

The Pearisburg Town Council met in Special Called Session on March 31, 2020 at 7:30 pm at the Pearisburg Municipal Building. Present for the meeting was Mayor Dickerson; Council Members Williams, Harrell, Clark, Eaton and Journell; Town Attorney Hartley (via conference call); Town Manager Meredith; Town Clerk Harless; Police Chief Martin; Public Works Director Wilson; and Town Treasurer Harrell.

Council discussed options for having electronic meetings as deemed necessary during the COVID-19 outbreak. Meredith stated that Mike Clemons had provided the Town a dedicated conference line at no charge. He also stated that he is getting information about a subscription to Zoom. Clark asked if Budget Subcommittee meetings would be held moving forward. Meredith stated that they may be done remotely by conference call. Eaton asked if any other localities mentioned keeping the current budget until it could be amended. Meredith mentioned that revenue would decrease due to meals tax and lodging tax revenue. He is assessing the possibility of taking the normal revenue for a quarter and cutting it in half. He stated that he expects the need for several budget amendments in the upcoming budget year because of the unpredictability of the economy. He stated that he plans to submit a more conservative budget for Fiscal Year 2021.

Journell made a motion that Council adopt a Resolution to Establish an Electronic Meeting Policy. Harrell seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Harrell, Clark, Eaton and Journell. The motion carried by a vote of 6 to 0.

**RESOLUTION OF THE TOWN OF PEARISBURG TOWN COUNCIL
TO ESTABLISH AN ELECTRONIC MEETING POLICY**

Be it resolved that the Town of Pearisburg Town Council, meeting on March 31, 2020, with a quorum present, hereby adopts the following policy:

TOWN OF PEARISBURG TOWN COUNCIL ELECTRONIC MEETING POLICY

It is the policy of the Town of Pearisburg Town Council (the Council) that individual Council members may participate in meetings of Council by electronic means as permitted by Virginia Code § 2.2-3708.1. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

I. Procedure for emergency or personal matter:

A. On or before the day of a meeting, the member shall notify the Mayor of the Town that the member is unable to attend the meeting due to an emergency or a personal matter. The member must identify with specificity the nature of the emergency or personal matter.

B. A quorum of the Council must be physically assembled at the primary or central meeting location.

C. Participation by the absent member due to an emergency or a personal matter shall be limited in each calendar year to two (2) meetings or 25 percent (25%) of the meetings of the Council, whichever is fewer.

II. Procedure for a temporary or permanent disability.

A. On or before the day of a meeting, the member shall notify the Mayor that the member is unable to attend the meeting due to a temporary or permanent disability or medical condition that prevents his or her physical presence.

B. A quorum of the Council must be physically assembled at the primary or central meeting location. The Clerk shall record in the Council's minutes the fact of the disability or other condition and the remote location from which the absent member participated.

III. Requirement for any remote participation.

A. The Council shall arrange for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.

IV. Approval of participation from remote location.

A. Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a member's participation from a remote location is challenged, then the Council shall vote whether to allow such participation. If the Council votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

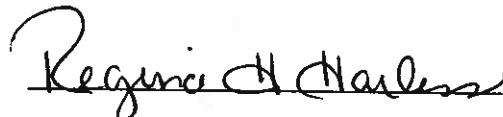
Adopted at a meeting of the Town of Pearisburg Town Council held on March 31st, 2020.

Approved:

Attest:



Robert L. Dickerson, Mayor



Regina H. Harless, Town Clerk

Meredith briefed the Council on the Continuation of Services Plan and Continuation of Operations Plan. He stated that until COVID-19 the Town had no Continuation of Service Plan or Continuation of Operations Plan. Currently, the Town is operating on Level 4 of the proposed Continuation of Service Plan. The Continuity of Operations Plans have been prioritized by Town Staff. He commented that all departments did a wonderful job in a short

amount of time compiling their operations plans. He stated that Level 5 will be put in place in the very near future. Departments have discussed staggering work shifts and dividing the Town's essential staff into two teams: Team A and Team B. He stated that the Virginia Department of Health is putting together names of certified sewer plant operators in case a locality needs assistance because their staff becoming unable to work. He plans to work staff several days at time before switching groups. He stated that he did not want to simply alternate days because of its limited ability to mitigate cross contamination of workspace and spread of COVID-19.

Williams made a motion that Council adopt and approve the Continuation of Services Plan for Infectious Diseases: COVID-19 (Coronavirus) for the Town of Pearisburg. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Harrell, Clark, Eaton and Journell. The motion carried by a vote of 6 to 0.

Eaton made a motion that Council adopt and approve the Continuation of Operations Plan for the Town of Pearisburg. Williams seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Harrell, Clark, Eaton and Journell. The motion carried by a vote of 6 to 0.

Meredith discussed staggering the employees work schedules. He stated that by creating two teams', staff would not always get their 40 hours each week. He would like to reduce their schedule and continue with their normal pay during the COVID-19 State of Emergency.

Williams made a motion that Council authorize the Town Manager to make changes to the employee work schedules, while maintaining their regular pay and benefits while under the current State of Emergency. Harrell seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Harrell, Clark, Eaton and Journell. The motion carried by a vote of 6 to 0.

Meredith explained the need for a Resolution to appoint the Town Manager as Director of Emergency Management. He stated that by making this appointment it would allow him to be able to react, form plans, and have the authority to handle emergencies.

Eaton made a motion that Council adopt a Resolution to appoint the Town Manager as the Director of Emergency Management. Journell seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Harrell, Clark, Eaton and Journell. The motion carried by a vote of 6 to 0.

RESOLUTION APPOINTING THE TOWN MANAGER AS THE DIRECTOR OF EMERGENCY MANAGEMENT OF THE TOWN OF PEARISBURG

WHEREAS, Code of Virginia §44-146.21 provides that each political subdivision shall have a director of emergency management.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PEARISBURG, VIRGINIA, that, pursuant to §44-146.21 of the Code of Virginia, as amended, the Council hereby appoints Todd Meredith, Town Manager of the Town of Pearisburg as the Town of Pearisburg Director of Emergency Management effective March 31st, 2020.

Adopted at a special meeting of the Town Council of the Town of Pearisburg held on March 31st, 2020.

APPROVED:  ATTEST: 
Robert L. Dickerson, Mayor Regina H. Harless, Clerk

Town Manager Meredith signed a Declaration of Local Emergency for the Town of Pearisburg, Virginia on March 31, 2020 at 7:06 p.m.

DECLARATION OF LOCAL EMERGENCY FOR THE TOWN OF PEARISBURG, VIRGINIA

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19 was detected in China, and has, since its initial detection, spread to more than 100 locations worldwide, including the United States;

WHEREAS, the World Health Organization declared COVID-19 a “public health emergency of international concern,” and on January 31, 2020, the United States Department of Health and Human Services declared a national public health emergency;

WHEREAS, on March 12, 2020, due to multiple cases of COVID-19 having been confirmed in Virginia, Governor Ralph S. Northam of the Commonwealth of Virginia, declared that a state of emergency existed in the Commonwealth of Virginia and, further, on March 13, 2020, Governor Northam ordered temporary closure of public schools throughout the Commonwealth to thwart further spread of the virus;

WHEREAS, on March 13, 2020, President Donald J. Trump declared the United States of America to be in a state of national emergency due to the COVID-19 pandemic; and

WHEREAS, COVID-19 poses a threat to public health of sufficient severity and magnitude to require a coordinated governmental response to mitigate the spread of the disease.

THEREFORE, I, Todd Meredith, Town Manager and Director of Emergency Management of The Town of Pearisburg, Virginia, hereby declare that a state of emergency exists in The Town of Pearisburg, Virginia, and I invoke and declare in full force and effect in the Town of Pearisburg, Virginia, all laws and statutes of the Commonwealth of Virginia for the exercise of all necessary emergency authority for the protection of health and safety of the persons and property of the Town of Pearisburg, Virginia.

This local emergency is declared in accordance with the "Commonwealth of Virginia Emergency Services and Disaster Law of 2000," Virginia Code § 44-146.13, *et seq.*

Due to the rapidly evolving nature of the COVID-19 pandemic and in an abundance of caution, public facilities owned and operated by the Town of Pearisburg may be closed as determined prudent by the Town Manager in consultation with the Mayor of the Town of Pearisburg to avoid community spread of the virus.

The Town further, encourages all citizens of the Town of Pearisburg to practice social distancing and personal hygiene as recommended by the Giles County Department of Health, the Virginia Department of Health and United States Center for Disease Control to protect against community spread and, in doing so, to contribute to the stability and function of local and regional medical facilities by avoidance of overwhelming our health care facilities.

All public officials and employees of the Town of Pearisburg, Virginia are hereby directed to exercise the utmost diligence in discharge of the duties required of them for the duration of the emergency and in the execution of emergency laws, regulations, and directives, state and local.

All citizens are called upon and directed to comply with emergency measures, to cooperate with the Town of Pearisburg Director of Emergency Management in the execution of emergency operational plans, and to comply with the lawful directions of properly identified public officials.

This declaration is effective March 31st, 2020 at 7:06 pm

Todd Meredith
Todd Meredith
Director of Emergency Management

Williams made a motion that Council approve a Resolution to Confirm the Town Declaration of Emergency. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Harrell, Clark, Eaton and Journell. The motion carried by a vote of 6 to 0.

**RESOLUTION TO CONFIRM THE DIRECTOR OF EMERGENCY MANAGEMENT'S
DECLARATION OF LOCAL EMERGENCY DUE TO COVID-19**

WHEREAS, Code of Virginia §44-146.21 provides that “[i]n the event the governing body cannot convene due to [a] disaster or other exigent circumstances, the local director of emergency management may declare the existence of a local emergency, subject to confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within 45 days of the declaration, whichever occurs first;” and

WHEREAS, in accordance with the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 (Code of Virginia §44-146.13 *et seq.*, as amended) the Town Council of the Town of Pearisburg duly appointed Todd Meredith, the Town Manager as Director of Emergency Management;

WHEREAS, by virtue of the authority vested in him by §44-146.21, the Town Manager, as the Town’s Director of Emergency Management, issued a Declaration of Local Emergency on March 31st, 2020 in response to the imminent threat and danger to public health posed by the novel coronavirus, designated as COVID-19.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF PEARISBURG TOWN COUNCIL, PEARISBURG, VIRGINIA, that, pursuant to §44-146.21 of the Code of Virginia, as amended, the Town Council hereby confirms the Declaration of Local Emergency issued by the Town Manager in his capacity as the Town Director of Emergency Management on March 31st, 2020, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

BE IT FURTHER RESOLVED AS FOLLOWS:

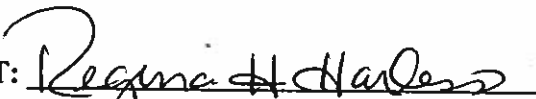
The Director of Emergency Management is authorized to do any or all of the following as necessary to protect persons and property in the Town of Pearisburg, Virginia during the period of the declared emergency:

- a. control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resource systems which fall only within the boundaries of the Town of Pearisburg and which do not impact systems affecting adjoining or other political subdivisions.
- b. enter into contracts and incur obligations necessary to combat the declared emergency situation.
- c. protect the health and safety of persons and property and provide emergency assistance to the victims of such emergency.
- d. proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and other expenditures of public funds, provided such funds in excess of appropriations in the current approved budget, unobligated, are available.
- e. under the supervision and control of the Governor or his designated representative, enter into contracts and incur obligations necessary to combat such emergency beyond the capabilities of local

government, protect the health and safety of persons and property and provide emergency assistance to the victims of such emergency. In exercising the powers vested under this section, under the supervision and control of the Governor, the Town may proceed without regard to time-consuming procedures and formalities prescribed by law pertaining to public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

Adopted at a special meeting of the Town Council of the Town of Pearisburg held on March 31st, 2020.

APPROVED: 
Robert L. Dickerson, Mayor

ATTEST: 
Regina H. Harless, Clerk

Hartley explained the Continuity of Government Ordinance. The ordinance is not limited to a natural disaster. He stated that if Council adopts the ordinance, they can continue to meet and handle needed matters. He stated that staff would need to establish a way for the public to participate either through conference calls or possibly Zoom. Hartley stated that Council could do all their meetings electronically. Meredith wanted to confirm he understood that the ordinance would need to be renewed in 60 days and can be extended for up to 6 months. Hartley agreed that it would need to be concluded or extended before the end of 60 days and that the maximum was 6 months. Hartley stated that there is a website that has projections for every state on when COVID-19 will peak. The projections indicate that the pandemic should end July 1 or August 1. If Council should need longer than 6 months the state will hopefully come up with something for Council to continue.

Harrell made a motion that Council adopt the Continuity of Government Ordinance. Clark seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Harrell, Clark, Eaton and Journell. The motion carried by a vote of 6 to 0.

ADOPTED: March 31, 2020

ORDINANCE NO: 20-02

EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER.

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 31st, 2020, the Town Council of the Town of Pearisburg confirmed the declaration of local emergency made by the local director of emergency management on March 31st, 2020; and

WHEREAS, the Town Council finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a "disaster" as defined by Virginia Code §44-146.16 being a "communicable disease of public health threat;" and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency "proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;" and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of the Town Council may convene solely by electronic means "to address the emergency;" and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act ("FOIA") are limited only by a properly claimed exemption provided under that Act or "any other statute;" and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, The Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the

Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of The Town of Pearisburg, Virginia:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the Town Council, the Planning Commission, Board of Zoning Appeals, and all local boards, commissions, committees and authorities created by the Town Council or to which the Town Council appoints all or a portion of its members (collectively "Public Entities" and individually "Public Entity"), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.
2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:
 - a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and
 - b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and
 - c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
 - d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and
 - e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and
 - f. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

IT IS FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

IT IS FURTHER ORDAINED, that the provisions of this Emergency Ordinance shall remain in full force and effect for a period of 60 days, unless amended, rescinded or readopted by the Town Council in conformity with the notice provisions set forth in Virginia Code §15.2-1427 but in no event shall such ordinance be effective for more than 6 months. Upon rescission by the Town Council or automatic

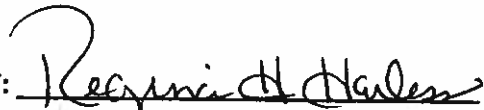
expiration as described herein, this emergency ordinance shall terminate, and normal practices and procedures of government shall resume.

Nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

An emergency is deemed to exist, and this ordinance shall be effective upon its adoption.

This 31st day of March, 2020.

APPROVED: 
Robert L. Dickerson, Mayor

ATTEST: 
Regina H. Harless, Clerk

Meredith discussed the request from the Department of Corrections that was on the agenda at the March 10, 2020 Council Meeting where Council voted to require a public hearing. He stated that due to COVID-19, he recommends Council rescind the public hearing requirement. Williams will inform the deacons at Angels Rest Baptist Fellowship to contact the Department of Corrections if they have any comments concerning the proposed location of the Probation Office.

Journell made a motion that Council direct the Town Manager to send a letter on their behalf to rescind their request to require a public hearing for the Probation Office at 1701 Wenonah Avenue, Pearisburg. Williams seconded the motion. Voting yes: Mayor Dickerson; Council Members Williams, Harrell, Clark, Eaton and Journell. The motion carried by a vote of 6 to 0.

Clark discussed an online program for local businesses that the Giles County Chamber of Commerce Office is working to establish. She named several local businesses that would like to participate. This would be set up in a manner similar to the County Program that was established to encourage business in local restaurants. The plan is to offer gift certificates that are redeemable at a local business. The value of the gift card will be an additional \$5 over the cost to the customer. Eaton inquired about the funds available in the Business Incentive Grant line item. Meredith estimated that around \$1500 was available. Clark state that she was hopeful that the program takes off and benefits the areas small local businesses.

Williams made a motion that Council donate \$500 from the Business Incentive Grant budget line item towards the Chamber local business gift certificate program. Harrell seconded

the motion. Voting yes: Mayor Dickerson; Council Members Williams, Harrell, Eaton and Journell. Abstaining: Clark. The motion carried by a vote of 5 to 0.

Meredith discussed the rental agreements at Shelton Place and behind the Community Center at 110 Elm Street. He stated that he recommends developing a proposal to assist the tenant with the rent on each property. He stated that this may help the businesses survive the COVID-19 State of Emergency. Council expressed a desire to move forward on modifying the rent agreements. Hartley informed Council that due to a lack of full Council not being present to waive notice any decision on extending agreements could not be added to the agenda. Council was favorable in extending the free rental period. Meredith will draw up new agreements for Council to consider at the next meeting.

Meredith commended the Town's Department Heads for all their hard work on preparing their plans for COVID-19. He also thanked Hartley for all his help with the COVID-19 crisis. He stated that Hartley's help was imperative and that he had assisted Meredith every step of the way. Hartley thanked Meredith and stated that with the Town paying for him to be a member of the LGA Organization had been helpful for him to obtain needed information during this pandemic.

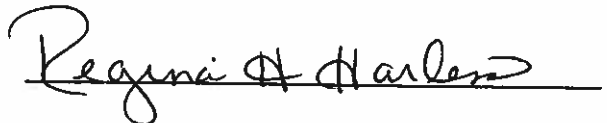
There being no further business, the meeting was adjourned.

APPROVED:



Mayor Robert L. Dickerson

ATTEST:



Regina H. Harless, Town Clerk