

**Meeting Minutes
March 24, 2020**

SPECIAL MEETING

CALL TO ORDER – 1:30 P.M. - CONFERENCE ROOM 267

The Board of Commissioners of Mecklenburg County, North Carolina, met for a Special Meeting on Tuesday, March 24, 2020 at 1:44 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Chair Dunlap presiding.

Present: Chair George Dunlap
Commissioner Trevor M. Fuller
Commissioner Vilma D. Leake
Commissioner Elaine Powell
Commissioner Ella B. Scarborough

Absent Until Noted: Commissioner Susan Harden, Mark Jerrell, and Susan Rodriguez-McDowell

Absent: Commissioner Patricia "Pat" Cotham

Chair Dunlap called the meeting to order, followed by introductions and the Pledge of Allegiance to the Flag. Chair Dunlap announced that the meeting would be recessed until 2:30 p.m.

RECESS

The Board of County Commissioners did not join the conference call with Governor Roy Cooper and his COVID-19 Response Team. No action was taken.

RECONVENE

The Special Meeting recessed at 1:46 p.m. and reconvened at 2:30 p.m. in 267.

Commissioners Harden, Jerrell, and Rodriguez-McDowell were present and introduced themselves. Commissioner Rodriguez-McDowell participated in the meeting via conference call.

Dena Diorio, County Manager, said as testing capacity increased, the number of positive tests had also increased, as well as cases in almost every zip code in the County which indicated community spread. She said they knew 80% of the cases were from below age 59. She said 25% of the cases in North Carolina were from Mecklenburg County. She said they could see the number of cases doubling every four days in North Carolina. She said a Stay at Home Proclamation had been executed and that they had consulted extensively with both Gene Woods, Atrium CEO and Carla, Novant Health CEO. She said they both gave full support and recommended that they moved forward with the proclamation. She said the proclamation would

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take affect 8:00 a.m. Thursday March 26, 202 and run through Midnight, April 16, 2020. She said the situation in the County would continue to be valuated and that the proclamation could be extended, amended, or rescinded. She went over the things that you will still be able to do with the proclamation in place. She said the City, County, and six towns independently would determine what their essential government functions were and that they would make the decisions there in Mecklenburg County. She mentioned what was generally included as an essential business and that it would be on the website.

Gibbie Harris, Health Director, said as of noon the previous day, they had 108 cases, and as of noon present day, they had 142 and that their numbers continued to expand and grow in the community. She mentioned that 40% of the cases were between the ages of 20 and 39. She said the female to male split has been fairly even as well as the race and ethnicity split was about the same as the demographics in the County. She stated that roughly one in five reported cases had been hospitalized due to COVID-19, which was an increase from the one in eight that was reported two days before.

Commissioner Leake asked for the demographic percentages for Mecklenburg County.

Ms. Harris responded 53% for females and 47% for males and 40% white, 37% black, 7% Hispanic, and around 4% for Asian.

Commissioner Harder asked if the virus was transmitted through sex or IV drug use. Ms. Harris responded no to both.

Commissioner Jerrell asked if there was still a disproportional representation in 28205 and 28277.

Ms. Harris responded that she believed it was 28277. She said she would provide them with a map before they left.

Commissioner Jerrell asked what her perspective was on what the data was telling them to do and if there were any specialized things that they had to do in those zip codes, since it was so disproportionate and asked what the message should be.

Ms. Harris responded that it should be the same for everyone at that point and that she thought the messages had to be across the board because people move in and out of those zip codes all day long and were not necessarily staying in one zip code. She said everyone should assume those around them could potentially be infected and what they need to do to protect their self and others as well as social distance as much as they could. They were asking people to stay home as much as they could, as having fewer interactions would make someone less likely to spread or catch the virus. She also said everyone would need to wash their hands, cover their cough, and clean surfaces regularly.

Commissioner Jerrell asked if there was a threat of individuals outside Mecklenburg County putting stress on the systems.

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Ms. Harris responded that they had already been seeing that to some extent and that it was expected because of the resources that Mecklenburg County had.

Commissioner Jerrell asked how Mecklenburg County was addressing that.

Chief Robert Graham, Emergency Management Deputy Director, said in Mecklenburg County, Emergency Management in all counties is a county function. He said they were out front in terms of having had all the towns and the County together. He said the hospital capacity was part of the process in the EOC and that they were looking specifically at that and were working with the CEOs of the hospitals. Commissioner Jerrell asked how they would gauge the level of risk regarding the stress on the system based on the surrounding companies.

Chief Graham said that present time, there were 1.2 million people in the County, which created a problem. He said if North Carolina could not handle it, they would request emergency management assistance compact resources from other counties or states in the United States. He said because it was a national emergency and statewide emergency, Mecklenburg County had to rely on the resources in Mecklenburg County. He said that did not mean they would not get any outside assistance and that their outside assistance would be very limited during the emergency.

Ms. Harris added that both of the hospital systems were doing modeling at present time to look at what their capacity was and that they had eliminated most elective services and were cleaning out beds to build capacity. She said they had also been looking at modeling for what they could expect over the next weeks to figure out what they would need. She said through the EOC, they were taking a look at lower acuity sites where people may not be able to be, rather not having to be directly in a hospital. She said they were looking and trying to determine how to make sure they have the needed resources to meet the community's need.

Ms. Diorio said part of the Stay at Home order was designed to help make sure they had capacity in the hospitals should they begin to see the medical surge that other communities had seen, which is part of the larger strategy.

Chair Dunlap said he had many calls and that there were a lot of people who said they should not issue a shelter in place order, whereas, on the other side there were people saying not enough was being done and that they were not ready to die. He acknowledged that there was anxiety on both sides of the issue. He said there were people who felt as though their business or job was essential versus those who thought they should continue to operate and that he did not want to leave without some ambiguity. He said the signed proclamation basically said restricting movement and that people would question that. He said that they had used a lot of terminology and that he wanted to be clear to people, because everyone would interpret things differently. He said it basically said restricting movement of all individuals living within Mecklenburg County, and says specifically what those restrictions were. He asked if that was the same as the Shelter in Place order.

Chief Graham responded that the Shelter in Place for Mecklenburg County was also a part of the plans that dealt with McGwire Fire Station, and the Shelter in Place orders, were specifically

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during a nuclear incident to have people stay inside of any building that they were in and to seek shelter immediately. He said that was why they had decided to do a Stay at Home order versus a Shelter in Place order, because they did not want any misinterpretation between the two. He said for Mecklenburg County, the order was typically after a few hours until they could handle the emergency.

Chair Dunlap said he heard from the hospitals that based on the modeling described, they believed given the rate of infection of the disease, that the hospitals would be overrun within a matter of a few weeks. He said they made clear to people before that they should take the order seriously. He asked what they could do if people were not following the restrictions.

Fire Chief Reginald Johnson said he said he believed in the document that there was an enforcement section towards the bottom that actually identified as far as what the violation was.

Tyrone Wade, County Attorney, stated that under North Carolina law, whatever statement of emergency had been issued, 166 allowed the governing entity to place restrictions, and anyone who did not comply conceivably could be convicted of a Class 2 misdemeanor if the prosecutor elects to prosecute for the violation. He stated that should someone want to report a violation, they should always call the Charlotte-Mecklenburg Police Department.

Chair Dunlap asked who citizens should call to find out whether or not a business is essential.

Chief Johnson said they should be calling the number that was provided to answer the questions about the Stay at Home order.

Ms. Diorio said they are sticking to the federal guidance and that not everyone would be happy with that but that they feel it was the right thing to do.

Chief Johnson said there were 16 sectors that had been identified and listed in the order.

Chair Dunlap asked clarifying questions.

Commissioner Fuller asked what gave the Board of County Commissioners, Mayor of Charlotte, and mayor of the towns authority to adopt a proclamation of this kind.

Mr. Wade responded that North Carolina General Statute 166A-19 stated the North Carolina Emergency Management Act allowed the governing body to issue a declaration of emergency and empower them to restrict movement and prohibit various things. He said there was a delineation of the authority of the local entity to protect the citizens. He said there were a number of reasons for why it may be entered but that it delineates what the governing bodies could do. The Board asked questions and received answers.

Commissioner Fuller asked if the proclamation would have the effect of law.

Mr. Wade said that was correct.

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Commissioner Fuller said he heard from the White House and other places that things would get worse before it got better and that if they waited any longer to do it, he believed it would have been too late. He mentioned Mecklenburg County was the largest populated county in the State and had to lead the way. He asked what authority they had with people who did not live in Mecklenburg County who came into Mecklenburg County to congregate.

Mr. Wade responded that under the law, if you were to go into a jurisdiction, you would be required to follow the law of that jurisdiction, so they would be bound by the laws here.

Commissioner Fuller asked various questions about who could and could not work.

Mr. Wade said they were bound by the declaration unless they were exempt or excluded.

Commissioner Fuller requested resources for citizens who were concerned about being asked to go into work.

Ms. Diorio suggested the hotline and mentioned a list of questions and answers that would be posted online.

Commissioner Jerrell said he was discouraged a little bit about the fact they would not have much federal help. He mentioned there was a lot of anxiety in the community. He said this was serious, and if they had to take actions that perhaps in other times they would resist as Americans, they would have to remember the first thing is to protect life.

Commissioner Leake asked if there were enough supplies for the hospitals to care for the people.

Chief Graham said a number of orders had been put into the State Emergency Operations Center, and they had fulfilled a number of them. She said her understanding was that they had a large shipment the other day with another on the way. He said there were two priorities currently with the State of North Carolina, with one being the medical first responders, specifically the fire department and MEDIC, and the second is the acute caregivers in the hospitals.

Commissioner Leake asked about the respirator and mask availability and if it would come out of their money.

Ms. Harris said they had been ordering one after another and that it does not necessarily come out of their money. She said some of it would come out of theirs, some out of the State, and some out of the deferral government.

Commissioner Leake asked what the role of the Commissioners were versus the role of the health department personnel and the Manager.

Ms. Diorio said Chief Graham talked about the policy calls and that both Gene Woods and Carl Armato were on the call as well. She said she spoke to both of them daily and that they had been very helpful in getting us to the place where they decided it was an important step to take. She said in terms of collaboration, she said all the information she was getting from them and

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asking them to share information with their networks and constituencies, that two-way information had been very helpful and would hopefully continue.

Commissioner Leake said sometimes they step out of bounds and speak, and they were not sharing what they should say, other than referring to you or Chair Dunlap. She asked in terms of mass gathering, what was the percentage numbers now? She said they needed to specify that ever more so, because there were places of worship that continued to do what they ask that would impact saving the contact of people within that process.

Ms. Diorio said it was 10 or less.

Commissioner Leake mentioned that people will want to have a funeral, which would be more than 10 people and asked what would happen for that violation.

Ms. Harris said that funeral services were included and that the document would educate the community; giving a chance for them to get the word out and make it clear how serious they thought the situation was. She said they had to deal with the fact that people would continue to die in the community and that the funeral service had to do what it had to do. He said what was clear in the document was that they were talking about everyone, included essential services, focusing on the 10 or less and doing as much social distancing if they had to bring people together. She said even essential services should be looking at sending their people home to work if they can and doing social distancing if they were bringing staff and customers into the building. She said that was mentioned throughout the document.

Chair Dunlap said if someone had a funeral with a large congregation, they could not control who came in and did not come into to the funeral, so they could end up with 200 or 300 people there. He said if that happened, no one would be after you for a violation, but you would expect them to have social distances of at least six-foot apart.

Ms. Harris said exactly.

Commissioner Leake said that was why it was important to get that information into the community so that they would hear them talking about it today would help them make those decisions based on where they visit and are in the community as it relates to the gatherings they talk about. She said they had a job to do. She said she wanted to know exactly who was in charge so that they would not get into trouble by the health boards.

Mr. Wade said in Mecklenburg County, the Board of Health, back in 2008 was consolidated along with the Department of Social Services and Board of Social Services, and they have a consolidated Community Services Agency that document then vested the authority of what we had been through board's action to the Board of Commissioners. He said the Board assumed those duties then consolidated those duties and passed them off to the County Manager. He said it should then in effect have one-point person, and the County Manager at the time vested the authority with the Public Health Director, then the DSS Director so one person speaking on the behalf of the government entity, rather than the Board of Health or Social Services. He said that is what would be existing today.

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Commissioner Leak said that was clear and the only thing that will be circulating in the community, so they would stop getting those emails telling them what they were not doing and were doing. He said that was clear attitude for them as of their role as members of the County Commissioner that they had given the authority to manage it. She asked if that was correct.

Mr. Wade responded that the Board was doing exactly what the Board of Health would have done; like today they gave information, gave direction. He said the Board of Commissioners were not involved; he said you just technically do not have a Board of Health.

Commissioner Leake asked with Ms. Diorio and the group doing this, not with County Commissioners.

Mr. Wade responded that was correct, but the Chair did approve it.

Commissioner Leake said he spoke for them but not as a body.

Mr. Wade agreed. Commissioner Leake asked if they had to vote on the document.

Mr. Wade replied no.

Commissioner Leake said she wanted to make it clear so that later no one can say they did this illegally, because they did not participate from that perspective.

Commissioner Powell repeated that there was a difference between shelter in place and stay in place. She said she had called the School of Government to learn more for quite some time and that everything Mr. Wade was sharing was what they said in the teleconference call. She said she wanted the community to know that they had have broad authority in this, but not unlimited, and that it was reasonably tailored based in fact, clear, understandable, and uniform, and those were requirements. She asked clarifying questions and received answers from Ms. Diorio.

Ms. Diorio let the community know that they did receive recommendations from the CEOs of the health care systems.

Ms. Harris said that they were in full support of it and were concerned about the trajectory of this and believed as they put things in place, it could level things out a little bit and extend the ability to continue to manage this.

Ms. Diorio said she did receive a letter from Atrium and Novant Health and that in essence it said a Stay at Home Order was necessary to expedite Mecklenburg County returning to good health and prosperity and that there was a letter to follow which could certainly be made available to the public.

Commissioner Powell said she thought it was important for people to know how many people and groups were consulted with prior to making this recommendation and that she was not sure if the public was aware. She said she wanted the community to know that health care

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professionals had been involved and were part of the request and plea for them to do something. She asked those who would criticize them to stop to think about what it was like if they had ever seen anyone who just had a mere asthma attack, because if they had ever seen anyone struggle to breath, just for a mild asthma attack or you had a family member with pulmonary fibrosis or lung cancer or anything, think about that, because the people who were impacted by it would have difficulty breathing and she could not think of a worse kind of suffering than to have difficulty breathing. She said it was an unprecedented challenge to protect public health, prevent the spread, human suffering, and death.

Commissioner Rodriguez-McDowell said she got a call about her husband's COVID-19 test coming back positive and that they were being told to stay in quarantine 14 days from the day of the test, which would be another week. She said he was actually doing great and that he was feeling good, as well as everyone in the family, as they did not have any symptoms. She said it was a mild case for him and that he probably contracted it while flying internationally. She asked clarifying questions about the Stay at Home Order and received answers from Ms. Harris and Mr. Graham.

Commissioner Jerrell said he thought the community needed a lot of clarification. He said regarding enforcement and unintended consequences around enforcement, they had a significant homeless population who congregate and a real concern with people who were being evicted from hotels, and he felt they needed clarification around that.

Ms. Diorio said homeless individuals were an exemption under the proclamation and reminded him of the three hotels that had been leased, one of which was to provide additional opportunities for social distancing at the shelters.

Commissioner Jerrell said he thought it would be important to get that information back to the community as soon as possible. He asked clarifying questions and received answers from Ms. Diorio. He asked about the volunteer efforts, specifically the grab-and-go.

Ms. Harris said there were a lot of volunteer efforts and that a lot of it was being organized through the EOC and that there was a group there helping with that. She said the grab-and-go is fine, as long as people were not staying in the location to eat. She said despite the homeless population being excluded from the order, they still did not want them congregating in large groups, so law enforcement would still look to breakup large groups of folks who would be congregating.

Mr. Graham responded that CMPD had been with them through it, as well as the Sherriff's Office, and the Chief Deputy had been in the Emergency Operation Center about every single day, and Chief Estes and Chief Putney were fully aware. He said the order did not mean that people would not be able to go out to get groceries or go to the drug store but that they wanted them to get what they need and return home at your earliest possible convenience. He said it will be handled on a case-by-case basis. He said there were people out having big soccer games at the parks, and that was not good. He said that kind of interaction needed to be stopped to get the virus out of here so we could all get back to normal.

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Commissioner Harden asked if Mecklenburg County was the most tested County in the State.

Ms. Harris said they were probably the most tested in the State and that they were being judicious in their testing, making there the people who needed it most would have it available. She said if they were just testing everyone or just testing those who want to be tested, they do not even know if they were testing the right people, and it would not give them the full picture. She said they were looking at coming up with a system that would give them a better picture of what is actually happening in the community.

Commissioner Harden asked about the length of time that it was taking people to their tests results back.

Ms. Harris said there were two different ways that tests were being completed and that one of the hospital systems were doing in house testing, which usually turned around in a day to a day and a half. She said the other hospital system and most of the other folks that were doing testing send their tests through LabCorp, because that was the other option that was available to them. She said she assumed LabCorp had been backed up. She said last she heard there were at least 3,000 pending tests in the County.

Ms. Harden asked what was going on with nursing homes.

Ms. Harris said they sent out guidance for nursing homes a week and a half or so, to recommend that they specifically limit visitation, and specific guidance was given on that. She said they were working with one nursing home currently that was causing concern, as there was an individual who had been tested and there was some patience in the nursing home with respiratory issues. She said she knew it was a vulnerable population and that they were doing everything to protect the population and work in that system within the County.

Commissioner Harden wanted to remind everyone of the price and sacrifice that people in nursing homes were enduring right now, because it was very lonely.

Ms. Harris said the way she looked at the document was that people could take it one of two ways; she said they could consider their selves a victim and feel bad about it, or they could look at how they could become part of the solution in the community. She said that was what she would like to encourage everyone in the community to do. She said she knew what they could do to protect yourself but also to look for creative ways to reach out to people who could not go out to the grocery store or get out to take a walk. She said everyone also needed to look at how they did selfcare and that it was not just covering a cough and washing hands, but it was also making sure everyone does what they need to do to take care of their self mentally and emotionally. She said this was a big deal for the community and did not think that anyone in the room or anyone involved had taken it lightly but that they felt it was the necessary step to take.

Commissioner Leake asked clarifying questions and received answers from Ms. Harris.

Commissioner Fuller asked clarifying questions and received answers from Ms. Diorio.

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Chair Dunlap said the only question you need to ask yourself is, was it considered an essential business or not, and if it was not, you cannot go to work.

Commissioner Rodriguez-McDowell asked what the order's end date was.
Ms. Diorio responded April 16, 2020 at midnight.

Chair Dunlap said none of them were taking the decision lightly and that they wanted to do whatever they could to ensure the safety of the entire community.

CLOSED SESSION

A motion was made by Commissioner Leak, seconded by Commissioner Jerrell, and carried unanimously to go into Closed Session to Consult with Attorney.

RECESS

The meeting recessed at 4:10 p.m. to go into closed session in Room 267.

RECONVENE

The meeting returned to open session at 4:37 p.m. in Room 267.

Chair Dunlap asked for a presentation on recommendations for electronic meetings.

Mr. Wade presented the Board with Rules of Procedure for Electronic Meetings. He said he prepared a resolution that drew from the Board's Remote Participation Policy, which was what the Board was engaged in now, but that he broadened it due to the recommendation from the CDC and the government and others around COVID-19, that if possible, they find a way to have remote meetings and not just remote participation. He said the document talked about how they may structure a remote meeting. He mentioned the question of when it would apply, what the authorization would be, how it would be defined, the notice provisions that would be required by statute and how they satisfy the quorum requirements of needing at least five members for the Board to conduct business. He said it was challenging if everyone was not there. He said clearly the statute would anticipate a policy in place that the body has that governs what a remote meeting looks like, just as they have a remote participation policy.

Chair Dunlap said one of the requirements were that there must be public access and that one of the questions raised was how they could do this allowing the public to participate. He spoke about options with online, video-conferencing platforms, such as Zoom and Facebook.

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Ms. Diorio said they would have to have people be able to publicly participate and that besides that they did not have a lot of interaction with people who would come unless there was a public hearing or something on the agenda where people were coming to speak about a specific item. She said they would not be in a situation where there would always be engagement with the public. She mentioned the option of WebEx and said that the issue was with public engagement and how they would be able to plug in, because you want to be able to make sure that people would come for a specific item were coming for that specific item. She said if you were to open it up to Facebook, someone would have to monitor the questions. She said they need to figure out how to control that and that was the piece they were still trying to work through.

Chair Dunlap said there were people on the Board who still like to receive documents and would need to be set up in such a way that they would have access to the technology the way everyone else would.

Ms. Diorio said that was something they would have to work through as well. She said they could do WebEx on any laptop but that they had a way to test that to ensure they had it loaded, tested, and to ensure they know how to use it.

Chair Dunlap said he wanted to be clear that this was only during the emergency declaration and not beyond that. He said how they operationalize it would be contingent upon a positive vote of the resolution, which they could do today, which then says they would do it and they would bring back to us how they would do it and how they would make sure every Commissioner had access and how they would access the system. He said he also wanted brought back how the public would have access to them during the meeting.

Ms. Diorio said that information would be sent out via email.

Commissioner Leake asked about seniors when it comes to access and being available for the general public.

Ms. Diorio said they would make sure seniors would still be able to watch it on television and the website.

Commissioner Jerrell said speaking of access, the technology will most likely allow for people to actually dial in and listen, which would make it even more accessible to the public, because even if they did not want to use a computer or any device.

Commissioner Leake asked if she would see them.

Commissioner Jerrell responded this is if they did not want to dial in. He said they would have control of everyone on the screen and could put everyone in a greenroom or mute everyone out.

Commissioner Leake asked again if they would be able to see the public appearance speakers.

Commissioner Jerrell responded yes. He said his point was that the technology would allow for greater access.

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Ms. Diorio went over some of the logistical pieces that would need to be figured out in order to hold meetings remotely. She said the access piece would not be that hard.

Commissioner Fuller asked when they say they have the power to establish the conditions and rules under which the public could have access in the meeting, meaning it would not be unlimited that anyone showing up could talk.

Ms. Diorio said it would make more sense for Emily to put it on the first page of the agenda, because if they decided they wanted to change their rules, then they would have to go back to change the resolution. She said that would allow more flexibility.

Emily Kunze, Clerk to the Board, said the rules around public appearance said the Board reserved the right to alter the rules on a case-by-case basis as necessary for the efficient and effective conduct of business. She said they would have flexibility at each meeting.

Commissioner Harden said there were technologists all over the world working on this and that she guarantees within three weeks, they would have a system much better than what they had at present time. She said governments and technology platforms were working on this diligently.

A motion was made by Commissioner Harden, seconded by Commissioner Fuller, and carried unanimously to adopt a resolution approving a remote meeting policy.

Chair Dunlap said the Board had determined that during times of emergency declaration it was also possible that some or all commissioners may be unable to personally attend an official meeting, defined as a regular, special, or emergency meeting, and that the public bodies, under North Carolina General Statute 143-318, may provide for a remote meeting by use of telephonic conference or other electronic means under defined conditions, now therefor be it resolved, that the Mecklenburg Board of County Commissioners do hereby approve the attached rules and procedures, and those rules and procedures are the things that we had been discussing.

Commissioner Fuller said he wanted to be clear that this was not just for this state of emergency but for any state of emergency in the future as well.

Chair Dunlap said that was correct.

Commissioner Powell asked what if five could make it but four wanted to participate but could not physically make it.

Mr. Wade said it would allow for that but that they would still have to be able to access information for the public if it was a regular meeting.

Commissioner Powell asked if their votes would count.

Mr. Wade said sure, there would be a process, such as: identify yourself and vote must be verbally stated for record.

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Chair Dunlap said the bottom line was that if there were five people there, it would not be a remote meeting but instead remote participation.

A vote was taken on the motion and carried unanimously.

Ms. Diorio said she received confirmation that the Board still wanted to go ahead with the April 7, 2020 meeting. She said because it was their first time holding a remote meeting, they would be very lasered focus on what they put on the agenda and that they would try to not bring forward a big agenda but that it would mostly be around issues like these.

The presentation and handouts are on file with the Clerk to the Board.

ADJOURNMENT

A motion was made by Commissioner Scarborough, seconded by Commissioner Fuller, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 4:59 p.m.

Emily A. Kunze, Clerk

George Dunlap, Chair