

# MINUTES

## March 20, 2020

### SPECIAL MEETING OF THE CITY COUNCIL

### ASSEMBLY ROOM – OPERATIONS CENTER

### 11:30 a.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Jerry Smith and Council Members: Jeff Miller, Jennifer Hensley and Lyndsey Simpson

Staff Present: City Manager John F. Connet, City Attorney Sam Fritschner, City Clerk Tammie Drake, Human Resources Director Jennifer Harrell, Downtown Director Lew Holloway, Communications Manager Allison Nock

Purpose: The purpose of the special meeting was to discuss continuity of operations of all City services and to consider certain policies to address employee telecommuting, infectious disease control, and employee leave during Corona Virus (COVID-19).

**1. Call to Order:** Mayor Volk called the regular meeting to order at 11:00 a.m. and welcomed those in attendance. A quorum was established with five members in attendance.

**2. City Manager Report on COVID-19 Actions:** Mr. Connet stated we are in unprecedented times and therefore had to move quickly to ensure staff and the public maintain confidence without creating panic. He stated staff has kept the Council informed and tried to maintain normal operations during the pandemic. He stated the course of action has had to be changed in a matter of minutes or hours particularly with the dismissal of school. He stated the policies were put in place are to protect employees and the public and to try to level the curve.

Mr. Connet reviewed a sample of things done since March 11 when a memorandum was sent to staff to stay home if sick and requested them to take actions to reduce the spread of any communicable disease. He stated staff had been in the planning stages several days before that. Other actions have been to suspend utility disconnections and late penalties, limiting travel, limiting face-to-face interaction, closing critical facilities to the public to ensure water and wastewater services are maintained, and emergency services to attempt to keep employees healthy.

Mr. Connet presented three policies put in place after collaboration with other NC local governmental entities and the School of Government.

Mr. Connet stated on March 14, a joint State of Emergency was issued by Henderson County and included all municipalities in the County. He stated this public health emergency does not stop at jurisdictional boundaries and all entities need to work together. All entities are receiving guidance from the Henderson County and NC State Health Departments as well as the Governor. He stated the State of Emergency may be modified if additional restrictions are necessary. He stated the City has also fallen under the Governor's Executive Orders 117 that closed public schools and 118 which restricted restaurants and bars. He stated county or municipal governments in North Carolina may enact a State of Emergency and the cities may fall under the county's upon consent. He stated Mayor Volk agreed to go under county's State of Emergency. He stated if stronger measures are needed, the City can establish their own State of Emergency.

Mr. Connet stated the law enforcement, Downtown staff and the Development Assistance Department have been involved of trying to enforce the Governor's Executive Order.

Mayor Pro Tem Smith stated violation of the Executive Order is a Type II misdemeanor and asked if the owner receives a citation. Chief Blake stated yes, the owner of the establishment would receive a citation for a Type II misdemeanor for violation of the Order.

Mr. Connet stated staff is trying to strategize about how to prepare for future City Council meetings where the number of people have to be limited while keeping the public's business moving forward and keeping the public informed. Measures taken to date is a temporary hiring freeze and slowing down projects due to unknowns as it relates to the economy.

Mr. Connet stated future actions include working with Henderson County on their Emergency Operations Center opening, monitoring critical supplies and materials and developing plans for any shelter-in-place order. He stated staff has received guidance from the Federal government regarding essential services, exempting law enforcement, water and sewer so critical employees may make repairs, etc.

Mr. Connet reported staff will continue working on the budget and expanding virtual meetings capability. He stated staff will address situations as things change, hour to hour.

**3. Consideration of Infectious Disease Policy:** Mr. Connet stated this policy was previously presented to the Council. He stated this policy asks staff to take necessary actions to protect each other from any type of infectious diseases including limiting business and personal travel. He stated the policy provides additional sick leave and puts in social distancing guidelines for workforce infectious disease outbreaks. He stated staff is

working on staggered shifts (A and B shift), alternating day to day to provide social distancing. He stated staff is using a lot of teleconferencing and other methods other than face to face meetings. He stated staff is using new technology and spreading seats in meeting rooms for social distancing. He asked for ratification of the policy. **Council Member Miller moved to ratify the Infectious Disease Policy. A unanimous vote of the Council followed. Motion carried.**

### **Infectious Disease Control Policy**

The City of Hendersonville will take proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the goal of the City during any such time to strive to operate effectively and ensure that all essential services are provided while protecting the safety of our employees.

The City of Hendersonville is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

#### **Preventing the Spread of Infection in the Workplace**

The City of Hendersonville will ensure a clean workplace. In case of an infectious disease outbreak, additional cleaning measures may be added, such as employees taking responsibility for their workstation. A committee will be designated to monitor and coordinate events around an infectious disease outbreak, as well as to create work rules that could be implemented to promote safety.

Employees who exhibit illness on the job may be required to leave work and stay home until they are symptom free.

All employees are asked to cooperate in taking steps to reduce the transmission of infectious disease in the workplace. Employees should stay home when feeling sick and utilize their health provider, the City clinic or Telemedicine provider when symptoms occur. Frequent hand washing with warm, soapy water, covering your mouth when you sneeze or cough, and discarding used tissues in wastebaskets are essential for good hygiene. Alcohol-based hand sanitizers will be offered throughout the workplace and in common areas, based on availability.

#### **Business Travel**

If the situation warrants, the City Manager, or his/her designee, may announce the suspension of all non-essential business travel. When this decision is made, the following shall take effect:

- a. Business travel shall be limited to situations where business cannot reasonably be conducted without face-to-face interaction or visits to specific locations.
- b. Business travel requests must be approved by the Director of the relevant department, the Assistant City Manager or City Manager.
- c. If a travel ban is issued, employees are to cancel reservations and get all available refunds for hotels, registration fees, and transportation costs. If monetary reimbursement is not possible, the recommendation is to request credits, if possible.

#### **Personal Travel**

If the situation warrants, the City Manager, or his/her designee, may implement personal travel requirements.

- a. To reduce the overall risk of the spread of an infectious disease, employees are strongly encouraged not to engage in personal travel to a location where there is sustained community transmission.
- b. The City will follow the CDC's guidance as described for any specified infectious disease and will update these requirements as necessary.

#### **Sick/Extended Leave**

Unless otherwise notified, normal attendance and leave policies will remain in effect. Individuals who believe they may face particular challenges reporting to work during an infectious disease outbreak should take steps to develop necessary contingency plans such as, alternative sources of childcare should schools close. Temporary leave, work schedule and telecommuting policies may be issued to keep essential operations open.

#### **Social Distancing Guidelines for Workplace Infectious Disease Outbreaks**

In the event of an infectious disease outbreak, the City of Hendersonville may implement these social distancing guidelines to minimize the spread of the disease among the staff.

- a. Adjusting shifts and rotating staff to limit exposure.
- b. Use the telephone, online conferencing, e-mail or instant messaging to conduct business as much as possible, even when participants are in the same building.
- c. If you must meet, choose a large meeting room and sit at least one yard from each other, if possible.
- d. Avoid physical contact such as shaking hands.
- e. Avoid any unnecessary travel and cancel or postpone non-essential meetings, gatherings, workshops and training sessions.
- f. Not congregate in work rooms, lunchrooms/kitchens, copier rooms or other areas to socialize.
- g. Eat away from others avoiding crowded places, when possible. Place food orders via phone and e-mail in order to minimize person-to-person contact. Have the food orders, materials and information ready for fast pick-up or delivery.

Approved by: /s/John F. Connet  
Ratified by the City Council

Date: 03-17-20  
Date: 03-20-20

**4. Consideration of Temporary Employee Leave and School Closure Policy:** Mr. Connet stated during these unprecedented times, staff is taking proactive steps to help employees deal with this as stress-free as possible by establishing a temporary employee leave and school closure policy. He stated this will allow employees who are sick or are providing childcare may use any type of their leave: vacation, sick or wellness. He stated new employees who may be transferring leave may use it without a waiting period. If employees do not

have sick leave accumulated, the City will advance 14 days that they will be required to pay back over time. He stated staff is also telecommuting and if possible, they may work from home. He stated staff is working with employees to provide fair and reasonable leave to care for their children.

There was discussion of whether children are allowed in the workplace. Mr. Connet stated the policy's instruction is not to bring children into the workplace but if employees need special consideration, they may approach Human Resources. There was further discussion of schools opening childcare that will be available to public safety and essential employees.

**Mayor Pro Tem Smith moved the City Council to ratify the Temporary Employee Leave and School Closure Policy. A unanimous vote of the Council followed. Motion carried.**

#### **Temporary Employee leave and School Closure Policy**

The City of Hendersonville is taking proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the City's goal during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

##### **Temporary leave Policies**

- a. During this state of emergency related to this infectious disease, all leave policies will be relaxed to allow employees to use any form of accrued leave to self-isolate.
- b. Employees who have pending transferred sick leave will be awarded those transfers immediately.
- c. Employees who have exhausted all forms of leave will be advanced up to 14 days of sick leave. Employees must contact Human Resources prior to exhausting all leave to begin the advanced sick leave process. Advanced sick leave must be repaid with future sick leave accrual.
- d. The Temporary Telecommuting Arrangement Policy will be in place during this time frame to allow the City Manager in conjunction with Department Heads to make decisions about telework to allow for continuity of operations.
- e. If telecommuting is not conducive for continuity of operations, staff rotation and shift adjustments may become necessary.
- f. No overtime will be allowed for work completed off-site due to this protocol.

##### **School/Daycare Closings**

If an employee is unable to arrange childcare services while their child's school is closed due to the current state of emergency, the following applies:

- a. For the safety of all children and employees, children should not be brought to work. Any employee who can work from home during this period is encouraged to do so.
- b. During this state of emergency related to this infectious disease, all leave policies will be relaxed to allow employees to use any form of accrued leave to take care of their children.

Approved by: /s/John F. Connet, City Manager

Date: 03-17-20

Ratified by the City Council

Date: 03-20-20

This policy may be modified by the City Manager as needed and ratified by the City Council at their next available meeting.

**5. Consideration of Temporary Telecommuting Policy:** Mr. Connet stated this policy allows employees to work from home on a temporary basis. Because of Council's support and hard work of staff, the City is in a good position to allow certain employees to work from home because the IT infrastructure is in good shape. He stated some employees cannot, but staff continues to work to keep normal business activities going. He reported the City has rented additional equipment to provide to employees who may need it. He stated the policy establishes procedures to work from home and provides guidance for weekly job logs and requires staying in contact with their department heads. He stated even though they are working from home, employees have to maintain a level of productivity similar to if they are in the office. He stated staff is ensuring compliance with the Fair Labor Standards Act as it relates to exempt and non-exempt positions. He stated all employees are still under the same law. He expects this policy to be a short-term policy through this current outbreak.

There was discussion of relying upon employees to keep their internet connection and whether a stipend would be appropriate if employees are required to work from home and there is a hardship. Mr. Connet explained a permanent policy may be forthcoming because there have been some requests to telecommute. **Council Member Hensley moved Council to ratify the temporary telecommuting policy. A unanimous vote of the Council followed. Motion carried.**

#### **Temporary Telecommuting Arrangements Policy**

Due to an infectious disease outbreak, many employees are inquiring about the ability to work from home. The City of Hendersonville is implementing voluntary temporary telecommuting arrangements for employees whose job duties are conducive to working from home but who do not regularly telecommute. However, there are some positions at the City of Hendersonville that require the employee to be physically present in the workplace. These employees are defined as essential personnel.

**Expanded Definition of Essential Personnel during Emergency:** Department directors are to identify essential personnel. For the purpose of this emergency policy, essential employees are defined as employees who, during an emergency, provide essential services to support efforts to maintain or restore the health, safety and welfare of the City and citizens. These individuals are to be notified they are essential personnel and they are expected to come to work in emergency situations unless they are specifically excused by the department director. These personnel are required to perform essential duties of their job during a time of emergency. Failure to work as directed may result in disciplinary action up to and including termination. Essential personnel are not limited to public safety employees.

Other essential personnel may be identified in all departments of the City.

- a. Modified duty requests for essential personnel will be reviewed on an individual basis by department directors, with approval by the City Manager.

##### **Employee Telecommuting Responsibilities**

- a. Positions approved to work from home temporarily will be determined on a case by case basis.

- b. Employee is responsible for maintaining the same levels of productivity as if he or she were at the City's business premises, except as otherwise agreed to by the employee's department director.
- c. Employee must be available as needed to be in contact with the City management and staff and other third parties as necessary in the course of conducting City business.
- d. Subject to applicable law, employee agrees to comply with all other existing job requirements as are in effect at the City's business locations.
- e. Employee shall be subject to all City policies and procedures.
- f. Upon request, employee must produce a weekly job log of activities completed to management by close of business every Friday.
- g. Employee must adhere to the IT security architecture setup and configuration approved for use by the City.
- h. Telecommuting is not a substitute for childcare, and as such the employee's priority during the telecommuting hours must be on work. Department heads may establish procedures to ensure an employee is available to work during telecommuting period, with the exception of the meal break.
- i. The employee must sign a telecommuting agreement prior to beginning the telecommuting arrangement.
- j. Employee shall take precautionary measures to ensure cyber threats are mitigated to the greatest extent possible, including but not limited to:
  - 1. Creating service tickets for suspected phishing attempts
  - 2. Double-checking that e-mails, voicemails, text messages, and the like are legitimate and from reliable sources
  - 3. Utilizing two-factor authentication whenever possible
  - 4. Updating and maintaining strong passwords for all accounts
  - 5. Not conducting City business over a public wi-fi network

These arrangements are expected to be short term, and the City of Hendersonville will continue to monitor guidance from health officials and the need for remote work arrangements. Employees should not assume any specified period of time for telework, and the City of Hendersonville may require employees to return to regular, in-office work at any time.

Approved by: /s/John F. Connet, City Manager

Date: 03-17-20

Ratified by the City Council

Date: 03-20-20

This policy may be modified by the City Manager as needed and ratified by the City Council at their next available meeting.

**6. Discussion of April 2, 2020 City Council Meeting, Public Hearings, etc.:** Mr. Connet provided a draft agenda that may be modified. He expects the City will continue under a State of Emergency and Executive Order with limitations on the number of people who can participate in meetings, asking people to stay home, etc. He asked for guidance from the Council on how they want to hold the April 2 meeting, public hearings, etc. He stated there is no relief from the open meetings law. He stated there is some guidance suggesting the number of people in meetings may be limited for public safety reasons. He stated the City has the capability of virtual or electronic meetings but is unsure if it meets the intent of the open meetings law. He stated the City also has a provision to allow input through software.

There was discussion of the time critical items for Council's consideration and public hearings. Discussion followed on rotating members of the public in and out of the meeting space. After discussion, **the Council agreed by consensus to proceed with the April meeting at the Operations Center, including the public hearings and accommodating public input as much as possible, and conduct other necessary business.**

Council Member Hensley expressed concerns about the financial forecasting and asked if appropriations to non-profits and others should be put on hold. Mayor Volk explained these appropriations are considered and amounts are set during the budget meetings. She explained staff is still working on next year's budget.

There was a brief discussion of the possibility of a shelter-in-place declaration before April 2. Mayor Volk staff can look to the School of Government for guidance. Mr. Connet commented the Council may convene long enough to postpone the hearing to a date and time certain.

**7. Update by Downtown Economic Development Director on Efforts to Support Downtown Businesses:** Downtown Economic Development Director Lew Holloway stated staff is working to support all businesses. He reported several community members, the Chamber of Commerce and downtown employees discussed options for supporting business. He stated the promotion of buying gift cards from businesses was put in place and a website was launched, LoveHendo.com that lists retailers and restaurants and provides a link to their websites.

Mr. Holloway stated staff is working with the media and promoting the website to help bridge the gap. He stated t-shirts and stickers may also be sold to help fund the small business fund. He stated they are thinking about ideas and continuing to discuss creating awareness.

Mr. Holloway stated staff is working on curb-side pickup for businesses. Barricades will be put on Main Street to dedicate spaces for pull-in pull-out service and should be in place today. He expressed appreciation to the many volunteers who made this possible.

Mr. Holloway stated there may be additional opportunities with grants from the Tourism Development Authority to further support the gift card program.

Mr. Holloway stated staff continues to advocate creative support for businesses and employees in the service industry. He stated the Community Foundation and United Way is working on efforts to assist these businesses who will be greatly impacted. Communications Manager Allison Nock suggested a website to link all COVID-19 resources.

Council Member Miller thanked the City Manager and staff. Appreciation was echoed by Mayor Volk and other Council members.

**8. Reports/Comments by Mayor and City Council Members:** Mayor Pro Tem Smith commented the reopening of school will probably be delayed which will have an effect on the employees.

**9. Adjourn:** Upon no further business, the meeting adjourned at 12:22 p.m.

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Barbara G. Volk, Mayor

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Tammie K. Drake, City Clerk