

Minutes  
Regular Meeting  
Hertford County Board of Commissioners  
County Commissioners' Meeting Room  
Monday, February 3, 2014  
9:00 A.M.

Present: William F. Mitchell, Jr., Ronald J. Gatling, Curtis A. Freeman, Sr., and Howard J. Hunter, III (entered late)

Absent: Johnnie R. Farmer

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

Chairman William F. Mitchell, Jr., called the meeting to order.

The invocation for the meeting was provided by Commissioner Curtis A. Freeman, Sr.

**COMMISSIONERS**

On a motion by Freeman and a second by Gatling, the Board voted unanimously to amend the agenda to add Memo #7929-B "Resolution Providing for the Issuance of \$307,000 General Obligation Sanitary Sewer Bond Anticipation Notes".

**TAX**

On a motion by Gatling and a second by Freeman, the Board voted unanimously to approve the following Tax Releases for the month of December, 2013:

TOTAL VALUE APPROVED THIS REPORT (2013 LEVY)	18,274.00
TOTAL TAX RELEASED THIS REPORT (2013 LEVY)	207.30
TOTAL VALUE APPROVED THIS REPORT (PRIOR LEVY)	00.00
TOTAL TAX RELEASED THIS REPORT (PRIOR LEVY)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2013)	1,430.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2013)	1,430.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2012)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2012)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2011)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2011)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2010)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2010)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2009)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2009)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2008)	00.00

TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2008)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2007)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2007)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2006)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2006)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2005)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2005)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2004)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2004)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2003)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2003)	00.00

**COMMISSIONERS/NEWS-HERALD**

Mrs. Judy Farmer, Representative from the Roanoke-Chowan News-Herald, was present to request for participation from the Board in the Crossroads Edition. The price for an ad in the Crossroads Edition is \$1,775, the same as last year.

On a motion by Freeman and a second by Gatling, the Board voted unanimously to purchase an ad in the Crossroads Edition at a cost of \$1,775.

Commissioner Hunter entered at this time.

**TELAMON**

A representative from Telamon was not present to discuss the Job Placement Program for Farm Workers.

**UNION FIRE DEPARTMENT**

Mr. Jim King, Chief of Union Fire Department, was present asking for a letter of support in their endeavor of refinancing. The department is combining their truck and building loans and receiving a better interest rate therefore making their payments cheaper.

On a motion by Freeman and a second by Hunter, the Board voted unanimously to endorse the letter of support and altering the letter from “acquire new capital assets” to “refinance capital assets”. The Clerk will make the change to the letter and forward it to Union Fire Department.

**COUNTY PROPERTY/AGING**

Chairman Mitchell explained that at a recent meeting, the Board voted to award the bid to remodel the Murfreesboro Nutrition Site to AGI Builders in the amount of \$61,287.00. Due to a licensing matter, the Board will need to rescind the motion.

On a motion by Gatling and a second by Freeman, the Board voted unanimously to rescind the award of bid to AGI Buildings to remodel the Murfreesboro Nutrition Site.

On a motion by Freeman and a second by Hunter, the Board voted unanimously to award the bid to Kee Builders in the amount of \$67,946.67 to remodel the Murfreesboro Nutrition Site.

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

### **TUNIS SEWER DISTRICT GOVERNING BOARD**

On a motion by Hunter and a second by Gatling, the Board voted unanimously to approve Owner-Engineer Agreement Amendment No. 3 to authorize the engineer to continue providing construction administration and resident project representative services for the Tunis Sewer Project.

Commissioner Gatling introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by title:

### **RESOLUTION PROVIDING FOR THE ISSUANCE OF \$307,000 GENERAL OBLIGATION SANITARY SEWER BOND ANTICIPATION NOTES**

BE IT RESOLVED BY the Board of Commissioners for Tunis Sewer District, Hertford County, North Carolina (the "District"):

Section 1. The Board of Commissioners has determined and does hereby find, declare and represent:

- a) That an order authorizing not exceeding \$400,000 Sanitary Sewer Bonds of Tunis Sewer District, Hertford County, North Carolina, was adopted by said Board of Commissioners on November 1, 2010 (the "Bond Order"), which Bond Order was approved by the vote of a majority of the qualified voters of said District who voted thereon at a referendum duly called and held February 1, 2011.
- b) That none of said bonds have been issued; notes in the principal amount of \$307,000 were issued in anticipation of the receipt of the proceeds of said bonds on April 2, 2013, which notes mature on February 26, 2014 (the "Maturing Notes").
- c) That it is necessary to issue at this time \$307,000 notes in anticipation of the receipt of the proceeds of the sale of a like amount of said bonds, the proceeds of which notes will be used to pay the Maturing Notes at maturity.

- d) That (i) said District is a governmental unit with general taxing powers, (ii) no note which is part of the issue of notes described in Section 2 hereof is a private-activity bond, as defined in the Internal Revenue Code of 1986, as amended, (the "Code"), (iii) 95 percent or more of the net proceeds of said notes are to be used for local governmental activities of said District (iv) the aggregate face amount of all tax-exempt obligations (not counting private-activity bonds) issued by said District, all entities which issue obligations on behalf of said District and all subordinate entities of said District during calendar year 2014 is not reasonably expected to exceed \$5,000,000 and (v) to the best of said District's knowledge, there are no entities which issue obligations on behalf of, or subordinate entities of, said District.

Section 2. In anticipation of the receipt of the proceeds of the sale of a like amount of said bonds, the issuance of \$307,000 negotiable notes of said District is hereby authorized, the proceeds of which notes shall be used for the purposes set forth in the Bond Order. Said notes shall be designated "General Obligation Sanitary Sewer Bond Anticipation Notes," shall be dated February 25, 2014, shall mature on June 25, 2014, without option of prior payment, and shall bear interest at a rate to be determined by the Local Government Commission of North Carolina at the time said notes are sold, which interest shall be payable at the maturity of said notes on the basis of a 360-day year, consisting of twelve 30-day months, and to which notes no interest coupons shall be attached. Said notes shall be payable as to both principal and interest at such bank or trust company, shall have such denomination or denominations, provided that the minimum denomination shall be \$100,000 and whole multiples of \$5,000 in excess of \$100,000, and shall bear such number or numbers as may be fixed by the Chairman or Vice-Chairman of said Board of Commissioners, after the award of said notes by the Local Government Commission of North Carolina. Both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

Section 3. Said notes shall be signed by the Chairman or Vice-Chairman of and the Clerk to said Board of Commissioners, and the seal of said District shall be affixed to said notes. The form of said notes and the endorsements to be placed upon the reverse thereof shall be substantially as follows:

No. R-1

\$307,000

CUSIP # \_\_\_\_\_

United States of America

State of North Carolina

County of Hertford

TUNIS SEWER DISTRICT

## Sanitary Sewer Bond Anticipation Note

Tunis Sewer District, a body politic and corporate in the County of Hertford, North Carolina, is justly indebted and for value received hereby promises to pay to CEDE & CO on the 26th day of June, 2014, the principal sum of

THREE HUNDRED SEVEN THOUSAND DOLLARS

and to pay interest thereon from the date hereof on the basis of a 360-day year, consisting of twelve 30-day months, at the rate of \_\_\_\_\_ percentum (\_\_\_\_\_% ) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable on the maturity date to The Depository Trust Company, New York, New York ("DTC") by wire transfer in same day funds by 2:30 p.m. or otherwise as determined by the rules and procedures established by DTC; provided, however, that if the District determines to no longer maintain a book-entry system for this note, such payment shall be made upon presentation hereof at the offices of PNC Bank, in Murfreesboro, North Carolina. Both the principal of and the interest on this note shall be paid in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of said District are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of the sale of a like amount of Sanitary Sewer Bonds, duly authorized under an order adopted by the Board of Commissioners for said District on November 1, 2010, which order was approved by the vote of a majority of the qualified voters of said District who voted thereon at a referendum duly called and held on February 1, 2011, and this note is issued pursuant to and in full compliance with The Local Government Bond Act, as amended, and Article 9, as amended, of Chapter 159 of the General Statutes of North Carolina and a resolution duly passed by the Board of Commissioners for said District.

This note is being issued by means of a book-entry system with no physical distribution of note certificates to be made except as provided in the resolution. This note is registered in the name of Cede & Co, a nominee of DTC, and is required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence beneficial ownership of this note in the principal amount of \$100,000 or integral multiples of \$1,000 in excess of \$100,000, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of this note by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The District will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed

precedent to and in the issuance of this note have happened, exist and have been performed in regular and due form and time as so required and that the total indebtedness of said District, including this note, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said Tunis Sewer District, Hertford County, North Carolina, pursuant to a resolution of its Board of Commissioners, has caused this note to be signed by the Chairman or Vice-Chairman of and the Clerk to said Board of Commissioners and the seal of said District to be affixed hereto, all as of the 25th day of February, 2014.

TUNIS SEWER DISTRICT

By:

\_\_\_\_\_  
Chairman/Vice-Chairman of the Board of Commissioners

[SEAL]

\_\_\_\_\_  
Clerk to the Board of Commissioners

[To be endorsed upon reverse of notes]

The issuance of this note has been approved under the provisions of The Local Government Bond Act of North Carolina, as amended.

T. VANCE HOLLOWMAN

Secretary, Local Government Commission

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

Designated Assistant

Section 4. The actions of the Attorney for said District in applying to the Local Government Commission of North Carolina to approve, advertise and sell said notes and of the Local Government Commission of North Carolina in asking for bids for said notes by publishing a notice and printing and distributing circulars relating to the sale of said notes are hereby approved, ratified and confirmed.

Section 5. Said District covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will do and perform all acts and things to comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), and any related regulations and procedures in order to assure that interest paid on said notes will not be includable in the gross income of the owners thereof for purposes of federal income taxation, except to the extent that said District obtains an opinion of bond counsel to the effect that noncompliance would not result in interest on said notes being includable in the gross income of the owners of said notes for purposes of federal income taxation.

Section 6. Said District hereby represents that it reasonably expects that said District, all subordinate entities thereof and all entities that issue obligations on behalf of said District, will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2014. In addition, said District hereby designates each of said notes as a “qualified tax-exempt obligation” for the purposes of Section 265(b)(3) of the Code.

Section 7. As necessary or appropriate in connection with the issuance of said notes, all officers, employees and agents of said District are authorized and directed to provide certifications of material facts and estimates as to the reasonable expectations of said District as of the date said notes are delivered and on behalf of said District to sign agreements or acknowledge instructions regarding compliance with the requirements of the Code and any related regulations and procedures relating to said notes.

Section 8. There are hereby created, as may be needed, appropriate capital project funds and/or accounts of said District for the receipt and expenditure of the proceeds of said notes and appropriate debt service funds and/or accounts of said District for the receipt and disbursement of debt service payments on said notes.

Section 9. The Chairman or Vice-Chairman of and the Clerk to said Board of Commissioners and other officers of said District are hereby authorized and directed to execute and deliver for and on behalf of said District any and all certificates, documents and other papers and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

Section 10. This resolution shall take effect upon its passage.

Thereupon Commissioner Gatling moved the passage of the foregoing resolution entitled “RESOLUTION PROVIDING FOR THE ISSUANCE OF \$307,000 SANITARY SEWER BOND ANTICIPATION NOTES”, and Commissioner Freeman seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners Gatling, Freeman, Hunter, and Mitchell

Noes: None

On a motion by Gatling and a second by Freeman, the Board voted unanimously to leave the meeting of the Tunis Sewer District Governing Board and return to Regular Session.

## **REGULAR SESSION**

### **JOINT COMMUNITY ADVISORY COMMITTEE**

Loria D. Williams, County Manager, discussed the data she had collected regarding attendance, training, and site visits made by the members of the Joint Community Advisory Committee. She also shared that by General Statute, it is very clear that some members are ineligible to serve.

Ms. Orlanda Reed, committee member present in audience, shared some thoughts regarding this committee and invited the Commissioners to their next meeting on March 10 at 12:30 p.m. at the Ahoskie House.

Ms. Williams then made some recommendations including, but not limited to, sending letters to current members, reviewing our board tenure policy, possibility of lunch/mileage reimbursement, etc.

The Board instructed Ms. Williams to send letters, followed by phone calls, to the current members to find out if they are still interested in serving.

Discussion was also held regarding the possibility of having all Boards, not just the JCAC, report to the Commissioners on a quarterly basis.

## **TAX**

Gay Sumner, Tax Collector, shared with the Board the Collection Percentage Reports for the 1<sup>st</sup> and 2<sup>nd</sup> Quarters, as well as an update on the Debt Setoff Program and foreclosures.

On a motion by Gatling and a second by Freeman, the Board voted unanimously to order the Tax Collector to advertise unpaid 2013 tax liens on real property under G. S. 105-369(a) and to approve the date of March 1, 2014, and through June 30, 2014, under G. S. 105-369(C) as time for advertisement.

At this time, the County Attorney asked permission for the Tax Assessor's Office to extend tax listing time due to the offices being closed for three snow days.

On a motion by Freeman and a second by Gatling, the Board voted unanimously to extend the January 31 deadline for tax listing until February 5, 2014.

The Tax Collector reported to the Board the total unpaid 2013 tax liens on real property as required by G. S. 105-369(a) as being \$1,723,658.21 as of January 21, 2014.

## **COUNTY PROPERTY/USDA-RD**

The County Manager shared with the Board a request from USDA-Rural Development asking for additional space that was previously leased by USDA-Farm Service Agency.

On a motion by Hunter and a second by Freeman, the Board voted unanimously to grant the request from USDA-Rural Development for additional space, effective April 30, due to the fact that the County may need to use this space temporarily in the meanwhile.

## **RESOLUTIONS/SURPLUS PROPERTY**

On a motion by Gatling and a second by Freeman, the Board voted unanimously to approve the following Resolution Authorizing Disposal of Surplus Property at Public Auction, incorporating these changes: adding a Case loader, changing public auction date to February 22, and total payment being made within 10 days of sale (Term of Sale):

**RESOLUTION AUTHORIZING  
DISPOSAL OF SURPLUS PROPERTY  
AT PUBLIC AUCTION**

**WHEREAS**, under G.S. 160A-270 a county may sell real and personal property at public auction; and

**WHEREAS**, this same statute requires the board of commissioners authorize an appropriate county official to dispose of the property at public auction.

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

1. The following property be sold at public auction

<b>VIN#</b>	<b>YEAR</b>	<b>MAKE</b>	<b>MODEL</b>	<b>MILEAGE</b>
2B5WB3520YK133826	2000	Dodge	Ram 3500 Van	139,151
1FMZU72E6YUB21774	2000	Ford	Explorer	265,775
2FAFP71W14X100459	2004	Ford	Crown Victoria	178,010
2FAFP71W75X115243	2005	Ford	Crown Victoria	166,253
2FAFP71W56X118854	2006	Ford	Crown Victoria	172,338
2FAFP71W76X118855	2006	Ford	Crown Victoria	152,317
2B3KA43T49H519381	2009	Dodge	Charger	206,181
2FAFP71W57X104602	2007	Ford	Crown Victoria	195,364
2FAFP71W36X118853	2006	Ford	Crown Victoria	165,703
2FAFP71W07X130539	2007	Ford	Crown Victoria	163,301
1FTYR10D03PA71115	2003	Ford	Ranger	196,312
IFDSS34F93HB11120	2003	Ford	Ambulance	181,639

2. Public Auction is set for Saturday, February 15, 2014 to be held at the corner of King and Tryon Streets, Winton, North Carolina at 10:00 a.m.
3. Sheriff Juan Vaughan or his designee(s) is the public official(s) authorized to conduct said auction.
4. Term of Sale – at least 10% cash or personal check at auction, 90% in cash or cashier’s check at title transfer.
5. Resolution will be published in the local newspaper at least once and not less than 10 days before the date of the auction.

**BOARD APPOINTMENTS**

### **Choanoke Area Development Association (CADA)**

On a motion by Hunter and a second by Gatling, the Board voted unanimously to appoint Lynn Johnson to the Choanoke Area Development Association (CADA) Board for a two-year term to expire on January 1, 2016.

### **911 Governance Board**

On a motion by Freeman and a second by Hunter, the Board voted unanimously to reappoint Maurice Vann to the Hertford County E911 Governance Board for a three-year term to expire on December 30, 2016.

### **COUNTY PROPERTY/PUBLIC WORKS**

Mike Bradley, Public Works Director, presented three bids for renovating the vacant USDA-Farm Service Agency to be utilized by Public Works and Inspections. He recommended A. R. Chesson Construction Company, the lowest bidder.

On a motion by Freeman and a second by Gatling, the Board voted unanimously to accept the recommendation of the Public Works Director and award the renovation bid for the vacant USDA-Farm Service Agency to A. R. Chesson at a price of \$75,000.

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

Ms. Williams informed the Board that Denise Ashe from Murfreesboro had been offered and accepted the job of Human Resources Director. Interviews for the Assistant County Manager would be conducted tomorrow and a finalist would be invited to a Commissioners' Meeting before making an offer.

Ms. Williams led a discussion on the NCFASST backlog. If the Federal government withholds money, the State will look upon the counties to offset the costs of food stamps.

### **COMMISSIONERS' COMMENTS**

- Commissioner Freeman asked for a Courthouse update – Ms. Williams shared that the Town of Winton has some requests regarding the pumping station.
- Vice-Chairman Gatling attended the Chairman/Vice-Chairman Workshop and informed that it was very educational and very well attended.
- Chairman Mitchell complimented Ms. Williams and staff regarding how everyone worked together collaboratively during the recent snow events dealing with the closings.

On a motion by Gatling and a second by Freeman, 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 Hunter and a second by Gatling, the Board voted unanimously to adjourn the meeting.