows:

### Hertford County Personnel Report September 2021

<u>Employees Hired</u>	<u>PT/FT</u>	<u>Department</u>
Ashley Moore	FT	DSS
Ashley Askew	FT	Finance

### Hertford County Personnel Report October 2021

<u>Employees Hired</u>	<u>PT/FT</u>
Quaesha Price	FT
Stevie Owens	PT
Joycetine Boone	PT
Quonita Tuggles	FT
Sandi Goolsby	FT

Chairman Gatling and the Board welcomed the new employees to Local Government.

### REQUEST APPROVAL OF ORDER TO COLLECT ALL REAL, PERSONAL AND PUBLIC SERVICE COMPANY TAXES FOR THE 2021-2022 LEVY YEAR, PER NCGS § 105-321(B)

On a motion by Com. Mitchell and a second by Com. Leroy Douglas, the Board approved the Order to Collect All Real, Personal and Public Service Company Taxes for the 2021-2022 Levy Year, Per NCGS § 105-321(b) as requested by Mrs. Tammy Eason, Tax Collector.

**REQUEST APPROVAL OF AMENDMENT TO HERTFORD COUNTY BUDGET  
ORDINANCE FISCAL YEAR 2021-2022 AMENDMENT #5**

On a motion by Com. Lassiter and a second by Com. Mitchell, the Board approved the Amendment to the Hertford County Budget Ordinance Fiscal Year 2021-2022 Amendment #5 for the amount of \$428.00 for donation of funds from Hertford County citizens as presented by Mr. David B. Cotton, County Manager and attached.

## AMENDMENT TO HERTFORD COUNTY BUDGET ORDINANCE FISCAL YEAR 2021-2022

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, 2022:

## REVENUE:

[illegible]

Net Change in Revenue	\$428.00
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**EXPENDITURE:**

<b>Department</b>	<b>Account Number</b>	<b>Account Description</b>	<b>Amount Increase</b>	<b>Amount Decrease</b>
Aging	104380-527000	Earmarked Funds Aging	\$428.00	
	<b>Total Changes in Expenditures</b>		<b>\$428.00</b>	<b>\$ -</b>

Net Change in Expenditures	\$428.00
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**Explanation:**

Donation Funds from HC Citizens.

Finance Director

Date \_\_\_\_\_

Amendment # 5

Approved: \_\_\_\_\_

Posted: \_\_\_\_\_



**REQUEST APPROVAL OF THE HERTFORD COUNTY BOARD OF COMMISSIONERS' RESOLUTION OPPOSING REDUCTION OF COUNTY AUTHORITY TO ADOPT POLICIES THAT BEST REPRESENT NEEDS OF COUNTY COMMUNITIES**

On a motion by Com. Mitchell and a second by Com. Douglas, the Board approved the Hertford County Board of Commissioners' Resolution Opposing Reduction of County Authority to Adopt Policies that Best Represent Needs of County Communities as presented by Manager Cotton.



**RESOLUTION OF THE HERTFORD COUNTY BOARD OF COMMISSIONERS OPPOSING REDUCTION OF COUNTY AUTHORITY TO ADOPT POLICIES THAT BEST REPRESENT NEEDS OF COUNTY COMMUNITIES**

**WHEREAS**, the North Carolina General Assembly's proposed 2021 Appropriations Act includes law that if enacted will reduce county authority to adopt policies that best represent the needs of communities within counties and reflect values of a county's citizens as expressed through a county's land use plan, land use regulations and actions of the duly elected county governing boards; and

**WHEREAS**, the proposed reduction in local control and authority includes removing local authority to determine the location of relocated billboards; limiting local authority to establish storm water regulations essential for the maintenance of water quality and flood prevention; preemption of local authority on the placement of schools and prevention of local government adoption of ordinances related to the removal of trees; and

**WHEREAS**, the limitation or removal of local control over the cited matters would, in Hertford County, require ending local practices long accepted, expected and in some instances demanded over time by its citizens; and

**WHEREAS**, of particular concern is prohibiting a county's regulation of storm water more restrictively than provided in state or federal regulations will require Hertford County to repeal its existing storm water regulation that will then decrease by one-half the amount of storm water that development must contain on its property, allow faster release of storm water downstream, further exacerbate flooding and end the county's plan to further reduce storm water

impact on property outside of development by requiring upstream and downstream analysis of storm water facilities and outfalls; and

**WHEREAS**, requiring a county to ignore storm water infrastructure policy and needs specific to its topography will frustrate resiliency efforts that to date are endorsed and encouraged by the state government that now seeks to impede those efforts and result in further inundation of homes and property with flood waters and interference with private property rights.

**NOW, THEREFORE, BE IT RESOLVED** by the Hertford County Board of Commissioners that:

Section 1. Hertford County is opposed to language in the 2021 Appropriations Act further reducing local control and requests that the North Carolina General Assembly, and in particular the county's legislative delegation Senator Bob Steinberg and Representative Howard J. Hunter, III, oppose any language in the final 2021 Appropriations Act that further reduces local authority and control over the public's health, safety and welfare.

Section 2. The Clerk to the Board of Commissioners is directed to forward a copy of this resolution to the Honorable Tim Moore, Speaker of the House of Representatives, the Honorable Phil Berger, President Pro Tempore of the Senate, Senator Bob Steinberg and Representative Howard J. Hunter, III.

Adopted this the 4<sup>th</sup> day of October 2021.

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The Honorable Ronald J. Gatling, Chairman

Attest:

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Dr. Renee Tyler, NCCCC  
Clerk to the Board

## **REQUEST APPROVAL OF RESOLUTION ESTABLISHING A HOME PROGRAM HOUSING CONSORTIUM**

On a motion by Com. Douglas and a second by Com. Mitchell, the Board approved the Resolution Establishing a Home Program Housing Consortium as presented by Manager Cotton.

### **RESOLUTION**

#### **Establishing a HOME Program Housing Consortium**

**WHEREAS**, the County of Hertford has determined that the health and welfare of the citizens within the jurisdiction may benefit from increasing the availability of safe, affordable and standard housing; and

**WHEREAS**, the County of Hertford has determined that providing safe, affordable and standard housing will benefit workforce productivity and area economic development; and



**WHEREAS**, a Consortium of local governments will be entitled to receive funds from the United States Department of Housing and Urban Development, which the local governments would be ineligible to receive individually; and

**WHEREAS**, the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, makes provisions whereby units of general government may enter into cooperative agreements and form Consortiums to undertake affordable housing pursuant to the HOME Investment Partnership Program; and

**WHEREAS**, the County of Hertford, along with the County of Bertie, County of Halifax, County of Martin, County of Northampton and the municipalities contained therein (Consortium membership), desires to establish the Choanoke Area Housing Consortium to undertake affordable housing initiatives under the Cranston-Gonzalez National Affordable Housing Act of 1990; and

**WHEREAS**, Article 20, Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into interlocal agreements with each other in order to execute an undertaking such as the contemplated Choanoke Area Housing Consortium;

**NOW, THEREFORE BE IT RESOLVED**, by the County of Hertford Board of Commissioners that:

- I. The County of Hertford hereby supports the establishment of the Choanoke Area Housing Consortium.
- II. The County Manager is hereby authorized to pursue a Cooperation Agreement with the Consortium membership and present the proposed agreement to the Board of Commissioners for ratification.

**BE IT FURTHER RESOLVED**, that this resolution shall be in full force and effect from and after its adoption this the 4<sup>th</sup> day of October 2021.

\_\_\_\_\_  
The Honorable Ronald J. Gatling, Chairman

Attest:

\_\_\_\_\_  
Dr. Renee Tyler, CMC Clerk to the Board

Com. Gatling requested for Manager Cotton to provide bylaws for review of the consortium.

Manager Cotton advised Chairman Gatling and the Commissioners that the bylaws will be provided by the consortium after submission of the resolution.

**Request Approval of Resolution of the Hertford County Board of Commissioners  
Expressing Concern with Unfunded and Underfunded State Mandates for Public  
Education**

On a motion by Vice-Chair Horton and a second by Com. Douglas, the Board approved the Resolution of the Hertford County Board of Commissioners' Expressing Concern with Unfunded and Underfunded State Mandates for Public Education as presented by County Manager Cotton.



**RESOLUTION OF THE HERTFORD COUNTY BOARD OF COMMISSIONERS EXPRESSING CONCERN WITH  
UNFUNDED AND UNDERFUNDED STATE MANDATES FOR PUBLIC EDUCATION**

**WHEREAS**, Article IX, §2 of the North Carolina Constitution provides "[T]he General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students."; and

**WHEREAS**, the Court of Appeals of North Carolina, citing the North Carolina Supreme Court decisions in *Leandro v. State*, 346 N.C. 336, 488 S.E.2d 249 (1997) and *Hoke Cty. Bd. of Educ. v. State*, 358 N.C. 605, 599 S.E.2d 365 (2004), explained in *Silver v. Halifax Cty. Bd. of Comm'rs*, 255 N.C. App. 559, 805 S.E.2d 320 (2017) that "[T]he constitutional duty to provide a sound basic education rests upon the State."; and

**WHEREAS**, there has been a long tradition and partnership and cost sharing between the State and counties to fund public education operations and facilities; and

**WHEREAS**, it is becoming a State practice, no matter how well meaning, to reduce State spending by shifting to counties unfunded or underfunded mandates for the improvement of public education as exemplified by requiring that local school systems reduce the size of K-3 elementary school classes; and

**WHEREAS**, because of these unfunded or underfunded mandates, Hertford County is faced with expending millions of local taxpayer dollars for capital improvements and additional funding for teachers and other school operational costs; and

**WHEREAS**, Hertford County opposes state unfunded mandates and requiring county funding of State responsibilities without revenue to cover a county's cost of such funding.

**NOW, THEREFORE, BE IT RESOLVED** by the Hertford County Board of Commissioners that the North Carolina General Assembly, and in particular the County's legislative delegation, take no action that places additional financial burden on counties and that the State of North Carolina assume the unfunded and underfunded mandates placed upon counties.

Adopted this the 4<sup>th</sup> day of October, 2021.

HERTFORD COUNTY BOARD OF COMMISSONERS

\_\_\_\_\_  
The Honorable Ronald J. Gatling, Chairman

Attest:

\_\_\_\_\_  
Dr. Renee Tyler, NCCCC  
Clerk to the Board

## **NORTH CAROLINA PORTS OVERVIEW**

Ms. Kelly Bowers introduced Mr. Aaron Brotts, Economic Developer from North Carolina Ports to present the North Carolina Ports Overview. Mr. Brotts shared FY21 Performance Highlights, fast facts, the capitol improvements plan, advantages, NC Ports Economic Development Alignment, Carrier Services and Market Reach.

After a brief discussion with Mr. Brotts, Chairman Gatling and the Board thanked him for his presentation.

## **Request Approval of Resolution Authorizing Removal of Real Estate Book 93 (1929) & Two Birth and Death Index Books (1913-1924 and 1925-1938)**

On a motion by Com. Lassiter and Com. Mitchell the Board approved the Resolution Authorizing Removal of Real Estate Book 93 (1929) & Two Birth and Death Index Books (1913-1924 and 1925-1938) as presented by Mrs. Melanie Storey, Register of Deeds.



## **REQUEST CONSIDERATION OF FORECLOSURE BID PROPOSALS FOR ADVERTISING:**

On a motion by Com. Mitchell and a second by Vice-Chair Horton, the Board approved to advertise PIN# 690313-4333 VIP Road & Lincoln Avenue for the Foreclosure Bid offer of \$2,500.00 as presented by Attorney Charles Revelle, III, County Attorney.

On a motion by Com. Mitchell and a second by Com. Douglas, the Board approved to advertise PIN# 5993-61-1310 318 Snipes Street for the Foreclosure Bid offer of \$3,000.00 as presented by Attorney Charles Revelle, III, County Attorney.

On a motion by Com. Mitchell and a second by Vice-Chair Horton, the Board approved to advertise PIN# 5993-61-1378 316 Snipes Street for the Foreclosure Bid offer of \$1,000.00 as presented by Attorney Charles Revelle, III, County Attorney

## **COUNTY MANAGER'S COMMENTS**

County Manager Cotton commented he would hold his comments for the Work Session following the Board meeting.

## **COMMISSIONERS' COMMENTS**

The Commissioners commented as follows:

Vice-Chair Horton commented thanking everyone for sacrificing their time to attend the meeting.

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

Chairman Gatling announced and invited everyone to the October 30<sup>th</sup> Halloween Fun Festival starting at 4 PM – 8:PM; encouraged departments to be involved with the County Sponsors as a united effort.

## **CLOSED SESSION**

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

**CONSIDERATION OF EXCLUSIONARY ENDORSEMENT TO HERTFORD  
COUNTY'S NCACC/LPP INSURANCE COVERAGE**

On a motion by Com. Lassiter and a second by Com. Mitchell the Board unanimously agreed to the Exclusionary Endorsement to the Hertford County's NCACC/LPP Insurance Coverage as attached.

## **ENDORSEMENT**

### **Attachment A**

#### **GEO AND ICE INTERGOVERNMENTAL AGREEMENT, DETENTION AND CORRECTIONAL FACILITY EXCLUSION**

This Endorsement modifies coverage provided under the following:

SECTION II: GENERAL LIABILITY COVERAGE  
SECTION III: BUSINESS AUTO COVERAGE  
SECTION IV: CRIME COVERAGE  
SECTION V: PUBLIC OFFICIALS LIABILITY COVERAGE  
SECTION VI: LAW ENFORCEMENT LIABILITY COVERAGE  
SECTION VII: EMPLOYMENT PRACTICES LIABILITY COVERAGE  
SECTION VIII: ENVIRONMENTAL IMPAIRMENT LIABILITY COVERAGE  
SECTION IX: PRIVACY OR SECURITY EVENT LIABILITY OR EXPENSE COVERAGE

It is understood and agreed that coverage shall not apply under any of the above referenced forms as follows:

- arising out of or in any way related to the Intergovernmental Services Agreement (IGSA) entered into between Hertford County (Hertford), U.S. Immigration and Customs Enforcement (ICE) and/or The GEO Group, Inc. (GEO) and/or any further agreements which are or might be entered into as between Hertford, ICE and/or GEO.
- to Hertford, it's officials, employees, elected sheriff and/or deputies with regard to any claim or suit arising out of or in any way related to the existing detention facility located at 145 Parkers' Fishery Road, Winton, North Carolina 27986.
- to ICE and/or GEO.

It is expressly understood and Hertford hereby agrees that GEO has agreed to assume liability and be entirely responsible for any liabilities relating to the IGSA and/or Hertford's, ICE's and GEO's operation of the detention facility located at 145 Parker's Fishery Road, Winton, North Carolina 27986, by Hertford and that GEO has procured a policy of insurance as set forth in the IGSA which names Hertford as an additional insured of insurance.

While the IGSA provides for GEO to procure insurance coverage for Hertford, nothing in this exclusion is meant to be conditioned on the procurement of said coverage. Rather, Hertford specifically acknowledges and agrees that no coverage will be afforded to it, GEO, and/or ICE for any claim or suit arising out of or in any way related to the IGSA and/or the operation of a detention facility at 145 Parker's Fishery Road, Winton, North Carolina 27986.

NCACC RMP IGSA ENDORSEMENT EDITION  
7/1/2021



### **Modification of 2021-2022 NCACC/LPP Contract**

Following discussion regarding an upcoming anticipated material change in risk associated with county operations, NCACC/LPP and Hertford County have agreed to modify the NCACC/LPP 2021-2022 Contract with the County. In exchange for NCACC/LPP's agreement to maintain coverage for the County despite the anticipated material change in risk, the County agrees that the ENDORSEMENT - GEO AND ICE INTERGOVERNMENTAL AGREEMENT, DETENTION AND CORRECTIONAL FACILITY EXCLUSION (Attachment A) shall be added to the 2021-2022 Contract with the County.

Acknowledged and agreed to this \_\_\_\_\_ day of October, 2021.

By: \_\_\_\_\_

Title: \_\_\_\_\_

HERTFORD COUNTY

By: \_\_\_\_\_

Title: \_\_\_\_\_

NCACC/LPP

## **REQUEST APPROVAL OF 2021 HERTFORD COUNTY FIRE DEPARTMENT CONTRACTS**

On a motion by Com. Mitchell and a second by Com. Lassiter, the Board approved the 2021 Hertford County Fire Department contracts as presented by Mr. Chris Smith, Hertford County Emergency Management Director.

## **RECESS MEETING**

On a motion by Com. Mitchell and a second by Com. Lassiter, the Board unanimously approved to recess the meeting to move to the informal Work Session.

## **ADJOURN MEETING**

On a motion by Com. Lassiter and a second by Com. Mitchell, the Board unanimously adjourned the Informal Work Session.

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Approved November 1, 2021

Ronald J. Gatling, Chairman

Dr. Renee Tyler, Clerk to the Board