

**MINUTES OF A
REGULAR MEETING
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
MARCH 17, 2020**

The Jackson County Board of Commissioners met in a regular session on March 17, 2020, 1:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Boyce Deitz, Vice Chair
Mickey Luker, Commissioner (via speakerphone)
Ron Mau, Commissioner
Gayle Woody, Commissioner

Heather C. Baker, County Attorney
Angela M. Winchester, Clerk to Board

Absent: Don Adams, County Manager

Chairman McMahan called the meeting to order.

(1) **PROCLAMATION FOR CHILD ABUSE PREVENTION**: Commissioner Woody read a Proclamation to proclaim April as Child Abuse Prevention Month. Renee Coward, AWAKE Executive Director was present. Commissioner Deitz moved to approve the Proclamation. Commissioner Mau seconded the Motion. Motion carried.

(2) **AGENDA**: Chairman McMahan requested to add four items: Personnel Action, COVID-19 Briefing, Schedule Changes and Other Business. He requested to remove one item: Fairview School Science Olympiad Field Trip Request. Commissioner Woody moved to approve the amended agenda. Commissioner Mau seconded the Motion. Motion carried.

(3) **MINUTES**: Commissioner Woody moved to approve the minutes of a Budget Retreat Work Session of February 27, 2020 and a Regular Meeting of March 03, 2020. Commissioner Deitz seconded the Motion. Motion carried.

(4) **PERSONNEL ACTION**: Chairman McMahan stated that Don Adams, County Manager, experienced a cardiac event yesterday and underwent a successful triple bypass surgery at Mission Hospital in Asheville. He spoke with Mr. Adams' wife and he communicated with Mr. Adams by text just before the start of the meeting. He was stable, had been up walking around and was in good spirits. He was expected to make a full recovery. He requested to keep Mr. Adams and his family in their thoughts and prayers in the coming days and weeks as he would be out for a while on sick leave recovering.

Given the responsibilities of the County Manager's position and especially in light of the extraordinary circumstances that the county, state, nation and even the world were experiencing, it was important to provide for someone to fulfill the statutory requirements on a temporary basis until Mr. Adams could return to those duties. Therefore, the Board would take action to appoint an Acting County Manager.

Motion: *Commissioner Mau stated that pursuant to North Carolina General Statute 153A-83, he moved to appoint Heather Baker as Acting County Manager and she shall exercise the powers and perform the duties of County Manager during the temporary absence or disability of Don Adams, County Manager until he returned. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(5) **COVID-19 BRIEFING:** Todd Dillard, Emergency Management Director; Shelley Carraway, Health Director; Sheriff Chip Hall; and Chief Deputy Kim Hooper were present during this item.

Chairman McMahan stated that the purpose of this item was to brief the Board and the public on where they stood regarding Emergency Management, the Health Department and Law Enforcement as to the current conditions and potential items the Board may need to consider taking action on.

(a) **Emergency Management:** Mr. Dillard stated that as of 12:30 p.m. on March 16th, Chairman McMahan signed a State of Emergency, which enacted all municipalities and the county to be under a state of emergency. This was a necessary step for reimbursements from the federal government. It also gave the Health Department and Emergency Management Department more powers for resources, personnel and equipment.

Earlier, he participated in two conference calls. One was with the counties from Jackson west, including the Qualla Boundary. Several counties were starting to set up testing sites. All of the counties would likely declare states of emergency that day in the western part of the state and there would be a statewide conference call at 2:00 p.m.

They had placed an order for 550 masks and 200 isolation gowns, but at that point, they were only able to get 240 masks and 100 gowns. They were supplying the first responders, fire departments and rescue squads with those items. Also, at 5:00 p.m., that day, the Governor would mandate that all restaurants and bars close except for takeout.

They had not yet opened the Emergency Operations Center, but it was set up and ready to go if they needed to activate it. He would be in touch with Ms. Carraway and Chairman McMahan if they made that decision. If they got the first confirmed case, that would be when they would open the center. At that time, they had 15 phones set up for public health and he could give out that number to the citizens, if needed, so that they could call for information. They wanted people to be concerned, but they did not want them to panic.

They received new algorithms from the State Office of Emergency Medical Services that when someone called 911, they would have an algorithm they would follow. If the person had traveled overseas, out of the country or other states, they would receive a bank of questions. If any of the questions were answered “yes”, when they paged EMS, the code would SC2, which was the code for Coronavirus. At that time, they would not send out First Responders to assist the EMS Unit. First Responders would still respond to all other calls.

(b) **Health Department:** Ms. Carraway stated that she wanted to provide an update to the Board on the public health crisis:

State Overview:

- They had 32 cases in 14 counties with zero deaths in North Carolina. The state website showed what counties had cases, but with communicable disease the person was reported in the county they resided in. The case in Macon County was a resident of New York, so it would not show up on the North Carolina map. They did not have any confirmed cases in Jackson County.
- Betsey Tilson, State Health Director had stated that they were seeing an increase in COVID19 infections across the country and they also saw an increase in North Carolina over the past two weeks. To date, they have been working together in the state to do intensive containment strategies, which was the first phase of a response. This was when they proactively identified cases, isolated sick patients, did contract tracing and quarantine of exposed people.
- All of the cases confirmed in North Carolina, so far, were people that traveled outside the state or had contact with a known or suspected case during the incubation period. However, it was anticipated that community transmission was already happening. They were also going into the mitigation stage. Several community mitigation measures were being recommended to go along with continued containment strategies.

- She was sure they had seen the graphs that showed the “flattening of the curve”. The goal was to lessen the severity of the peak even if the length of time did not reduce. They were also seeing some increasing access to testing to help the containment and better understand the spread of infection, which could then help determine mitigation strategies.
- DHHS was continually providing guidance to providers about testing and caring for patients. With information changing so rapidly, they had focused on keeping their website updated and linked to other important websites like DHHS and CDC. They encouraged everyone to start by looking there if they had questions: <http://health.jacksonnc.org/>.
- On March 10th she was invited, along with several other Western North Carolina Health Directors to meet with the Governor in Asheville. She was so impressed with the way he was consuming all of the information and taking actions.

County Overview:

- In early March, they sent out a COVID-19 information document to all county employees with their pay stubs. They also sent out guidance on self-monitoring to Department Heads for staff returning from travel over Spring Break. People could come back to work, but they wanted them to take their temperature twice a day for two weeks and be attentive to any respiratory issues.
- She had been working very closely with the school system and talking with Dr. Elliott virtually daily. They sent out a FAQ that really applied to everyone in the community about social distancing and what that meant since the schools were closed. They were in close communication with WCU, although their status was changing often. They were also in conversations with SCC about what they should do and what level they should do it.
- They talked daily with the hospital and their CD nurse. EMS shared information on resources with them as well. Visitors were first restricted from Swain hospital and were now restricted at Harris in Sylva.
- She spoke with the Department on Aging and shared concerns over congregate meals, which were now cancelled. Now they were preparing the congregate meals and freezing them so that people could pick up five meals on Mondays. They were continuing to operate Meals on Wheels. They did cancel instructor led classes and suspended the Senior Games.
- She spoke with DSS about their operations and talked through different scenarios. They were getting guidance from the state as well.
- She met with the Director of AWAKE to look at their scaled plans for continuing operations.
- She shared documents with Public Works about environmental cleaning that included what to do if a county employee contracted the virus.
- They shared communication ideas with everyone that asked including the newspapers and the Tourism Development Authority, which did a wonderful job of putting out a notice that included several important links so that folks would get the most updated information.
- They shared guidance with the Long Term Care facilities and they were restricting visitation.
- They sent out guidance about mass gatherings to faith based organizations as well.
- She met with the Farmer’s Market to discuss ideas about precautions to take. They needed them to stay open, but be safe. She mentioned that they requested a hand washing station, but the Health Department could not supply the request. It was a great idea if they could find funding.
- They received an update from the Sheriff and they were increasing cleaning and were restricting visitors.

Health Department Overview:

- Since this was a public health emergency, they would need their employees, so to try and protect their employees, they stopped all outreach services.
- Environmental Health must still go out by law, but in the last few weeks, they tried to overwork to meet a lot of inspections.
- They had suspended all in and out of the county travel and were basically making all of their staff work from home base.
- The Animal Shelter would remain open, but when a person came to the shelter they would remain in the parking lot.
- The Health Department was still open and they had not cut any of their programs yet, but they did have a Continuity of Operations Plan that would let them know which programs they could cut.
- They met with small groups of staff to inform them that they needed to be prepared and that they could be asked to do something different than their job. They wanted to talk with other departments as well about what they would do, what they would scale back and possibly closing.

Needs of County Employees: They had heard a lot about what this all meant to county employees and operations. She shared some ideas of some things for the Commissioners to consider.

- The county needed to help mitigation efforts by providing ways to minimize close contact with large groups of people. One suggestion was a telecommuting policy.
- To also help mitigation, it was important to actively encourage employees to stay home when they were sick. This could be accomplished by maximizing flexibility in sick leave benefits. The flexible leave should also address employees that needed to stay home to care for sick family members or for child care due to school closures.
- What about high risk employees such as immune compromised, heart or lung disease, diabetes or over 65. Could they go home, even if they did not have the capability to work from home?
- For high risk staff who wanted to work, allow special accommodations in their environment if possible.
- If possible, allow alternating days (team scheduling) that reduces the total number of employees at work at a given time.
- Possibly make it a policy to eliminate non-essential travel.
- Make the self-monitoring guidance a countywide policy/procedure.
- Provide personal hygiene supplies like hand sanitizer, if they could find it, disinfecting wipes, possibly surgical masks to hand out to sick clients that showed up for each department.
- Discuss the possibility of standing up several small scale day cares for essential service staff with children that were out of school (ages 6-12).
- In general, be aware of staff concerns about pay, leave, safety, health, etc., due to this infectious disease outbreak.

She had learned just before the meeting that North Carolina had just been awarded \$13.8mil for response to COVID-19. It would be a grant that would have to be applied for, which they would do to see if they could get funds coming into the county. Also, they would need to keep track of their time because in a disaster they could ask for that reimbursement, but they would need to be able to document what had been done.

Commissioner Woody stated that she had several people say that it was not that big of a deal, people died from the flu every year. She believed it was a big deal. What response should they give to people to dismiss that myth?

Ms. Carraway stated that it was a myth. They could say that it was like the flu and it had been milder than the flu they currently had. However, they had nothing to do for the Novel Coronavirus. They had Tamiflu and vaccinations for the flu. This was a pandemic, which was really the key. It would spread rapidly and was very difficult to contain. The CDC released that 80% of the people were really not getting that sick, which meant that 20% were getting severely ill. The concern was not the death rate, it was the surge in the health care system for all of the severe respiratory issues. The concern was the scale of the health care capacity that could not handle the numbers that would need critical health care. This was her opinion.

(c) **Sheriff's Office:** Sheriff Hall stated they had daily communications with other emergency responders and were staying in touch. They were in constant communications with Dr. Tomas and Dr. Elliott as well.

Chief Deputy Hooper stated a list of some items they had enacted or changed in their office:

- Housekeeping would come in seven days a week to help with the detention facility and after visitations.
- They began screening the inmates that were brought in at a sally-port with a thermal disposable thermometer. If they did have a fever, they had an additional questionnaire pertaining to COVID-19. The same applied if someone was brought through the Magistrate's Office.
- They had restricted access to the Detention Center except essential personnel only.
- They had instructed officers to issue citations, when applicable, instead of making arrests.
- They had instructed officers how to sanitize their patrol cars and supplied them with materials for them to use after an arrest.
- They were making sure the main entrance and the Magistrate's lobby was sanitized throughout the day.
- They had suspended all fingerprinting.
- They reassigned the SRO's to different tasks throughout the county.
- They made sure that if any of their employees had child care needs, it was taken care of.

Sheriff Hall stated that a change they would be making at the Justice Center, through a Court Order, would be to suspend all screening and monitoring at the front entrance. That would be effective March 18th. They would maintain an officer at the front entrance, but they would not be screening individuals or packages.

Chairman McMahan stated that he had received the court order from Honorable Brad Letts, Senior Resident Superior Court Judge. He requested that the Board take action to affirm and for the Chairman to sign on behalf of the county stating they were willing to make the change. He had discussions with Ms. Baker about this and they may also have other discussions that week about a change in the way county employees accessed the building. They would discuss plans about having the county employees enter through one entrance and all the public through another entrance.

Sheriff Hall stated that he did have four employees out with two on voluntary quarantine and two diagnosed with the flu.

(d) **County Update:** Ms. Baker stated that the Rec Department had limited their services and their buildings were not open. The Register of Deeds and Clerk of Court were taking action to limit public access, but were remaining open. She would keep them informed as things changed.

Chairman McMahan stated that they planned to have a staff meeting with all Department Heads on March 19th. They would work to implement changes and potentially utilize the information that had been provided to make policy recommendations that may require the Board to convene an emergency meeting to implement suggested changes, if necessary.

Commissioner Woody stated that United Christian Ministries were giving out food, but clients were not allowed inside the building. People could drive up and they would bring the food out and clients would place it in their own vehicle or receptacle to take home. Also, the Community Table had ceased the congregate meals and were preparing takeout for people to use. The food needs were being addressed by these nonprofits and they could be very thankful for that.

Informational item.

(6) CHAIRMAN'S REPORT: Chairman McMahan stated that this was an extraordinary time they were in and he very much appreciated all that County Staff had been doing, always demonstrating what hard workers they were. He especially wanted to give accommodations to the Housekeeping Staff, they had done a tremendous job.

(7) COMMISSIONER REPORTS:

(a) Commissioner Deitz stated that he thought the school system was doing a great job and they were starting to deliver food with the school buses. He received a call from the principal at Scotts Creek School about what they were doing and how the kids could contact their teachers.

Also, regarding the Fairview Science Olympiad Team, could the County Manager send them a letter to congratulate them on their Regional Championship and that they were proud of them.

(b) Commissioner Woody stated that the Litter Task Force met and they had a great report from DOT on their efforts and how they could collaborate together in addressing the litter issue in the county. If people had time on their hands and wanted to get out of the house, picking up trash in a safe manner along the roads was a great way to serve the community during the crisis.

(c) Commissioner Luker stated that travelling over the last few days, it had been interesting with the current situation of events. He appreciated everything that was happening in the county. Also, he wanted Don and Stacy to know they were in his prayers for strength and fast healing.

(d) Commissioner Mau stated that he agreed with everything that had been said. It was unfortunate they had to do what they were, but he thought a lot of good work was being done. Other things people could do while they were at home was to complete their Census Survey.

(8) COUNTY MANAGER REPORT: None.

(9) INFORMAL COMMENTS BY THE PUBLIC: None.

(10) CONSENT AGENDA:

(a) Darlene Fox, Finance Director, presented the Finance Report for February, 2020 and a Budget Ordinance Amendment for fiscal year ending June 30, 2020, for approval.

(b) Brandi Henson, Tax Collector, presented the Tax Collector and Refund Reports for February, 2020, for approval.

Motion: *Commissioner Deitz moved to approve the Consent Agenda. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(11) FIVE FORTY BROADCASTING TOWER WAIVER REQUEST: Michael Poston, Planning Director stated that this item was on the last work session. Five Forty Broadcasting (applicant) proposed to construct an AM radio tower, 199' in total height (196' tower structure, 3' concrete base) on property owned by Roy and Janice Burnette, owners of Five Forty Broadcasting. The property was located at 928 Rufus Robinson Road, Dillsboro (PIN #7632-44-1567).

Also, the applicant requested the following ordinance requirements/standards be waived by the Board of Commissioners:

- Waiver for tower height above 180’.
- Fall zone area to encroach on the adjacent property (148.90²+/-) owned by the applicant.
- Permit application fee of \$5,000.
- Required landscape buffer surrounding a new wireless facility/compound. The subject property is moderately wooded with existing deciduous hardwood and evergreen trees; however, due to proposed grading and the required grounding array, existing vegetation would be removed leaving a natural vegetative buffer just beyond the buried grounding wires.

He requested that a public hearing be set for April 21st at 12:50 p.m.

Motion: *Commissioner Deitz moved to set a public hearing on April 21st at 12:50 p.m., Justice and Administration Building, Room A201. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(12) HEALTH INSURANCE RENEWAL: Ms. Baker stated that this was an item from the work session and action did need to be taken so that it could be implemented on May 1st. The renewal did include the 7.5% increase to the county.

Chairman McMahan inquired if this took into consideration what Commissioner Mau suggested?

Ms. Fox stated that if they did not have an increase for the employees, it would be an increase 8.5% for the county and no increase for employees.

Motion: *Commissioner Mau moved to renew the health insurance plan with BCBS and set the premiums by the county 8.5%. Commissioner Luker seconded the Motion. Motion carried by unanimous vote.*

(13) FIRING RANGE: Dr. Don Tomas, SCC President and William Brothers, SCC CFO were present for this item.

Dr. Tomas stated that at their last meeting, the Board gave them directives to look at. He presented the following:

(a) Comparison of Project Alternatives:

<u>Project Description</u>	<u>Project Cost</u>	<u>Budgeted Amount</u>	<u>Difference Needed</u>
Original Bid Price – Full Scope	\$370,466.00	\$287,000.00	\$83,466.00
Second Revision with Grading and Conex savings – Full Scope	\$356,310.20	\$287,000.00	\$69,310.20
Third Revision – with electrical savings – Full Scope	\$354,000.20	\$287,000.00	\$67,000.20
Fourth revision – Full Scope with trees eliminated	\$334,686.00	\$287,000.00	\$47,686.00
DEQ Items only – no sound mitigation	\$193,773.00	\$287,000.00	-\$93,227.00

(b) IT and Fencing Costs:

Information Technology Costs	
Internet - set up	\$99.00
Internet - monthly	\$299.00
Networking Equipment	\$810.00
Single Camera (2) \$380.00/each	\$760.00
4 Way Camera	\$1,150.00
Keyless Control for Gate	\$6,000.00
Keyless Door Controllers	\$5,000.00
Information Technology Project Costs	\$13,819.00
Monthly Recurring Fee \$299.00/month	\$3,588.00
Fencing	\$15,359.27

(c) Health Sciences Building: 90-95% of the external steel structure was complete.

(d) Status of the College: They had moved all possible to online courses. Their doors were open for students to come in and ask questions, but they were requesting students to stay home and call in with questions. They were following the CDC guidelines.

General discussions were held.

Chairman McMahan stated that this was the first time they were seeing these numbers for the firing range, but he expected that at the next meeting they would vote on this item.

Informational item.

(14) **MEETING SCHEDULE**: Chairman McMahan stated they needed to potentially make changes to the schedule.

Ms. Baker stated that the next scheduled meeting was a work session for fire tax on March 18th at 3:00 p.m.

Chairman McMahan stated that given the responses the fire departments were under and everything that was going on internally, he requested to cancel that meeting to be rescheduled.

Ms. Baker stated that the next meetings were a public hearing and a regular scheduled meeting for April 7th, which were set for 6:00 p.m. to be held at the Jackson Community School. With the schools being closed, they may want to move the meeting to the Justice Center Board Room. They could look at remote options for upcoming meetings.

Motion: *Commissioner Mau moved to cancel the March 18th work session meeting and change the location of the April 7th Public Hearing and Regular Meeting to A201 at the Justice Center. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(15) **STATE OF EMERGENCY LEAVE**: Kathleen Breedlove, Human Resources Director stated that on Monday, March 16, 2020, the county declared a State of Emergency in response to the public health emergency posed by COVID-19 that was of unknown duration. The Department of Labor Wage and Hour Division encouraged employers to be accommodating and implement flexible leave policies, if possible, to address government imposed restrictions.

It was anticipated numerous county employees may face financial hardship due to the lack of accumulated paid leave for time they may need to be away from work. Implementation of a special leave policy entitled "State of Emergency Leave" may provide employees paid leave time due to COVID-19 infection or exposure, to care for sick family members, to manage other eligible COVID-19 issues (events that may not qualify for FMLA job-protected leave) and a work absence due to the public closure of a county facility.

It was recommended the Board of Commissioners approve the State of Emergency Leave policy, initially authorize ten days of paid State of Emergency Leave for employees and designate the County Manager (with input from the County Finance Officer) to determine and grant any future amount of SOE leave awarded during this State of Emergency.

State of Emergency (SOE) leave may only be provided and utilized during an actual State of Emergency period of time declared by the Jackson County Board of Commissioners. The Jackson County Board of Commissioners or their designee will determine the amount SOE leave awarded, if any, during a declared State of Emergency.

Criteria for Use:

- SOE leave is required to be requested in writing and approved by the employee's supervisor and department head.
- Documentation of the need for SOE leave may be required such as:
 - Written verification of quarantine by Public Health Official.
 - Return to work certification from a health care provider.
 - Published verification of the day care, public school or elder care facility closure that requires the employee who serves as a parent (or guardian) to stay home with the child or parent.
- SOE leave is not payable upon termination or retirement and reverts to a zero balance if not exhausted prior to the end of the declared State of Emergency period.
- SOE leave is subject to the availability of funds.

Chairman McMahan stated that this policy had discretion and flexibility in that the County Manger and Finance Officer, working together, could determine if they needed to go beyond ten days.

Ms. Baker stated that this would just be for this time period. This time would be treated the same as bonus leave so that it could be used before comp time, annual leave or sick leave.

Motion: *Commissioner Deitz moved to approve the State of Emergency Leave Policy, as presented. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

(16) SECURITY SCREENING SUSPENDED: Chairman McMahan stated that he received the following Order as he walked through the door before they started the meeting:

“This is an Administrative Order State of North Carolina in the General Court of Justice Superior Court Division. This Administrative Order is entered in response to the State of Emergency declared by Governor Roy Cooper. It is therefore ordered as follows, due to the State of Emergency, the requirement of security screening is suspended due to courts being suspended until April 16, 2020, by order of Chief Justice Cheri Beasley of the North Carolina Supreme Court. Access to the Justice Center may be made either at the main courts entrance or at the Sheriff’s Department entrance. This Order expires April 16, 2020.”

Ms. Baker stated that she spoke with Judge Letts earlier about potentially allowing employees to enter through the Sheriff’s Office while the public continued to enter through the front. His concern with the screening at the front was that it was exposing a lot of folks doing the screening to everyone coming in. Judge Letts sent this over as a proposal to look at.

Chairman McMahan stated that since there was a request for him to sign the document on behalf of the Board, he felt it would be something they should vote to agree with the Judge’s Order.

Motion: *Commissioner Mau moved to approve the request. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

(17) OTHER BUSINESS: Commissioner Mau stated that he had shared information with the Acting County Manager regarding the process Buncombe County had done for high risk employees.

Chairman McMahan stated that given what Ms. Carraway presented to them regarding items that she asked them to take into consider, he thought in the next couple of days they would be evaluating those options to see how they could implement them. Those that they had the flexibility to implement without Board approval, they would. If not, they may have to convene another meeting to grant that authority. They would work to have a staff meeting on Thursday and hopefully, they would have a better idea of where they were with the recommendations.

Ms. Baker stated that they did have a telecommuting policy they were working through and would have to look to see if it required Board approval or if it could be done at an internal level. They would continue to work on other items as well.

Informational item.

(18) BUSINESS AND INDUSTRY ADVISORY COMMITTEE: *Carry over.*

(19) PLANNING BOARD: *Carry over.*

(20) SEDIMENT CONTROL APPEALS BOARD: *Carry over.*

(21) PRESS CONFERENCE: Beth Lawrence with the Sylva Herald inquired if it was a conflict of interest for Ms. Baker to assume the role of Acting County Manager and also be the County Attorney?

Ms. Baker stated that there were several counties where the County Attorney was the County Manager, so it was not uncommon. She would continue in the County Attorney role as well.

There being no further business, Commissioner Woody moved to adjourn the meeting. Commissioner Mau seconded the Motion. Motion carried and the meeting adjourned at 2:37 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman