

Minutes
Regular Meeting
Hertford County Board of Commissioners
Multi-Purpose Room – Judicial Center
Monday, August 15, 2016
7:00 P.M.

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

Absent: Ronald J. Gatling

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

Vice-Chairman F. Garry Lewter called the meeting to order, and Commissioner William F. Mitchell, Jr., provided the invocation.

CONSENT AGENDA

On a motion by Freeman and a second by Mitchell, the Board voted unanimously to approve the consent agenda as follows:

- (1) Acceptance of Reports
 - a. Tax Releases – July, 2016
 - b. Tax Collection Percentage Report

The approved tax releases are as follows:

TOTAL VALUE APPROVED THIS REPORT (2016 LEVY)	4,800.00
TOTAL TAX RELEASED THIS REPORT (2016 LEVY)	43.68
TOTAL VALUE APPROVED THIS REPORT (PRIOR LEVY)	29,788.00
TOTAL TAX RELEASED THIS REPORT (PRIOR LEVY)	155.17
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2016)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2016)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2015)	20.49
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2015)	20.49
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2014)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2014)	00.00
TOTAL TAX RELEASED THIS REPORT (W01 COLL/RECYCLE 2013)	00.00
TOTAL TAX RELEASED THIS REPORT (W02 LANDFILL OPERATION 2013)	00.00
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

R-CCC

Dr. Jimmy Tate, recently hired R-CCC President, was scheduled next to give greetings to the Board but had not yet arrived; so, they moved on to Public Comment Period.

PUBLIC COMMENT PERIOD

David Simons spoke during Public Comment Period in reference to Memo #8550 "Request for Approval of Resolution Establishing Uniform Medical Insurance Coverage for Elected Officials Post Employment". He is an elected official on the Soil and Water Board and has been for sixteen (16) years.

He was speaking in opposition of this request for members of Boards. He shared that officials elected to office, who are not also full-time employees of the County, should not be rewarded with this benefit. He feels elected officials should be honored to serve the people of this county.

TAX

Cypress Court Housing, LLC (Taxpayer) appealed the decision of the Hertford County Tax Assessor denying Taxpayer an exemption under NCGS 105-278.6(a)(8) because the application for exemption was filed after the close of the listing period, and because the property was not 100% complete and actually and exclusively used and occupied for the exempt purpose as of January 1 2016.

The Hertford County Board of Commissioners (Board) heard the appeal, pursuant to NCGS 105-282.1, on August 15, 2016.

Kathy Stillwell, Executive Director of The Affordable Housing Group, addressed the Board on behalf of Taxpayer. Ms. Stillwell requested consideration of Taxpayer's good cause for late filing, in that the Taxpayer's request for exemption was not triggered until the Seller of the property to Taxpayer (which occurred in May, 2015) forwarded the 2015 property tax bill to Taxpayer in February of 2015. Ms. Stillwell also contended that under the exemption statute, the project did not have to be 100% complete, it was approximately 60% complete on January 1, 2016, as long as it was a future site for low income housing. Ms. Stillwell also said it would create an extreme hardship for Taxpayer to pay this bill, as it had not been budgeted by Taxpayer, and Taxpayer was a charitable organization.

The County Attorney asked Ms. Stillwell if Taxpayer owned other property in North Carolina and if Taxpayer was aware of the January 31 listing period application requirement. Ms. Stillwell acknowledged that Taxpayer owned other North Carolina properties, but again said the Hertford County application was not triggered until receipt of the 2015 tax bill. The County Attorney also pointed out that Taxpayer had applied for an exemption under NCGS 105-278.6(a)(8), which requires actually and exclusively occupied and used as of January 1, rather than applying for a deferment under NCGS 105-278.6(e), which applies to future sites for housing; Ms. Stillwell indicated she could not address that legal issue.

The Tax Assessor spoke to the Board and reiterated the basis for her denial of an exemption, being the late filing as well as not being 100% complete on January 1, 2016. She provided copies of Taxpayer's application, some applicable statutes, and the tax bill of \$19,383.63, as well as referring to the agenda packet with written information. She acknowledged that this valuation had been included in the tax base figures provided to the County Manager for formulation of the 2016-2017 budget. She advised that the Board had consistently denied appeals for late filing, unless good cause was shown, including one last month, and that being unaware of the filing deadline was not good cause. Several Board members expressed similar feelings about the need for consistency.

Upon motion of Commissioner Freeman, and a second by Commissioner Mitchell, the Board voted unanimously to: Deny the appeal of Cypress Court Housing, LLC, and uphold the decision of the Tax Assessor denying Taxpayer's exemption request for Parcel No. 5992-75-4973, for failure of Taxpayer to show good cause for the late application, and for failure of the property to be 100% completed and actually and exclusively used and occupied for a charitable purpose as of January 1, 2016.

R-CCC

Dr. Jimmy Tate, recently hired R-CCC President, had now arrived to the meeting and brought greetings to the Board. He also distributed lapel pins and acknowledged his Board Chairman, Andre' Lassiter, and Board Member, Jeri Pierce, in the audience.

COURTHOUSE

The Honorable Cy Grant, Chief Resident Superior Court Judge, was present to address the Board regarding hanging portraits in the Courtrooms. He has polled other counties and did not find anyone with a policy or guidelines for hanging portraits in Courtrooms. He provided the Board with a bulleted list of recommendations to be included in a draft policy. Judge Grant was advised that research was also being done simultaneously regarding hanging portraits in other County building and may prolong this process.

The County Manager was directed to bring back a policy regarding hanging portraits in the new County facilities.

BUDGET AMENDMENTS

On a motion by Freeman and a second by Mitchell, the Board voted unanimously to approve the following FY 2016-2017 Hertford County Budget Ordinance General Fund Amendment #1 as presented by Robbin Stephenson, Finance Director:

**AMENDMENT TO HERTFORD COUNTY BUDGET ORDINANCE
FY 2016-2017
AMENDMENT #1**

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, 2017:

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	10-4110-5510-02	CO-Equip.	To purchase Xmas Tree	12,000	
Elections	10-4150-5260-00	Dept. Supplies	To amend budget for computers and HAVA Grant	10,600	
				10,827	
	Total			33,427	
Public Safety					
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
E-911 Communications	10-4206-5331-00	Electricity	To amend the budget for Current expenditure	16,500	
	Total				
Econ/Phy Dev.					
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Cooperative Extension	Various Accounts		Walking Trail Project bought Out of Fund Balance	100,000	
	Total				
Human Services					

Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Aging	10-4390-5693-00	Grant RCH-Foundation	To Decrease Funding of Vidant grant		3,000
	Total				3,000
Transfers					
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
To Office Bldg. #1 Reno	10-9500-5942-00	Oper transfer	To provide additional funding for office décor	100,000	
	Total			100,000	
Other					
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Contingency	10-9900-5991-00	Contingency	To purchase Xmas Tree		12,000
	Total				12,000
Total Expenditures				\$234,927.00	

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.	10-0061-4449-00	Grant RCH-Foundation	To Decrease Funding of Vidant Grant		3,000
Fund Bal. Approp.	10-0112-4485-00	Fund Bal. Approp.	To adjust budget according to grant approval, amending	237,927	

			the budget		
Total Revenues				\$237,927.00	

This will result in a net increase/decrease of \$237,927 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 \$237,927. These additional revenues have already been received.

Adopted this 15th day of August, 2016.

On a motion by Freeman and a second by Farmer, the Board voted unanimously to approve the following FY 2016-2017 Hertford County Capital Project Ordinance Amendment #1 as presented by Robbin Stephenson, Finance Director:

**AMENDMENT TO HERTFORD COUNTY CAPITAL PROJECT ORDINANCE
FY 2016-2017
AMENDMENT #1**

BE IT ORDAINED by the Governing Board of the County of Hertford, North Carolina, that the following amendment be made to the capital budget ordinance for the fiscal year ending June 30, 2017:

Section 4, amend the Capital Project Ordinance for the Renovation of Administration Building #1, the appropriations are to be changed as follows:

Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Office Building #1 Renovation	42-4203-5510-12	Furnishing and Equip.	Increase funding for Office	100,000	
			Décor		
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease

Total Expenses				100,000	

Section 3, amend the Capital Project Ordinance for the Renovation of Administration Building #1, the revenues are to be changed as follows:

Department	Account Number	Account Description	Comment	Amount Increase	Amount Decrease
General Fund Transfer	42-0106-4495-00	Transfer from General	Increase funding for Office	100,000	
			Décor		
Total Revenues				100,000	

This will result in a net increase/decrease of \$100,000 in the expenditures of the Capital Project Ordinance for the Renovation of Administration Building #1. To provide the additional revenue for these expenditures, the revenues will increase/decrease by the same amount of \$100,000.

Adopted this 15th day of August, 2016.

RESOLUTIONS/PERSONNEL

Loria D. Williams, County Manager, distributed and discussed a resolution and policy establishing uniform medical insurance coverage for elected officials post-employment. This is patterned by Gates County’s policy. It would require two readings for approval since it is a change to our Personnel Policy. The Board was in agreement to not include the Board of County Commissioners in this policy.

On a motion by Mitchell and a second by Farmer, the Board voted unanimously to amend Section VII.2 of the Personnel Policy, effective July 1, 2016, to add this policy with the recommended change.

RESOLUTIONS/DSS RENOVATION PROJECT

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

RESOLUTION TO CONSIDER WAIVING FORMAL BID
REQUIREMENTS FOR FURNISHINGS PURCHASE

WHEREAS, Hertford County is soliciting Requests for Qualifications (RFQ) from furniture dealers for the purpose of assisting in the selection, procurement, and installation of office furniture, fixtures, and equipment (“FFE”) for the new Hertford County Administration Building Renovation Project (“Project”);

WHEREAS, it is the current intent of the Hertford County Board of Commissioners to waive the bidding requirements of NCGS 143-129 for the obtaining of this FFE, provided the selected dealers pursuant to the RFQ can procure the necessary furniture, fixtures or equipment from a qualified supplier pursuant to the requirement of NCGS 143-129 (g), which is also known as “purchasing under state contract”:

NOW THEREFORE, the Hertford County Board of Commissioners hereby resolves

(1) that the Hertford County Manager shall work with RFQ selected dealers to obtain proposals for acceptable furniture, fixtures, or equipment for the Project, within the Project budget;

(2) that if preliminarily acceptable proposals are received by the County Manager, that meet the requirements of NCGS 143-129(g), the Manager shall arrange for the publication of a notice of waiver of bid procedure at least ten days prior to the meeting at which the governing body will consider formally waiving the bid procedure and entering a contract to purchase the selected furniture, fixtures, or equipment;

(3) that the County Manager is authorized to publish the notice of waiver of bid procedure solely by electronic means; and

(4) that the Hertford County Board of Commissioner reserves the option to later seek formal bids pursuant to NCGS 143-129, if acceptable proposals cannot be provided under the state contract method.

This the 15th day of August, 2016.

PERSONNEL

Leah Craddock, Human Resources/Risk Manager, presented the following amendments to the Hertford County Personnel Policy:

- (1) Section VI: Leaves of Absence, VI.1 Holidays
- (2) Section VI: Leaves of Absence, VI.2 Holiday Pay
- (3) Section VII: Employee Benefits, VII.2 Health Insurance for Retired Personnel
- (4) Section VII.8 Law Enforcement Officer Weapons

On a motion by Freeman and a second by Mitchell, the Board voted unanimously to add Veterans’ Day to the list of official County holidays in the Hertford County Personnel Policy. It had never been added to the list when Veterans’ Day was approved as a County holiday.

On a motion by Freeman and a second by Mitchell, the Board voted unanimously to approve the amendment to the Hertford County Personnel Policy regarding Holiday Pay as follows:

Old Wording:

“All employees that are declared by the Hertford County Sheriff as shift workers shall receive an additional day of monetary compensation based on their hourly pay rate. The Sheriff may in emergency situations see the need to call in other 37.5 hours/week employees during a holiday. In the event that this should occur, these employees shall be treated the same and paid for the time they actually worked as authorized by the Sheriff on their time and attendance sheets.

Hertford County emergency medical services shift workers shall receive an additional day of monetary compensation at their hourly rate (straight time) for all Board approved holidays. For the purpose of this section a day is defined as eight (8) hours.”

New Wording:

“Full-time, non-exempt employees who work in a public safety and/or emergency services provision, namely the Sheriff’s Office, Detention Center, Emergency Medical Services, and E-911 Communications, that are required to perform work, on the actual day of an official County holiday, shall receive differential pay.

For the purpose of this section, a day is defined as eight (8) hours. The differential rate will be calculated at eight (8) hours multiplied by half the employee’s hourly rate.”

On a motion by Freeman and a second by Farmer, the Board voted unanimously to approve adding the following statement to the Hertford County Personnel Policy Section VII: Employee Benefits, VII.2 Health Insurance for Retired Personnel:

“An employee may utilize up to 1,920 hours (not to exceed one year) of sick leave towards years of service necessary to receive the hospitalization benefit.”

On a motion by Farmer and a second by Mitchell, the Board voted unanimously to approve adding the following statement to the Hertford County Personnel Policy Section VII.8 Law Enforcement Officer Weapons retroactive to January 1, 2016:

“Local government law enforcement officers, who are employees of the Hertford County Sheriff’s Department or the Hertford County Public Schools as School Resource Officers, and who retire with a minimum of thirty years of service as a law enforcement officer in any jurisdiction, shall be entitled to retain, as their personal property, the service firearm which they have been issued by Hertford County, upon their retirement in good standing; provided however, the Sheriff of Hertford County shall have the authority to prohibit such firearm retention, in his discretion.”

All four of these amendments will be presented at the next Commissioners' Meeting for a second reading before final approval.

COUNTY PROPERTY/TAX FORECLOSURES

On a motion by Mitchell and a second by Freeman, the Board voted unanimously to accept an initial bid on tax foreclosure property (Thomas R. Booth Property – PIN #6906-66-8459) and authorize the County Attorney to advertise for upset bids.

COUNTY MANAGER'S UPDATE

The County Manager shared with the Board that the Family and Employee Fun Day would be held on Saturday, September 24, at 12:00 Noon, at the DuPont L. Davis Park in Ahoskie.

She explained this would be the one major event for employees this year. Next year the Christmas Party will be the major event for that year and then alternate for the following years.

COMMISSIONERS' COMMENTS

- Commissioner Mitchell thanked everyone for their support during the recent loss of his mother
- Commissioner Freeman expressed his gratitude for the calls, emails, and Facebook posts congratulating him on his recent retirement

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