

**MINUTES**  
**TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS**  
**March 31, 2020 – SPECIAL MEETING**

The Board of Commissioners of Transylvania County met in special session on Tuesday, March 31, 2020 at 2:00 p.m. in Commissioners Chambers at the County Administration Building, located at 101 S. Broad Street, Brevard, NC. The purpose of the meeting was for the Board to consider potential action related to the COVID-19 pandemic response.

Commissioners present were Will Cathey, Jason Chappell, David Guice, Chairman Mike Hawkins, and Vice-Chairwoman Page Lemel. Also present were County Manager Jaime Laughter and Clerk to the Board Trisha Hogan. The County Attorney participated remotely.

Also, in attendance were the following members of the County's Emergency Management Team (listed alphabetically):

- Sheriff David Mahoney
- Public Health Director Elaine Russell
- Communications Director Cameron Sexton
- Emergency Management Director Kevin Shook

Media: *The Transylvania Times* – Derek McKissock (participated remotely)  
*WLOS News* – Kenneth Corn

There was one person in the audience, in addition to the members of the Emergency Management Team, Information Technology staff and media.

**CALL TO ORDER**

Chairman Mike Hawkins presiding declared a quorum was present and called the meeting to order at 2:05 p.m.

**WELCOME**

Chairman Hawkins announced that Commissioners Chambers has been modified to comply with social distancing and the Governor's Stay at Home Executive Order and that the number of people physically allowed in the room was limited to 10 persons. He also announced that Commissioners intend to enter closed session at the beginning of the meeting because it is integral to their discussion and possible action today. Chairman Hawkins then welcomed everyone participating in the meeting, both physically and remotely, and introduced Board members and staff in attendance.

**PUBLIC COMMENT**

Chairman Hawkins reported that two citizens emailed comments to the Board prior to the meeting. He acknowledged receipt of their comments and stated their comments would be included as part of the public record. (Clerk to include in the Minute Book as attachments.)

Geraldine Dinkins: Ms. Dinkins is a Brevard City Councilwoman. She thanked the County for their continued efforts to be transparent in their response to the COVID-19 crisis. She stated that the City of

Brevard will be working over the next several days to organize an appropriate response and coordinate with the County's efforts.

### ITEMS OF BUSINESS

**Chairman Hawkins moved to enter into closed session pursuant to NC General Statute § 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, seconded by Commissioner Lemel and unanimously carried.**

#### CLOSED SESSION

Pursuant to NC General Statute § 143-318.11 (a) (3) to consult with an attorney in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, closed session was entered into. Present were Chairman Hawkins, Commissioners Cathey, Chappell, Guice and Lemel, County Manager Jaime Laughter, Sheriff David Mahoney, Public Health Director Elaine Russell, and Clerk to the Board Trisha Hogan. The County Attorney advised the Board via conference call. The closed session was held in the Arthur C. Wilson, Jr. Conference Room.

Commissioners consulted with the County Attorney on a matter protected by attorney-client privilege.

**Chairman Hawkins moved to leave closed session, seconded by Commissioner Chappell, and unanimously approved.**

#### OPEN SESSION

Commissioners and staff reentered Commissioners Chambers to conduct the business of the agenda.

**Commissioner Chappell moved to seal the minutes of the closed session until such time that opening the minutes does not frustrate the purpose of the closed session, seconded by Chairman Hawkins, and unanimously approved.**

#### DISCUSSION AND POSSIBLE ACTION TO RESTRICT SHORT-TERM RENTALS DURING STATEWIDE STAY AT HOME EXECUTIVE ORDER

The purpose of this agenda item is for the Board to consider whether to restrict short-term rentals during the Governor's statewide Stay at Home Executive Order, as well as the consideration of other measures. The Board received legal guidance from the County Attorney prior to considering any restrictive measures which were detailed in a draft resolution.

The Manager asked the Board to discuss the resolution and direct staff on how to proceed. (The Manager also noted for the public's benefit that staff did not prepare a slide presentation for this meeting due to the issues surrounding the COVID-19 pandemic changing daily. The Board is making policy in real time which has limited the amount of staff time to prepare materials, including slides.)

Chairman Hawkins read aloud the draft resolution. He noted that the resolution was formulated by reviewing other resolutions from various jurisdictions. The County Attorney examined the draft resolution and suggested some revisions. The resolution is intended to reflect whether an influx of visitors staying in lodging accommodations are posing a public health risk to the citizens of Transylvania County and to offer practical and meaningful actions to potentially mitigate those impacts. Chairman Hawkins asked for input from Commissioners.

Commissioner Lemel stated it is important for everyone to be aware that any action taken by the Board is for the purpose of slowing the spread of COVID-19 which is already here in the community. By potentially slowing the rate of transmission, it reduces stress on an already limited hospital and other medical services providers. Otherwise, a major outbreak would add stress to our resources and impact the care of citizens.

Commissioner Cathey asked if staff had contacted Mission Health Systems to determine their plan for regionwide medical and hospital services. Commissioner Lemel reported that Mission Health's Division President Greg Lowe shared updates with Commissioners via email today regarding their regional efforts. Transylvania Regional Hospital CEO Michele Pilon is preparing an update for today at 5:00 p.m.

Commissioner Guice asked Chairman Hawkins to review the email he received from Chamber of Commerce Executive Director Clark Lovelace. He felt it was important to share their perspective on lodging establishments since Commissioners are receiving complaints from the public, many of whom have made allegations that should be clarified.

Chairman Hawkins reported that he and staff reached out to the Chamber of Commerce/Tourism Development Authority (TDA) and asked them to survey lodging establishments in the community to determine the occupancy rates over the past weekend. He read the emails he received which indicated the following:

Traditional Accommodations (Hotels, Motels, Inns and Bed and Breakfast Accommodations)

- 17 properties
  - Five are closed
  - Five no answer
  - Four are open, but no bookings
  - Three are open to overnight guests with an occupancy rate of 9%, 25%, and 27%, respectively
    - One facility is housing workers; currently not accepting any new leisure travel bookings
    - One facility is almost entirely workers, with a couple of the rooms in which management is not aware of the purpose of their visit
    - One facility has a few units on the books that are lengthy stays for visitors who are quarantining in place

It was pointed out in the email there are a number of new practices, many prescribed by their brand, to create a safe environment for guests, such as providing only packaged foods for breakfast, no housekeeping services during stays, etc.

The Chamber reached out to two real estate agencies that handle short-term rentals with the following results:

- One agency cancelled all reservations on the books through April; not taking new reservations
- One agency had all reservations cancelled by the visitors for reservations through April

The Airbnb and VRBO establishments are much more difficult to get information about because, as contrasted with the first two categories, these are individual units spread all over the County. TDA estimated there could be as many as 600 of these units. The Chamber and TDA have a list of approximately 250 short-term rental units. They reached out to many of those and as of noon today, they received feedback from 13 short-term rental owners:

- Four are not accepting reservations at this time due to COVID-19 (One indicated they had numerous calls last week from residents in New Jersey and New York looking for accommodations)
- Four are not closed, but all reservations for the next 30 days are cancelled
- Two are renting to long-term workers
- One is renting to a visitor running from COVID-19
- One is renting to a visitor coming for a social visit
- One is renting to a visitor coming to visit a local family

There are roughly 250 short-term rental owners listed with the Tax Administration Office out of a projected 600+. That list is made up of owners who have paid occupancy taxes at least once since the Tax Administration Office took over collections from the Finance Office in July 2019. This illustrates an issue with short-term rentals, not only in Transylvania County, but statewide because they are not regulated. Part of the issue in discussing a ban on short-term rentals is that there is no complete list of short-term rentals in the community. Chairman Hawkins reported this data is merely a snapshot of information that is available since noon today.

Commissioner Guice felt that the information provides the Board with a sense of what is actually occurring with hotels and motels, but he is concerned about the short-term rentals because there is no way of knowing how many there are throughout the County. This issue raises the question of enforcement and being fair across the board.

Chairman Hawkins stated the snapshot of information he provided is no guarantee the situation will be the same in a week or two. However, he felt having the information will be helpful to the Board in the decisions they might make today. In addition, it provides proof that lodging establishments are not as full as some have alleged. Chairman Hawkins pointed out there is no perfect solution, but the Board should determine the best solution that works for the County at this time.

Chairman Hawkins asked Health Director Elaine Russell if visitors could pose a potential risk to the local hospital's medical capacity. Ms. Russell stated that any small community hospital, like Transylvania Regional Hospital, is working to address their surge capacity and doing the best they can to respond to a complex need. For Transylvania County, that need is caring for the aging community which is the oldest in North Carolina. Ms. Russell felt the presence of individuals coming into the community, whether short-term or long-term, would be an additional burden on an already small and fragile system should an outbreak occur. The reality is this pandemic will impact our community and it is imperative that the medical system be as reasonably balanced as possible.

Commissioner Lemel stated it is a responsibility of local government to protect its citizens and prevent the spread of disease. She was very mindful of the need to protect citizens' constitutional rights, as well as the challenges the pandemic places on small business owners, but she felt the Board should do what is necessary to prevent the spread of COVID-19.

Commissioner Chappell emphasized that the cornerstone of his being is his strong belief in individual rights. Thus, any decision today to restrict those rights weighs heavy on him. He took an oath to protect the citizens of Transylvania County and, while this is a difficult measure, he thought it was appropriate. He stressed that the coronavirus is already here in the community and any action taken by the Board is to help flatten the curve and slow the spread.

Chairman Hawkins pointed out there is also an enforcement component to any measures passed by the Board. He felt that the Board should be very forthcoming regarding procedures, references to statutory

authority, and penalties for violations. He asked Sheriff Mahoney to discuss the enforceability of the suggested measures.

Sheriff Mahoney acknowledged the difficult decisions before the Board. He stated that while the County cares very much for the community and wants to make the best decisions for them, the decisions do not always come easy, especially during these challenging times. Sheriff Mahoney reported that his office has implemented several changes to how they operate, to include alternate schedules and how they interact with the public. However, his office's commitment to the citizens has never changed - to do the right thing the right way for the right reasons. These guiding principles apply to the resolution being considered. If passed, Sheriff Mahoney stated he would likely convene an internal task force to respond to complaints about possible violations. His office will be mindful of the legal and constitutional constraints but will do what is necessary to enforce the Board's order.

Commissioner Cathey asked Sheriff Mahoney to confirm that he does not have sufficient staff to man checkpoints at all entrances to Transylvania county. Sheriff Mahoney stated that Transylvania County is very accessible and that it would be impossible without a tremendous investment in personnel and resources to perform road checks. Plus, he did not think doing so would cast a positive look for Transylvania County nor did he think most people would be supportive of such restrictive action.

Piggybacking on Commissioner Cathey's question, Chairman Hawkins asked if the Sheriff's Office had the manpower to respond to short-term rental complaints. Sheriff Mahoney stated that response would be challenging, but he has a multifaceted contingency plan in place to handle response, to include any unintended consequences, like new crime, resulting from the County's or Governor's orders. He stated that, just like the Board of Commissioners, he is making policy for his office in real time which has been challenging as well. Nonetheless, his office stands ready to protect the citizens of Transylvania County.

Measure #5 in the draft resolution addresses closing lodging facilities, campgrounds, direct-reservation facilities, such as Airbnb and VRBO, with rentals or leases for less than 15 days' duration, with exceptions for work-related accommodations, persons experiencing homelessness, and for isolation and quarantine purposes. Commissioner Guice felt it was important to include as one of the exceptions family members caring for loved ones. Family members could travel here to check on an elderly relative or due to a death in their family, for example, and they should have a place to stay without being in violation of the order.

Chairman Hawkins suggested adding the language "or family-related visitation."

With this exception, Commissioner Guice was supportive of the resolution. He pointed out this resolution does not prohibit people from coming here because the Board does not have that authority. He was very concerned that every decision the Board makes will have a consequence.

Commissioner Chappell agreed with the clauses surrounding County Commission meetings because they still allow for public participation, both physically and remotely.

Commissioner Guice stated he was concerned about how to navigate technical difficulties while ensuring maximum public participation.

Chairman Hawkins noted the resolution under consideration expires April 30. The terms of holding public meetings can be modified, but they must be done so within the context of the binding Stay at Home Executive Order issued by the Governor that limits public gatherings to 10 people in a room. He suggested modifying the language in the resolution to, "Commission meetings or any other County meeting may be conducted remotely and public access to Commissioner meetings may take place via

Live Stream”. In addition, he suggested including, “County meetings will operate under the 10-person capacity required by the Governor’s Stay at Home Order. Public attendance and public participation will be accommodated to the degree allowable by the 10-person limit”. The remaining language in this clause would be included as well. All agreed.

The Manager reported that the County Attorney is comfortable with the language Commissioners added regarding exempting family-related visitation, noting that this exception opens more eligibility for visitors.

**Commissioner Cathey moved to approve the resolution as amended, seconded by Commissioner Lemel.** Chairman Hawkins said he was very concerned about hospital capacity; thus, it was prudent for the Board to do what is necessary to flatten the curve. For this reason, he was in favor of enacting these measures. While Commissioner Guice shared the same concerns and wanted to be prepared, he was also concerned about the message this sends to the public and the consequences resulting from this action. Commissioner Chappell said this decision has weighed heavily on him. He said he hopes one day the public can say the Board overreacted. Commissioner Chappell stated he has been monitoring comments from Facebook Live. Individuals have been asking how the measures impact RV parks. Commissioner Chappell’s understanding is if there are guests currently there, they can stay. However, they can have no new guests. Commissioner Lemel stated everyone is struggling with the profound number of unknowns that exist in this situation. The Board is forced to make decisions in real time with the information before them at any given time. She wanted citizens to understand that Commissioners have spent a lot of time contemplating the potential ramifications of their decisions on the community and that they realize we all must sacrifice our own personal rights for the benefit of the community. Commissioner Lemel thanked citizens for their patience and understanding. While it has been a struggle, the Board is trying to take the best care of our community and provide for a good future for Transylvania County. Chairman Hawkins reminded everyone this resolution will be in effect through April 30. **The motion was approved unanimously.**

#### **RESOLUTION #10-2020**

##### **To enact additional measures to the March 20 State of Emergency declaration**

WHEREAS, it is well recognized that SARS-CoV-2, the virus that causes the disease COVID-19, presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, COVID-19 is known to pose a higher risk of complications and/or death in elderly patients; and

WHEREAS, Transylvania County’s population is, on average, the oldest in the State of North Carolina; and

WHEREAS, Transylvania County presently has a limited number of available hospitalization resources and beds available in the event of a COVID-19 outbreak; and

WHEREAS, protective measures have taken many forms across the nation including travel bans, school closures, individual quarantines, and cancellation of major events, among other measures; and

WHEREAS, the Governor of North Carolina declared a State of Emergency on March 10, 2020, to enhance the state’s response to the COVID-19 virus’s impact on the state; and

WHEREAS, Transylvania County declared a State of Emergency on March 20, 2020; and

WHEREAS, the Governor of North Carolina declared a Stay at Home Order on March 27, 2020, further emphasizing the critical nature of limiting non-essential public activity; and

WHEREAS, Transylvania County government is working with other government agencies in an effort to combat the spread of the virus;

NOW, THEREFORE, BE IT RESOLVED BY THE TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

1. The following emergency procedures are hereby adopted and to remain in effect until April 30, 2020, unless otherwise noted, subject to termination, amendment, or extension by County Commission:
2. All County meetings which cannot be effectively conducted remotely via teleconference scheduled for April are canceled or postponed.
3. County Commission members and staff will be authorized to attend Commission meetings remotely via teleconference.
4. County Commission meetings or any other County meeting may be conducted remotely and public access to County Commission meetings may take place via Live Stream. County meetings will operate under the 10-person capacity required by the Governor's Stay at Home Order and public participation will be accommodated to the degree allowable by the 10-person limit. Measures will be taken to enable the public to submit comments prior to any meeting by emails, which will be included in the public record of the meeting. For members of the public who do not have access to live-stream video, the County will provide a conference call number upon request submitted to the Clerk to the Board.
5. All lodging facilities, including campgrounds and direct-reservation facilities (such as Airbnb and VRBO) with rentals or leases for less than 15 days in duration shall be closed EXCEPT for essential work-related accommodations, accommodations for essential personnel, facilities housing persons experiencing homelessness, any facility being used for isolation and quarantine purposes, or family-related visitation. Current residents at campgrounds are permitted to stay, but campgrounds should not allow new patrons to enter and establish themselves. Lodging facilities include hotels, motels, bed and breakfasts, campgrounds, and short-term rental units such as Airbnb or VRBO. Current residents at lodging facilities are permitted to stay, but these facilities should cancel any non-essential travel reservations for the duration of this declaration. Any employees who work for a Transylvania County business or organization deemed essential in the North Carolina Stay at Home order of March 27, 2020 can stay in any lodging.

Approved this 31<sup>st</sup> day of March, 2020.

S:// Mike Hawkins, Chair  
Transylvania County Board of Commissioners

#### UPDATE ON COVID-19 ACTIVITIES

Public Health Director Elaine Russell provided an update on the public health aspect of COVID-19. She reported the State of North Carolina is beyond the control phase of COVID-19 and is in full mitigation stage. Any actions taken from this day forward will be for the purpose of flattening the curve and reducing the impact to the hospital and healthcare system. Ms. Russell stated that the County is doing an outstanding job of collaboration and she is humbled by the leadership that has stepped up to get the community through this pandemic. The following is a summary of her update to the Board:

### *Lab-Confirmed Cases & Testing*

- Transylvania County has five confirmed cases
  - Staff conducting contact tracing and giving infected persons isolation guidance
  - 76 tests executed: 41 negative, 30 pending, five positives
- In North Carolina, there are 1,498 lab-confirmed cases and eight deaths
  - Completed 23,106 tests
  - 157 individuals hospitalized statewide

### *Health Department Activities*

- Routine communication with long-term care and elder-care facilities to provide guidance and problem solve and assess their PPE needs
  - Most fragile, vulnerable, and dependent citizens
  - Assigned two nurses to work exclusively on their needs
- Continues to staff a COVID-19 hotline during business hours
  - Staffed by two nurses
  - Provides in-depth education and supportive communication
- Continues daily messaging to County and City employees Monday-Friday
- Working on short educational videos that will be posted to their Facebook page
- Shares daily executive report summaries from the State Public Health Division with the County's leadership team and direct management of both municipalities
- Continuing to meet with Transylvania Regional Hospital on surge capacity planning
- Collaborating with Pisgah Health Foundation on an opportunity to bring new rapid testing technology to their service area
- Providing guidance to organizations and developing policy for how to handle contacts in the flow of their daily work
- Environmental Health providing community guidance on cleaning processes and procedures

The Manager also updated the Board on the ongoing policy activity and the impacts to local government. This is a summary of her presentation:

- Policy continues to be developed in real time
- Emergency Management is not able to pull resources from other places as they would in other emergency situations
- Every community needs resources
- Struggle for resources highlights weaknesses in state and federal government
- Frequent communication with state and federal officials with daily guidance
- No assurance on the number of people expected to get sick or if the County will be 100% prepared
- Navigating with a level of uncertainty, while doing the best we can at the community level
- Many things out of County's control, but County working diligently to locate supplies in creative ways
- County Commissioners consulting with County Attorney on actions taken
  - Some communities adopting policies that may not be legally sound
  - Counties in North Carolina must comply with the State's structure
  - Laws must be consistently followed, even in a pandemic

### *County Operations Preparations*

- Working directly with HCA because they are the major healthcare provider in the community and region

- Update from Transylvania Regional Hospital CEO Michele Pilon this evening
- Update received today informed that HCA is foregoing any nonessential services to increase their capacity
- Installing tents as early as next week as part of their emergency planning
- Local healthcare systems across the State have been instructed to work with Emergency Management and NCDHHS to prioritize where supplies are needed
- Developing policy not in the prevention of COVID-19, but for slowing the spread
  - Individuals being asked to stay at home to slow the spread and give the community time to care for patients in greater need
  - CDC guidance available on how to protect family members while one is in quarantine
- Not a lot of testing in the area due to CDC guidelines that prioritize those hospitalized
  - Guidance for those with symptoms is to contact physician and stay at home unless they need higher levels of care
- Supply and PPE continue to be a challenge
  - Being creative locally
    - Manufacturing companies, like SylvanSport, modifying their processes to make PPE
    - Donations from Pisgah Health Foundation to secure supplies when they become available
    - N-95 mask drive at the Library; other professions use N-95 masks; seeking donations
    - Appealed to sewing community to make masks at home
    - Gaia Herbs is making hand sanitizer
- County continues to provide most of its services because they are mandated by the State and essential to serve the people
  - Critical childcare services at Child Development
  - K-12 camp at Parks and Recreation for parents working in critical healthcare and emergency services
  - Emergency Management tasked by the State with nontraditional efforts
- Working with local hospital to ensure patients who need treatment can receive it
- Daily calls with State and federal officials
  - Advocating continued closure of Pisgah National Forest to limit contact with those visiting for recreation purposes
  - Cradle of Forestry has delayed their opening
  - Dupont State Recreational Forest and Gorges State Park are closed
  - Several policy decisions being made at both levels of government
  - This afternoon the NCACC will present to the NC House on the continuity of operations in local government
    - Providing essential services and operating as an employer
  - Emphasis from the federal level for Emergency Management to understand accounting matters to ensure eligibility for reimbursement
  - Policy decision on COVID-19 FMLA paid sick and medical leave
    - Counties receiving guidance on definition of emergency responder and healthcare worker, and coverage eligibility for county employees
    - May require Board action on whether to exempt frontline employees
- Local government cash flow is a concern nationwide; continuing advocacy for funding streams
- NCDHHS recommended Emergency Management serve as a coordinator for food access; County working on identifying how that need will be met in the community
  - Website established ([www.coronacommunity.org](http://www.coronacommunity.org)) for people staying at home who need food and prescription pick-ups or wellness checks

- Emergency Management tasked with determining support for homeless shelters
- State Emergency Management working on healthcare community requests
  - Local Emergency Management submitted local hospital requests to State, as well as researching access to local supply chain

This is a snapshot of some of the challenges the County is facing. New guidance is passed down from the State and federal government daily. The Manager emphasized it is important for the public to understand that the County is working through these challenges while considering all legal implications. She encouraged the public to visit the County's website and social media pages for updates. Lastly, she encouraged everyone to adhere to the Governor's Stay at Home Executive Order.

Chairman Hawkins thanked staff for their presentation and commended them for their extraordinary work. He stressed this is a complex issue. The Board is having to respond to myriad directives that must be implemented in real time. He said the County has been forced to become more flexible and adaptable as everyone works to implement plans in both Public Health and County Operations.

#### TECHNICAL REVISIONS TO EMERGENCY MANAGEMENT ORDINANCE TO REFLECT CHANGES IN STATE LAW

The Manager reported that since the adoption of the County's Emergency Management Ordinance, there have been some changes in references to State statutes. Staff requested Commissioners adopt a modified ordinance to reflect the current statutory references.

**Commissioner Lemel moved to approve the changes to the Emergency Management Ordinance, seconded by Commissioner Cathey and unanimously approved.**

#### COVID-19 PURCHASE REQUEST AND DESIGNATION OF RESERVE LINE ITEM FOR COVID-19 ITEMS

The Manager informed the Board that a list of phone and network systems for the Public Safety Facility that require upgrades was included in their agenda packets. These upgrades were originally anticipated to be requested in the next budget cycle; however, given the need to ensure that communication systems are operational for COVID-19 response, staff recommended the Board move forward with the purchase in the current year's budget. By proceeding with the purchase of equipment now, the County will have a more robust communications system throughout. Staff recommended approval of the phone and network system upgrades with funding to come from fund balance for major Public Safety capital projects and allow staff to proceed with the upgrades as presented.

The Manager asked the Board to consider a second request to designate fund balance reserves specifically for COVID-19 response. Staff recommended the Board designate funds from the economic development reserves which currently contains \$1.4 million.

#### *Phone and Network Systems Upgrade*

The Manager reported the total equipment cost as being \$108,520, along with a \$2,600 required monthly charge for redundant system upgrade.

**Commissioner Lemel moved to approve \$108,520 for the phone and network system acquisition with funding to come from the fund balance for major public safety capital projects and to allow staff to proceed with the upgrades as presented, seconded by Commissioner Cathey.** Commissioner Guice asked if staff had researched equipment with other companies. The Manager reported that staff has explored multiple options, and this is the preferred option. She invited Communications Director Cameron Sexton to provide more detail. Mr. Sexton confirmed that staff had researched several different companies and identified this system as the best in terms of integration and transition. Commissioner

Chappell pointed out that, if approved, the system would be live within a week. Mr. Sexton confirmed. Chairman Hawkins requested staff provide documentation in the future of all the vendors they researched. Commissioner Guice asked if the County was required to go out for bids on this equipment or if the purchase fell under different circumstances due to the pandemic. The Manager reported this purchase falls under the threshold for going out to bid but it is also emergency related. **The motion was approved unanimously.**

Commissioner Guice questioned why the County could not draw down 911 funds for the purchase of the communications equipment. The Manager, Mr. Sexton and Finance Director Jonathan Griffin responded. The Emergency Telephone Systems Special Reserve Fund, aka 911 funds, is not a reserve fund, and counties are not allowed to hold more than a certain amount in reserve. These are State dollars designated for 911 Center operations for very specific purchases on an annual basis. The fund has a current balance of \$275,000. The County is obligated on an annual basis to file a report with the State and the State determines the eligible expenses, not the County. This purchase is not eligible for use of these funds. The purchase is for the replacement of the phone system in the Public Safety Facility, not the 911 Center. In addition, to comply with the Budget and Fiscal Control Act, the County's financial books must reflect budgeted funds to cover every expenditure.

*Reserve Line Item for COVID-19 Response*

Commissioner Chappell clarified that the second request for funding simply creates a budget line item. The Manager is still bound by the spending limits authorized by the Board. He did not want there to be an assumption that the Board was giving the Manager the authority to spend \$1.4 million. The Manager confirmed and clarified that she is not requesting the full amount from this fund balance to be allocated for COVID-19 response.

Commissioner Guice questioned the recommendation to allocate funds from the economic development fund balance instead of another fund balance. The Manager reported that staff provided the Board with a copy of the various fund balances for review and the Board could allocate funds from another unobligated source if they so choose. Staff recommended the economic development fund balance because many of the expenditures would be related.

Chairman Hawkins suggested allocating \$200,000 from either the economic development fund balance or some other fund because the County will have COVID-19 related expenditures.

Commissioner Guice said it is important to him that allocations are made from the appropriate fund. He questioned the use of economic development reserve funds because he felt they would be needed to support the business community. He was, however, supportive of an appropriation of \$200,000.

Commissioner Chappell asked if included in the documentation for COVID-19 reimbursement would be related personnel expenditures and overtime. The Manager replied that staff will be tracking all COVID-19 related expenditures for potential reimbursement; however, most personnel expenses will come from currently budgeted expenditures. Otherwise, staff will make budget amendments to transfer funds from this line item and then apply for reimbursement.

Commissioner Lemel asked if \$200,000 was a reasonable amount to reserve at this time.

Chairman Hawkins suggested tabling this item and asked staff to bring forth a specific request at the next meeting.

The Manager requested that the Board at minimum appropriate revenue for the \$50,000 cap which the Board previously authorized.

**Commissioner Lemel moved to authorize \$75,000 from unassigned fund balance as a temporary fund to address immediate needs pending a more permanent solution at the next meeting, seconded by Commissioner Guice and unanimously approved.**

AMENDMENT TO BOARD OF COMMISSIONERS' RULES OF PROCEDURE TO PERMIT ELECTRONIC MEETINGS

Chairman Hawkins stated if the Board decides to conduct electronic meetings in the future, they will need to amend their Rules of Procedure to do so. The current Rules of Procedure does not allow for electronic meetings as written. The recommendation is for the Board to consider an amendment to their Rules of Procedure to permit electronic meetings and set parameters for which an electronic meeting would be permissible.

Commissioner Lemel suggested amending the Rules of Procedure to permit electronic meetings through the month of April only. Afterwards, the Board could revisit this item to consider it long term if they desired to incorporate it as a permanent aspect of their operations.

**Commissioner Chappell moved to approve the use of virtual meetings while there is a declared state of emergency in place by the County, seconded by Commissioner Lemel.** Chairman Hawkins clarified that the Board is adding a rule that authorizes the Board of Commissioners, during a state of emergency only, to conduct meetings remotely with proper notice and while abiding by all applicable rulings and interpretations by the Attorney General and Open Meetings Laws only during a state of emergency. All agreed. **The motion was approved unanimously.**

PERMISSION TO CITIZEN ADVISORY COUNCILS TO CONDUCT ELECTRONIC MEETINGS OR CANCEL/POSTPONE MEETINGS

Just as governing boards must comply with Open Meetings Law, so do the Board's Citizens Advisory Councils. Staff recommended the Board grant permission to Citizen Advisory Councils to conduct electronic meetings as long as they comply with statutory requirements for notice and access; otherwise, allow for cancellation of their meetings through the end of the Governor's Executive Stay at Home Order.

**Commissioner Chappell moved to permit all Citizen Advisory Councils to cancel meetings during the month of April, seconded by Commissioner Guice and unanimously approved.**

DISCUSSION AND POSSIBLE ACTION TO REQUEST CLOSURE OF BLUE RIDGE PARKWAY

On March 23, 2020, the Board of Commissioners approved a letter requesting closure of the Pisgah National Forest, Dupont State Recreational Forest, and Gorges State Park. Dupont State Recreational Forest and Gorges State Park are now closed, and the Pisgah National Forest is considering the request. To support the restriction of access to the Pisgah National Forest if it does in fact close, the Board may also consider the same request for the Blue Ridge Parkway.

The County Manager reported she spoke with Chief Ranger Neal Labrie and learned the Blue Ridge Parkway has been given guidance to stay open if possible, but they are also interested in considering local requests. One solution may be for the Board of Commissioners to request closure of the access points into Transylvania County from the Blue Ridge Parkway. Staff asked the Board to consider whether to request a closure of the Blue Ridge Parkway to limit access into the Pisgah National Forest in Transylvania County and direct staff on how to proceed.

Chairman Hawkins stated the rationale for supporting the closure is that it provides a route for people to travel into the Pisgah National Forest and Transylvania County and in doing so could pose a public health risk to citizens. However, it also would restrict Transylvania County citizens from accessing the Parkway which could provide some respite during this pandemic.

Commissioner Cathey asked if this request contemplates closing the state road or just access from the parkway. Chairman Hawkins stated this request pertains to closing the Parkway itself, meaning there would be no access to Transylvania County from the Parkway and vice versa. Commissioner Chappell suggested it would be similar to the Parkway's winter closures. He added the closure would be their decision.

Chairman Hawkins stated he would be in favor of being silent on this issue. Commissioners Cathey, Guice and Lemel concurred.

Commissioner Chappell disagreed with taking no action. He reminded the Board that they have already asked our State and federal partners to close parks and forests due to a pressing safety need. While the decision to close would be the Parkway's decision, he stated that a request by the Board would show their seriousness in trying to limit the spread of the virus, specifically due to there being a Stay at Home Order in place in North Carolina. He felt no action sends mixed signals to the public.

### COMMISSIONERS' COMMENTS

Commissioner Lemel stated she received a text message from a member of the Board of Elections seeking permission to hold remote meetings in relation to the Open Meetings Law requirements. The Manager reported they are a duly appointed board and they are clear to make their own decisions per guidance from the State.

Commissioner Cathey asked how many DSS staff/departments have been placed on staggered schedules and how many employees are tele-commuting. The Manager reported that Human Resources Director Sheila Cozart met with Social Services Director Darrell Renfroe and communicated with the Social Services Board and Commissioners about how best to approach creating the ability for staff to either stagger work schedules or tele-work. Currently, no telework has been authorized because social workers are still required to conduct field work. Some DSS workers have been authorized to stagger work schedules if they desire, but some units have indicated they do not wish to work staggered schedules. Director Renfroe continues to monitor the situation. The DSS Building has been closed to limit access to the public. The Manager reported she has asked all departments to devise potential work plans should there become a reason to move toward teleworking. She advised that most communities use telework or alternate work schedules to preserve staff that provide mandated services and are required to serve the public.

Commissioner Chappell reported there are a tremendous number of individuals filing for unemployment in North Carolina and nationwide. It caused the system to be extremely slow resulting in individuals having trouble using the call-in system and accessing the online application. To put it in perspective, for the entire year of 2019, there were 156,000 claims taken by the State of North Carolina. In the first two weeks of the shutdown, the State has received 189,000 claims. These figures alone show the sheer volume they are dealing with. While he understands this can be extremely frustrating, he encouraged those trying to apply for unemployment benefits to keep trying. Commissioner Chappell announced there is a webinar being held tomorrow for small businesses. The Blue Ridge Community College Small Business Center and the Chamber of Commerce are accepting registration for the webinar/town hall type meeting about resources for Transylvania County businesses. Chairman Hawkins pointed out that Commissioner Chappell will be one of the presenters in that meeting.

Commissioner Guice said he received a text from a citizen stating there was no sound on the Live Stream for 90% of meeting.

Commissioner Guice informed that he googled Transylvania County VRBO rentals and the numbers were staggering. He was unsure if the information was correct, but it indicated there were well over the number estimated earlier at 600+.

Commissioner Guice reported to the Manager earlier today on citizen feedback where they were appreciative of the County's posting of information and updates to the website. He indicated these individuals had also viewed other local governments' websites and found them to be more interactive. He suggested exploring ways to make our website more user friendly and posting information that could be more helpful to individuals. Nonetheless, he felt staffs were doing a great job speaking on behalf of the County Commissioners. Commissioner Guice was also concerned about citizens not being able to hear the audio during online meetings. He wants to ensure the Board's message reaches the public especially during these difficult times.

Commissioner Lemel reiterated this is an unprecedented time with unprecedented challenges. She wanted the public to understand Commissioners are human too and that they have a tough job in front of them. She understood that citizens are experiencing a tough time as well. She said she would be happy to reply to citizens' emails and answer their phone calls, but she asked them to understand the Board is doing the best they can for their fellow citizens in this situation.

Commissioner Chappell stated he will be happy to discuss his stance on issues with citizens. He said he will continue to push for protections for our citizens. He will also continue disseminating information that may assist citizens and businesses with resources.

Chairman Hawkins thanked Mayor Harris for attending the meeting today. He sat outside the room so the Board could adhere to the 10-person limit.

#### ADJOURNMENT

There being no further business to come before the Board, **Commissioner Cathey moved to adjourn the meeting at 4:40 p.m., seconded by Commissioner Chappell and unanimously carried.**

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan, Clerk to the Board