

PASQUOTANK COUNTY, NORTH CAROLINA
APRIL 20, 2020

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, April 20, 2020 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Jeff Dixon, Chairman
Lloyd E. Griffin, III, Vice-Chairman
Cecil Perry
Frankie Meads
Charles H. Jordan
Sean Lavin
Barry Overman

MEMBERS ABSENT: None

OTHERS PRESENT: Sparty Hammett, County Manager
Lynn Scott, Clerk to the Board

Due to Governor Cooper's executive order limiting public gatherings to no more than ten (10) people, the meeting was streamed live to the Pasquotank County website. Citizens who wished to participate in the Public Comment portion of the meeting were asked to submit their remarks to the Clerk to the Board via email by 2:00 on Monday, April 20, 2020.

The meeting was called to order at 6:00 PM by Chairman Jeff Dixon. Vice-Chairman Lloyd Griffin gave the invocation and Commissioner Frankie Meads led in the Pledge of Allegiance to the American Flag.

1. COMMENTS BY CHAIRMAN DIXON:

Chairman Dixon read the following statement: Good evening and welcome to the April meeting of the Pasquotank County Commissioners. Before we get started tonight, I want to take a moment to discuss what's going on in our community and all over the world. We have joined the rest of our Country in fighting the pandemic called COVID-19, also known as the Coronavirus.

On March 10th, Governor Cooper issued his first executive order declaring a state of emergency to coordinate responses and actions to stop the spread of the coronavirus. Since that day, the Governor has followed up by issuing eleven more executive orders. These follow-up measures have been intended to reduce the number of people in close proximity to each other in personal and business settings.

This health crisis has affected all of us. I can't remember a time in my life where I have seen anything like this. Now, more than ever, we need to be cautious and heed the advice of medical professionals. Following social distancing and other CDC recommendations is essential in helping to stop the spread, save lives, and restore our economy.

Your Pasquotank County government is committed to dealing with this crisis in a way that protects the health, safety, and welfare of the citizens in our community, especially our children, our elderly, our at risk populations, and our people on the front lines helping to defeat this virus.

And so before we move into tonight's agenda, I wanted to take a moment to thank the heroes in our community that are on these front lines helping to protect our residents.

Thanks go out to our healthcare community for their tireless efforts. This includes our nurses, doctors, administrative staff, and others that have been working around the clock to save lives.

Our essential workers like: grocery store clerks, cashiers, farmers, restaurant workers, bank employees, police/deputies, firemen, EMS, Emergency Management, Central Communications, DSS, sanitation workers, and all other essential workers deserve a debt of gratitude.

We know that you have families, and also have concerns for your own health and well-being. We can't say thank you enough for your sacrifice and commitment to our community.

Citizens that want to stay up-to-date on the most recent news regarding the virus, CDC recommendations, and state and local policies can visit the Pasquotank County Facebook page,

Pasquotank/Camden/Elizabeth City Emergency Management Facebook or Pasquotank County's website at www.pasquotankcounty.org.

Chairman Dixon asked the Clerk if any public comments were submitted. The Clerk answered no, there were not.

2. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of March 16, 2020 Commissioner Meetings

b. Approval of Tax Releases and Refunds

The Finance Committee has recommended approval of the following tax refunds and solid waste fee release:

Tax Refunds

		County	City
1.	Robert J. & Eileen Byrne	415.50	294.75
2.	Paul Edward & Arndis Candela	415.50	
3.	Lee Otis Cole	239.80	
4.	John Allen & Fannie Joanna Green	363.14	
5.	Robert Steven Josvai	415.50	
6.	Thomas W. & Florence M. Kolenski	144.00	

Solid Waste Fee Release

		Parcel ID #	Reason for Release
1.	Margaret Bowers Graham	P133A-45	Vacant

c. Approval of Budget Amendment

The Finance Committee has recommended approval of the following budget amendment:

Non-Departmental

Increase	010.0230.4370.00	State Grants	92,835.00
Increase	010.0220.4532.00	Other Grants	8,000.00
Increase	010.4195.5600.14	COA/Hospital Boardwalk	100,835.00

To appropriate DEQ grant funds and COA funds for Phase II construction (\$92,835), Phase IV grant writing (\$3,000), and Phase III construction management (\$5,000).

d. Approval of Request for Occupancy Funds

The Finance Committee has recommended funding for the Highway 17 Association in the amount of \$1,000 from the Occupancy Tax Fund. An application will need to be submitted to the Tourism Development Authority to allocate the funds from the County's account.

Motion was made by Sean Lavin, seconded by Cecil Perry to approve the Consent Agenda. The motion carried unanimously.

3. BUDGET AMENDMENTS:

The Finance Office has recommended approval of the following budget amendments.

County Manager Hammett presented the following budget amendments:

DSS

Decrease	011.5310.5500.00	Capital Outlay	2,000.00
Decrease	011.5400.5689.00	Humanitarian Needs	4,000.00
Increase	011.5400.5658.00	Adult Protective Services	6,000.00

To appropriate funds to cover additional costs projected in Adult Protective Services

Tax Admin

Increase	010.0110.4111.09	Ad Valorem Tax-'09	2,300.00
Increase	010.0110.4111.10	Ad Valorem Tax-'10	3,100.00
Increase	010.0110.4111.11	Ad Valorem Tax-'11	3,200.00

Increase	010.0110.4111.12	Ad Valorem Tax-'12	7,000.00
Increase	010.0110.4111.13	Ad Valorem Tax-'13	14,850.00
Increase	010.0110.4111.14	Ad Valorem Tax-'14	14,850.00
Increase	010.0110.4111.15	Ad Valorem Tax-'15	14,850.00
Increase	010.0110.4111.16	Ad Valorem Tax-'16	14,850.00
Increase	010.4140.5498.00	Tax Foreclosures	75,000.00

Motion was made by Lloyd Griffin, seconded by Charles Jordan to approve the budget amendments as presented. The motion carried unanimously.

4. REMOTE PARTICIPATION POLICY FOR COVID-19 STATE OF EMERGENCY:

County Manager Hammett stated that on March 27, 2020, Governor Roy Cooper issued Executive Order 121, a statewide Stay at Home Order beginning Monday, March 30, 2020 at 5 p.m. until April 29, 2020. This order directs people to stay at home except to visit essential businesses, to exercise outdoors or to help a family member. He said specifically, the order bans gatherings of more than ten people and directs everyone to physically stay at least six feet apart from others.

Mr. Hammett said in order to comply with Executive Order 121, many cities and counties are implementing Remote Participation Policies to be used during the COVID-19 State of Emergency. He said he recommends adopting a policy that would allow remote participation during the period of time that Pasquotank County's State of Emergency for COVID-19 is in effect.

Motion was made by Lloyd Griffin, seconded by Barry Overman to adopt the following resolution allowing remote participation for all local government board and committee meetings during which time Pasquotank County's State of Emergency for COVID-19 is in effect:

**RESOLUTION
ESTABLISHING A LOCAL GOVERNMENT BOARD MEETING REMOTE
PARTICIPATION POLICY DURING THE PERIOD OF THE COVID-19 STATE OF
EMERGENCY WITHIN PASQUOTANK COUNTY**

WHEREAS, COVID-19 is a respiratory disease that causes flu-like symptoms, but with markedly higher rates of death, particularly among the elderly and medically vulnerable populations; and

WHEREAS, as a result of issues presented by COVID-19, the Chair of the Pasquotank County Board of Commissioners declared that a State of Emergency exists within the jurisdiction of Pasquotank County; and

WHEREAS, recommendations and directives from national, state and local public health officials have addressed the need to take protective actions to prevent the spread of COVID-19; and

WHEREAS, in order to protect the health of Pasquotank County citizens, employees and members of the local government boards and committees, including the Board of Commissioners, it is necessary to practice social distancing and to allow such boards and committees to provide for remote participation in local government board and committee meetings; and

WHEREAS, with the correct technology, members of the Pasquotank County Board of Commissioners and other local government boards and committees may now participate remotely in meetings provided the following conditions and terms are applied:

1. Acceptable Means of Remote Participation

Telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

2. Notice

To the extent possible, subject to the availability of technology and in order to make appropriate arrangements, a member of the board shall notify the chairman of the board or committee as soon as practicable of the inability to attend the official meeting and the need to participate remotely.

3. Announcement of Presence at Meeting

At the beginning of the meeting, the chairman or designee shall announce that a named board or committee member is participating remotely. Immediately thereafter said member shall identify himself and announce that he is present and participating remotely.

4. Meeting Minutes

The meeting minutes shall show the board or committee member as participating remotely.

5. Permissible and Non-permissible Stipulations

- a. Remote participation is permissible either when a quorum is physically present or when a quorum is present by those board or committee members who are physically present and those who are participating by remote participation.
- b. Remote participation is not permissible in a quasi-judicial hearing.

6. Voting

- a. Remote participants must voice their vote immediately following those voiced by those board or committee members physically present for the meeting so that they can be properly heard and recorded by the Clerk.
- b. Remote participants are required to comply with the same voting rules and procedures as those board or committee members who are physically present for the meeting.

NOW, THEREFORE, be it resolved:

1. That during the period of the COVID-19 State of Emergency within Pasquotank County all local government board and committee meetings, including such meetings by the Board of Commissioners, may allow remote participation in such local government board and committee meetings pursuant to the terms set out in this resolution.

2. That the Rules of Procedure of the Pasquotank County Board of Commissioners are temporarily amended as may be necessary to provide for such remote participation.

Entered this the 20th day of April, 2020.

The motion carried unanimously.

Commissioner Lavin said he would like the Board to consider an ongoing, remote participation policy in the future.

Commissioner Meads said he believes “the cure is worse than the virus”. He feels we need to relax the restrictions currently in place and allow small businesses to operate.

5. **ADOPTION OF RESOLUTION APPROVING EMERGENCY PAID SICK LEAVE AND EMERGENCY FMLA LEAVE:**

County Manager Hammett explained that on March 18, 2020, as a result of the COVID-19 pandemic, Congress enacted the Families First Coronavirus Response Act (FFCRA) to be effective April 1, 2020. Pasquotank County approved the Act’s provisions for the County by telephone “polling” on April 1, 2020. The U.S. Department of Labor adopted final regulations

implementing the Act on April 6, 2020. He said he recommends approval of a policy that reflects the final FFCRA regulations regarding Emergency Paid Sick Leave and Emergency FMLA Leave.

Motion was made by Lloyd Griffin, seconded by Sean Lavin to adopt the following resolution approving Emergency Paid Sick Leave and Emergency FMLA Leave as required by the Families First Coronavirus Response Act:

**RESOLUTION APPROVING EMERGENCY PAID
SICK LEAVE AND EMERGENCY FMLA LEAVE
AS REQUIRED BY THE FAMILIES FIRST
CORONAVIRUS RESPONSE ACT**

WHEREAS, on March 18, 2020, as a result of the COVID-19 pandemic, Congress enacted the Families First Coronavirus Response Act (hereinafter “the Act”) to be effective April 1, 2020; and

WHEREAS, the Act requires Pasquotank County to provide paid emergency sick leave and emergency FMLA leave under certain specific circumstances; and

WHEREAS, due to situations surrounding the pandemic Pasquotank County approved the Act’s provisions for the County by telephone “polling” on April 1, 2020; and

WHEREAS, the County wishes to formally approve the provisions of the Act as it applies to the County.

NOW, THEREFORE, BE IT RESOLVED by the Pasquotank Board of Commissioners that:

Section 1. The Personnel Policy is temporarily amended as follows:

Eligibility

All classes of employees are eligible for emergency paid sick leave and emergency FMLA leave. All employees are eligible for emergency paid sick leave under this policy regardless of the length of their employment. To be an “eligible” employee for purposes of emergency family or medical leave available under this policy, the employee must have been employed by the County for at least 30 calendar days before requesting the leave.

1. Reason for Emergency Paid Sick Leave

You may take Emergency Paid Sick Leave if you are unable to work (or telework, if allowed) due to a need for leave because:

1. You are subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. You are experiencing symptoms of COVID-19 and are seeking a medical diagnosis;
4. You are caring for an individual who is subject to an order as described in 1, above or who has been advised to quarantine or isolate due to concerns related to COVID-19;
5. You are caring for your own child (i) because their school or place of care is closed, or (ii) because your child’s childcare provider is unavailable due to COVID-19 precautions;
or
6. You are experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

2. Exclusion of Emergency Responders

The U.S. Department of Labor adopted final regulations implementing the Act on April 6, 2020. The final regulations expand the definition of Emergency Responders excluded from the Sick Leave Act and Emergency FMLA Act. All essential employees in the following Pasquotank County departments would not be eligible: Central Communications; Emergency Management; Emergency Medical Services; Maintenance; Sheriff's Office; Social Services; Solid Waste; and Water.

Duration/Compensation

Employees are entitled to Emergency Paid Sick Leave:

- **Full-time employees:** Up to 80 hours of pay at their regular pay rate. However, when caring for a family member (for reasons 4, 5, and 6 above), Emergency Paid Sick Leave is paid at two-thirds the employee's regular rate.
- **Part-time employees:** Emergency Paid Sick Leave provided under this Policy is calculated based on the number of hours the employee works, on average, over a two-week period. Except in extraordinary circumstances, the two-week period used will be the two full weeks immediately preceding the date the leave is requested.
- Paid leave under this policy shall not exceed \$511 per day (\$5,110 in total) where leave is taken for reasons 1, 2, and 3 described above (generally, an employee is unable to work because of their own illness or quarantine); or \$200 per day (\$2,000 in total) where leave is taken for reasons 4, 5, or 6 (where the employee is unable to work due to a need to care for others or school closures).

Leave Rules

- You may elect to use Emergency Paid Sick Leave before using any accrued paid leave. You are not required to use any other paid leave before using Emergency Paid Sick Leave.
- No leave provided by the County before April 1, 2020 may be credited against your leave entitlement. In addition, Emergency Paid Sick Leave provided under this Policy cannot be carried over after December 31, 2020 and will not be paid out upon termination.

Requesting Emergency Paid Sick Leave

- If you need to take Emergency Paid Sick Leave, provide notice as soon as possible. Normal call-in procedures apply to all absences from work. You are not required to search for or find a replacement employee to cover the hours during which you are using leave under this policy.

3. Emergency Family and Medical Leave

An Eligible Employee is entitled to Emergency FMLA leave if the employee is unable to work (or telework, if allowed) due to a need for leave to care of their own child < 18 y.o. because the school or childcare facility for the child has been closed due to public health emergency, or because the childcare provider of such child is unavailable due to a public health emergency.

Duration/Compensation

- No pay is available for first 10 days of leave unless the employee elects to substitute any accrued vacation leave, sick leave, or Emergency Paid Sick Leave.
- After 10 days, part-time and full-time employees will receive two-thirds of the employee's regular rate of pay for the number of hours they would normally be scheduled to work, capped at \$200/day and \$10,000 total.

Leave Rules

You may elect to use any accrued paid leave during the first 10 days of Emergency Family and Medical Leave.

Requesting Emergency Family and Medical Leave

Where the need for Emergency Family and Medical Leave provided for in this policy is foreseeable, the employee must provide their supervisor with as much notice of the leave as is practicable.

Job Restoration

The return to work provisions of the County's Family and Medical Leave policy shall apply to an employee who takes Emergency Family and Medical Leave under this policy.

4. General Provisions

Retaliation

The County will not retaliate against any employee who requests or takes Emergency Paid Sick Leave or Emergency Family and Medical Leave in accordance with this policy.

Expiration

This resolution shall become effective April 1, 2020 and shall expire on December 31, 2020, unless extended by an Act of Congress.

ADOPTED the 20th day of April, 2020.

The motion carried unanimously.

6. **PASQUOTANK RIVER PUBLIC ACCESS IMPROVEMENT PHASE III CONTRACT:**

County Manager Hammett stated that two bids were received for the Pasquotank River Public Access Improvement Phase III (College of the Albemarle Boardwalk) Project: Layden Marine Construction - \$71,500 and Sawyer's Residential and Marine Construction - \$48,750. Both bids were under the grant budget of \$88,611 (\$79,750 grant funds; \$8,611 local cash match from COA Foundation; and \$250 local in-kind contribution).

He said Sawyer's bid is probably considerably lower because they could complete Phases II and III at the same time, which will reduce mobilization/set-up costs. The Board awarded Phase II contract on February 3, 2020. He recommended awarding the Pasquotank River Public Access Improvement Phase III project to the low bidder, Sawyer Residential and Marine Construction for \$48,750.

Motion was made by Lloyd Griffin, seconded by Sean Lavin to award the Pasquotank River Public Access Improvement Phase III project to Sawyer Residential and Marine Construction for \$48,750. The motion carried unanimously.

7. **DAYBREAK – REQUEST FOR RENT ABATEMENT:**

County Manager Hammett stated that Medical Services of America, Inc. (MSA) has requested abatement of their \$1,880 per month lease payment for the DayBreak Adult Daycare program until their operations are returned to normal. MSA stated in a letter that the March 17th indefinite suspension of the Inter-County Public Transportation Authority resulted in the loss of transportation for clients and other clients chose not to attend due to social distancing and healthcare concerns. MSA indicated the loss of clients caused them to close DayBreak until further notice.

Mr. Hammett said while it is understandable that MSA has lost the cash flow associated with the DayBreak program due to COVID-19, he does not recommend abating the rent payments. He recommended temporarily suspending the rent payments until DayBreak reopens, then working with MSA to establish a repayment plan.

Motion was made by Lloyd Griffin, seconded by Charles Jordan to temporarily suspend the rent payments until DayBreak reopens, and working with MSA to establish a repayment plan. The motion carried unanimously.

8. EXTENSION OF EMERGENCY MEDICAL SERVICES CONTRACT WITH CAMDEN COUNTY:

County Manger Hammett explained that our Emergency Medical Services Agreement with Camden County expires on June 30, 2020. The agreement was effective for a period of three-years, with 3% annual cost increases. The agreement renewal was scheduled for discussion at the April EMS Board meeting, which was cancelled due to COVID-19.

Mr. Hammett said after consulting with the Camden County Manager, he recommends a one-year extension of the current contract terms, including a 3% increase for the period from July 1, 2020 to June 30, 2021 (Fiscal Year 2020-21) to \$562,248. He said he and the Camden County Manager will meet to discuss the terms of a new three-year agreement, which would be presented to the EMS Board to be effective Fiscal Year 2021-22.

Motion was made by Lloyd Griffin, seconded by Frankie Meads to extend the Emergency Medical Services contract with Camden County, with the current contract terms, including a 3% increase for FY 2020-21 to \$562,248. The motion carried unanimously.

9. REPORTS FROM COMMISSIONERS:

Commissioner Perry said he would like the Board to take a good look in our budget to see how we can support our staff.

Commissioner Overman stated that all of his meetings were cancelled this month due to the virus. He commended the County's essential workers and the citizens for doing such a great job keeping things rolling.

Commissioner Lavin thanked County staff and emergency workers for their time serving the community, away from their families, during this pandemic. He thanked County Manager Hammett for having a plan to reopen the county departments. He is excited to get back to some of the economic development initiatives and infrastructure improvements that are planned.

Commissioner Jordan thanked staff and said they are doing a great job. Recently, while dumping his trash at a local convenience site, he witnessed an attendant help an elderly lady who was there to dispose of a microwave oven. She was informed that she could not dispose of it at that location. He said the attendant offered to take it and drop it off for her. He was touched by the encounter. He hopes that we take our time in opening everything back up. He is aware that the economy needs to get rolling again, but we also need to be concerned about the lives of our citizens.

Commissioner Meads noted that he is also thankful for the work of our County employees. He said as he understands it, South Carolina "opened up" today, and it comes to a point that our Governor needs to do the same. He said we need to make sure that the cure is not causing more problems than the virus.

Vice-Chairman Griffin noted that the airport manager resigned. They are moving forward with the application process. The closing date is May 1, 2020. Albemarle Commission was in the process of starting interviews for a new manager when the Stay at Home Order was issued, so that has been delayed. The Albemarle Commission is still in need of volunteers for the Meals on Wheels Program. He thanked the County's first responders for helping keep us safer, as well as all the County's employees.

Chairman Dixon attended the Tourism Development Authority Board meeting. He said it is frightening to see what impact the virus has had on the tourism industry. The impact will not be felt so bad in this fiscal year, but will be huge next year. He said the biggest hit will be occupancy tax, because local hotels are reported 60-70% empty. He noted that the County has greatly improved its finances since the recession of 2008-09. The County was living paycheck to paycheck, but our fund balance is much stronger now. He does not believe we will take that type of hit now. He said it's a shame that mortgages are at their lowest and you can't get money to build a house, and gas it at the cheapest it's been in years and you can't go anywhere.

There being no further business, Chairman Dixon asked for a motion to adjourn the meeting.

Motion was made by Lloyd Griffin, seconded by Frankie Meads to adjourn the meeting. The motion carried and the meeting was adjourned at 6:30 PM.

CHAIRMAN

CLERK TO THE BOARD