

**MINUTES OF BOARD OF COUNTY COMMISSIONERS
OF GUILFORD COUNTY
EMERGENCY MEETING**

Greensboro, North Carolina
August 10, 2021

The Board of County Commissioners met in a duly noticed Emergency Board of Health meeting at 3:00PM held virtually via Zoom platform.

PRESENT: Chairman Melvin “Skip” Alston, presiding; Vice Chairman J. Carlvena Foster; Commissioners Mary Beth Murphy, Kay Cashion, Justin Conrad, Carly Cooke, James Upchurch, Carolyn Q. Coleman, and Alan Perdue.

ABSENT: None.

ALSO PRESENT: County Manager Michael Halford; Assistant County Manager Jason Jones; County Attorney Mark Payne; Deputy County Attorney Matt Mason; Clerk to Board Robin Keller; Ariane Webb, Deputy Clerk to Board; Jessica Wolf, Deputy Clerk to Board; Heather Skeens, DHHS Director, Dr. Iulia Vann, DHHS Public Health Division Director; Don Campbell, Emergency Management Division Director; Jim Albright, Emergency Services Director; members of staff and media. Virtual participation was made available to the general public and media.

I. WELCOME AND CALL TO ORDER

Chairman Melvin “Skip” Alston welcomed those present and called the meeting to order at 3:04PM.

II. NEW BUSINESS

Chairman Alston asked Emergency Management Division Director, Don Campbell, to provide an update on Covid-19.

Campbell updated the board. He stated in the last few days, we have seen a dramatic increase in daily case counts. Additionally, hospitalizations are steadily increasing, and the percentage of positive cases is increasing.

Chairman Alston asked Campbell to briefly go over Cone Health's occupancy resources.

Campbell stated that today, our hospitalization numbers are 52 at Moses Cone, 18 at Wesley Long, and 19 at High Point Regional with a total of 89 individuals in the hospitals in the county, related to COVID admissions. Cone Health continues to do a great job modeling what they believe will be the impact of this Delta variant. Ultimately, the concerns are the long wait-times in the emergency departments, the lack of bed space available, and the impact on staffing resources. The Green Valley facility will not be reopened so Cone will utilize the hospitals they have. The concern is the steady increase of the Delta variant might overwhelm the hospitals in coming weeks.

Commissioner Cooke asked staff to speak to what difference requiring indoor masking would make on hospitalizations and positivity rates.

Public Health Division Director, Dr. Iulia Vann, stated the Delta variant, which represents 90% or more of the current infections, is highly transmissible and having indoor masks will help prevent transmission in those spaces. This variant creates a different dynamic in the pandemic that we're in right now. Masks will help stop the increased transmission we are seeing as a layered approach with our other mitigation efforts.

Commissioner Cooke asked how do vaccinations fit into that layered approach?

Dr. Vann stated the county has done a good job educating the public about vaccines and the county has about 50% of the total population fully vaccinated. Herd immunity might be higher than initially thought, so they still need to work on getting our community members vaccinated. The Delta Variant can penetrate the vaccination barrier easier than the previous variant and vaccinated individuals can still catch and spread the virus. While the county is in a critical acceleration rate in the community, it is Public Health's recommendation, along with the CDC, that masks should be worn indoors regardless of vaccination status.

Commissioner Cashion asked Campbell how many people would a 15% positivity rate translate to? Are these people testing positive or being admitted with symptoms?

Campbell stated yesterday, 124 new positive cases were added in Guilford County. The percent positive is recorded by the NCDHHS by all of the vendors testing. It gives a general idea how much virus is in the community overall. The county is currently testing at a high volume.

Commissioner Upchurch asked Dr. Vann about statistics. What level do you start to become concerned and need to utilize masks and preventative measures? Are you looking at the number of hospitalizations, the number of cases, the death rate, what exactly are you looking at?

Dr. Vann stated this is a combination of metrics, not just one particular metric. They are looking at all the metrics including hospitalizations, cases, and positivity rate combined that show the level of community transmission and risk to the community.

Commissioner Upchurch asked if they are looking at the numbers by themselves? Are we looking at an increase in these numbers or looking for a specific number?

Dr. Vann stated they continue to post data on healthyguilford.com with the trends, metrics, and data that the public can view.

Commissioner Perdue asked Dr. Vann what scientific data or experience have other areas, in or outside of the United States, experienced as a result of a mask mandate related to the Delta variant and what is the goal with this particular mask mandate?

Dr. Vann stated that since the Delta variant has taken over the infections in our state over the last three weeks, she is not aware of any mask mandates over the 3 weeks and is not aware of any mask mandates put in place during this time. However, like other public health measures put in place, masks are put in place to help stop the spread of Covid-19 and other variants.

Commissioner Murphy asked Dr. Vann to discuss the layered approach to mitigation. What is the effectiveness of the vaccine in regard to the Delta variant?

Dr. Vann stated vaccines are safe and efficient. There is new research data out of the United Kingdom recently and there is a slight decrease in efficiency with the Delta variant but overall still highly effective.

Commissioner Murphy asked for clarification that though efficiency has decreased, vaccines are still effective against the Delta variant?

Dr. Vann clarified that it is true.

Commissioner Murphy questioned the layered approach in that masking along with being vaccinated can help people who might be asymptomatic and vaccinated from inadvertently spreading the virus.

Dr. Vann confirmed. Noting that the layered approach is a combination between vaccination and masking. The virus is adapting and mutating, and the variants are becoming more concerning over time.

Commissioner Murphy asked Dr. Vann to discuss the virus over various age groups. How is the Delta impacting age groups differently than the previous virus strain?

Campbell stated the average age of individuals being hospitalized is decreasing. The average age is now at 55. In the first week of August, children under the age of 20 made up 22% of new Covid cases and it is impacting individuals at a higher rate in this group. They anticipate these numbers to grow in the coming weeks.

Commissioner Conrad noted a constituent stated that moving to a mask mandate would disincentivize the community to get vaccinated. He asked Dr. Vann how she would respond to that.

Dr. Vann stated the recommendation to wear masks indoors, regardless of vaccination status, does not take out the desire to be vaccinated. This is not an either/or approach, this is a vaccination and mask approach to prevent community spread even better.

Campbell stated individuals who get vaccinated now still have a 35 to 45-day window until they are fully vaccinated. Since there is a period between doses and full vaccination, masks are the best preventative, layered approach during this time.

Commissioner Foster asked about the layered approach. In absence of the vaccine, is the mask the next best measure or approach to impact or deter the spread of the virus?

Dr. Vann stated yes, that is the next best approach.

Commissioner Foster reiterated we aren't requiring individuals to get vaccinated, we are simply requiring the next best thing, which is to wear a mask.

Chairman Alston spoke to the Board of Health rule changes. He asked County Attorney Payne to review changes.

Payne stated Guilford County staff was tasked to create a Board of Health rule with a mask mandate. As you look at the proposed changes, you will see information similar to the prior Board of Health rules, prior Executive Orders by the Governor, and rules used by surrounding counties. This was a group effort with staff with modified findings to reflect the Delta variant. He discussed the details of the proposed order.

Motion was made by J. Carlvena Foster and seconded by Mary Beth Murphy to approve the proposed Board of Health Covid-19 mask rule as presented today, August 10, 2021.

Commissioner Cashion questioned where any fees associated with enforcement go.

Payne stated civil penalties in North Carolina goes to a fund for the public-school systems.

Commissioner Conrad asked Payne for clarification on required trainings for enforcement designees.

Payne shared that staff can share the enforcement training with the board if they would like to review the trainings.

Chairman Alston clarified that Dr. Vann had specifically trained county employees the county would designate enforcement officials.

Commissioner Conrad stated that designated individuals needed to be county or municipal employees; but regardless of intent, as it stands, the current rule does not reflect that.

Dr. Vann stated she can make any necessary adjustments working with Payne. Every person enforcing rules will be a Guilford County employee who are trained and has skills and knowledge to enforce rules successfully. She believes an interlocal agreement with some municipalities has been helpful in the enforcement process.

Payne asked for clarification from the board as to who they envision being responsible for enforcement: county employees only or allowances for mutual aid enforcement. He recommends we make that adjustment now.

Commissioner Conrad stated his other concerns regarding the language, legality and enforceability regarding a county ordinance versus an executive order.

Payne stated there is not a clear answer whether a Board of Health rule has the authority to issue the civil penalties listed. In his opinion the authority is there and legally appropriate.

Commissioner Upchurch asked for clarification regarding the benchmark of a 5% positivity rate.

Dr. Vann stated they are looking at some benchmarks when they look at the metrics and the 5% positivity rate is what the CDC and the North Carolina DHHS has used in past. We would like to see it 5% or less.

Commissioner Upchurch asked how long would the positivity rate need to be 5% or less for you feel confident we're moving in right direction?

Dr. Vann stated it's important to note they are looking at multiple metrics, not just positivity rate. It would need to be all these metrics decreasing over sustained amount of time.

Commissioner Upchurch asked for clarification on how long a sustained amount of time is. He would like to see us reevaluate the situation at 5% or less, not just at a 70% vaccine rate.

Dr. Vann stated she is not sure if there is truly an answer that question. It is a continuous process as metrics change.

Friendly amendment was made by James Upchurch that we add if the positivity rate is at or below 5% for 3 weeks that the board re-evaluate the need for the mandate.

Payne clarified the language regarding evaluation and motion language.

Commissioner Foster stated she would accept the friendly amendment to the motion and also include the additional exception, and the clarification of the language requested by Commissioner Conrad.

Commissioner Perdue discussed some of the Board of Health rule language. He also discussed the language and some concerns regarding businesses and the civil penalties, and reiterated that he continues to have questions, as some areas are unclear and can be problematic down the road.

Commissioner Cooke wanted to make a comment on the Board's decision. She has received a lot of e-mails in support and opposition and she is disappointed having to re-mask but sees this is important.

Motion was made by J. Carlvena Foster, seconded by Mary Beth Murphy to approve the proposed Board of Health Covid-19 mask rule as presented today on August the 10, 2021 as amended to include the additional exemption as discussed, clarifying language as discussed by Commissioner Conrad and a revaluation marker of a community positivity rate at or below 5% for a period of three weeks.

VOTE: **Motion carried 7 - 2**
AYES: **Melvin "Skip" Alston, J. Carlvena Foster, James Upchurch, Carly Cooke, Kay**
 Cashion, Mary Beth Murphy, and Carolyn Q. Coleman

NOES: **Justin Conrad and Alan Perdue**

Commissioner Cashion asked for clarification on an effective date.

Chairman Alston clarified this will go into effect Friday at 5pm.

I. ADJOURN

There being no further business, the meeting was adjourned by unanimous consent at 4:00PM.

Melvin "Skip" Alston
Chairman

Robin Keller
Clerk to Board