

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
FRIDAY, MARCH 27, 2020

The Henderson County Board of Commissioners met for an Emergency meeting at 10:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville, NC.

Those present were: Commissioner Mike Edney, Chairman Grady Hawkins, Commissioner Rebecca McCall, Commissioner Charlie Messer, Vice-Chairman William Lapsley, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Director of Business and Community Development John Mitchell, Engineer Marcus Jones, Emergency Management/Rescue Coordinator Jimmy Brissie, Chief Deputy Vanesa Gilbert, HCSO Account Technician Lisa Ward, Construction Manager David Berry, HR Director Karen Ensley, Sheriff Lowell Griffin, Registrar of Deeds Lee King, IT Director Mark Seelenbacher, Public Health Director Steve Smith, PIO Kathy Finotti – videotaping, Deputies Mike Marsteller and Freddie Westphal as security.

CALL TO ORDER/WELCOME

Chairman Hawkins called the meeting to order and stated due to the fast-moving events, especially in medical, this meeting is a follow up to the State of Emergency Proclamation.

INVOCATION

The invocation was provided by County Manager Steve Wyatt.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Chairman Hawkins.

PARDEE HOSPITAL UPDATE

CEO Jay Kirby provided an update to the Board. There are approximately 630 cases of COVID 19 across North Carolina at this moment and numbers change by the hour. (At 10:40 am, Mr. Kirby noted that cases across North Carolina had already increased to over 700). Pardee Hospital has tested over 340 individuals with 8 testing positive for COVID 19, with 11 total testing positive in Henderson County. Scientist tell us we can expect that number to be between 15-20 next week. Only 80% of that test positive are symptomatic. Both Urgent Care and ER volume are down, as people are sheltering and taking this seriously.

Data shows that in the next 2-3 weeks we can expect 500+ hospitalizations. Approximately 45% will be at ICU level on a ventilator and we should expect a 1-15% mortality rate. Hospitals and medical workers are in dire need of personal protective equipment. At this time Pardee Hospital has 18 ventilators, which he feels will not suffice.

Jay Kirby personally feels this virus will not peak until mid-May or early June.

Commissioner Lapsley stated this is a humbling experience and the Board and staff are doing their best to deal with the situation. We must encourage people to stay home, and the Board must take appropriate steps with the knowledge we have each day to protect the citizens. The Board is looking at a Supplemental Proclamation of Emergency for Henderson County in order to try to get people to stay home.

Commissioner Edney requested no visitation to nursing facilities be included, and that citizens be able to comply with court orders of legal proceedings.

Chairman Grady Hawkins reemphasized citizens need to take measures to combat the virus; stay home, wash

DATE APPROVED: April 15, 2020

your hands, sanitize, and social distancing of 6 feet.

Russ Burrell reminded the Board the Proclamation will remain in effect until the Board cancels or changes it

Commissioner Lapsley made the motion to adopt the Supplemental Proclamation of Emergency for Henderson County with the amendments by Commissioner Edney regarding Chapter 131E facilities complying with North Carolina public health laws, and compliance with existing Court orders, which were accepted as friendly amendments effective Saturday, March 28, 2020 at noon. All voted in favor and the motion carried.

Sheriff Griffin is comfortable with the supplement. He feels a panic is in place due to untrue information being shared. Supplies will be there if we do not overstock. The Nation Guard is not coming in. He asked that citizens remain calm and suppress rumors which are doing more harm than good. As far as the supplement is concerned, a Class 2 misdemeanor is punishable by up to 60 days in jail. The Sheriff's Department will do everything in its power to give discernment with least restrictions as possible. The first level is education.

Jimmy Brissie suggested more restrictions on nursing facilities and allowing locals to stay in hotels as some individuals may need to be isolated from their families.

It was the consensus of the Board to table the Electronic Meetings document to a later date.

Staff is to look at dates for consideration of the next emergency meeting.

SUPPLEMENTAL PROCLAMATION

Pursuant to authority granted to North Carolina counties under the North Carolina Emergency Management Act (Article 1 of Chapter 166A of the North Carolina General Statutes), and also pursuant to authority granted by Article II of Chapter 76 of the Henderson County Code, and pursuant to and supplementing the Proclamation of State of Emergency for Henderson County declared March 14, 2020, at 6:00 p.m., the following findings are hereby made:

Findings:

A. The undersigned issued a Proclamation of State of Emergency for Henderson County (the "March 14 Proclamation"), covering all the unincorporated areas of Henderson County, and, with the consent of the City of Hendersonville, the Town of Laurel Park, the Town of Fletcher, the Town of Mills River and the Village of Flat Rock, the incorporated areas of those municipalities.

B. Since the March 14 Proclamation, the President of the United States and the Governor of North Carolina have issued new Orders with provisions including greater restrictions on mass gatherings and certain other activities.

C. Consultation has been made with the members of the Board of Commissioners of Henderson County, and with the City of Hendersonville, the Town of Laurel Park, the Town of Fletcher, and the Town of Mills River, and the Village of Flat Rock, with local public health officials and with leaders of Margaret R. Pardee Memorial Hospital and Advent Health Fletcher Hospital.

D. Since the March 14 Proclamation, many residents of the county have been tested for the COVID-19 virus. Initially, there was a connection and correlation between positive results and out of county

travel or contact with someone known or believed to have been positive; however as of this date there is increasing evidence of cases in Henderson County and neighboring counties, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission to citizens of Henderson County.

E. In areas fighting COVID-19 there is a severe shortage of medical facilities, equipment, supplies and personnel, and there is an urgent need to act to prevent or alleviate such a shortage in Henderson County.

F. It is essential to slow viral transmission among our citizens as much as possible to protect the most vulnerable and to prevent the health care system of Henderson County from being overwhelmed, and thus unable to provide proper and adequate treatment.

G. Many individuals who contract the virus display no symptoms or have mild symptoms which means they may not be aware they carry the virus. People without symptoms can transmit the disease and because evidence shows the disease is easily spread, mass gatherings can result in further transmissions of the virus.

H. As a result of this ongoing public health emergency, after the consultations above, we have determined that if further action is not taken to slow the spread of COVID-19 within Henderson County, there is an imminent threat of, or existing conditions have caused or will cause, widespread or severe damage, injury, or loss of life or property, and public safety authorities may be unable to maintain public order or afford adequate protection for lives or property.

I. It is essential to slow viral transmission in Henderson County as much as possible to protect the most vulnerable, and to prevent the local health care system from being overwhelmed.

J. This Supplemental Proclamation and Order is necessary to slow the rate of spread, and to make the best use of finite medical resources so that their capacity for treatment is not exceeded by the need created by COVID-19. Further, it is the least restrictive action available to meet these necessities based on the evidence at present.

NOW, THEREFORE, IN COMPLIANCE WITH THE PROCLAMATIONS OF THE PRESIDENT OF THE UNITED STATES AND THE GOVERNOR OF NORTH CAROLINA, AND AFTER CONSULTATION WITH PUBLIC HEALTH AUTHORITIES AND THE MUNICIPALITIES OF HENDERSON COUNTY, THE UNDERSIGNED HEREBY SUPPLEMENTS THE MARCH 14 PROCLAMATION AND ORDAINS AS FOLLOWS:

I. The effective area of this Supplemental Proclamation is all the unincorporated areas of Henderson County, and, with the consent of the City of Hendersonville, the Town of Laurel Park, the Town of Fletcher, the Town of Mills River, and the Village of Flat Rock, and the incorporated areas of those municipalities.

II. The purpose of this action is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform essential services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they shall at all times reasonably comply with CDC recommendations of Social Distancing Requirements of at least six (6) feet apart. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For purposes of this Proclamation, homes or residences include hotels, motels,

shared rental units, shelters, and similar facilities. All provisions of this Proclamation should be interpreted to effectuate this intent.

III. The March 14 Proclamation remains in full force and effect.

IV. North Carolina General Statute 166A-19.31 and Chapter 76 of the Henderson County Code allows the County of Henderson to enact a variety of restrictions and prohibitions as this evolving situation warrants. In accordance therewith, we order the following in addition to the restrictions in Executive Order 120 signed by Governor Cooper on March 23, 2020, which is incorporated by reference herein:

A. Stay At Home: All individuals currently living within Henderson County and all the municipalities located there are restricted to their places of residence. Except as allowed in this order, all individuals in Henderson County are prohibited from (i) being or traveling upon any street, alley, or roadway or upon public property, or (ii) participating or carrying on any business activity, or keeping open places of business or entertainment and any other place of public assembly. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For the purposes of this Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

B. Prohibited Activities: The following activities are prohibited:

1. All public and private gatherings of more than ten (10) people are prohibited, except for the limited purposes permitted by this Order. Nothing herein prohibits the gathering of members of a single household or residence.

Individuals who choose to engage in public or private gatherings of up to ten (10) people shall at all times observe Social Distancing Requirements as defined below. Any group, contact sport, team sport, or other physical activity where social distancing cannot be maintained at all times is prohibited.

All businesses and operations in the emergency area of Henderson County, except "Essential Businesses and Operations" as defined below, are to cease all activities. This requirement applies irrespective of the nature of the service or function performed by the business or organization and without regard to the organization's corporate or entity structure. Businesses and Operations that are not deemed Essential will be allowed to conduct "Minimum Basic Operations," as defined below.

All places of public amusement where people may gather, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, public and private playgrounds, driving ranges, skate parks, recreation centers, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs shall be closed to the members of the public.

C. Restrictions on nursing home, long-term care facilities and assisted living facilities operated in Henderson County pursuant to Article 6 of Chapter 131E of the North Carolina General Statutes ("Chapter 131E Facilities"):

1. Owners, administrators, operators, staff, contractors, and volunteers of Chapter 131E Facilities are prohibited from allowing residents, customers, clients, or visitors from assembly in spaces that do not permit appropriate social distancing which consists of separation of 6 or more feet between each individual.

2. Owners, administrators, operators, staff, contractors, and volunteers of Chapter 131E

Facilities are prohibited from allowing a person to enter the facility and visit a resident unless each of the following criteria are met: (1) the visitor is an adult, (2) the resident has not already had a visitor that day; and (3) the visit takes place in the resident's room. This prohibition does not apply to end of life situations.

3. No person is allowed to visit a resident of Chapter 131E Facilities unless the visitor has been screened prior to entry for signs and symptoms of COVID-19 including but not limited to the following: fever of 100.4 or higher, cough, or difficulty breathing, contact in past 14 days with a person who has a confirmed diagnosis of COVID-19 or who is under investigation for COVID-19. All visitors may be required to take precautionary measures including, but not limited to, social distancing or wearing personal protective equipment. Any Chapter 131E Facility may deny visitation for the duration of this Emergency.

4. No person is allowed to visit a resident of Chapter 131E Facilities unless the visitor shows identification, signs into a visitor's log that includes the date and time in and time out, and provide their name and accurate contact information including phone number and email if available.

5. Operators and staff of Chapter 131E Facilities are prohibited from destroying each day's visitor log for a period of 60 days from that day.

6. Owners, administrators and operators of Chapter 131E Facilities shall ensure adequate staffing to manage all occupants of the facility to include lifting and moving uninjured occupants.

7. All Chapter 131E facilities will comply with any Orders issued under North Carolina public health laws.

D. Essential Activities: The following are deemed Essential Activities, and are excluded and exempted from the "Stay At Home" provisions of paragraph IV.A., above:

1. Health and safety: To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or persons who are unable or should not leave their home (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.

2. Necessary supplies and services: To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences.

3. Outdoor activity. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements, as defined herein, such as, by way of example and without limitation, walking, hiking, golfing, running, cycling, or using the greenways. Individuals may go to public parks and open outdoor recreation areas. Note, however, playgrounds, including those within public parks, shall be and remain closed.

4. Permitted business functions. To perform work as permitted herein.

5. Take Care of Others: To care for a family member, friend, or pet in another

household, and to transport family members, friends, or pets as allowed herein. This includes attending weddings and funerals, so long as such events comply with the other restrictions in this Order.

6. **Compliance with Court Orders:** Where required to comply with existing court orders where such orders have not been modified during the period of the emergency.

Notwithstanding any other provision in this document, nothing herein shall in any way be deemed to impede the Henderson County Public Health Director from issuing and enforcing quarantine and isolation orders issued under the appropriate General Statutes, or executing other duties as required.

E. **Social Distancing:** Any person who needs to leave their place of residence, shall at all times maintain at least a six-foot distance between themselves and any other individual, except as reasonably necessary to perform Essential Activities. In addition, such persons shall practice washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

F. **Healthcare and Public Health Operations:** For purposes of this Supplemental Proclamation, individuals may leave their residence to work for or obtain services through Healthcare and Public Health Operations, as defined herein.

Healthcare and Public Health Operations includes, but is not limited to: hospitals; clinics when medical/dental care cannot be provided virtually; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; reproductive health care providers; home healthcare services providers; mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; and entities that transport and dispose of medical materials and remains. Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products. Healthcare and Public Health Operations also includes veterinary care and all urgent healthcare services provided to animals.

Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. However, Healthcare and Public Health Operations does not include fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities or activities which normally take place in such facilities which by their nature would not allow for compliance with Social Distancing Requirements.

G. **Human Services Operations:** For purposes of this Supplemental Proclamation, individuals may leave their residence to work for or obtain services that are not available via online or mail-in applications, and telephone interviews at any Human Services Operations, or Medicaid providers that are providing services to the public and including state-operated, institutional, or community-based settings providing human services to the public. Human Services Operations include, but is not limited to: long-term care facilities; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation

services; developmental centers; adoption and pregnancy counselling agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals. Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

H. Essential Governmental Functions: For purposes of this Supplemental Proclamation, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel and attorneys representing them, adult protection services and attorneys representing them, housing and shelter personnel, military, and other governmental employees working for or to support Essential Governmental Functions are categorically exempt. Essential Government Functions means all services provided by the County or any municipality, township, subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Government Functions. Each County, City, Town or Village Manager or Administrator shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions. This Proclamation does not apply to the Federal government or the State of North Carolina. Nothing herein shall prohibit any individual from performing or accessing Essential Governmental Functions.

I. Limitations on Business Activities: All businesses and operations in Henderson County, except the activities listed above in paragraphs IV.F., IV.G. and IV.H., above, and except Essential Businesses and Operations as defined below, are to cease all activities. This requirement applies irrespective of the nature of the service or function performed by the business or organization and without regard to the organization's corporate or entity structure. Businesses and Operations that are not deemed Essential will be allowed to conduct "Minimum Basic Operations," as defined below.

1. Working from Home. Businesses may continue any operations consisting exclusively of employees or contractors performing activities at their own residences.

2. Essential Businesses and Operations. The following businesses, activities, and functions are not prohibited from operating and are encouraged to operate and remain open to the public, provided that they enforce, to the extent reasonably possible, Social Distancing Requirements and meet any other requirements in this Order:

a. The "Essential Critical Infrastructure Workforce" described in the March 19, 2020, "Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response" from the U.S. Department of Homeland Security Cybersecurity & Infrastructure Security Agency.

b. Businesses that sell, produce, or distribute groceries, medicine, or essential household goods: Grocery stores, farms, farmers' markets, farm and produce stands, food banks, convenience stores, and other businesses, whether retail or wholesale, engaged in the sale, production, or distribution of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other essential household consumer product or food necessary to maintaining the safety, sanitation, and essential operation of residences or businesses permitted to operate and ordered herein.

c. Human Services Operations. For purposes of this Order, individuals may leave their residence to work for a Human Services Operation or to obtain the services of a

Human Services Operation that cannot be accessed by remotely. Before leaving home to obtain such Human Services, individuals in need should first seek to access these services by telephone or through digital or other online access, and all Human Services Operations are strongly urged to make such services available by telephone, online, and/or digital access as a first option for clients.

Human Services Operations include, but is not limited to: long-term care facilities; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

d. Healthcare and public health operations. Hospitals, medical clinics, dental and eye care clinics, urgent care facilities, and other healthcare providers, to the extent their services cannot be provided virtually, which is the strongly preferred alternative. Before leaving home to obtain access to healthcare and public health services, individuals in need should first seek to access these services by telephone or through digital or other online access, and all Healthcare and Public Health Operations are strongly urged to make such services available by telephone, online, and/or digital access as a first option for clients.

To avoid any impact on delivery of healthcare, this term shall be broadly defined, but shall not include fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities, and further it shall not include any prohibited business or activity covered by any order of the Governor.

e. Media and first amendment protected speech. Newspapers, television, radio, and other media services. Also expressly permitted are religious services, counseling, pastoral care, and other activities provided by religious organizations to the members of their faith community where such services or activities are made available by telephone, online, and/or digital access.

f. Gas stations and businesses needed for transportation. Gas stations and auto-supply, automotive, farm equipment, and construction equipment repair and related facilities. Bicycle sales and repair shops and related facilities are, likewise, deemed essential and are encouraged to remain operational for curbside pick-up and drop-off and delivery services only.

g. Financial and insurance institutions. Banks, insurance companies, and financial institutions, where such services cannot be provided online or digitally, which is the preferred alternative, and provided said institutions observe and implement social distancing practices in the provision of in-person services. Individuals should only leave their homes for financial or insurance services if the need to access such services is of a

critical or emergency nature. Financial service providers are strongly urged to make web-based or digital services available as a first option for clients.

h. Hardware and supply stores. Hardware stores and businesses that sell electrical, plumbing, and heating and cooling equipment and material.

i. Critical trades. Building and Construction Trades, and other related trades, including but not limited to, plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations. Any of the aforesaid Critical Trades services provided in person shall observe Social Distancing Requirements.

j. Mail, post, shipping, logistics, delivery, and pick-up services. Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, goods, vehicles or services to end users or through commercial channels.

k. Laundry services. Laundromats, dry cleaners, industrial laundry services, and laundry service providers.

l. Restaurants for consumption off-premises. Restaurants and other facilities that prepare and serve food, but only for consumption off premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property. This is consistent with and does not amend or supersede other Orders regarding the closure of restaurants.

m. Services and supplies for Essential Businesses, Essential Government Services, or Minimal Basic Operations. Businesses that sell, manufacture, or supply support or materials needed to enable Essential Businesses, Essential Government Services, or Minimum Basic Operations, as such terms are defined herein.

n. Transportation. Airlines, taxis, transportation network providers, vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Order.

o. Home-based care and services. For adults, seniors, children, and/or people with disabilities, substance abuse, and/or mental illness, including caregivers and service providers, who may travel to a home to provide care and other in-home services, such as meal delivery.

p. Residential facilities or shelters. For adults, seniors, children, pets, disabled persons, substance abuse, and/or mental illness.

q. Professional services. Professional services, such as legal services, accounting services, insurance services, real estate services (restricted to appraisal and title services), notary services, payroll and employee benefit services, when necessary to assist in compliance with legally mandated activities, for the functioning and operation of critical infrastructure sector services, or where failure to provide such services during the time of this Order would result in significant prejudice. Any of the aforesaid professional services provided in person shall observe Social Distancing Requirements.

r. Childcare facilities. For specific employees exempted by this Order, as well as Childcare facilities providing services that enable first responders, healthcare workers, public health, HHS staff and others responding to COVID-19.

s. Hotels and motels. Hotels and motels, to the extent used for lodging and delivery of carry-out food services.

t. Funeral services. Funeral, mortuary, cremation, burial, cemetery, and related services.

J. Outdoor Businesses or Services. Until otherwise ordered, those businesses that operate primarily outdoors or in structures under construction (e.g., construction related contractors, lawn maintenance, equipment repair or maintenance, etc.), and that consistently practice Social Distancing Requirements, are permitted to operate as if they were an Essential Business.

K. Alternate Offering of Non-Essential Goods and Services. Any business providing non-essential goods and services may continue to operate, provided they do so by delivery, mail order, or virtual/web service only, with no in-store customer traffic, and provided further they otherwise comply with this Order, any order from the President or federal government, and any order from the Governor or state government. This provision is to be read in harmony with any other applicable orders, and shall not permit any business to operate that is otherwise prohibited by another lawful order.

L. Minimum Basic Operations for All Businesses. Provided they comply with Social Distancing Requirements, any business may have staff present to perform the following Minimum Basic Operations, which includes performing:

- a. Minimum activity needed to maintain value of business inventory, ensure security, process payroll and benefits, or for related functions;
- b. Minimum activity to perform any function permitted by this Order; or
- c. Minimum activity needed to facilitate employees working from home.

M. Travel:

1. All travel, including, but not limited to, travel by automobile, motorcycle, scooter, train, plane, or public transit, except Essential Travel and Essential Activities as defined herein or otherwise defined in this Order, is prohibited. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Order allows travel into or out of Henderson County to maintain Essential Businesses and Operations and Minimum Basic Operations.

2. Essential Travel. For purposes of this Order, "Essential Travel" includes travel for

any of the following purposes:

- a. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.
- b. Travel to care for elderly, minors, dependents, persons with disabilities, other vulnerable persons, or pets.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- d. Travel to return to a place of residence from outside Henderson County.
- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- f. Travel required for non-residents to return to their place of residence outside Henderson County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.

N. Required measures: Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible all of the following:

1. Designate six-foot distances. Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance.
2. Hand sanitizer and sanitizing products. Having hand sanitizer and sanitizing products readily available for employees and customers.
3. Separate operating hours for vulnerable populations. Implementing separate operating hours for elderly and vulnerable customers.
4. Online and remote access. Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

V. This Proclamation is issued in accordance with, and incorporates by reference, the March 14 Proclamation, and the State of Emergency issued by the Governor on March 10, 2020. It may be revised, amended, or supplemented by the Board of Commissioners at any subsequent meeting.

VI. Any person willfully and intentionally violating any prohibition or restriction imposed by this proclamation as authorized by the Joint Proclamation of State of Emergency shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.

VII. If any section, subsection, sentence, clause, or phrase of this Proclamation is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Proclamation.

VIII. A copy of this Supplemental Proclamation and Order shall be provided to the Clerk to the Board of Commissioners. Reports of the substance, of its prohibitions and restrictions shall be sent immediately to the mass communications media serving Henderson County. As soon as practicable, the full text of this

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Supplemental Proclamation and Order shall be distributed to the mass communications media serving Henderson County.

This Supplemental Proclamation is adopted this 27th day of March, 2020, by the Board of Commissioners of Henderson County and shall take effect at noon on March 28, 2020.

ADJOURN

Chairman Hawkins made the motion to adjourn at 11:55 a.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Grady H. Hawkins, Chairman

DURING THE MARCH 27, 2020 EMERGENCY MEETING, THE BOARD ENACTED THE FOLLOWING

2020.31 Supplemental Proclamation of Emergency for Henderson County and Order