

## Emergency Meeting – March 20, 2020

### COVID19 Update with the Board of Commissioners by Attorney Coward

The Graham County Board of Commissioners met for a teleconference meeting on March 20, 2020 at 11:00 a.m. to discuss the COVID19 issues and seek guidance from Attorney Coward. All board was present. Also present was Manager Garland, Attorney Jay Coward, Health Director Beth Booth, Sheriff Jones and EM Management Director Larry Hembree.

1. Chairman Wiggins called the meeting to order.
2. Chairman Wiggins asks Attorney Coward to go over the Ordinance and Resolution. Attorney Coward stated that he has been doing a lot of studying from one county to another and he has outlined the content for the board to review. Attorney Coward stated that he studied Buncombe County; Haywood County; Macon County and Jackson County's table of contents and studied the intent and purpose of this emergency ordinance. Attorney Coward stated that the county did need to have this in place but not all counties have one. Attorney Coward stated that this would be a standing ordinance dealing with Emergencies. Commissioner Eller stated that EMS Director Larry Hembree and Sheriff Joe Jones needed to be added to this ordinance. Attorney Coward stated that the ordinance deals with who decides the decisions, who is ultimately in charge and who is responsible coordinator. The board went over the proposed ordinance by section. Attorney Coward stated that an Ex-officio committee needed to be named and stated that the committee needed to consist of the Chairman of the Board; County Manager; Sheriff; Health Director; EM Director and the County Attorney. Attorney Coward stated that the commission board would need to delegate authority to the Chairman during a State of Emergency in order for him/her to conduct business. Attorney Coward stated that in certain areas, we cannot supersede State Law but it is very important to clearly state who the coordinator is and the responsibility of the coordinator. The board wanted Attorney Coward to send the ordinance to the board for review. Attorney Coward stated that the ordinance is clear in the area where the Health Director is responsible for getting the information out to the public but he needed to know if volunteers would be used to operate the barricade. Sheriff Jones stated that this is a situation with liability. Attorney Coward stated that Sheriff Jones could take action in this situation. Manager Garland stated that the State of Emergency gives the county a broader immunity. Sheriff Jones stated that he is short on staff and he was not sure that his people could respond to these manned sites if they were busy with other things going on in the county. Attorney Coward stated that the curfew should help with the nighttime traffic. Chairman Wiggins stated that a good time for a curfew would be 10:00 p.m. Attorney Coward stated that due to the detour we would have to keep HWY 129 open for pass through traffic. Chairman Wiggins stated that this will be hard to deal with but we will do the best we can with what we have. Chairman Wiggins stated that our county could not afford a community breakout and we need to do all that we can do to prevent this. Sheriff Jones stated that he is down on labor and he cannot do the site closures. Chairman Wiggins stated that we would receive federal funding to help with these expenses due to the State of Emergency. EM Director Larry Hembree stated that there is a special threshold to go by which include overtime pay and out of pocket expenses. Chairman Wiggins stated that whoever operates the sites needed to be paid. Sheriff Jones asks what will happen if the other counties shut down their borders to us because they are capable of doing this under their State of Emergency. Health Director Booth stated that Cherokee County already has a curfew and EM Director Hembree stated that the Town of Andrews has a curfew for 9:00 p.m. Sheriff Jones stated that he would take the ordinance and see if this is something he can legally do and if he can he will implement it.
3. Attorney Coward asks who is in charge because that is the most important part of this ordinance. The board agreed that Chairman Wiggins and Manager Garland needed to be in charge.
4. The board agreed to recess the meeting in order to allow Attorney Coward to get the paperwork in order and send to the board for review.
5. Commissioner Orr made the motion to recess the meeting. Commissioner Eller seconded this motion. Vote unanimous
6. Chairman Wiggins called the meeting back to order.

7. The board reviewed the ordinance; it is very direct and will serve the county well. Attorney Coward stated that the board would have transparency with this ordinance as well. Attorney Coward asks who will be sitting on the committee. The board all agreed that Chairman Dale Wiggins, Manager Rebecca (Becky) Garland, Clerk Kim Crisp, Health Director Beth Booth, Nursing Supervisor Lorita Eller, Fire Chiefs Keith Eller, Lynn Cody, Scott Cunningham, Bret Williams, PD Royal; EM Director Larry Hembree, Sheriff Joe Jones, Lt. James Hyde as backup for Sheriff, USFS Ranger Andy Gaston, Town of Robbinsville Mayor Steve Hooper, Town of Fontana Dam Administrator Zelerie Rogers, Town of Fontana Dam Mayor Rob Hardy, and Town of Lake Santeetlah Mayor Jim Hager.
8. Manager Garland stated that she had reached out to Brian Burch with NCDOT and would let the board know when he returned her call.
9. EM Director Hembree stated that the Town's would have to declare a State of Emergency for their townships separate from the County's and he has received all of those.
10. Chairman Wiggins asks if the volunteer fire and rescue members would be willing to operate the stations and wanted them to be called during our break because they will be key people with major rolls if an outbreak occurs in our county.
11. Attorney Coward agreed and stated that the committee will be named the Local Emergency Planning Committee. EM Director Hembree asks who will declare emergencies of other types. Attorney Coward stated that Chairman Dale Wiggins would declare the emergency then the committee would need and decide plans of action. Manager Garland asks if we could add a Finance Officer to the committee because currently she is holding dual roles but if this were to be separate, a person from finance would need to be on the committee. The board discussed putting the ordinance in place and executing the ordinance. Commissioner Orr stated that the board of commissioners would make the decisions on the road closures and curfews.
12. The board discussed the sites for closure to be manned and the necessary items needed which include shelter, port a johns, PPE's, etc. The board asks Brian Burch if the Gorge would be reopened in time for these closures and/or road restrictions. Brian Burch stated that for the first week it would not be open with the State of Emergency maybe by the next week. The board all discussed Dare County shutting down their roads and the Eastern Band of Cherokee Indian closing their boundaries. Manager Garland stated that Dare County could control theirs by waterway. EM Director Hembree stated that on the emergency plans the State reviews our plans and we are charged with the aid of the Sheriff to supply shelter, etc. with the order going to the EM Director versus this ordinance that says it goes to the County Commissioners. Commissioner Nelms asks why the NCDOT would have a problem with us allowing citizens and commercial traffic only. Manager Garland stated that Brian Burch was calling the authorities on this question. The board all agreed that the Gorge being closed would present problems for the county on traffic control. The board will do the curfew today which will at least keep the kids off the streets after 10:00 p.m. Sheriff Jones stated that a year round curfew would be good for him. Commissioner Eller stated that we needed to talk to some county citizens regarding out this closure. Chairman Wiggins stated that they needed to have some sort of documentation on them when they come through the checkpoints. The board discussed commercial traffic and the citizens that work in other states or counties. The board discussed having identification for the workers and stated that most of this will be common sense decisions. The board discussed part time residents and how do we handle this influx of people. Manager Garland stated that Dare County issued permits to their residents and the non-residents had to be property owners. Manager Garland stated that she would need a permit because she lives in Cherokee County. Manager Garland stated that the check points could be supplied a tax scroll for verification. Commissioner Nelms stated that we needed to plan and move forward quickly. The board wanted the information to be posted on the WEB and on Facebook of what is coming within the next few days. The board discussed radios for the manned sites. The board discussed speaking with Adam Wachacha on their boundary closures. The board discussed that they would call in the National Guard if needed.
13. Attorney Coward stated that he would need a formal adoption of the plan. Commissioner Orr made the motion to adopt the Graham County Emergency Management Ordinance as presented by Attorney Coward. Commissioner Nelms seconded this motion. Vote unanimous.
14. The board wanted the curfew to go into effect tonight as declared in Amendment #7 by Chairman Wiggins and the hours of the curfew are set as 6:00 a.m. to 10:00 p.m. countywide. EM Director stated that he would need to get one from the Townships as well. The board all agreed that persons coming in or leaving for work was exceptions that were to be made concerning this curfew.
15. Manager Garland stated that she needed clarification on the building closures. The board gave Manager Garland a directive to allow all staff that could to work from home, all department heads are to supply a work plan for their employees and IT is to make sure that every employee

has the tools necessary to work from home. The board all agreed to see if the Governor would put a Shelter in Place.

16. The board agreed to recess this meeting to 10:00 a.m. March 21, 2020 and they would meet by teleconference from this point forward. Commissioner Orr made the motion to recess this meeting as stated. Commissioner Eller seconded this meeting. Vote unanimous.
17. Chairman Wiggins called the meeting back to order Saturday, March 21, 2020 at 10:00 a.m. All board was present. Also present was: Health Director Beth Booth, Sheriff Joe Jones, Deputy Finance Officer Machel Crisp, USFS Ranger Andy Gaston, DSS Director Cris Weatherford, Nursing Supervisor Lorita Eller, Fire Chief Bret Williams, Fire Chief Jeff Millsaps and Fire Chief PD Royale. Commissioner Connie Orr asks that Angela Knight, Graham County School Superintendent be added to the committee.
18. Chairman Wiggins stated that we have formed a committee to put necessary restrictions in place in order to prevent death of the COVID19 pandemic. Manager Garland stated that there were four new cases in Cherokee County. Commissioner Nelms stated that we needed to discuss the penalty for breaking these restrictions. Chairman Wiggins stated that the main reason for the curfew and the road restrictions is to free up our Sheriff's Department and EMS to take care of Graham County residents during this emergency. Manager Garland stated that she is doing daily updates in order to settle the people and the Graham Star will be assisting as well.
19. Manager Garland stated that according to Brian Burch NCDOT in Raleigh said that we can close all roads into Graham County. Chairman Wiggins stated that he spoke with Ben Bushyhead with Swain County Commissioners and they are supporting us on the closure of Hwy 129 and Hwy 28 intersection at Deals Gap. Chairman Wiggins stated that Sheriff Cochran with Swain County could not provide us with any assistance but worried about the Deals Gap area for Fire and Rescue if the road was barricaded. Chairman Wiggins stated that we can barricade the Cherohala Skyway and we will let Blount and Monroe Counties in Tennessee deal with their sides where law enforcement and emergency response is needed. Sheriff Jones asks if the hotels are closed as well as the rentals. Chairman Wiggins stated that they were told to be closed to everyone with the exception of workers.
20. Brian Burch with NCDOT joined the conversation. Mr. Burch stated that each county can restrict passage into their counties with checkpoints but Graham County will have to allow detour traffic through while the Gorge is closed. Brian Burch stated that we can barricade the Cherohala Skyway with no labor but they ask that the county coordinates with Tellico Plains and they post signage and let their citizens know of the closure on the Tennessee side. EM Director Hembree stated that he would need an amendment signed and this can be implemented for the road closure and the amendment needs to clearly state the exact type of closure. Director Hembree stated that he would then get the amendment to the State Highway Patrol, NCDOT Shane Edwards and both counties in Tennessee.
21. Chairman Wiggins asks the fire and rescue personnel if they could operate the sites and they did not feel comfortable with putting volunteers at these sites with no experience in law enforcement or road closures. Attorney Coward stated that he found the law when a State of Emergency is called the Sheriff can give volunteers the authority to enforce these restrictions.
22. The board discussed speaking with Dare County officials on their actual closings.
23. EM Director Hembree stated that with all motels and inn closing should limit the reasons anyone would be coming into Graham County.
24. Chairman Wiggins wanted Hwy 129 closed to all but Graham County residents. Commissioner Nelms stated that there is always the exception and they will need job documentation.
25. Angela Knight, Graham County School Superintendent stated that they are feeding meals to the students and started with 450 meals on the first day rising to 1000 on the third day. Ms. Knight stated that we have access to food and are looking at weekends but the issue is the staff at this time in keeping them safe. The board discussed the meals through the Senior Center and the Jail Meals have to continue.
26. The board discussed that Fontana Village would be able to accommodate the National Guard if they were needed. Commissioner Nelms stated that we do not have the labor to operate these sites. Sheriff Jones stated that Rick Franklin with USFS did go by and tell the campers to move but he will not enforce this. Health Director Booth stated that all the large campgrounds are closed but some of the small ones are still open. The board discussed the site for the Cherohala Skyway and knew that the gate was still locked at the gravel road.
27. The board all agreed that they want to close the roads and they need to locate barricades and asks that NCDOT, P&J, Adams Contracting, Graham Land Company be contacted to see if they have supplies. The board wanted the sites at Tsali, Topton, Deals Gap and Cherohala Skyway. The board agreed to check with the local contractors for personnel. The board all agreed that they might need to call in the National Guard for help. The board discussed shutting down all trails in the property as well as the rentals. Ms. Knight stated that if you wait to Monday, groups of people would already be here. Attorney Coward stated that you can close hotels, inn, rentals

etc. and asked them to leave under the State of Emergency. EM Director Hembree suggested closing renters that rent less than one month at a time.

28. The board agreed to look at closing the roads at 12:00 noon and take bids from contractors and look at Thursday or Friday for the manned sites and if no bids are taken contract with one of them to get this moving. Commissioner Nelms stated that we do not have enough time to do formal bidding. Manager Garland stated that FEMA has relaxed the federal procurement so we do not have to take bids at this time. Attorney Coward stated that quotes would be allowed as well. Commissioner Orr asks for a vendor list of contractors. Manager Garland stated that she could get the list and asks that we solicit three contractors for the sake of time. Commissioner Orr stated that all contractors have a right to a fair chance. Manager Garland stated that she would love to do the procurement but time is the priority and we have to move quickly. Chairman Wiggins stated that we needed to get the word out now about the road closures and let all know that the road will close on Friday. Manager Garland stated that Daniel Allison could reach out to the accommodation partners and post on the T&T Website for no further rentals and rentals under one month will need to leave. The board wanted all events cancelled as well.
29. The board directed EM Director Hembree to get with the Towns, give them the amendments and get them to sign off on them as well. The board agreed that we would meet again on Monday March 23, 2020 at 12:00 noon, the curfew remains in place. Lt. James Hyde asks about the checkpoints and are part time residents go through a screening process. The board all agreed that if they are part time residents then they need to keep proof of property ownership and obtain a permit to have access to the county. Lt. Hyde asks if there will be a screening process for fevers, symptoms, etc. The board was not sure how they could implement the health screening process. Sheriff Jones stated that he has seen several small cars with New York and New Jersey tags.
30. Manager Garland asks Sheriff Jones and EM Director Hembree to give her the specifics of the materials needed for the checkpoints.
31. The board all agreed that all accommodations would be shut down on Monday, March 23, 2020, which include inns, bed and breakfasts, campgrounds, etc.
32. The board discussed waivers to be given to persons traveling out of county to work or go to their regular doctors. Manager Garland stated that they needed to carry a letter from their employer that they work for them and this is why they are going out of county.
33. Jeff Millsaps stated that we could not close the road due to the Nantahala Gorge Detour. The board wanted to know when the Gorge would reopen. The board learned that the nursing homes are now closed to visitors as well. The board all agreed that all trail hikers are closed to accommodations and they needed to contact the Appalachian Trail Commission and let them get the word out to their hikers. The board also wanted TVA contacted due to their shelters that are used by the hikers.
34. Manager Garland stated that she would write up the press release this afternoon, send out to the committee to look at, and check to see if anything needed to be added or retracted. The board wanted Manager Garland to get up with Rex Hodges with WLOS as well.
35. The board discussed a fine of \$1000.00 per day if they try to hinder this State of Emergency.
36. Chairman Wiggins continued this meeting to Monday, March 23, 2020 at 12:00 noon.

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Dale Wiggins, Chairman

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Lynn Cody, Vice-Chairman

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Keith Eller, Member

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Jacob Nelms, Member

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Connie Orr, Member

ATTEST: \_\_\_\_\_  
Kim Crisp, Clerk to the Board