

Minutes
Regular Meeting
Hertford County Board of Commissioners
County Commissioners' Meeting Room
Monday, February 1, 2016
9:00 A.M.

Present: Ronald J. Gatling, F. Garry Lewter, Johnnie R. Farmer, Curtis A. Freeman, Sr., and William F. Mitchell, Jr. (late)

Absent: None

Also Present with the Board: Loria D. Williams, County Manager; Charles L. Revelle, III, County Attorney; M. Ray Wiggins, Assistant County Manager; and Shelia W. Matthews, Clerk to the Board

Chairman Ronald J. Gatling called the meeting to order, and Commissioner Curtis A. Freeman, Sr., provided the invocation for the meeting.

MINUTES

On a motion by Freeman and a second by Lewter, the Board voted unanimously to approve the minutes of the December 7, 2015, Organizational Meeting as presented.

PERSONNEL

Leah Craddock, Human Resources/Risk Manager, introduced the following new County employees:

<u>Name</u>	<u>Department</u>
Falicia Gatling	Sheriff's Department
Jamison Eley	Detention Center
Latoya Smith	Social Services
Shannon Hoggard	EMS
Daniel Casey	EMS
Kenyon Gaston	Detention Center
Wenonador Cherry	E-911
Kawania Parker	E-911

At this time, Ms. Craddock also recognized the following nominees for Employee of the 2nd Quarter:

<u>Name</u>	<u>Department</u>
Quinetta Rascoe	Social Services
Arden Wright	Social Services
Tiffany Walton	Social Services

Shel-Wanda White
Norma Harrell
Helen White
LatiaLewter

Social Services
Public Works and Facilities
Finance
Register of Deeds

The winner of the Employee of the 2nd Quarter was Tiffiany Walton, Department of Social Services.

Commissioner William F. Mitchell, Jr., entered the meeting as this time.

CADA

Memo #8424 was delayed until later in the meeting to allow time for Mr. Chris Moody, Community Services Manager with CADA, to arrive.

TAX

Gay Sumner, Tax Collector, was present to report the unpaid 2015 tax liens on real property as required by G.S. 105-369(a) in the amount of \$1,524,277.06. On a motion by Freeman and a second by Mitchell, the Board voted unanimously to order the Tax Collector to advertise these tax liens and to approve the date of after March 1, 2016, and through June 30, 2016, as required by G.S. 105-369(c) as the time of advertisement.

REZONING REQUEST

Mr. Bill Early, Planning & Zoning Administrator, presented a request from Mr. Walter Pierce to rezone property owned by Mr. Pierce from Residential Agriculture (RA) to Heavy Industrial (IH). The property is located on the west side of NC Hwy 11, east side of SR 1108, known as Firetower Road beginning approximately 865' north of above noted intersection. The property is identified in Hertford County Land Records as PIN #5983-24-3822 and contains approximately 16.5 acres. At the regular meeting of the Hertford County Planning Board on January 12, 2016, following a Public Hearing, the Board voted unanimously to recommend that the request be granted.

On a motion by Farmer and a second by Lewter, the Board voted unanimously to schedule a Public Hearing on February 15, 2016, at 7:30 P.M. to receive public comments on the rezoning request from Mr. Walter Pierce.

CADA

At this time, the Board returned to Memo #8424. Ms. Jacqueline Melton was present representing CADA.

On a motion by Farmer and a second by Freeman, the Board voted unanimously to approve the 2016-2017 CSBG Anti-Poverty Work Plan for CADA as presented by Ms. Melton.

BUDGET AMENDMENTS

On a motion by Lewter and a second by Freeman, the Board voted unanimously to approve FY 2015-2016 General Fund Budget Amendment #5 as follows:

AMENDMENT TO THE HERTFORD COUNTY BUDGET ORDINANCE
2015-2016

Amendment 5

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, 2016:

Section 1 to amend the General Fund by functions, the appropriations are to be changed as follows:

General Government

Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Governing Body	10-4110-5315-00	Other Miscellaneous	To pay for County-wide Easter Egg Hunt	800	
Public Building	10-4260-5510-03	CO - Vehicles	To purchase van	29,000	
Total				29,800	
Public Safety					
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Sheriff Department	10-4180-5510-03	CO - Vehicles	To purchase two vehicles	65,000	
Building Inspection	10-4230-5311-00	Traveling	Reimbursement from unattended training	159	
Building Inspection	104230-5312-00	Training	Reimbursement from unattended training	50	
Building Inspection	10-4230-5352-01	Repair&Main-Veh	To repair damaged vehicle	<u>1,530</u>	
Total				66,739	
Econ/Phy Dev.					
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Cooperative Ext.	10-4290-5525-00	Ag Trust Expenditures	Donation	3,000	

Cooperative Ext.	10-4290-5525-01	4-H Trust Expenditures	Donation	<u>10,000</u>	
Total Human Services				13,000	
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Social Services	10-4410-5360-00	Miscellaneous Exp.	Reimburse client for fraud payment error	400	
Social Services	10-4440-5630-01	LIEP Assistance	Funding low income fuel assistance.	50,375	
Social Services	10-4440-5691-01	Child Daycare	Reduction by State allocations		51,181
Social Services	10-4440-5691-04	Smart Start	MOU Agreement with Partnersip	<u>75,430</u>	
Total				75,024	
Other					
Contingency-Com. Rec.	10-9900-5991-02	Contingency-Com. Re.	To pay for County-wide Easter Egg Hunt		800
Total Expenditures					183,763

Section 2 to amend the General Fund by functions, the revenues are to be changed as follows:

Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Restricted Gov't	10-0060-4134-06	Ag Trust Revenue	Donation	3,000	
Restricted Gov't	10-0060-4134-07	4-H Trust Revenue	Donation	10,000	
Restricted Gov't	10-0063-4183-00	Smart Start	MOU Agreement with Partnersip	75,430	
Restricted Gov't	10-0063-4187-01	LIEP Assistance	Funding low income fuel assistance.	50,375	
Restricted Gov't	10-0063-4189-00	Child Daycare	Reduction by State allocations		51,181
Restricted Gov't	10-0063-4196-04	Refunds	Reimburse client for fraud payment error	400	
Micellaneous Rev.	10-0100-4153-00	Misc. Revenue	To post ins.for damage to truck/ reim. travel	1,739	
Fund Bal. Approp.	10-0112-4485-00	Fund Balance	Fund Bal. Appro. - Vehicles	94,000	
Total Revenues					183,763

This will result in a net increase/decrease of \$183,763 in the expenditures of the General

Fund. To provide the additional revenue for these expenditures, the revenues will increase/decrease by the same amount of \$183,763. These additional revenues have already been received.

Adopted this 1st day of February, 2016.

COUNTY PROPERTY/TAX FORECLOSURES

On a motion by Farmer and a second by Mitchell, the Board voted unanimously to initially approve a bid offer in the amount of \$3,500 from Carmento Floyd on the tax foreclosure property (Jean Felton property – PIN #6906-84-4586) and authorize the County Attorney to advertise for upset bids.

RESOLUTIONS

On a motion by Mitchell and a second by Lewter, the Board voted unanimously to approve the following resolution in support of the Connect NC Bond Act:

RESOLUTION SUPPORTING CONNECT NC BOND ACT

WHEREAS North Carolina and its counties have a mutual desire to improve and enhance the quality of life for all of our state's citizens; and

WHEREAS the North Carolina Community College System is in need of new and renovated facilities to educate and prepare students and workers for the 21st century for the purpose of enhancing the economic attractiveness of the State; and

WHEREAS Clean water and sewer systems are essential to attract new and strengthen existing industry and to provide for the needs of the State and its growing population; and

WHEREAS having parks and public facilities accessible to children and veterans with disabilities is essential to improving the quality of life for our most vulnerable citizens; and

WHEREAS financing these costs through a bond is the most economical and affordable way to address these infrastructure needs; and

WHEREAS the Connect NC Bond Act will provide funding for many critical needs facing North Carolina that will improve and enhance the quality of life in our counties;

NOW THEREFORE, BE IT RESOLVED by the Hertford County Board of Commissioners that it does hereby express its support for the Connect NC Bond Act; and

BE IT FURTHER RESOLVED that a copy of this resolution is sent to all 100 counties with encouragement for each county to adopt a similar resolution; and

BE IT FURTHER RESOLVED that copies of this resolution are transmitted to the members of the General Assembly and to Governor Pat McCrory to let them know of our support for this issue.

ADOPTED, this 1st day of February, 2016, by the Hertford County Board of Commissioners.

BOARD APPOINTMENTS

Joint Community Advisory Committee

On a motion by Freeman and a second by Mitchell, the Board voted unanimously to appoint Patricia Godwin to the Joint Community Advisory Committee for an initial term of one year to expire on February 28, 2017.

Medical Services Transportation Advisory Council

On a motion by Freeman and a second by Mitchell, the Board voted unanimously to table the appointment of Joseph Dillon Lowe to the Medical Services Transportation Advisory Council due to the fact that he is employed by Med-Ex, one of the County's franchisees. Since this council does not meet until May, the County Attorney was asked to study any potential conflict this may cause.

HUNTING

Mr. Ronald Rice, concerned resident on Big Mill Road, was present to voice his concerns regarding hunting issues. Public safety and quality of life are his main concerns. Some issues he has encountered are as follows:

- Vehicles parked blocking roadways waiting for deer to cross
- Accident caused by hunter trying to get dog out of road
- Using roadway as shooting lanes
- Shooting across private property
- Wife was in garden when buckshot came flying through the trees nearby and she had to duck
- Can't have grandchildren over to visit during hunting season for these reasons

While Mr. Rice may have problems with hunting in this area, he did offer possible solutions to some of the problems as follows:

- Written permission to be on private property
- Required to be 100' from travel portion of highway
- Substantially increase fines

Hunting could also be a monetary benefit to Hertford County by advertising as a hunting destination which would bring in income to motels, restaurants, and possibly the need for hunting equipment/apparel stores.

Mr. Rice was thanked for sharing his concerns and possible solutions. The Board will look into this issue.

On a motion by Farmer and a second by Lewter, the Board voted unanimously to recess Regular Session to go into a meeting of the Governing Board of the Tunis Sewer District.

GOVERNING BOARD OF TUNIS SEWER DISTRICT

Charles L. Revelle, III, County Attorney, presented the formal settlement agreement that was approved at the last meeting resulting in paying \$129,938 to Sunland upon execution of the Settlement and Release.

On a motion by Freeman and a second by Farmer, the Board voted unanimously to approve the following Settlement and Release as presented by the County Attorney.

Settlement and Release

1. The Tunis Sewer District ("District"), by and through the Hertford County Board of Commissioners acting as the governing body of the District, entered a contract ("Contract") dated March 26, 2013, with Sunland Builders, Inc. ("Sunland") for the construction of the Tunis Sanitary Sewer System Improvements in the community of Tunis, Hertford County, North Carolina.

2. The adjusted contract sum for completion of the project, based upon calculations of the District's engineers, is \$179,938.00. The District previously paid \$1,400,039.00 to Sunland. The District and Sunland have some unresolved issues related to the Contract, and both parties have agreed that it is in their mutual best interests to settle their mutual claims, by the District paying to Sunland an additional \$129,938.00 upon execution of this Settlement and Release, with the parties then having no further obligations to each other, other than valid warranty claims that may arise under the Contract, none of which are known at this time. The amount paid reflects settlement of disputed amounts owed, and is not an assessment of liquidated damages.

3. Prior to the execution of this Settlement and Release, Sunland shall provide the following documents, in form satisfactory to the District's engineer and counsel:

- a. Contractor's General Warranty;

- b. Consent of Surety to Final Payment;
- c. Release of Liens;
- d. Affidavit of Payment of Debts and Claims.

4. Both parties shall execute this Settlement and Release, with electronic facsimile or telefax signatures deemed to be originals and authentic. Within one day of receipt of executed documents, the District shall pay to Sunland the sum of \$129,938.00, and this Settlement and Release shall be effective upon the receipt and clearance of such funds by Sunland. This agreement shall be consummated on or before February 10, 2016.

5. As of the effective date:

(a) Sunland agrees that all claims, demands, rights and causes of action that Sunland has or may have against the District with respect to the above-described Contract, or any other prior matters or disputes that may exist between them, are satisfied, discharged, settled, and released.

(b) The District agrees that all claims, demands, rights and causes of action that the District has or may have against Sunland with respect to the above-described Contract, or any other prior matters or disputes that may exist between them, are satisfied, discharged, settled, and released, other than valid warranty claims that may arise under the Contract, none of which are known at this time.

(c) This Settlement and Release applies to and is effective for the named parties, and their past and present direct and indirect affiliates, parents, subsidiaries, predecessors, successors and assigns, and all of its and their respective past and present commissioners, officers, directors, stockholders, owners, employees, attorneys, representatives and agents, whether acting as agents or in their individual capacities.

6. This Settlement and Release is made as a compromise between the parties for the complete and final settlement of their claims, differences, and causes of action with respect to the

dispute described above, and any other prior matters or issues that may exist between them, except as set forth hereinabove.

IN WITNESS WHEREOF, the parties have executed this agreement as of the _____ day of _____, 2016.

On a motion by Mitchell and a second by Freeman, the Board voted unanimously to return to Regular Session.

REGULAR SESSION

COUNTY MANAGER'S UPDATE

The County Manager shared that the following items would be discussed in the upcoming planning session regarding the Ahoskie Nutrition Site:

- R. L. Vann Roof Replacement
- HVAC System
- Quote for New Building

COMMISSIONERS' COMMENTS

- Commissioner Mitchell expressed his desire to look into additional parking at the courthouse during the planning session that Commissioner Farmer had mentioned a few meetings ago
- Commissioner Freeman would like for everyone to keep Rev. Robert Sessoms' family in prayer since his passing

On a motion by Freeman and a second by Mitchell, the Board voted unanimously to recess Regular Session to go into a scheduled Closed Session as allowed under G. S. 143-318.11(a) (3) to consult with the County Attorney and (6) to discuss personnel matters.

CLOSED SESSION

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

REGULAR SESSION

On a motion by Mitchell and a second by Lewter, the Board voted unanimously to adjourn the meeting.