

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
APRIL 07, 2020**

The Jackson County Board of Commissioners met in a Regular Session on April 07, 2020, 6:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman	Heather C. Baker, Acting County Manager
Boyce Deitz, Vice Chair	and County Attorney
Mickey Luker, Commissioner (via speakerphone)	Angela M. Winchester, Clerk to Board
Ron Mau, Commissioner	
Gayle Woody, Commissioner	

Absent: Don Adams, County Manager

Chairman McMahan called the meeting to order.

(1) **PROCLAMATION FOR SEXUAL ASSAULT AWARENESS:** Chairman McMahan read a Proclamation to proclaim April as Sexual Assault Awareness Month. Commissioner Deitz moved to approve the Proclamation. Commissioner Mau seconded the Motion. Motion carried.

(2) **AGENDA:** Commissioner Woody moved to approve the agenda. Commissioner Mau seconded the Motion. Motion carried.

(3) **MINUTES:** Commissioner Woody moved to approve the minutes of a Work Session of March 10, 2020 and a Regular Meeting of March 17, 2020. Commissioner Mau seconded the Motion. Motion carried.

(4) **CHAIRMAN'S REPORT:** Chairman McMahan stated that these were extraordinary times they were in and he appreciated everyone's patience as they tried to work through this set of circumstances they were faced with. This was the first time in his lifetime where there was an event that affected the entire globe and there was nowhere anyone could go to escape.

They were all in this together and he knew it would be long and a lot of time to go, but they would all just have to work together. He had confidence that they would get through this and come out on the other side. They would be a lot better and learn from it if they ever faced this again. He knew people had a lot of patience and people had questioned why they were or were not doing some things, but he thought they were making a difference when they looked at the numbers. He thought they needed to keep doing what they were doing.

Also, he had been in communication with Don Adams and he was doing better. He had started doing some limited work that day and would be working 2-3 hours per day from home. Ms. Baker was still the Acting Manager and was still managing day to day operations. Mr. Adams wanted to work on some projects from home, such as the budget. He had received good reports from his doctors and was doing his own physical therapy to regain his strength. He was hoping to be back the last week of April.

**(5) COMMISSIONER REPORTS:**

(a) Commissioner Mau stated that the TDA met virtually already. With TWSA, they stated that they would not have disconnection fees and people could get signed back up without paying past bills at that time. The TWSA Board thought it was important for people to have access to water and be able to wash their hands. Also, he encouraged everyone to keep doing what they had to be doing – it was not easy. Social distance and keep their six foot distance from people at the grocery store.

(b) Commissioner Woody stated that she wanted to thank Ms. Baker for her leadership during this time as she stepped in to fulfill the role of County Manager. She appreciated her communications with them and she appreciated her taking on the extra work above and beyond what she was already doing.

Also, she wanted to thank all of the people in the community working so hard for the health and safety of the citizens. There were a lot of people doing what they could to help to provide meals to the elderly. Meals on Wheels was taking out five frozen meals at a time, so they had really lessened the contact with people. The United Christian Ministries and the Community Table had both altered their procedures and were doing a great job. All of these agencies, including HERE were all stepping up and were still functioning and serving.

(c) Commissioner Deitz thanked Ms. Baker and Chairman McMahan for all they had done, he appreciated it. He appreciated everyone in the county working on weekends sometimes. He kept hoping they may dodge this, but he had been so impressed with people in the stores taking care of people at their cars and the school system with the lunches. Also, they held their Mountain Projects meeting and they were overcome by all they had to do. They were in this together and they were all pulling together.

**(6) COUNTY MANAGER REPORT:** Ms. Baker stated that she appreciated them working with them on the format of the meeting. They were not allowing more than ten people in the room, so they were limited with what they could do. They gave opportunity for the public to make comment by email, in person in Room A227 or by calling and giving their email address to receive the virtual invitation to the meeting.

In this challenging time of COVID-19 and the State of Emergency under which they were all operating, they would find it no surprise that County Department Heads and County Staff had gone above and beyond to provide essential services to county residents. She shared a few items happening in the county related to COVID-19:

(a) **Emergency Management, Health Department and Sheriff's Office:** These essential Departments and Office would report to them later in the meeting on their COVID-19 operations. There were not adequate words to describe how quickly and efficiently they were working together to implement Jackson County's plan. Mr. Dillard, Ms. Carraway, Ms. McKnight and Sheriff Hall provided excellent guidance and leadership in this emergency and in preparation for what may come.

(b) **Department on Aging:** Eddie Wells, Department on Aging Director and Staff continued to make sure seniors received meals and that all of their regular participants were checked on regularly.

Mr. Wells reported: Monday, March 30<sup>th</sup>:

- Over 1,300 meals were given out that day for the elderly in need.
- 115 Be Safe Bags were delivered to the homebound Meals on Wheels participants.
- An aluminum ramp was installed for a senior in need with mobility issues.
- Safety calls to multiple seniors in need.
- He was so proud of the agency and how there were helping those in need during this difficult time. He thanked everyone that was working hard to make sure those in need were served.

(c) **Economic Development and Information Technology:** Rich Price, Economic Development Director worked with Kelly Fuqua, IT Director and the IT team to provide external routers ("Hot Spots") in three county locations to provide wireless internet that the public could use during this Emergency to make sure that everyone had access to internet for school and work.

Mr. Price reported: The county IT team would begin installing external router equipment in the following locations, to provide wireless internet access in parking areas. They would begin at the Cashiers Rec Center on Thursday, April 2<sup>nd</sup> and then would follow up at both the Cullowhee Rec Center and Mark Watson Park in the days to follow. The goal would be to have all three of those sites operational by the middle of the following week, provided there were no unseen issues.

Ms. Baker reported that as of that day, all three sites were up and operational as Justin Thomas, IT Assistant Director had completed the Cullowhee Rec Center earlier that afternoon.

**(d) Public Works:** Chad Parker, Public Works Director and his team had worked continuously throughout this Emergency. They rearranged their shifts to allow for more social distancing so they could continue to work. Members of the Housekeeping Staff were the true heroes during this time. They wiped down everything daily and worked in shifts to cover as much as possible.

**(e) Department of Social Services and Building Inspections/Code Enforcement:** Both the Department of Social Services and Permitting Code Enforcement had been deemed essential services by the state and must remain open and offer all of their services.

Jennifer Abshire, DSS Director, had DSS fully operational, but protected her staff by requiring most work to be completed by phone or over the internet. Social workers were still required to go out into the field and meet with families so they were trying to make sure they had masks and protection.

Tony Elders met with his staff in the parking lot each morning. They were spaced out and practicing social distancing while receiving their daily assignments. They were doing a good job providing services while practicing social distancing.

**(f) Register of Deeds and Tax Administration:** The Register of Deeds and the Tax Offices were also open and providing all services using one or two employees only. They were utilizing drop boxes located in the front of the main entrance of the Justice Center and doing a lot of business by phone and internet, including e-recording.

**(g) Human Resources:** Kathleen Breedlove, Human Resources Director, had spent hours researching, reading and attending webinars related to the new federal sick leave and FMLA designated for COVID-19. The guidance and clarification on this leave had constantly changed since implementation and Ms. Breedlove was diligently keeping up with this so they could appropriately offer this to County Staff.

**(h) Finance, Administration and PIO:** Darlene Fox, Finance Director, was working to be sure they were in compliance with FEMA and in good position to receive reimbursement for their time and equipment purchases related to COVID-19.

Jan Fitzgerald, Executive Assistant to the County Manager was working remotely and had fielded a large amount of calls from Jackson County citizens and business owners related to the State's Executive Order as well as the County's Declarations. She referred many to the EOC helpline but answered several herself. She received a voicemail expressing how much help Ms. Fitzgerald was to one individual caller.

Angie Winchester, Clerk to the Board, was also working remotely and working to take care of the agenda, minutes and related documents just as if she was in the office.

She thanked Quintin Ellison, who served as the PIO during this time for a week before she started her new job. She thanked Kelly Donaldson, who was serving in this role helping to get information out to as many as possible.

**(7) INFORMAL COMMENTS BY THE PUBLIC:** Beth James via email:

*"Good evening. I hope this email finds you well and healthy. I write to you today with a spirit of optimism and confidence. Despite the circumstances in our community that stretches out beyond our county borders reaching the world, there is proof of resiliency in the people of Jackson County. Most strongly, there is proof in our children. Their resiliency did not only come from good Appalachian stubbornness; not only from strong family homes (which so many are deprived); but also, from their second home...their school. Jackson County children may be the luckiest children in the world! They have a school family that loves them. It has been amazing to watch the work the school has done to ensure the basic needs and security of our children...it is true love and true work!"*

*There are not words worthy to express my gratitude to Jackson County Schools. How can we help? We make sure every child that left excited about spring break, returns to school healthy and fed when we resume. This task requires all our county resources working comprehensively, communicating and creating the most effective plan possible to meet the needs of our children and families. The good news is that we have the resources. The best news is that Jackson County Schools has opened the door and lead the way! It will be a great deal of work and require cooperation from resources both at county and community level. As an independent advocate, I am collecting data regarding resources, needs and progress; I will share with you and would appreciate your feedback.”*

**(8) COVID-19 UPDATE:** Todd Dillard, Emergency Management Director (via Zoom Video Conferencing); Shelley Carraway, Health Director (via Zoom Video Conferencing); and Sheriff Chip Hall were present during this item.

**(a) Emergency Management:** Mr. Dillard stated that he would provide a brief overview of what the Emergency Operations had been doing. They first opened on March 16<sup>th</sup> and were working seven days a week, 8:00 a.m. to 6:00 p.m. and they were giving all of the staff at least two days off. They had four full-time people and three call takers. They had been able to use NC Forest Service staff, but they would lose them after April 8<sup>th</sup>. They had some temporary employees from Parks and Rec and they had been helping out tremendously.

Every day, they had a stakeholder call, which included Emergency Management, the Health Department, County Manager, EMS, Town Manager and local Law Enforcement Officers. Every Monday, Wednesday and Friday they had an Emergency Services conference call where they were talking with all of the Fire Chiefs, Emergency Medical Staff, EMS Staff and Law Enforcement Officers. They were also participating in the North Carolina Emergency Management call with the 33 westernmost counties in the state.

Every week, they had an Assisted Living Centers conference call where he, Ms. Carraway and Melissa McKnight, Assistant Health Director, were on the call talking with the Assisted Living Facilities in the county, which was very helpful and he had received a lot of positive feedback.

As of 12:00 p.m. that day, they had taken 398 calls, which did not include the 911 calls. There were many more of those coming in. Some of the questions people were asking were regarding the Executive Orders, COVID-19 health questions, where to donate resources, road closures, stay at home information, concerns about out of town visitors and rental property issues. They were taking homeless requests for residents of the county and they had been working hand in hand with Bob Cochran of HERE.

They sent in seven resource requests to the State Emergency Management and five of those had been filled, but they were only getting partial orders. He had ordered 3,800 masks at a cost of \$11,420.00 and he ordered 108 gallons of hand sanitizer at a cost of \$4,820.00, which would be shipped in half gallon containers. They had received 33 resource requests from County Departments and they had been able to send out 612 masks, 30 isolation gowns and five boxes of gloves.

They had also rented four portable message boards, which were deployed all over the county from Cashiers to Qualla. He hoped they were all able to go into the IEP link where they could see the live IEP Message Board, which was updated multiple times daily.

He thanked Ms. Baker and Ms. Carraway and all of the Emergency Services in the county. They were in this together and the Emergency Services in the county were standing up and taking care of the business of protecting the county citizens.

Commissioner Woody thanked Mr. Dillard for all that he was doing. She did have one question. She listened to the Governor’s press conference that day where the State Emergency Director spoke and he stated to please do not call 911 to report people who were not obeying the distancing rules or the stay at home rules. Was he receiving calls like that in county?

Mr. Dillard stated that yes, they had received several of those. He had been on the local radio station WRGC, reminding folks to not call 911 to leave that open only for emergencies.

**(b) Health Department:** Ms. Carraway stated that she was talking daily with Mr. Dillard and she had a call Monday, Wednesday and Friday with the leadership at the hospital, so they were keeping those connections open. Communication was really the key. She also had a weekly call with their state partners. They were having all of the Zoom meetings and calls to make sure they had a consistent message, which was stay home as much as possible as the best way to slow the spread.

Currently, they did have two positive cases of COVID in Jackson County, which were part-time residents. The case count was updated daily on their website at noon. As they had discussed before, the state website did not show those two because they were not permanent residents in the county. She wanted to emphasize to folks in the community to focus less on the case count and where they reside and more on taking steps to keep themselves and their loved ones safe by staying home, social distancing and washing hands.

A lot of people were asking about masks. Early on, they gave appropriate advice because they did not want people wearing surgical masks around town mainly because they wanted to preserve that PPE for the health care workforce, which would possibly need a massive amount of them in the future. CDC had now come out with recommendations of wearing a cloth face covering if someone must go out in public. Face coverings were not the same as surgical masks that were needed for health care workers, so they could support that. They put a connection on their website and Facebook to the CDC's website showing people could make their own. She did think it was important to remember that the surgical and the cloth masks provided protection for the folks around a person.

Now that they had learned there was now transmission from asymptomatic people, it was not a bad idea for everyone to walk around with masks because they may not even know they had it and it would keep them from spreading it. The two dangers she saw with it was that people may feel a sense of security that they could go anywhere. Secondly, wearing the mask may bring their hand to their face constantly to adjust it. They did not want to provide a false sense of security for people to not stay home or to stop washing their hands.

There was a Mobility Report that assessed where people were going that had been done across the nation. Jackson County got a B rating, so they were doing pretty good, but they had to do as good on day 50 as they did on day one. They had to continue the education and marketing to stay home to stop the spread of the virus.

To give more emphasis on social distancing, Mandy Cohen, Secretary of Health and Human Services talked about modeling that was done in North Carolina and it reinforced the need for social distancing and the need to maintain social distancing for a long haul. The consequences of ending social distancing by the end of April showed that 750,000 North Carolinians could be infected by June 1<sup>st</sup> versus 250,000 if they keep going with social distancing beyond the end of April.

Further, the prediction showed that they may actually meet the medical surge capabilities they had for acute care and ICU beds if they kept up social distancing past April 30<sup>th</sup>. If not, there was a greater than 50% probability that they would max out their health care capability, acute care beds and ICU beds as soon as Memorial Day. She was sharing that with the Commissioners as the leaders in the county that would be faced with tough decisions ahead as they determined future declarations, possibly and that the actions they took would definitely determine the impact on the community. They had to continue to do everything in their power so that fewer people got sick at the same time because that was what would overwhelm the health care system. Staying home saved lives.

She heard that people were asking "what was Jackson County's plan". Everyone knew there was a lot that went on behind the scenes in any disaster, but she wanted to give another perspective and discuss preparedness efforts in the county. The state gave report cards on preparedness and Jackson County received a B rating in fiscal year 2017-18, which was higher than neighboring counties and the state. They looked good relative to others, but that was not good enough.

The Health Department had one Preparedness Coordinator, so they increased that to two, adding an administrative person, Melissa McKnight. There was a lot of work involved and they went about changing the culture to understand the value of preparedness. In February, a new report card came out and preparedness in Jackson County showed a solid A, so they were now far ahead of their regional partners as well as the state. The county had been working hard on planning for disaster events of all kinds. No one could totally prepare for what they were going through now, but going through the exercises, they were better at understanding who their partners were, what their capabilities were and what the issues were that may come up they may need to solve. She thought much of their success was due to the amazing people they had working on the disaster together such as Emergency Management, Law Enforcement, the community and many other partners. So, the plan was to step up and do whatever they needed to do together to get this done and they would get on the other side of the virus.

Commissioner Deitz thanked Ms. Carraway and asked what else could they do to help even more?

Ms. Carraway stated that the best thing was to allow them to provide the Board with the right data to make good decisions and for them all to continue to carry that torch into the community to say that these were tough decisions, but they were the right ones for the community at that time. They all had done that every step of the way.

Chairman McMahan thanked Ms. Carraway for her leadership. They were no easy decisions to make when they had to tell people to go home and they had to close their business doors. They based the decisions on what was good for the community from a public health standpoint and Ms. Carraway provided them with the information. They were not making decisions based on what they wanted to do, they were doing it based on what Ms. Carraway said was right for the community and it was what would make the community safer and why he felt good about what they had done. It was all based on what their expert locally was saying from a health standpoint.

Ms. Carraway thanked them for listening and taking it into consideration. They all knew the economic impact this would have and it would be devastating, but they were talking about saving lives.

(c) **Sheriff's Office**: Sheriff Hall stated that he spoke with Ms. Carraway, Ms. Baker and Mr. Dillard on a daily basis since this started. There were a number of people in the county that deserved a shout out including Housekeeping Staff, Finance Staff, Detention Staff, Public Works and a lot of local business owners. Many people had stepped up and were moving this forward and he commended them.

In the Sheriff's Office, they had reassigned the SROs and had increased coverage in the southern end of the county and weekend coverage. They were getting a lot of neighbor complaints for out of state vehicles. Officers had been doing a lot of follow up for those. Many of them were in compliance, but they recommended to them the 14 day quarantine and most had been receptive. A number of officers had been going to businesses and doing compliance checks.

It was important for them to work with everyone at the time. They worked with Emergency Management to get out a number of message boards across the county. Deputies were passing out flyers with information on businesses that were essential and to get the message out of what the Do's and Don'ts were for the Executive Orders.

When Executive Order 121 went into effect, they got good compliance with people staying home. Unfortunately, as each day passed, compliance seemed to be getting less. He believed, from what the health officials were telling them, it was more important for the next couple of weeks to flatten the curve, which was the objective. The next two weeks were vital that they continue to practice stay at home and social distancing. They needed to continue to get the message out.

He had a conference call that day with the 20 Sheriffs from the westernmost counties and they were all experiencing the same thing of getting a lot of complaints around grocery stores and bigger stores and people seeing out of state plates and calling in. The Sheriff's Office currently had one employee that was quarantined and the other two had were finished with their 14 day quarantine.

The men and women of the Sheriff's Office were working hard to make the community safe. He reminded the Chairman about the order that was signed a few weeks ago was coming up soon and they may want to consult with Judge Letts and Ms. Baker to extend that order.

Chairman McMahan stated they had discussed that issue with an extension of the closure of courts until June 2<sup>nd</sup>. They would need to follow up with Judge Letts to extend the closure of the screening. He requested that Sheriff Hall explain about why they could not shut Jackson County down because that was one of the most frequent questions he was asked.

Sheriff Hall stated that Jackson County had 16 State maintained entrances into it. Six of the entrances would have to be manned around the clock, which would require a substantial amount of manpower. Also, currently, the state was not recommending any road closures so therefore they did not support any road closures with any DOT resources that would help establish road closures nor did they provide any law enforcement assistance. Without the state recommendation of road closures, if they closed it down, it would solely be on the county.

Graham County contracted their road closures out to private industry, which provided all of the materials, equipment and manpower. Also, they only had six roads. Tribal had closed down to only one entrance. The Highlands Chief stated that they were not doing road closures, they were only passing out information to people coming in to encourage them if they travelled from out of state to quarantine for 14 days. Macon County was doing the same as Highlands.

Chairman McMahan stated that other comments and questions he got was about a curfew.

Sheriff Hall stated that Ms. Baker asked him about that every morning. They had done several checks during the night and the traffic volume really decreased after the businesses closed at night. The call volume for the county and Sylva were both going down and at that point he did not see a need for a curfew at that time.

Commissioner Woody stated that she also had people ask what they were doing to people that violated those directives.

Sheriff Hall stated that there was a General Statute that stated that defying a declared emergency order under the Governor's Emergency Declaration would be a fine of up to \$1,000 and it was a Class II Misdemeanor.

*Informational item.*

**(9) COVID-19 FEDERAL LEAVE UPDATE/ TELEWORK POLICY AND MODIFICATION TO SICK LEAVE POLICY:** Kathleen Breedlove, Human Resources Director (via Zoom video conferencing) presented:

The Families First Coronavirus Response Act (FFCRA) FFCRA provided leave options under the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA) for eligible employees who were unable to perform their essential job functions on or off-site for specified reasons related to COVID-19.

The leave acts went into effect April 1, 2020 and permitted a specified number of weeks/hours of either unpaid, paid or partially paid leave. An eligible full or part-time employee was entitled to take leave related to COVID-19 if the employee was unable to work, including unable to telework, providing specific criteria were met under the provisions of the EPSLA or EFMLEA. As the employer, Jackson County, would be exempt from paying the employer FICA portion on the paid leave entitlement provided to the employee.

A brief summary of the leave provisions was provided along with temporary leave policies for consideration of approval. Additionally, a temporary modification was requested for the current Human Resources Sick Leave Policy (Use of Sick Leave section) as follows:

Allow an employee the option to use accrued paid sick leave to supplement their Emergency Family and Medical Leave Expansion Act (EFMLEA) entitlement in order to provide care for their school-age child whose school or regular paid childcare provider is closed and unavailable due to COVID-19 related reasons. This provision expires 12/31/2020.

EPSLA and EFMLEA qualifying criteria relate to an employee's inability to work, including telework. Jackson County does not currently have a Telework Policy in place and this seems the appropriate time to institute such a policy, which would allow identified and authorized employees to continue providing operational coverage from a remote work location on their normal work schedule.

She provided Telework Policy for review and consideration. Also provided was a Temporary Teleworking Agreement and a Telework Location Compliance Checklist.

It was recommended the Board of Commissioners approve the following:

- Emergency Paid Sick Leave Act Policy
- Emergency Family and Medical Leave Expansion Act Policy
- Temporary Modification to Human Resources Manual Sick Leave Policy
- Telework Policy

Chairman McMahan stated that he appreciated Ms. Breedlove's work on this as it was a complicated process. They all wanted to make sure the employees were able to receive compensation. At the last meeting, they approved the policy that gave the County Manger an opportunity to extend, if need be, the Emergency Leave for COVID-19, which they had been trying to operate under until that point.

Ms. Baker stated that they did add an additional ten days of the State of Emergency Leave for a total of 20 days. They would have further conversations because they would come to a point that would run out.

Commissioner Mau inquired about the Telework Location Compliance Checklist and asking the employees to "certify" the statement. He thought it would be more of being in general accordance with the statement.

Ms. Baker stated that the checklist came from IT. They would not have to check everything, those were the items people needed to be thinking through in order to work from home. It was more for people to look at their workspace.

***Motion:*** *Commissioner Mau moved to approve the Emergency Paid Sick Leave Act Policy, Emergency Family Medical Leave Expansion Act Policy, Temporary Modification to Human Resources Manual Sick Leave Policy and Telework Policy, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(10) FIRING RANGE:** Darlene Fox, Finance Director; Dr. Don Tomas, SCC President (via Zoom video conferencing); and William Brothers, SCC CFO (via Zoom video conferencing) were present for this item.

Chairman McMahan stated this was an item they had been discussing for some time. The Board had requested SCC to look at the scope of work for the project and there were some requirements from the state DEQ that they needed to take action on concerning mitigation. There was also a separate component to do work at the site to mitigate sound. They needed to make a decision to do the base work or to also address the sound mitigation issues.

Ms. Fox presented:

**(a) Amount Spent:**

- FY2017     \$225,108.62
- FY2018     \$37,690.81
- FY2019     \$233,200.57
- Total        \$496,000.00
- Balance remaining from FY2019 for this project: \$282,532.43



(b) Bids with Alternatives:

<u>Project Description</u>	<u>Total Bid</u>	<u>Additional Required</u>	<u>Total Cost</u>	<u>Fund Balance</u>
Full Scope	\$370,466.00	\$87,933.57	\$866,466.00	\$370,466.00
Second Revision-Grading and Conex savings	\$356,310.20	\$73,777.77	\$852,310.20	\$356,310.20
Third Revision—with electrical savings	\$354,000.20	\$71,464.77	\$850,000.20	\$354,000.00
Fourth revision—Full Scope with trees eliminated	\$334,686.00	\$52,153.57	\$830,686.00	\$334,686.00
DEQ Items only—no sound mitigation	\$193,773.00	(\$88,759.43)	\$689,773.00	\$193,773.00

Dr. Tomas stated that this did not include the IT, which would be an additional cost of approximately \$13,819.00. There would also be a recurring annual fee of \$3,588.00 yearly from an operational standpoint.

Chairman McMahan stated that personally he thought the third revision accomplished the goals of the DEQ items as well as sound mitigation and couple that with doing the IT and fencing component, that would include everything and it would be a finished project. He thought that made the most sense.

Commissioner Mau stated that he also thought the third revision would be the way to go, in his opinion.

Commissioner Luker stated that he agreed with Chairman McMahan.

***Motion:*** *Commissioner Luker moved to proceed forward with the third revision, as well as the IT and fencing components. Commissioner Mau seconded the Motion.*

**Discussion:**

Commissioner Woody asked if that included the cameras and surveillance?

Chairman McMahan stated that yes, the motion included the IT component.

*Motion passed by a vote of 4-1 with Commissioner Deitz voting “nay”.*

**(11) VIRTUAL MEETING POLICY FOR ADVISORY BOARDS:** Michael Poston, Planning Director (via Zoom video conferencing) presented: Jackson County Virtual Meeting Policy for Advisory Boards:

The Jackson County Board of Commissioners establishes this policy for the purposes of authorizing advisory Boards and Councils, appointed by the Commissioners, to conduct official meetings through virtual or remote access. This policy is subject to the following rules and procedures:

1. Meetings by virtual or remote participation may be used in limited situations including but not limited to a declared state of emergency by Jackson County. The County Manager shall approve the need for remote participation on a case by case basis.
2. Meetings by virtual or remote participation shall not be allowed for Quasi-Judicial hearings or for closed session.
3. County staff will notice the meeting in compliance with all State Statutes. The meeting notification will also be posted on the social media page of the Department that staffs each Board/Council. All media and Sunshine List members will be informed of the remote meeting in the same format as a regular meeting. Each meeting will allow the public access to the meeting either by providing a location where the public can meet and participate or by informing members of the public that wish to participate to contact the appropriate department to get instructions for participation.

4. In compliance with NCGS 143-318.13, County staff will provide public access to the remote meeting by providing a location where the public can meet and participate in the meeting, a call-in number to participate or a virtual meeting invitation to all members of the public that request to attend the remote meeting.
5. Public comment periods will still be provided at each meeting. Members of the public that wish to speak will be given three minutes to address the Board/Council. They will be asked to state their name for the record.
6. At the beginning of the meeting, the Chairman shall have the clerk perform a roll call and quorum check for all members present in the remote meeting. A quorum will be determined based on the bylaws of each Board/Council. Each member shall identify themselves by name and state present.
7. The Chair shall identify and direct participants (applicants or subject matter experts), including County staff, who are participating in the meeting.
8. All members present for the remote meeting shall be able to vote on matters before the Board/Council.
9. All votes conducted by the Board/Council shall be roll call votes with the clerk requesting the vote of each member present for the virtual or remote meeting. A lack of response to the roll call vote in a virtual or remote meeting shall be counted as a negative vote instead of an affirmative vote as is normal procedure.

***Motion:*** *Commissioner Mau moved to approve the Virtual Meeting Policy for Advisory Boards, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(12) CULLOWHEE SMALL AREA PLAN:** Mr. Poston stated that Caroline LaFrienier, Planner II, deserved a lot of credit for the work that she had done on this plan. There were many opportunities for public comment throughout the process. A public hearing was held prior to this meeting with no public comment.

Commissioner Woody stated that her question was based on a section in the Plan regarding the environmental impact. Did that also take into account the current situation, which was ongoing with silt?

Mr. Poston stated that it would and to some extent those comments had been around for some time with concerns about sedimentation and how to protect the waterways.

***Motion:*** *Commissioner Mau moved to approve the Cullowhee Small Area Plan, as presented. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(13) INDOOR POOL BOND REFERENDUM RESOLUTION R20-04 AND BOND REFERENDUM SCHEDULE:** Ms. Baker stated that a lot had changed since this was originally brought before the Board regarding a schedule and a timeline for completing a referendum to be on the ballot in November for the bond regarding the indoor pool facilities, which was the COVID-19 factor. They may want to see what happened over the next few months before making a decision.

The resolution stated “*Be it therefore resolved, by the Board of Commissioners, that the Board make an initial determination to proceed with the referendum*”. This resolution was an initial determination, which would allow them to stay on course and proceed. There would be no significant money spent for months to come until the education component would come in the fall. This would allow the application to the LGC to proceed. They had originally thought there would be a \$12,000 application fee with that, but there would be no fee. The only money that would be spent to move this forward for a few months would be nominal attorney fees for the bond attorney and notices in the paper. She also presented an updated timeline that would allow them to proceed and still have several months before any significant amount of money would need to be spent to proceed forward.

Ms. Fox stated that this would allow them to go ahead and file the application with LGC to start their process.

***Motion:*** *Commissioner Mau moved to approve Resolution R20-04, as presented. Commissioner Woody seconded the Motion.*

**Discussion:**

Chairman McMahan stated that this was an initial approval. He did have some concerns and he had thought a lot about this as he did not know how things would play out over the next several months. This would at least give them some time to put it in order and if they wanted to take action or not take action in the summer, they would ultimately make that decision.

Commissioner Deitz asked Ms. Fox if they were going to be in dire straits with money they would be able to raise.

Ms. Fox stated they would lose sales tax money.

Commissioner Deitz stated that he was not talking political. If they spent millions on projects, which they worked on for a long time, he did not know how people would look at it. It may be the last thing people wanted to look at. He thought they needed to think strongly about it because people would look them in the eye and say they could not believe they did that.

Chairman McMahan stated that he agreed. They did not know what the future would hold. He did feel okay about the shooting range action because they were under a mandate from the state to take action to mitigate the lead exposure. There were other items they had to do such as school safety, which they had an obligation to move forward on. With the Green Energy Park and other capital projects, they may need to talk in the coming weeks about putting some things on hold or delay. He thought it was a valid concern and they would have to take them case by case to work through this.

Commissioner Mau stated that one thing they needed to think about was fiscal stimulus, which was the government spending more money and investing. The county had a healthy fund balance so they saved money when times were going well. Now was the time they needed to think about, on a county level, was spending that money on one time projects. They may want to look at the fund balance policy to determine if it needed to be changed when they were in a situation they were about to go into. Did 25% of the budget make sense or should they go down to 15% temporarily to help move forward with the projects like the Green Energy Park. This would put people on jobs and commodity prices would be low. They may be able to get some things built for less money. Those were things, as they went through this the next couple of months, they needed to be thinking about.

Chairman McMahan stated that they may need to shift things for three months to see how this affects it. Also, they needed to think about the Justice Center building, which was built pre-911. After 911 it changed how they did business there and they had to spend a significant amount of money on screening and the ability to make the building work with post-911. What would post COVID-19 look like. Would they have to change the way they interacted with the public from an operational standpoint? They may need to spend money there and look at the health department before they opened it. There were so many questions they did not have the answers to.

Commissioner Woody stated that she agreed. She was thinking about the health department and that they were still working. These were local people and it was keeping those families that lived there with paychecks, which was a positive thing.

Chairman McMahan stated that Resolution R20-04 did signify their intent at that time to move forward with continuing the process. However, there were critical junctures coming up where they would need to hold a public hearing and adopt a bond order, which formally set it on the ballot. If they chose to not move forward, that would be when they would vote to not do it. They had until July to see where they were and they could make a hard and fast decision.

*Motion carried by unanimous vote.*

**(14) CONRAD G. BURRELL HIGHWAY – RESOLUTION R20-05:** Ms. Baker stated that they received preliminary approval from NCDOT for both the Burrell and Wolfe Road Naming Requests. NCDOT did require the opportunity for public comment at the meeting.

Chairman McMahan called for any public comment concerning the Burrell Resolution.

**Public Comment:** None.

**Motion:** *Chairman McMahan moved to adopt Resolution R20-05, as presented. Commissioner Woody seconded the Motion.*

**Discussion:**

Commissioner Mau stated that he had received some public comments about this resolution. The question that had been asked of him by several people was that Mr. Burrell already had a building named after him, did they need something else named after him?

Commissioner Deitz stated that he had heard the same thing.

*Motion failed by a vote of 2-2 with Commissioner Mau and Commissioner Deitz voting “nay”.*

**(15) BELOVED MAN, DR. JERRY WOLFE HIGHWAY – RESOLUTION R20-06:**

Chairman McMahan called for any public comment concerning the Wolfe resolution.

**Public Comment:** None.

**Motion:** *Chairman McMahan moved to approve moved to adopt Resolution R20-06, as presented. Commissioner Woody seconded the Motion.*

**Discussion:**

Commissioner Woody stated that she had received several positive comments about people appreciating that they were doing this. She had talked with Dr. Wolfe’s daughter and she was appreciative.

Commissioner Deitz stated that it was very deserving, he was a great man.

*Motion carried by unanimous vote.*

**(16) UPCOMING MEETING SCHEDULE CHANGES:** Ms. Baker stated they had a couple of upcoming meetings with the next one being a work session on April 14<sup>th</sup>. The request would be to cancel that meeting.

**Motion:** *Commissioner Mau moved to cancel the April 14<sup>th</sup> work session. Commissioner Deitz seconded the Motion. Motion carried by unanimous vote.*

Ms. Baker stated that the next meetings were scheduled for April 21<sup>st</sup> with a public hearing for the radio tower and a regular meeting. It was her understanding from the Planning Department was that Mr. Burnette was agreeable to move the public hearing to June 23<sup>rd</sup>.

Regarding the regular meeting, up until that point, the law was that they could not hold virtual meetings. However, there had been some leniency attempted to be granted by both the School of Government and the Attorney General’s Office. The Attorney General’s Office sent an advisory letter that she shared with Chairman McMahan and Commissioner Mau. However, it was always recommended to have a physical quorum in the room where they were meeting. They could meet virtually meeting and if need be, when they came back to a regular meeting they could ratify the actions taken at the virtual meeting.

They could also start thinking about a May meeting because they were statutorily required to hold a meeting once a month that allowed for public comment.

Chairman McMahan stated that unless there was a desire to have a meeting on April 21<sup>st</sup>, he would request they cancel that meeting and have a special called meeting, if needed.

Ms. Baker stated that they could work ahead on the May meeting on using the format they wanted to for that.

Commissioner Woody stated that she was comfortable with the way they held the meeting that day.

Commissioner Mau stated that he was also, but what if things were a lot worse. Would they want to attempt to hold the meeting in that way? Hopefully, it would be better by then and that format would be fine.

***Motion:*** *Commissioner Deitz moved to cancel the April 21<sup>st</sup> regular meeting and to reschedule the radio tower public hearing to June 23<sup>rd</sup>. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(17) BUSINESS AND INDUSTRY ADVISORY COMMITTEE:**

***Motion:*** *Commissioner Woody moved to appoint Sharon Bradley to a three year term on the Business and Industry Advisory Committee, term expiring December 31, 2022. Commissioner Mau seconded the Motion. Motion carried by unanimous vote.*

**(18) PLANNING BOARD:** *Carry over.*

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

**(20) PRESS CONFERENCE:** None.

**(21) CLOSED SESSION:**

***Motion:*** *Commissioner Mau moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal and G.S.143-318.11(a)(4) Business Expansion. Commissioner Woody seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting back to order and stated that no action was taken in closed session.

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 8:22 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman