**PASQUOTANK COUNTY, NORTH CAROLINA APRIL 19, 2021**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, April 19, 2021in Courtroom C in the Pasquotank County Courthouse.

**MEMBERS PRESENT:** Lloyd E. Griffin, III, Chairman

Charles H. Jordan, Vice-Chairman

Cecil Perry

Sean Lavin

Barry Overman

Jonathan Meads

**MEMBERS ABSENT:** William “Bill” Sterritt

**OTHERS PRESENT:** Sparty Hammett, County Manager

R. Michael Cox, County Attorney

Sheri Small, Finance Director

Shelley Cox, Planning Director

Emma Tate, Elections Director

Brian Parnell, Emergency Management Coordinator

Lynn Scott, Clerk to the Board

The meeting was called to order at 6:00 PM by Chairman Lloyd Griffin. Commissioner Overman gave the invocation and Commissioner Meads’ children led in the Pledge of Allegiance to the American Flag. Chairman Griffin welcomed those in attendance.

**1. AMENDMENTS TO THE AGENDA:**

Vice-Chairman Jordan requested that the agenda be amended to add the following items recommended by the Finance Committee to the Consent Agenda: 1) Approval of FY 2019-20 Audit, and 2) Approval to Convert Former Soundneck Fire Station to an EMS Facility. County Manager Sparty Hammett requested the agenda be amended to add the following item to Public Comments/Public Hearings: 3) Emergency Management and Albemarle Regional Health Services COVID-19 Update and Recommendation:

Motion was made by Sean Lavin, seconded by Charles Jordan to amend the agenda to add Items #1-2 to the Consent Agenda, and Item #3 to Public Comments/Public Hearings. The motion carried unanimously.

**2. ALBEMARLE PREGNANCY RESOURCE CENTER PRESENTATION:**

Chairman Griffin called on Dee Spruce, Executive Director for Albemarle Pregnancy Resource Center to address the Board. She explained that Albemarle Pregnancy Center is a place of support and hope for those facing unexpected pregnancies and frightening or uncertain sexual health issues. They offer free and confidential medical services, one-on-one mentoring, and educational opportunities. They have been a part of Pasquotank County since 1988. Their services are free and confidential. The resource center is a threefold ministry who is funded privately. Most of their funding comes from churches, individuals, and businesses in the community. They do receive a few small grants. 92% of their client base is from Pasquotank County.

The center is basically set up in three aspects. They have a clinic, which provides free pregnancy testing, free STD testing, limited obstetric ultrasounds, and prenatal vitamins. They also provide “options” counseling. They do not recommend or refer for abortions, but do provide information about abortion procedures and the risks and complications. A woman who finds herself pregnant and chooses life for her child is supported through their resource center through their parenting program. They provide services to not only moms, but fathers as well. They offer material assistance for their children, such as diapers, toiletries, clothing, and car seats at no cost. She stated that they partner with the local Health Department and the Department of Social Services.

Amber Meads said another aspect of what they do is community outreach. They are involved with the college campuses, public schools, youth groups, community groups, and anywhere else they are able to. There newest and biggest venture is their medical, mobile unit. It is a huge advancement for the area. Transportation can be very difficult for a lot of their population. Once they receive the mobile unit, it will allow them the opportunity to reach the rural areas, which are not otherwise being reached. The vehicle will allow them to do all the services that they currently do within the office on the road, which is a huge asset to the community. They have already raised $118,000, and are $54,500 away from their goal.

The Board thanked the organization for what they do for our community.

**3. EMERGENCY MANAGEMENT AND ALBEMARLE REGIONAL HEALTH SERVICES COVID-19 UPDATE AND RECOMMENDATION:**

Battle Betts, Albemarle Regional Health Services Director, provided an update on the most recent numbers from the COVID pandemic. As of last Friday, there are 33 active cases in Pasquotank County and four in Camden County. They have eclipsed the 50% percentile as far as residents in our district that have received at least the first dose, which is an important milestone. They are right at 42% of our residents that have been fully vaccinated. As it relates to his perspective in the public health realm and as it relates to our current state of emergency for Pasquotank and Camden Counties, he has some concerns. He said we are approaching the storm season with tornadoes and hurricanes, and the like, and he feels state of emergencies have a shelf life. He said we are seeing numbers come up a little bit, but it certainly is nothing to be overly alarmed with, as long as we continue to get more of our population vaccinated, people continue exercising extreme caution with washing their hands, waiting 6’ apart, and social distancing when possible. We are a little past two weeks beyond Easter. Those gatherings are going to happen. Mother’s Day, Father’s Day, and July 4th are going to happen, but we have to make sure that we are cognizant in trying to do the best we can to stay protected.

Mr. Betts stated that they are responsible for assisting with the shelters during storms, which is a concern. They also assist with storm debris removal and the like with the Solid Waste Department. Internally, Albemarle Regional Health Services has stood down their incident command structure, and they are trying to get their normal clinics and operations and services back to some sense of regularity.

Pasquotank-Camden Emergency Management Director, Brian Parnell said the pandemic has been ongoing since March 2020. The North Carolina State of Emergency Management and the Governor declared a state of emergency on March 10th. Pasquotank County established their state of emergency on March 17th. With the state’s emergency declaration, the Governor implemented executive orders such as mask covering requirements, social distancing, “wait, wash, and wear”, restrictions on mass gatherings, occupancy restrictions and business operations restrictions. He said those things continue to be in effect, but the leniency is starting to rear its face each time the Governor implements new amendments to the state of emergency. Pasquotank County’s state of emergency had no restrictions. There were no prohibitions in place, however, it did state we would implement and enforce state and federal laws that come down by the Governor and the President. He said we are continuing to do that today.

Mr. Parnell said the state of emergency has aided us in the last year of being able to take receipt of supplies that were in demand, bringing in personnel to assist with the food bank, and assisting with vaccine clinics. Since March 2020, there have been ten other events that have required a state of emergency statewide activations. He said we are 399 days into this, so we are well over the 96 hour period of an average state of emergency. He feels we have transitioned into a recovery phase. The numbers are coming down and staying down, with minor spikes here and there, but nothing significant where it warrants a full-blown response. He said they have been informed by the North Carolina Department of Public Safety Legal that because COVID has been ongoing for so long, the federal government and FEMA has made a ruling that local jurisdictions can continue requesting state assistance, federal assistance, resources, personnel, or reimbursement even if we do not have a local state of emergency in place.

Mr. Parnell stated that there are approximately 30 counties in the eastern branch that still have an active state of emergency, but during discussions over the last few days, he has found out that those are just waiting until their mass clinics are complete.

Mr. Parnell noted that we are still able to received resources, still able to seek reimbursement, and we will continue to have to abide by executive orders that the Governor sets forth. They will continue to participate with the mass clinic vaccinations, as deemed necessary by ARHS. Mr. Betts said ARHS is winding up the 2nd dose mass clinics this week. They would like to at some point have a couple of large events with the Johnson & Johnson vaccines when they are green lighted again.

Commissioner Meads said the death rates are equal per capita in California and Florida. Florida was only locked down for 30 days, and California is still in lockdown. He said California has the 6th youngest population, and Florida has the 6th oldest population. 94% of COVID deaths have been 55 and older. He said from what he is being told, most of the deaths should be in Florida, because they do not have a lockdown and they also have the 6th oldest population. He noted that North Carolina is ranked 22nd in the nation for the death rate. Florida is ranked 27th, with a 30-day lockdown. He asked why our death rate higher than Florida. He recommended the County lift its state of emergency, and wishes we could do even more to let our business owners in the County know that the Board is trying to do all they can to support their businesses. He said shutting down every other booth in a restaurant while people are waiting in the lobby rubbing up against each other, makes no sense to him.

Commissioner Lavin commended Mr. Betts and Mr. Parnell for their efforts during these difficult times. He is pleased to hear their optimism about the Johnson & Johnson vaccine. He has read that the side effects are less frequent than other very common prescriptions, such as birth control. He shares the opinion of our medical experts. He said we need to get the confidence of our general public back to start attending to their own medical needs that they have missed out on for the last 13 months or so. In addition, he has concerns about the allowance under the state of emergency to centralize power and in some cases that power and control goes to representatives that may not be accountable to the public or elected officials. He agrees that lifting the state of emergency is the right thing to do at this time.

Commissioner Overman thanked Mr. Betts and Mr. Parnell for their efforts. He said his whole career he has worked under these types of situations, because it was based on reimbursements, but this is not the case. He said this is a common sense effort, so we can prepare for the next emergency.

Vice-Chairman Jordan thanked Mr. Betts and Mr. Parnell for their hard work. He stated that he does not necessarily object to lifting the state of emergency, but we need to educate the public that although Pasquotank County is lifting the state of emergency, it does not relate to the North Carolina state of emergency.

Commissioner Perry thanked the gentleman as well for their efforts. He asked if there are any current outbreaks in our local rest homes or the jail. Mr. Betts answered that there are currently are no outbreaks. There are a couple of cases here and there, but an outbreak is defined as two or more cases, so it can look artificially inflated. He added that our peer counties are having this similar discussion. He noted that nothing we do at a local level would do anything to circumvent or supersede anything that is happening from an executive order standpoint. They are still working with our restaurant partners, with their environmental health specials, with the mass mandates and those types of things. They are working with folks locally as much as they possibly can so they can maximize their occupancy and try to get back to a sense of normalcy.

Chairman Griffin asked Mr. Betts to explain the percentages he gave. Mr. Betts noted ARHS numbers are just shy of 11,000 Pasquotank County residents that have received the first dose and 9,000 who have received the second dose, but the caveat there is those numbers are only ARHS, not drug stores and outside vaccines. Individuals who are 65+ are more like 75-80% vaccinated.

Mr. Betts stated that the Johnson & Johnson pause was due to six females out of 6 million people, and all six of those had low blood platelet counts. They have really been able to zero in on that. They were smart to pause, but that should give people greater comfort, because they did pause for six cases out of six million people.

Mr. Betts stated that currently there is more supply than demand. Mr. Parnell noted that we will continue to follow the North Carolina State of Emergency, to include any amendments to the Executive Orders that are set forth.

Motion was made by Sean Lavin, seconded by Jonathan Meads to approve releasing the Press Release which lifts the Local State of Emergency on Tuesday, April 20, 2021, at 8:00 AM. The motion carried unanimously.

**4. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

*a. Approval of Minutes of March 29 and April 5, 2021 Commissioner Meetings*

*b. Approval to Sell Surplus Property on Parsonage Street*

The Board had previously proposed to accept an offer of $7,260 from William M. Heckstall, Sr. for approximately .242 acres at 812 Parsonage Street (PIN# 891419528439) and to advertise for upset bids. The offer has been advertised and no additional bids were received during the 10-day upset bid period. The Board can now approve the sale of the property for $7,260.

*c. Approval to Trade in Current Voting Equipment*

On March 15, 2021, Emma Tate, Board of Elections Director, came before the Board requesting final permission to purchase new voting equipment in the amount of $100,545. Included in the calculation of this total was a trade-in discount for the voting equipment that the Board of Elections currently has totaling $16,000 (18 M-100 Tabulators and 18 M-100 Ballot Boxes). The trade in of the existing voting equipment was not considered as part of the request at that time, and needs to be approved by the Board.

*d. Approval of Audit*

The Finance Committee has recommended approval of the FY 2019-20 Audit as presented by Thompson, Price, Scott, Adams & Co.

*e. Approval of Soundneck Fire Station Renovation*

The Finance Committee has recommended approval to complete the renovations necessary to convert the former Soundneck Fire Station to an EMS facility at a not to exceed amount of $35,000.

Motion was made by Barry Overman, seconded by Sean Lavin to approve the Consent Agenda as amended. The motion carried unanimously.

**5. CONSIDERATION OF PETITION FOR ADDITION OF ROADS IN CREEKSIDE FARMS, PHASE 2 TO THE STATE SYSTEM FOR MAINTENANCE:**

The Board reviewed a petition submitted by the engineering firm representing Creekside Farms, Phase 2 requesting the addition of Red Maple Drive (remaining portion), Victoria Lane and Stedman Lane West to the state system for maintenance.

Motion was made by Sean Lavin, seconded by Charles Jordan to accept the petition from the engineer and to adopt a resolution requesting the addition of Red Maple Drive (remaining portion), Victoria Lane and Stedman Lane West in Creekside Farms Subdivision to the state system for maintenance. The motion carried unanimously.

**6. CONSIDERATION OF RESOLUTION OPPOSING SB455 – CIVIL PENALTIES:**

County Attorney Mike Cox explained that Senate Bill 455 proposes to decriminalize non-statutory offences, which would remove criminal penalties from local governments across the State. The County uses criminal penalties for violations of the “leash law” and noise ordinance among other ordinances. He stated that criminal sanctions are an effective tool in dealing with certain issues. To lose this remedy would be a loss for local governments, and would force governments to use the civil process which is time consuming and may not be as effective. He said he has been in touch with Senator Steinburg’s office and based on the preliminary information he has been provided, he shares his concerns. He requested the board adopt the following resolution which opposes the passage of SB 455.

Motion was made by Charles Jordan, seconded by Sean Lavin to adopt the following resolution opposing the passage of SB 455. The motion carried unanimously.

**A RESOLUTION BY THE COUNTY OF PASQUOTANK   
OPPOSING SENATE BILL 455 (“AN ACT TO DECRIMINALIZE   
NON-STATUTORY CRIMINAL OFFENSES AND VIOLATIONS”)**

**WHEREAS,** the legislation proposed in SB 455 (“An Act to Decriminalize Non-Statutory Criminal Offenses and Violations”) is of great concern to Pasquotank County and other local governments within North Carolina; and

**WHEREAS,** the proposed bill would prohibit criminal enforcement of local ordinances and change violations to an infraction punishable by no more than a $50 fine; and

**WHEREAS,** criminal penalties are an effective tool for local governments in enforcing ordinances; and

**WHEREAS,** the enforcement of criminal penalties is not abused, nor applied recklessly or carelessly; and

**WHEREAS,** a conviction of an infraction and $50 fine is not an effective deterrent for those who violate county ordinances.

**NOW, THEREFORE, BE IT RESOLVED** that copies of this resolution be sent to our legislative delegation and to the leadership of the North Carolina General Assembly in an effort to stop SB 455 from becoming law.

ADOPTED this 19th day of April, 2021.

**7. CONSIDERATION OF RESOLUTION OPPOSING SB 349/HB 401 – INCREASE HOUSING OPPORTUNITIES:**

Planning Director Shelley Cox explained that Senate Bill 349/House Bill 401 is very problematic for North Carolina local governments. It appears the Legislature is continuing with their efforts to tie the hands of local government in making any land use decisions. Provisions within this legislation would severely diminish or even eliminate the ability of local government to determine what is best for its community or even allow community input or involvement in the decision making process. Uniformed legislation for all local governments under one statewide zoning mandate would eliminate the single-family zoning designation and allow multi-family housing (up to four family dwelling) in every neighborhood.

Ms. Cox stated that single family neighborhoods are designed for a certain amount of traffic, and the lots are designed for a certain amount of impervious lot coverage. She said there will be parking issues, and roads that have not been designed for that kind of traffic. She noted that the County does not have centralized sewer. The legislation also requires that the County allow accessory dwelling units on each parcel of land in the County that is zoned for a single family, which would potentially have more people parking on the street. Cul-de-sacs are designed for the minimum radius, and a firetruck, school bus, or ambulance may have trouble navigating the cul-de-sac. She said when you have not designed the community to accommodate for this, it leaves us really open, particularly with subdivisions that are already out there.

Ms. Cox stated that she is also concerned with some of the language that is used in the legislation. When you write a law or ordinance, you want to use specific language that is very easily definable. Some of the language used in the proposed law is vague, which leaves it up to interpretation. Another provision states if a resident sues the County for denial of a permit and the County loses, the County has to pay their attorney’s fees, but it doesn’t say the opposite is true, which she thinks is quite unfair.

Motion was made by Jonathan Meads, seconded by Sean Lavin to adopt the following resolution opposing SB 349/HB 401 (“Increase Housing Opportunities). The motion carried unanimously.

**A RESOLUTION BY THE COUNTY OF PASQUOTANK  
OPPOSING SB 349/HB 401 (“INCREASE HOUSING OPPORTUNITIES”)**

**WHEREAS,** the legislation proposed in SB 349/HB 401 (“Increase Housing Opportunities”) is of great concern to the County of Pasquotank and other local governments within North Carolina; and

**WHEREAS,** provisions within this legislation would severely diminish or even eliminate the ability of local government to determine what is best for its community or even allow community input or involvement in the decision-making process; and

**WHEREAS,** development would become uncontrolled and reckless with little to no regard for property owners rights, not to mention the added stress and demand on a local government’s infrastructure which would eventually lead to declining property values; and

**WHEREAS,** county officials were elected by their citizens for a reason – to protect and preserve the quality of life that they have come to enjoy; and

**WHEREAS,** residents could not enjoy a safe and secure, clean and well-kept environment with plenty of amenities offered, if it were not for the efforts put forth by its elected officials and county staff in utilizing effective and proven zoning processes that include community input; and

**WHEREAS,** a one-size fits all approach to land use is radical, reckless and irrational— a blatant attack on local land use decision-making; and

**WHEREAS,** uniform legislation for all local governments under one statewide zoning mandate would eliminate the single-family zoning designation and allow multi-family housing in every neighborhood; and

**WHEREAS,** increased housing does not guarantee more affordable housing nor does this legislation.

**NOW, THEREFORE BE IT RESOLVED** that copies of this resolution are sent to our legislative delegation and to the leadership of the North Carolina General Assembly in an effort to stop SB 349/HB 401 from becoming law and to work together to find real ways to advance affordable housing opportunities.

Adopted this the 19th day of April, 2021.

**8. COMMENTS BY ANGELIQUE BOYLAND:**

Chairman Griffin called on Angelique Boyland to address the Board. Ms. Boyland voiced concerns regarding the new elections equipment the Board of Elections recently purchased. She stated that there is evidence that some election machines produced by ES&S have modems installed within them. Her major concern is that the County spent over $100,000 on machines that they may have to replace. If the old machines are traded in, the County will not have backup equipment if the new equipment is deemed unusable by the courts.

Elections Director, Emma Tate stated that she has been in contact with the State Board of Elections and ES&S, because she wanted to make sure she had all the information concerning the evidentiary hearings that are going on currently in Michigan concerning the modems that were found on the motherboards in the DS200s. She said Ms. Boyland is not wrong. They did find modems when they did their forensic exploration of the machines, but it is important to note that in Michigan it is legal to transmit unofficial elections results directly from the machines to their state reporting software. The reason they were found is because they are legal in Michigan. According to GS 163-165(7), this is not the same for North Carolina. Ms. Tate explained that the General Statute states that no voting system used in any election in the state should be connected to a network, and any feature allowing connection to a network shall be disabled or removed.

Ms. Tate said in the official certification guideline for voting equipment in the State of North Carolina, all machines, hardware, firmware, and software have to be made available to the State Board of Elections for inspection, and failure to do so would be failure to become certified in the state. It is illegal for any County Board of Elections or any County Board of Commissioners to commission the purchase of equipment that is not certified by the State Board of Elections. The ES&S equipment is certified at the federal level. It is also certified at the state level. She explained that they currently have ES&S equipment in the County. According to an e-mail sent by the executive director to the State Board, the modems referenced in the articles concerning Michigan, (the Telit chip) are not present in any of the ES&S 200s made in North Carolina. They have confirmed this. It is important also to note that the component that they found on the modems in Michigan is not a software or hardware product of ES&S, it is a third party chip that is put on there when the chips are ordered based off what the people ordering it want on their machines, which we are not even allowed to include, because it is against the law in North Carolina.

**9. REPORTS FROM COMMISSIONERS:**

Commissioner Meads attended the monthly EMS Board meeting, and will be attending his first Solid Waste/Landfill Committee meeting this month.

Commissioner Lavin stated that he still has concerns with traffic at the northern most intersections along US 17. He witnessed another “near miss” the other day at the Duck Thru intersection. He wants to keep bringing this up until we receive a response from NCDOT. Vice-Chairman Jordan said he recently avoided an accident at the same location.

Commissioner Overman stated that he would like to see an ambulance placed at the COA Simulation facility when it is constructed. He feels it would be a great advantage for our EMS, as well as for the nursing students.

Commissioner Perry stated that his meetings will begin tomorrow. He said he witnessed a mental health crisis this weekend with a child. He would like to see more information and signage regarding Mobile Crisis in our neighborhoods, because so many citizens are unaware of the service.

Vice-Chairman Jordan attended the Jail Board and Library Board meetings. He participated in a Zoom conference on the need for better broadband throughout the country. The Drainage Committee is looking at an educational effort, because citizens are looking for their drainage problems to be fixed. Unfortunately, drainage concerns can’t necessarily be fixed, but only made better. He said we need to start an educational effort on drainage in the County.

Chairman Griffin stated that staff has started the budget process, and a budget calendar will be coming shortly. Albemarle Commission has been finalizing their budget for next year. The RPO will meet this Wednesday. He said he will remind the members of the Board’s concerns regarding the intersections in the most northern part of the county, as well as the need for a speed limit reduction in front of Mt. Carmel Missionary Church. The Workforce Development Board has seen a trend in unemployment numbers going down. This week, the EDC will be starting interviews for their new director.

There being nothing further to come before the Board;

Motion was made by Sean Lavin, seconded by Cecil Perry to adjourn the meeting. The motion carried and the meeting was adjourned at 7:26 PM.

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CHAIRMAN

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CLERK TO THE BOARD