

Town of Dallas

Agenda

JULY 28, 2020

5:00 PM

BOARD OF ALDERMEN – WORK SESSION MEETING

Rick Coleman, Mayor

Allen Huggins

Darlene Morrow

Stacey Thomas

Jerry Cearley, Mayor Pro-Tem

E. Hoyle Withers

<u>ITEM</u>	<u>SUBJECT</u>	<u>Pages</u>
1.	Pledge of Allegiance to the Flag	
2.	Approval of Agenda with Additions Or Deletions	
3.	New Business	
A.	Façade Grant Revisions	2
B.	Grievance Process Revisions	9
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TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Proposed Revisions to Façade Grant Program

AGENDA ITEM NO. 3A

MEETING DATE: 7/28/2020

BACKGROUND INFORMATION:

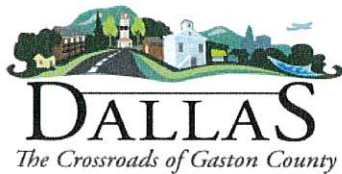
The current Façade Grant Program outlines a program that supports economic development and strives to improve the appearance of the Town's Central Business District (CBD) by providing financial assistance to business owners in the CBD. Under the plan's guidelines, a façade is defined as "an individual storefront or commercial building side which faces a public right-of-way or is otherwise visible to the public". This has been defined as front- and side-facing façades with no provision for rear-facing façades.

There are situations where a rear-facing façade is visible to the public or public right-of-way and a pleasing façade would promote economic development and appearance within the CBD.

The attached Façade Grant Program shows recommended revisions to the program to allow rear-facing façade to be eligible for consideration.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:



Town of Dallas Façade Improvement Grant Program

Objective and Purpose

The Town of Dallas has a primary goal of improving the appearance of the Central Business District (as defined by the Town's Future Land Use Plan) and promoting economic development. To aid in achieving that goal, the Façade Improvement Grant Program will assist new or existing businesses in maintaining and improving the appearance of building façades in the Central Business District.

The rehabilitation of structures in the Central Business District of Dallas should respect and reflect the architectural integrity and history of the entire building and retain those elements that enhance the building. Façades should be in harmony with the character of the downtown area and in coordination with the color and design of adjacent structures.

As a means of encouraging the maintenance and improvement of business building façades, the Town of Dallas has appropriated funds to a structured grant program to provide financial assistance to owners of businesses in the Central Business District. Awards through the Town-funded grant program shall comply with the following provisions, requirements, and guidelines.

The purpose of the program is to:

- ◆ Promote storefront rehabilitation in the Central Business District
- ◆ Preserve the unique character of the downtown's historic buildings
- ◆ Encourage aesthetic compatibility for improvements to façades of non-historic structures
- ◆ Encourage the use of quality materials, good design, and workmanship in the rehabilitation of downtown properties
- ◆ Make improvements that make a highly visible contribution to Dallas

Guidelines

1. All rehabilitation funded through grant awards under this program must be performed in accordance with *The Secretary of the Interior's Standards for Rehabilitation* (Exhibit A); Town of Dallas Ordinances and Code Requirements, such as building codes, zoning regulations, etc.; and the following guidelines in making façade improvements under this program.
2. Approval for funds must be made prior to the beginning of the project. No awards will be given to a project begun or completed prior to application.
3. A brief summary of the business plan and the proposed renovation/rehabilitation project must be submitted with the application. Summary should be limited to no more than two pages. **The applicant must secure a two-year lease, if leasing.**
4. Funds are for fixed items only and not for inventory, furnishings, or non-fixed items. Grants are provided to help with correction of building code violations, building renovations, building rehabilitations, façade improvement, signage, etc.
5. The Business Incentive Grant program is not intended to provide financial assistance to fiscally unsound businesses.
6. Since each application will be different, and reviewed on a case-by-case basis, the applicant may be required to submit additional information. The intent of the Façade Grant Program application process is not to burden the applicant business with extensive research, but to provide the Review Committee with information to make appropriate recommendations and decisions.

7. Façade Grant Program applications will be reviewed by the Review Committee, and will depend on the availability of funds.
8. Ineligible properties and businesses:
 - ◆ Tax delinquent property or property not in good standing with the Town of Dallas Utility Billing
 - ◆ National franchises
 - ◆ Retail chain stores
 - ◆ Primarily residential properties or uses
 - ◆ Tax exempt organizations or properties

Eligibility

1. A façade is defined as an individual storefront or commercial building side which faces a public right-of-way or is otherwise visible to the general public.
2. Commercial buildings must be located within the Central Business District or on Trade Street between N. Summey Street and the Hwy. 321 Interchange.
3. Owner or tenants of buildings are eligible to apply; however, the owner must sign the application.
4. If there is a building with multiple public-facing façades (ex. corner building), **both all** public-facing sides must be rehabilitated and grant eligibility will be ~~twice the amount as for a building with only one public-facing façade~~ **assessed per eligible side.**
- ~~5. While in some situations rear façades can be seen from public streets, at this time only front and corner façades will be considered for funding.~~
6. Only established businesses (those that have been in operation for more than two years) are eligible for a grant that includes new signage.

Grant Award

1. Grant awards and amounts are at the discretion of the Grant Review Committee.
2. Decisions may be based upon such factors to size and scope of project, potential positive impact on the appearance of the district area, project costs, and availability of funds.
3. Qualifying projects are eligible for a grant at a minimum of \$500 and a maximum of \$20,000 per façade, on a 50/50 matching, reimbursement basis.
4. At least two project cost estimates must be submitted with the application. If both estimates are deemed equal in regards to quality of materials used, tec., only fifty percent of the lowest estimate will be considered in the amount of the award, regardless of which bid is accepted by the building owner.
5. The grant amount shall be determined at the time of application approval and paid when the project is completed.
6. The work must be completed within four months of application approval, but the owner may request one extension for two additional months based upon compelling reasons for the delay.
7. The façade improvements must remain in place for three full years from the date of completion. If not, the grant amount for that project must be repaid in full.

Town of Dallas Façade Grant Program Fact Sheet

What is the Façade Grant Program?

An incentive program to taxpayers who improve the appearance of their commercial property by retaining and preserving the historic character of the property.

Provides 50% of the total cost of approved projects up to \$20,000 maximum grant amount. Side **or rear** façades are eligible **on-corner buildings which face a public right-of-way or is otherwise visible to the general public**. NOTE: If a building has more than one eligible façade, each façade is considered separately.

Encourages further private reinvestment in existing infrastructure and promotes appropriate and attractive design projects that preserve the architectural character found only in older buildings.

Who may apply for the Grant?

Building owners or tenants with building owner's consent.

What buildings are eligible?

Any commercial building greater than 50 years old located in the Central Business District (as defined by the Town's Future Land Use Plan) or on Trade St. between N. Summey St. and the Hwy 321 Interchange, with priority given to improvements that will make the greatest impact on the surrounding built environment.

Ineligible properties or businesses:

- * Tax delinquent properties
- * Properties not in good standing with Town Utilities
- * National franchises
- * Retail chain stores
- * Properties used primarily for residential purposes

What storefront rehabilitation expenditures qualify?

Eligible expenditures include: exterior painting of previously painted surfaced and/or paint removal; appropriate exterior cleaning; masonry repair and tuck-pointing; repair of architectural details or materials; repair of windows or window framing; removal of siding, false façades and in-fill brick; removal of inappropriate/out of date signs; rehabilitation of compatible reconstruction of storefront; new canvas awnings/frame; replacements of transom glass and business signage with full compliance of the design standards.

Signs and awnings may be included as eligible expenses providing they represent good design, meet the design ordinance and standards of the Town of Dallas Code of Ordinances.

Ineligible expenditures include: general maintenance; construction of false fronts; painting of previously unpainted surfaces; blocking up of windows or installing storm/vinyl windows or doors; interior rehabilitation; electrical work; roof and chimney repairs; installation of aluminum, vinyl, stone, stucco, brick veneer; or other inappropriate building materials; demolition of historic features; sandblasting; improvements made prior to grant approval.

Rehabilitations must meet the Secretary of the Interior's "Standards for Rehabilitation" program standards that are attached.

Colors used on exterior surfaces, signage, awnings and related items must relate to natural material colors found on neighboring historic buildings and nearby buildings.

Who makes the decision to approve or reject a request?

A Review Committee comprised of the Town Manager, Electric Utility Director, Public Works Director, Development Services Director, a member from the Board of Aldermen Community Development Committee; as well as a representative from the Small Business Center at Gaston College.

What is the process for applying for a grant?

1. Meet with the Town of Dallas Development Services Staff.
2. Complete an application, including the required support materials.
3. A review will be completed by the Review Committee.
4. Applicant will be notified by mail of acceptance, acceptance with conditions, or rejection of application.
5. Any changes to approved work during construction must be approved by the Development Services Staff in writing.
6. Upon completion of project, applicant sends copies of paid receipts/statements to Development Services Staff.
7. Development Services Staff will inspect completed funds and authorize disbursement of grant funds, provided work was completed in accordance with the application.

What other conditions apply?

1. Grants are based on the entire scope of the project. All work must be eligible and approved expenditures; or the total grant award is void.
2. All applications must be approved prior to commencement of work.
3. Each building façade is considered separately to meet the 50% matching rule.
4. Submission of a project does not ensure the project will be approved to receive funds. Grant awards are determined by recommendation of the Review Committee and the availability of funds.
5. Grant approval or changes to the scope of work in an approved project will be conveyed in writing.
6. Only one façade grant will be awarded per building façade per calendar year.

Examples

1. A property owner applies for a façade grant for an improvement to a commercial building storefront. The planned improvement costs \$1700. The applicant receives a matching grant of 50%, which equals \$850.
2. A property owner applies for a façade grant for an improvement to a commercial building storefront and the planned improvement costs \$900. The applicant receives a grant of \$500, as the minimum grant amount for a qualified improvement is \$500.
3. A property owner applies for a façade grant for an improvement to a commercial building storefront. The planned improvement costs \$50,000. The applicant receives a grant of \$20,000; as the maximum grant amount for a qualified improvement is \$20,000.
4. A property owner renovates a commercial building storefront. The owner may apply for another façade grant for a different **eligible** side of the same building (~~the building is a corner building with two visible sides~~) during the same calendar year. However, the owner will need to wait until the next calendar year to apply for another façade grant for the same storefront side.

Exhibit A

Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards and Guidelines for the treatment of historic properties were written by the National Park Service and revised in 1990. The guidelines recommend responsible methods and approaches and list treatments that should be avoided.

The Standards

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

TOWN OF DALLAS

Façade Grant Agreement

THIS AGREEMENT is entered into this _____ day of _____, _____, by and between the TOWN OF DALLAS (Town) and _____ (Grantee), whose address is _____.

WHEREAS, the Town has approved a façade improvement grant to Grantee subject to the execution of this Agreement, and Grantee desires to accept the grant and to abide by the terms of this Agreement; and

WHEREAS, the Town has approved a grant in an amount not to exceed Twenty Thousand Dollars (\$20,000.00) for façade improvements at _____, Dallas, NC.

NOW THEREFORE, the parties agree as follows:

1. Grantee reaffirms that all information provided to the Town in its Façade Grant Application is correct and accurate.
2. Grantee has read and agrees to abide by the provisions and requirements of the Town of Dallas Façade Grant Program.
3. All work performed by Grantee will be consistent with the approval by the Town. If Grantee desires to make any changes in the project, Grantee will obtain written approval from the Town before implementing such changes. Grantee understands that the Town is not required to approve any changes.
4. Grantee agrees to complete the improvements within four (4) months from the date of this agreements and understands that failure to complete the improvements within such period will result in forfeiture of the grant.
5. Grantee understands that the grant will be paid to Grantee only upon completion of the work, submission of all dated statements or invoices to the Town, and approval by the Town of the completed work.
6. Grantee will notify the Town immediately if Grantee’s interest in the subject property changes in any way. This Agreement is not assignable by Grantee without prior written approval of the Town, which will not be unreasonably withheld.
7. Grantee hereby grants to the Town the right to use pictures, renderings, or descriptions of the work any and all promotional purposes desired by the Town.

IN WITNESS WHEREOF, the parties have signed this Agreement on the day and year first written above.

WITNESSES FOR THE TOWN

WITNESSES FOR THE OWNER

WITNESSES FOR GRANTEE

TOWN OF DALLAS

Town Manager

OWNER

Owner

GRANTEE (if other than Owner)

Grantee

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Grievance Policy Revisions

AGENDA ITEM NO. 3B

MEETING DATE: 7/28/2020

BACKGROUND INFORMATION:

Attached is language from the current Personnel Policy outlining responsibilities of the Town Manager in the disciplinary process, as well as the grievance process. The language seems contradictory and should be revised. On the same attachment is proposed new language for the grievance process that would make the process more functional. The position with the final approval authority for disciplinary action should not be the same position that determines the outcome of an appeal due to the involvement with the probable grievance issue.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. **All cases of disciplinary suspension, demotion, or dismissal must be approved by the Town Manager prior to giving final notice to the employee.**

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, **the employee may appeal, in writing, to the Town Manager** within ten calendar days after receipt of the response from Step 3. **The Town Manager shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal. The Town Manager's decision shall be the final decision.** The Town Manager would notify the Town Board of any impending legal action.

**ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL
PROPOSED REVISION**

Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the Town **Attorney** within ten calendar days after receipt of the response from Step 3. The Town **Attorney** shall **investigate the grievance and** respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal. The Town **Attorney's** decision shall be the final decision. The Town **Attorney and/or** Manager would notify the Town Board of any impending legal action.

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Summer Concert and Cruise-In Schedule

AGENDA ITEM NO. 3C

MEETING DATE: 7/28/2020

BACKGROUND INFORMATION:

Attached is the latest revised Summer Concert and Cruise-In Schedule. On July 16th Governor Roy Cooper extended Phase 2 restrictions due to COVID-19 until 5:00 pm on Friday, August 7, 2020 by Executive Order No. 151.

In light of the continuing COVID-19 pandemic and the extension of Phase 2 restrictions, a discussion on the viability of the upcoming concerts should be held.

Attached is a copy of Executive Order No. 151 and a graphic distributed by the NC Department of Health and Human Services on restrictions and recommendations.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

Town of Dallas Summer Concerts and Cruise-Ins

July – October 2020

(DATES ARE SUBJECT TO CHANGE)

July 4th – FIREWORKS AND CONCERT/CRUISE-IN
IS CANCELLED

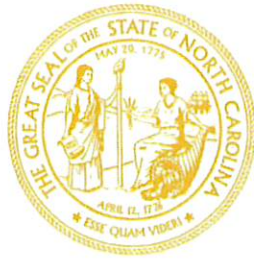
August 8th - Cruise-In and Concert with *Almost Vintage*
@ Dallas Court Square from 7:00 pm – 10:00 pm

August 22nd – Cruise-In and Concert with *Coming Up Brass*
@ Dallas Court Square from 7:00 pm – 10:00 pm

September 12th – Cruise-In and Concert with *Chairmen of the Board*
@ Dallas Court Square from 7:00 pm – 10:00 pm

September 26th – Cruise-In and Concert with *Image GTown and Next
Level Band* @ Dallas Court Square from 7:00 pm – 10:00 pm

October 17th – Cruise-In and Concert with *The Catalinas*
@ Dallas Court Square from 7:00 pm – 10:00 pm



State of North Carolina

ROY COOPER
GOVERNOR

July 16, 2020

EXECUTIVE ORDER NO. 151

**EXTENSION OF PHASE 2 MEASURES
TO SAVE LIVES IN THE COVID-19 PANDEMIC**

Background Statement

The COVID-19 Public Health Emergency

WHEREAS, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, and 146-150; and

WHEREAS, more than ninety-three thousand people in North Carolina have had laboratory-confirmed cases of COVID-19, and over fifteen hundred people in North Carolina have died from the disease; and

The Need to Extend Executive Order No. 141

WHEREAS, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

WHEREAS, slowing and controlling community spread of COVID-19 is critical to ensuring that the state's healthcare facilities remain able to accommodate those who require medical assistance; and

WHEREAS, in Executive Order No. 141, issued on May 20, 2020, the undersigned urged that all people in North Carolina follow social distancing recommendations, including that everyone wear a cloth face covering, wait six (6) feet apart and avoid close contact, and wash hands often or use hand sanitizer; and

WHEREAS, to reduce COVID-19 spread, the undersigned, in Executive Order No. 141, required safety measures in certain business settings, limited mass gatherings, and closed certain types of businesses and operations; and

WHEREAS, the undersigned issued Executive Order No. 147 to address troubling trends in COVID-19 metrics following the issuance of Executive Order No. 141, including increasing daily case counts of COVID-19, increasing emergency department visits for COVID-19-like illnesses, increasing hospitalizations for COVID-19, and a continued high percentage of positive COVID-19 tests; and

WHEREAS, Executive Order No. 147 continued the measures of Executive Order No. 141 and imposed additional measures tailored to mitigate the spread of COVID-19, including requiring face coverings in certain settings; and

WHEREAS, North Carolina's daily case counts of COVID-19 continue to increase, the percent of COVID-19 tests that are positive remains elevated, emergency department visits for COVID-19-like illnesses are increasing, and hospitalizations for COVID-19 are increasing; and

WHEREAS, these trends require the undersigned to continue the measures of Executive Order No. 141, as amended by Executive Order No. 147, to slow the spread of this virus during the pandemic and enable the reopening of the state's schools for in-person instruction in the fall, subject to applicable requirements and guidance; and

WHEREAS, a phased approach to reigniting the state's economy and reducing restrictions on businesses and activities, with some businesses and activities that pose an increased risk for COVID-19 spread remaining closed, is necessary to slow the spread of COVID-19, since the operation of each group of businesses and the loosening of each restriction on businesses adds incremental risk and thereby increases the aggregate risk of spread of COVID-19; and

Medical Exception for Use of Indoor Areas of Exercise Facilities, Gyms, and Fitness Facilities

WHEREAS, since the issuance of Executive Order No. 141, the North Carolina Department of Health & Human Services ("NCDHHS") and the North Carolina Department of Justice ("NCDOJ") have issued guidance documents and letters addressing the restrictions established by the Executive Order for exercise facilities, gyms, and fitness facilities; and

WHEREAS, the undersigned, in close consultation with NCDHHS and NCDOJ, has determined to make clear that these guidance documents represent an enforceable interpretation of Executive Order No. 141; and

Restrictions on Receptions and Parties

WHEREAS, certain types of businesses, settings, and events by their very nature present greater risks of the spread of COVID-19 because of the nature of the activity, the way that people have traditionally acted and interacted with each other in that space, and the duration of time that patrons stay in the establishment; and

WHEREAS, the risk of contracting and transmitting COVID-19 is higher in settings where people are less likely to maintain social distancing by staying six (6) feet apart; and

WHEREAS, the risk of contracting and transmitting COVID-19 is higher in settings where people are in close physical proximity for an extended period of time (more than 15 minutes); and

WHEREAS, the risk of contracting and transmitting COVID-19 is higher in gatherings of larger groups of people because these gatherings offer more opportunity for person-to-person contact with someone infected with COVID-19; and

WHEREAS, at private parties and receptions, people tend to gather together, interact socially, dance, and talk with their friends in close proximity, much as people do in bars and nightclubs; and

WHEREAS, therefore, the undersigned has determined that parties and receptions at restaurants must be subject to strict limits, and that these limits must be applicable whether the party or reception takes place in a restaurant, in a hotel, in a conference center, in a venue used exclusively to host parties or receptions, or in any other location currently open under this Executive Order; and

Statutory Authority and Determinations

WHEREAS, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

WHEREAS, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate gubernatorial vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.12(3)(e), the Division of Emergency Management must coordinate with the State Health Director to revise the North Carolina Emergency Operations Plan as conditions change, including making revisions to set “the appropriate conditions for quarantine and isolation in order to prevent the further transmission of disease,” and following this coordination, the Emergency Management Director and the State Health Director have recommended that the Governor develop and order the plan and actions identified in this Executive Order; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.23 in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions against excessive pricing during states of disaster, states of emergency or abnormal market disruptions; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

WHEREAS, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(1), when the undersigned imposes the prohibitions and restrictions enumerated in N.C. Gen. Stat. § 166A-19.31(b), the undersigned may amend or rescind the prohibitions and restrictions imposed by local authorities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Governorially declared State of Emergency, the undersigned has the power to “give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article.”

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, and for the reasons and pursuant to the statutes listed above and in Executive Order Nos. 141 and 147, **IT IS ORDERED**:

Section I. Extension and Amendment of Phase 2 Order.

Executive Order No. 141 shall remain in effect, as amended by Executive Order No. 147 and this Executive Order as detailed further below, until 5:00 pm on August 7, 2020. The effective date provisions of Executive Order Nos. 141 and 147 are amended to have those orders continue in effect through the above-listed time and date.

Section II. Clarification on Use of Indoor Areas of Exercise Facilities, Gyms and Other Fitness Facilities.

On June 29, 2020, NCDHHS posted two guidance documents that make clear the limits of any medical exception that allows use of the indoor areas of exercise facilities, gyms, and fitness facilities that otherwise are closed under Section 8(A) of Executive Order No. 141. These documents are the Interim Guidance for Fitness Center and Gym Settings with Limited

Operations, available at files.nc.gov/covid/documents/guidance/NCDHHS-Interim-Guidance-for-Fitness-Center-and-Gym-Settings.pdf, and the Statement Regarding June 5, 2020 Letter from the North Carolina Department of Justice, available at files.nc.gov/covid/documents/guidance/DHHS-Statement-on-DOJ-Letter-Medical-Exception-FINAL.pdf.

These June 29 guidance documents represent the undersigned's interpretation of Executive Order No. 141, as amended. Any medical exception to Executive Order No. 141 allowing use of the indoor areas of exercise facilities, gyms, and fitness facilities is limited as stated in the June 29 guidance documents. These limitations include the requirement that each patron using the medical exception must present to an exercise facility, gym, or fitness facility a medical or health care provider's note or other written communication to confirm that each patron's use is prescribed or directed by a medical or health care provider.

To the extent that exercise facilities, gyms, and fitness facilities are currently operating to serve patrons under the limited medical exception above, they must do so in compliance with the NCDHHS Interim Guidance for Fitness Centers and Gym Settings with Limited Operations, available at files.nc.gov/covid/documents/guidance/NCDHHS-Interim-Guidance-for-Fitness-Center-and-Gym-Settings.pdf.

Section III. Clarification to Restrictions on Parties and Receptions.

Section 7 of Executive Order No. 141 is amended to add the following subsection.

- E. **Limit on Receptions or Parties.** Parties and receptions, like all other private events or convenings which are not excepted from the prohibition on Mass Gatherings, are limited to the Mass Gathering limit of ten (10) people indoors or twenty-five (25) people outdoors. This limit applies regardless whether the event takes place in a restaurant, in a conference center, in a hotel ballroom, in a venue that is used exclusively for receptions or parties, or in some other space open under this Executive Order.

Section 8(A) of Executive Order No. 141 is amended to remove the text "Venues for Receptions or Parties." These venues may open, but they are limited to the Mass Gathering limit stated above.

Section IV. Extension of Price Gouging Period.

Section 11 of Executive Order No. 141 is amended to read as follows:

Pursuant to N.C. Gen. Stat. § 166A-19.23, the undersigned extends the prohibition against excessive pricing, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, from the issuance of Executive Order No. 116 through 5:00 pm on August 7, 2020.

The undersigned further hereby encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

Section V. Effective Date.

This Executive Order is effective at 5:00 pm on July 17, 2020. This Executive Order shall remain in effect through 5:00 pm on August 7, 2020 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

Notwithstanding any provision of this Section and Section 16 of Executive Order No. 141, any statewide standing order for COVID-19 testing issued by the State Health Director under Section 9.5 of Executive Order No. 141 (as added by Section III of Executive Order No.

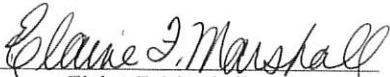
147) shall remain in effect for the duration of the State of Emergency unless specifically repealed, replaced, or rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 16th day of July in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



Staying Ahead of the Curve

Effective 5 p.m. on June 26, 2020, cloth face coverings are required in public places with some exceptions.

	Stay At Home	Modified Stay At Home (Phase 1)	Safer At Home (Phase 2)
Commercial Activity	Leave home only for essential purposes	More businesses open	More businesses open
Stay at Home Order	In place	In place, modified to allow more activities	Lifted, high-risk people encouraged to stay home
Retail	Essential only, 20% capacity		
Gatherings	10-person limit	10-person limit, outdoor gatherings allowed	10-person limit indoors 25-person limit outdoors
Child Care	Child care centers open for essential workers only		
Teleworking			
Bars			
Restaurants	Takeout/delivery only	Takeout/delivery only	
Barbers, Salons and Personal Care			
Theaters, Music Venues and Bowling Alleys			
Parks and Trails	Local Discretion		
Day Camps			
Overnight Camps			
Large Venues, Arenas and Stadiums		Open but no spectators	Open but with restrictions
K-12 Schools			
Gyms			
Playgrounds			
Pools			
Long-term Care Center Visitation			

Guidance on the requirements and recommendations for each phase is available online at covid19.ncdhhs.gov/guidance.

Open/lifted
 Encouraged
 50% Capacity
 Open but with additional restrictions
 Closed



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Update on Sewer Interconnect Project

AGENDA ITEM NO. 3D

MEETING DATE: 07/28/2020

BACKGROUND INFORMATION:

Bid Opening for the Dallas portion of the project was held on Monday, July 13th at the Dallas Fire Department. There is a meeting scheduled with the City of Gastonia on Wednesday, July 29th to discuss bids received by both entities and moving forward.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN: