

Minutes  
Regular Meeting  
Hertford County Board of Commissioners  
Multi-Purpose Room – Judicial Center  
Monday, March 21, 2016  
7:00 P.M.

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

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 William F. Mitchell, Jr., provided the invocation for the meeting.

**COMMISSIONERS**

On a motion by Freeman and a second by Lewter, the Board voted unanimously to amend the agenda to add two items – Memo #8459 (A) and Memo #8460 (A).

**TAX**

On a motion by Farmer and a second by Freeman, the Board voted unanimously to approve the Vehicle Tax Releases for the month of February, 2016, and the Tax Collection Percentage Report.

On a motion by Mitchell and a second by Freeman, the Board voted unanimously to approve an ad valorem tax refund in the amount of \$325 on account #41938, tax bills 14A6925509614 and 14A6925505470 as presented by Gay Sumner, Tax Collector. The taxpayer paid prior to receiving payment from NC Debt Setoff Program.

Refund is due to: Stephania Cornelia Freeman  
1225 Fiddle Court  
Zebulon, NC 27597

**BUDGET AMENDMENTS**

On a motion by Farmer and a second by Freeman, the Board voted unanimously to approve FY 2015-2016 General Fund Budget Amendment #6 as follows:

AMENDMENT #6  
HERTFORD COUNTY BUDGET ORDINANCE  
2015-2016

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	Salary Accounts		To post 3% Salary Increase	2,103	
Administration	Salary Accounts		To post 3% Salary Increase	8,699	
Human Resources	Salary Accounts		To post 3% Salary Increase	2,855	
Finance	Salary Accounts		To post 3% Salary Increase	4,518	
Tax Assessor	Salary Accounts		To post 3% Salary Increase	4,804	
Tax Collection	Salary Accounts		To post 3% Salary Increase	5,508	
Elections	Salary Accounts		To post 3% Salary Increase	1,339	
Register of Deeds	Salary Accounts		To post 3% Salary Increase	3,190	
Land Records	Salary Accounts		To post 3% Salary Increase	2,342	
Public Buildings	Salary Accounts		To post 3% Salary Increase	8,668	
	<b>Total</b>			44,026	
<b>Public Safety</b>					
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Sheriff Department	10-4180-5352-01	Main. & Repair-Veh	To place insurance funds in account	6,000	
Emergency Mgmt	Salary Accounts		To post 3% Salary Increase	2,792	
Emergency Svcs.	Salary Accounts		To post 3% Salary Increase	16,109	
Sheriff Department	Salary Accounts		To post Security Officer salary	16,738	
Sheriff/Jail/Animal C.	Salary Accounts		To post 3% Salary Increase	69,151	
Bldg. Inspections	Salary Accounts		To post 3% Salary Increase	2,555	
E-911	Salary Accounts		To post 3% Salary Increase	5,239	
	<b>Total</b>			118,584	
<b>Econ/Phy Dev.</b>					
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Economic Dev.	Salary Accounts		To post 3% Salary Increase	3,359	
Cooperative Ext.	Salary Accounts		To post 3% Salary Increase		
Soil and Water Cons.	Salary Accounts		To post 3% Salary Increase	2,635	

<b>Human Services</b>		<b>Total</b>		5,994	
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Dept. of Social Services	10-4440-5630-01	Low Income Energy Asst.	State Allocations Adjustments	10,000	
Dept. of Social Services	10-4440-5690-09	Crisis Intervention	State Allocations Adjustments	17,540	
Dept. of Social Services	10-4440-5691-01	Daycare	State Allocations Adjustments	52,781	
DJJDPP	10-4340-4153-00	JCPC CERTIFICATION	Co-sponsor prog. North/Bertie Cos.	1,393	
Aging	Salary Accounts		To post 3% Salary Increase	5,035	
Dept. of Social Services	Salary Accounts		To post 3% Salary Increase	62,281	
Veteran Services	Salary Accounts		To post 3% Salary Increase	<u>968</u>	
	<b>Total</b>			149,998	

<b>Education</b>					
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Board of Education	10-8050-5280-02	Schools CO-Proj.	Netwk switch, wireles/server prj	181,054	
R.C. Community College	10-8050-5280-04	Contri - RCCC	Replace Boiler at Freeland Bldg	24,000	
<b>Other</b>					
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Transfers	10-9500-5962-00	Trans. To Fund 62	To post 3% Salary Increase	3,092	
Transfers	10-9500-5965-00	Trans. To Fund 65	To post 3% Salary Increase	3,609	
Transfers	10-9500-5966-00	Trans. To Fund 66	To post 3% Salary Increase	3,600	
<b>Other</b>	<b>Total</b>			10,301	
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Contingency-Salary	10-9000-5991-01	Contingency-Salary	To post 3% Salary Increase		12,002
<b>Total Expenditures</b>				<b>\$521,955.00</b>	

**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 Intergovern.	10-0063-4187-01	Low Income Energy Asst.	State Allocations Adjustments	10,000	
Restricted Intergovern.	10-0063-4191-01	Crisis Intervention	State Allocations Adjustments	17,540	
Restricted Intergovern.	10-0063-4189-00	Daycare	State Allocations Adjustments	52,781	
Miscellaneous Rev.	10-0100-4153-00	Miscellaneous Rev.	Co-sponsor prog North/Bertie Co	1,393	
Miscellaneous Rev.	10-0100-4155-00	Ins. Claims and Refunds	To place insurance funds in account	6,000	
Transfers	10-0102-4159-03	Transfer from Fund 21	Network switches, wireless project and server project	181,054	
Fund Bal. Approp.	10-0112-4485-00	Fund Bal. Approp.	Salaries and Allocation to RCCC	253,187	
<b>Total Revenues</b>				<b>\$521,955.00</b>	

This will result in a net increase/decrease of \$521,955 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 \$521,955. These additional revenues have already been received.

Adopted this 21st day of March, 2016.

On a motion by Freeman and a second by Mitchell, the Board voted unanimously to approve FY 2015-2016 School Reserve Fund Budget Amendment #3 as follows:

AMENDMENT #3  
 HERTFORD COUNTY BUDGET ORDINANCE  
 FY 2015-2016

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 25 and 26** to amend the General Fund by functions, the appropriations/revenues are to be changed as follows:

**E-911 Fund**

Department	Account	Account	Comment	Amount	Amount
------------	---------	---------	---------	--------	--------

	Number	Description		Increase	Decrease
Total					
<b>21 School Reserve</b>					
Department	Account	Account		Amount	Amount
School Reserve	Number	Description	Comment	Increase	Decrease
Total	21-4590-591000	Trans to General F.	To pay for computers for Board of	181,054	
	21-0128-4200-00	FB Approp-School Re.	Education	181,054	
<b>26 Woodland Fire District</b>				\$ -	
Department	Account	Account		Amount	Amount
	Number	Description	Comment	Increase	Decrease
Total					
<b>28 Ahoskie Fire District</b>					
Department	Account	Account		Amount	Amount
	Number	Description	Comment	Increase	Decrease
Total					
<b>29 Union Fire District</b>					
Department	Account	Account		Amount	Amount
	Number	Description	Comment	Increase	Decrease
Total					

This will result in a net increase /decrease of \$181,054 in the expenditures of the School Reserve Fund. To provide the additional revenue for these expenditures, the revenues will increase /decrease by the same amount of \$181,054. These additional revenues have already been received.

Adopted this 21st day of March, 2016.

On a motion by Freeman and a second by Mitchell, the Board voted unanimously to approve FY 2015-2016 Enterprise Fund Budget Amendment #2 as follows:

AMENDMENT #2  
 HERTFORD COUNTY BUDGET ORDINANCE  
 FY 2015-2016

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 7, 9, and 11** to amend the Enterprise Fund, the appropriations are to be changed as follows:

**Enterprise Fund 62**

Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Solid Waste	Various Payroll Accts.	Various Payroll Accts.	To post 3% Salary Increase	3,092	
<b>Enterprise Fund 65</b>					
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Northern Water Dist	Various Payroll Accts.	Various Payroll Accts.	To post 3% Salary Increase	3,609	
<b>Enterprise Fund 66</b>					
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Southern Water Dist	Various Payroll Accts.	Various Payroll Accts.	To post 3% Salary Increase	3,600	
<b>Total Expenses</b>				10,301	

**Section 8, 10, and 12** to amend the Enterprise Fund, the revenues are to be changed as follows:

Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Transfer from General Fund	62-0117-4495-00	Transfer from General	To post 3% Salary Increase	3,092	
	65-0118-4495-00	Transfer from General	To post 3% Salary Increase	3,609	
	66-0119-4495-00	Transfer from General	To post 3% Salary Increase	3,600	
<b>Total Revenues</b>				10,301	

This will result in a net increase/decrease of \$10,301 in the expenditures of the Enterprise Fund. To provide the additional revenue for these expenditures, the revenues will increase/decrease by the same amount of \$10,301. These additional revenues have already been received.

Adopted this 21st day of March, 2016.

### **AGING**

Heather Howle, Director of Aging, gave an overview on the progress of establishing a nutrition site in Harrellsville as follows:

- 34 referrals for home delivered meals
- 24 home assessments completed with at least 17 eligible
- HDM equipment (to keep meals hot) has been ordered
- Has no information regarding use of Amanda S. Cherry Building at the present time

Chairman Gatling interjected his expectations (as well as other Commissioners) involving a nutrition site in Harrellsville. Although the Board is glad to hear these home-bound clients will be receiving hot meals, their intentions were to have a nutrition site in Harrellsville just like in Ahsoskie and Winton. There are 80 to 90 citizens traveling from Harrellsville to Ahsoskie or Winton, and the Board wants to be able to serve them in their hometown.

Loria D. Williams, County Manager, explained that the Amanda S. Cherry Building is only being used as a hub now and there would be considerable costs involved to update the building for a nutrition site. She was instructed to get a cost analysis. She added that the County owns the other nutrition sites, but we do not own the Amanda S. Cherry Building. She stated, "It's going to be a matter of how much money does the County want to put in something that we do not own" and that this research is going to take some time. The Board told her to meet with the Amanda S.

Cherry Board of Directors, work out the logistics, and bring back the cost analysis at a later date.

### **EMERGENCY SERVICES**

James Broglin, EMS Director, was present to discuss the location of ambulances throughout the County, which is the result of an ambulance being dispatched in error recently. The County is covered by two ambulances – one located in Ahoskie and one in Murfreesboro during the day from 9:00 A.M. to 7:00 P.M. (extended to 8:00 or 9:00 in the summer). Then, they return to Winton.

There had recently been an issue involving an ambulance being dispatched to a wrong address which caused a 3-minute delay. The issue had been resolved.

At this time, Mr. Broglin presented numerous statistics showing how Hertford County stands up against other counties that have more staff, more money, etc. The Board advised Mr. Broglin to make some recommendations during the budget process to better the Emergency Services Department. It is his belief that there needs to be a change in the shift structure and moving forward with paramedic service.

### **N.C.D.O.T.**

Chairman Gatling shared with the Board a request from the Bryantville Community requesting a “No Passing Zone” in their neighborhood. These residents would like for a “No Passing Zone” be implemented at the 45 mph zone on Highway 258 North in their community.

The County Manager suggested contacting the N. C. Department of Transportation to see what is required, such as a letter of support, resolution, petition, etc.

### **PUBLIC HEARINGS**

On a motion by Lewter and a second by Freeman, the Board voted unanimously to recess Regular Session to go into a scheduled Public Hearing per the following advertisement:

#### **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Hertford County Board of Commissioners will hold a public hearing on Monday, March 21, 2016 at 7:30 p.m., or as soon thereafter as the matter may be heard, in the Hertford County Judicial Center, located at 119 Justice Drive, Winton, North Carolina. The purpose of the hearing is to receive citizen comments regarding financing for the renovation of County Administration Office Building #1 Project in an amount not to exceed \$3,000,000 using installment financing as authorized by North Carolina General Statute 160A-20 and the filing of an application for approval of this installment purchase financing with the Local Government Commission of the North Carolina Department of State Treasurer.



The taxing power of Hertford County will not be pledged directly or indirectly to secure any moneys due to any bank, assignee or purchaser of the proposed financing agreement. Further information may be obtained at the office of the County Manager, Hertford County Government Center, 115 Justice Drive, Suite 1, Winton, NC or by telephone (252) 358-7805 from 8:30 a.m. to 5:00 p.m.

All interested persons are invited to attend this public hearing.

**RONALD J. GATLING, CHAIRMAN  
HERTFORD COUNTY BOARD OF COMMISSIONERS**

There were no public comments made during the Public Hearing.

On a motion by Freeman and a second by Farmer, the Board voted unanimously to leave the Public Hearing and return to Regular Session.

**REGULAR SESSION**

**ORDINANCES/COUNTY PROPERTY**

On a motion by Farmer and a second by Mitchell, the Board voted unanimously to approve Amendment #1 to the Capital Project Ordinance for the Renovation of Hertford County Administration Office Building #1. This amendment is due to the fact that there are bids in hand now instead of using estimations.

**AMENDMENT #1  
CAPITAL PROJECT ORDINANCE  
FOR THE RENOVATION OF  
HERTFORD COUNTY ADMINISTRATION OFFICE BUILDING #1**

**Be it ordained** by the Hertford County Board of Commissioners that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby adopted:

**Section 1.** The project authorized is the Hertford County Administration Office Building #1 Renovation Project.

**Section 2.** The officers of this unit are hereby directed to proceed with the project within the terms of the above statute and the budget contained within.

**Section 3.** The following revenues are anticipated to be available to complete the project:

Installment Financing Proceeds	\$2,855,613
<b>Total Revenues</b>	<b>\$2,855,613</b>

**Section 4.**The following amounts are appropriated for the project:

Construction Cost	\$2,208,800
Furnishing and Equipment	126,000
Design Fees & Expenses	254,143
Materials/Testing/Special Insp./Air Monitoring	12,070
Paving/Repaving & Surveying	136,960
Contingency	<u>117,640</u>

**Total Appropriations** **\$2,855,613**

**Section 5.**The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records required by federal and state regulations.

**Section 6.**Funds may be advanced from the General Fund for the purpose of making payments as due.

**Section 7.** The Finance Officer is directed to report monthly to the Board of Commissioners on the financial status of each project element in Section 4.

**Section 8.**Copies of the project ordinance shall be entered into the minutes of the governing board and filed with the Finance Officer.

**Adopted** this 21<sup>st</sup> day of March 2016.

### **CONTRACTS/COUNTY PROPERTY/RESOLUTIONS**

Loria D. Williams, County Manager, presented bids for installment financing of the DSS Building Renovation Project. She explained there was not a local bid from Southern Bank due to the fact that the bid request was not handled properly internally within Southern Bank, which did not allow them enough time to submit a bid.

On a motion by Freeman and a second by Mitchell, the Board voted unanimously to approve the following resolution awarding the bid to BB&T:

### **Resolution Approving Financing Terms**

**WHEREAS:** Hertford County (the "County") has previously determined to undertake a project for the financing building renovations and the Finance Officer has now presented a proposal for the financing of such Project.

### **BE IT THEREFORE RESOLVED, as follows:**

1. The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated March 16, 2016. The amount financed shall not exceed \$3,000,000.00, the annual interest rate shall not exceed 2.28%, and the financing term shall not exceed 12 years.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.

1. All prior actions of County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 21<sup>st</sup> day of March, 2016.

On a motion by Freeman and a second by Mitchell, the Board voted unanimously to approve the AIA Document A101-2007 Standard Form of Agreement Between Owner (Hertford County) and Contractor (American Builders, Inc.) for Hertford County Office Building #1 Renovation Project in the amount of \$2,208,800.

### **E-911**

On a motion by Freeman and a second by Farmer, the Board voted unanimously to approve Change Order No. 12 for a Time Extension on the E-911 Building Project, for 28 days to April 28, 2016, for substantial completion.

### **PUBLIC COMMENT PERIOD**

Representative Howard Hunter, III, was present and updated the Board on the Transportation Committee and informed them that they are working on CAMA to allow work to be done in the Ahoskie Creek Drainage District.

### **COUNTY MANAGER'S UPDATE**

There was no County Manager's Update.

### **COMMISSIONERS' COMMENTS**

- Commissioner Mitchell remarked on the excellent work session that they Board held on February 15<sup>th</sup>
- Commissioner Freeman referenced a meeting regarding equipment for the Public Buildings/Maintenance Department. He congratulated Ronald Gatling on his re-election and congratulated the current County Commissioners for good, honest, clean campaigns and remaining ethical
- Commissioner Farmer shared a brochure detailing purchasing monuments through donations – just some food for thought when we tear down the old courthouse
- Chairman Gatling
  - reminded everyone of the Easter Egg Hunt on March 26<sup>th</sup> at Riverview Elementary School from 12:00 to 2:00
  - mentioned hosting the 1<sup>st</sup> Community Leaders Quarterly Meeting on April 7<sup>th</sup>
  - commended the County Manager on her expertise in handling the County's finances
  - meeting with Murfreesboro Recreation tomorrow regarding Summer Program
  - discuss with Ahoskie about County youth paying higher fees for sports than in-town residents
  - having meeting on 23<sup>rd</sup> regarding 25-acre tract of land between Como and Maney's Neck for possible recreation project

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**

**RESOLUTIONS/JUDICIAL CENTER**

On a motion by Freeman and a second by Lewter, the Board voted unanimously to approve the following resolution:

**RESOLUTION FOR  
SETTLEMENT OF LIQUIDATED DAMAGES  
HERTFORD COUNTY JUDICIAL & GOVERNMENT CENTER**

That Hertford County grant the following extension of time, and allowance for the following costs, as reductions from the maximum liquated damages of \$597,500 (239 days at \$2500/day) for the Hertford County Judicial & Government Center Project:

	\$ 30,000	12 days recommended by Architect
	62,500	25 days (wet site conditions)
	12,500	5 days (floor drain)
	<u>17,500</u>	<u>7 days (ITL Testing)</u>
Subtotal	\$122,500	49 days @ \$2500/day
	<u>14,500</u>	Millwork Subcontractor Delay
Subtotal	<u>\$137,000</u>	Reduction in Liquidated Damages

The above calculation would result in liquidated damages of \$460,500 being assessed (\$597,500 less \$137,000 reduction). The County would accept this reduction, provided:

- (A) Ware Bonsall, A. R. Chesson, and Hertford County reach agreement on all other contract sums owed, to be evidenced by a final adjusting change order and final pay application;
- (B) That the contract sums owed shall include \$1,654.79 for cost of additional floor drain work;
- (C) That any sums previously paid for “days granted time extensions” be deducted from the \$137,000 reduction;
- (D) That the \$59,250 for plumbing and landscaping work still to be completed will be paid now, but will be treated as warranty items to be completed by A. R. Chesson;
- (E) That all required close-out documents will be submitted prior to final payment;
- (F) That these terms shall be incorporated into a Settlement Agreement executed by each party.

This the 21<sup>st</sup> day of March, 2016.

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