

Town of Dallas
Agenda
May 12, 2020
6:00 PM
BOARD OF ALDERMEN
Rick Coleman, Mayor

Allen Huggins

Darlene Morrow

Stacey Thomas

Jerry Cearley, Mayor Pro-Tem

E. Hoyle Withers

ITEM	SUBJECT	Page
1.	Invocation and Pledge of Allegiance to the Flag	
2.	Approval of Agenda with Additions Or Deletions	
3.	Approval of Minutes	
	A. April 21 st Regular Meeting	2
4.	Recognition of Citizens: Time set by Mayor	
	A.	
5.	Consent Agenda (to be acted on collectively, unless removed for further discussion)	
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10.	Closed Session: To discuss instructing the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition or real property by purchase, option, exchange, or lease as provided for in G.S. §143.318.11.	

TOWN OF DALLAS
MINUTES FOR BOARD OF ALDERMEN VIRTUAL MEETING
APRIL 21, 2020
6:00 PM

The following elected officials were present: Mayor Richard Coleman, Mayor Pro-Tem Jerry Cearley, Alderman Allen Huggins, Alderwoman Stacey Walker Thomas, Alderman E. Hoyle Withers Jr., and Alderwoman V. Darlene Morrow.

The following staff members were present: Maria Stroupe, Town Manager; Da'Sha Leach, Town Clerk; Tom Hunn, Town Attorney and Allen Scott, Police Chief. Virtual attendance: Jonathan Newton, Finance Director; Bill Trudnak, Public Works Director; Robert Walls, Police Chief; and Earl Withers III, Fire Chief.

Mayor Coleman called the meeting to order at 6:00 pm. He opened with the Invocation and the Pledge of Allegiance to the Flag followed. He welcomed everyone to the Town's first virtual meeting and recognized the attendees. He also recognized Hydeia Hayes, Town Clerk of Bessemer City, for assisting with the virtual meeting and thanked the Bessemer City Council for allowing her to assist Dallas. Mayor Coleman read the meeting rules to the audience. He asked if there were any additions or deletions to amend the agenda, noting that there would be a need to add a Closed Session for real estate negotiations and Item 8F-Ordinance 90.01 discussion under New Business to the agenda. Alderwoman Thomas a motion to approve the agenda adding both items, seconded by Alderman Huggins, and carried unanimously.

Alderwoman Morrow made a motion to approve the minutes from March 10th, 2020 Regular Meeting, seconded by Alderman Cearley, and carried unanimously.

Recognition of Citizens:

Trinity Barnes, 641 Summey Farm Dr., She Wanted to know if the Board was willing to change the zoning ordinance to allow an emotional support animal.

Mayor Coleman reminded citizens that recognition was not for questions for the Board. He stated to Ms. Barnes that the zoning ordinance will be discussed later in the meeting under New Business Item 8F.

Robert Walls, Chapman Pointe., He expressed his thanks to Chief Scott and his leadership for the Dallas Police Department.

Coleman Montgomery, 219 Summey Barker Dr., He thanked Chief Scott for his dedication and all he has done for the Town. He wished Robert Walls good luck at the New Police Chief.

Consent Agenda:

Item 5A Written Offs

Alderwoman Morrow made a motion to approve, seconded by Alderwoman Thomas, and carried unanimously.

Public Hearings: NONE

Old Business: NONE

New Business:

Item 8A was a Donation to Gaston County Splash Pad. Mayor Coleman requested that the Town consider donating an additional \$20,000 to the Gaston County Splash Pad project. The County received some grant funding for the project but is still seeking donations to address the project costs. In the current FY2019/20 budget provisions were made for a \$30,000 donation to the Gaston County Splash Pad project being installed at Dallas Park. The County ran into additional costs in the process of completing the project. The proximity of the park to Dallas and accessibility for Dallas residents will benefit Town citizens and provide additional recreational opportunities. A budget amendment for the additional donation was given for review. Alderman Huggins made a motion to approve the donation for the \$20,000, seconded by Alderwoman Thomas. Yays- Alderwoman Thomas, and Alderman Huggins. Nays: Alderwoman Morrow, Alderman Withers, and Alderman Cearley. Due to the pandemic, the Board want to see how things go before they bring this item back for another vote. (Exhibit A)

Item 8B was an Annexation Agreement with Gastonia. The purpose of annexation agreements is to facilitate efficient growth and land use planning. The City of Gastonia and the Town of Dallas have historically had an annexation agreement setting forth the areas within which each municipality would have the right to annex. The current annexation agreement with Gastonia is set to expire in May. It was time to renew the sphere of influence agreement between the municipalities in accordance with state law. Given the proximity of Dallas and Gastonia, this annexation agreement will serve to prevent future disputes over growth in the area covered by the agreement and will promote cooperation between our communities. The only change from the current agreement is a lengthening of terms from ten (10) years to twenty-five (25) years. A proposed agreement, a resolution approving the agreement, the legislation authorizing municipalities in Gaston County to enter into such agreements, and the sphere of influence map was given in Board packets for review. Alderwoman Morrow made a motion to approve, seconded by Alderman Cearley, and carried unanimously. (Exhibit B)

Item 8C was a Substation Budget Amendment. Once the new substation on College St. was completed, the Town entered a project last fiscal year to upgrade the Park Road substation that was constructed in the mid-1970s. As the project progressed, it transitioned over into the current budget year before completion. At that time, the budget was being drafted for this fiscal year the time overrun was not anticipated, therefore funds were not appropriated in this current year for completion of the project. A budget amendment for the final costs of the Park Road Substation Upgrade project that was completed this fiscal year and not expended last fiscal year in the amount of \$60,000 was given for review. The project is complete, and the \$60,000 will be the final expenditure. Alderman Cearley made a motion to approve the budget amendment, seconded by Alderwoman Thomas, and carried unanimously. (Exhibit C)

Item 8D was to Cancel April Work Session. Due to the COVID-19 and the focus on essential business, staff recommended a cancellation of the April 28th Work Session. Alderwoman Thomas made the motion to cancel the April 28th Work Session, seconded by Alderwoman Morrow, and carried unanimously.

Item 8E was an update on the Emergency Sewer Interconnect Project. The project is ready to be put out to bid. The current timetable for bids for the projects were listed, but they may need to be extended due to COVID-19: 1) Wednesday, May 6th – Bid packages sent out. 2) Wednesday, May 20th – Pre-bid meeting at the Dallas Fire Department Community Room. 3) Wednesday, June 3rd – Bid opening at Gastonia Municipal Operations Center. Currently the project is not budgeted, but once bids are received, they can be amended on the budget for the project which will take place in the coming fiscal year. The Town was awarded a Township grant of \$300,000 that would go towards the project costs.

New Business continued....:

Item 8G was on Ordinance 90.01(a). Mayor Coleman read the ordinance for the audience and asked the Board members if they are interested in changing the ordinance. Ms. Barnes is a Dallas resident that has a goat as a support animal, and she provided documentation from a California doctor to the Town Manager. There was discussion on what is considered a house pet and the ordinance. The Town Attorney advised the Board to allow the citizen to follow the procedure in place to initiate changing the zoning ordinance because there are many factors to be considered and they would be setting a precedent for future changes for the public. When the citizen follows the procedure, this would allow the Planning Board to make a recommendation to the Board as well as the Dallas citizens will be able to publicly express their support or objection to the ordinance change before a Board vote. The Board discussed other violations in town and the enforcement of those. Staff stated that violations are generally complaint driven and processed accordingly. Ms. Barnes has been given a citation for the ordinance violation. The Board consensus was to allow the citizen to follow the procedure in place to initiate a zoning ordinance change.

Manager's Report and General Notices:

-Manager gave notes on procedures, and changes.

Chief Scott was asked to come up front. Mayor Coleman read him a letter and gave recognition to his service for the Town of Dallas and Gaston County. The Dallas Fire Range will be renamed the Robert Allen Scott Firing Range in honor of Chief Robert Allen Scott. He was also given his service weapon for the 25 years of service to the Town of Dallas. He was congratulated for his service with a big applause. Chief Scott thanked the Board for their support. He also acknowledged that he was proud of his department as recognized them as "The Best in the County". Robert Walls will be the new Police Chief.

Closed Session § 143-318.11 (a)(5)

Alderwoman Thomas made a motion to go into Closed Session to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property, seconded by Alderwoman Morrow, and carried unanimously. (7:05)

Alderman Cearley made a motion to exit the Closed Session, seconded by Alderwoman Morrow, and carried unanimously. (7:20) No Action Taken.

Alderman Huggins made a motion to adjourn, seconded by Alderwoman Thomas, and carried unanimously. (7:23)

Rick Coleman, Mayor

Da'Sha Leach, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Peace Officers Memorial Week

AGENDA ITEM NO. 5A

MEETING DATE: 05/12/2020

BACKGROUND INFORMATION:

In 1962, President Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls, as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others. It is appropriate to proclaim the week of May 10-16, 2020 as National Police Week in Dallas and to recognize the service of the Dallas Police Department.

MANAGER RECOMMENDATION: To approve the proclamation designating the week of May 10 – 16, 2020 as Peace Officers Memorial Week.

BOARD ACTION TAKEN:

Proclamation for Peace Officers Memorial Week 2020

WHEREAS, there are approximately 900,000 law enforcement officers serving communities across the United States, including the dedicated members of the Dallas Police Department; and

WHEREAS, more than ever, our nation depends upon local law enforcement as our first line of defense and it is important for the citizens of Dallas and Gaston County to know and understand the duties, responsibilities, and challenges of our law enforcement officers and agencies; and

WHEREAS, the men and women of those agencies give of themselves day in and day out to preserve our homeland security; and we applaud them for recognizing their duty to serve the people by safeguarding life and property, by protecting people against violence and disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, since the first recorded death in 1791, more than 21,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, in 2019, 135 peace officers across the nation, including 2 from North Carolina, were killed in the line of duty; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families, and U.S. flags should be flown at half-staff.

NOW, THEREFORE, BE IT PROCLAIMED, that the Town of Dallas formally designates May 10-16, 2020 as Peace Officers Memorial Week in Dallas, North Carolina, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Adopted this the 12th day of May, 2020.

Rick Coleman, Mayor

Attested by:

Da'Sha Leach, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: NOGA Senior Parade Event Request

AGENDA ITEM NO. 8A

MEETING DATE: 05/12/2020

BACKGROUND INFORMATION:

Ms. Leah Mackey has requested to hold a 2020 Senior Parade for seniors graduating from North Gaston High School on Friday, May 22nd at 6:00 pm. The route is proposed to begin at Ingles, travel Main St. to Gaston St., turn right onto Gaston St., turn right onto Church St., and travel back to Ingles. The request lists Pelicans as a vendor.

Attached is the application for review.

MANAGER RECOMMENDATION: To approve the parade, but changing the route to turn right on Holland St. instead of Gaston St. due to the date and time of the event.

BOARD ACTION TAKEN:



Special Events/ Activities Application

Town of Dallas
 210 North Holland Street
 Dallas, NC 28034-1625
 (704) 922-3176
 Fax: (704) 922-4701

The purpose of this application is to provide information about your event or activity in order for the Town of Dallas to best assist you. Depending on the specific event, a permit application and/or fee(s) from other departments may be required. The applicant is responsible for providing complete and accurate information on the application. The applicant is responsible for notifying the Town of Dallas of any changes. **A complete application must be submitted by no later than 5:00 p.m. on the Tuesday preceding the date of the Board meeting at which the event is to be approved, for an event which is to occur no sooner than 14 days following its date of approval.**

APPLICATION INFORMATION

Name of Event:	2020 Senior Parade		
Facility Requested:			
Applicant Name:	Leah Mackey		
Organization:	N/A		
Mailing Address:	200 Farmview Ln.		
City / State / Zip:	Bessemer City, NC 28016		
Daytime Phone:	704-860-5586	Cell:	704-860-5586 E-Mail: leahwmackey@gmail.com
Description of the Event:	Senior will line up cars in Ingles parking lot and parade down Main Street at 6:00pm		
Does the event have a Facebook, Twitter, or other social networking page:	Not Yet		
If yes, please list URL(s):			
Date (s) Requested for Event:	May 22, 2020 Rain Date May 29, 2020		
Event Start Time:	6:00 pm	Event End Time:	7:00pm
Road Closure Time Begins (if applicable):	5:30pm	Road Closure Time Ends:	7:30pm
Set Up Begins:	5:00 pm	Set Up Ends:	8:00pm
Preferred Date & Time of Inspection (if required):	N/A		
Estimated Attendance:	~500		
The Event is:	<input type="checkbox"/> Private (by invitation only)	or	<input checked="" type="checkbox"/> Open to General Public
Describe the procedures to be used for selecting vendors and exhibitors for this event:			
Pelicans Only			

Applicant's Signature: Leah Mackey Date: 4/30/2020

A pre-event meeting may be required and will be scheduled to include appropriate staff. The event applicant must attend the meeting.

TENTS / CANOPIES / MEMBRANE STRUCTURES

Will tents/canopies/membrane structures be used for events? (proceed to next section.)		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No (if no)
# of Canopies	<input type="text"/>	(fabric structure that is open without sidewalls on 75% or more of perimeter)	
# of Tents	<input type="text"/>	(fabric structure that is enclosed with sidewalls on more than 25% of perimeter)	
# of Membrane structures	<input type="text"/>	(air supported or air inflated structure)	
Other type of structure (provide description) <input type="text"/>			

Notes

VOICE / MUSIC AMPLIFICATION

Are there any musical entertainment features related to your event? (proceed to next section.)		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No (if no)
If yes, state the number of stages, number of bands and type of music:			
Number of stages:	<input type="text" value="0"/>	Number of Bands:	<input type="text" value="1"/>
Type(s) of music: <input type="text" value="NDGA Band possibly"/>			
Will your event use amplified sound:		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, please indicate times:	Start Time: <input type="text"/>	Finish Time: <input type="text"/>	
Will sound checks be conducted prior to the event?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, please indicate times:	Start Time: <input type="text"/>	Finish Time: <input type="text"/>	

* Must comply with Town of Dallas general entertainment ordinance.

HAZARDOUS MATERIALS

Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.			
Will there be any portable heaters?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will there be any deep fat fryers?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will there be any fireworks, lasers, torches, candles or pyrotechnics?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will generators or electrical power be used?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, provide electrical load data and location of connection. In the case of extraordinary use or hookups, fees may apply.			

RIDES / ATTRACTIONS

Does the event include mechanical rides, or other similar attractions?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, company name? <input type="text"/>			
Company address: <input type="text"/>			
List details, if any: <input type="text"/>			
Applicants contracting with amusement ride companies are required to provide the Town of Dallas with a certificate of insurance, naming applicant and the Town of Dallas (if applicable) as additional insured on general liability.			
ALL rides must be inspected and approved by The Department of Labor.			

VENDORS

A vendor is anyone who is serving, selling, sampling, or displaying food, beverages, merchandise or services

Does the event include food vendors? Yes No

If the event will have food vendors, please check the following that apply:
 Served Sold Catered Prepared Outdoors

Does the event include food concession and/or cooking areas? Yes No

If yes, please list each vendor and specify cooking method (Gas, Electric, Charcoal, Other)
(Use additional sheet if necessary)

Vendor	Cooking Method	Food Item
Pelicans	N/A	Shaved Ice

Food and beverages shall not be sold at an event unless approved and licensed, if necessary by the Gaston County Health Department. Event organizers are responsible for arranging health inspections for their event.

List all other commercial vendors who will be present during the event (serving, selling, sampling, or displaying).

VENDOR NAME	ADDRESS	PHONE NUMBER (S)

EVENT SCHEDULE

Provide a detailed schedule of the event including dates and times for entertainment, activities, hours of event, start time, finish time, etc. If the event requires an extended time frame for set-up, include details with a timeline listing the times and locations where streets or public property will be impacted and when dismantling will be completed.

(Use additional sheet of paper if necessary)

DATE	TIME	ACTION	ADDITIONAL NOTES
5/22/20	6:00	Parade	

SERVICES

The Town of Dallas does not provide amenities such as portable washrooms/toilets, sound systems, tables, chairs, tents, canopies or other equipment. The applicant is responsible for arranging and providing services such as event clean up, traffic control, etc.

TRASH CONTAINERS	
In order to determine what types of containers best suit the needs of the event, please answer the following questions:	
Will the event be serving/selling/distributing beverages?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, in what containers will they come packaged in?	
<input type="checkbox"/> aluminum cans	<input type="checkbox"/> glass bottles/jars
	<input checked="" type="checkbox"/> plastic bottles/jugs/jars
How many trash cans are you requesting for trash?	<input type="text" value="0"/>
How many recycle carts are you requesting?	<input type="text" value="0"/>
Delivery Location? <input type="text"/>	
Date and Time for rollout carts to be emptied? <input type="text"/>	
Date and Time for rollout carts to be picked up? <input type="text"/>	
Applicants are responsible for cleaning and restoring the site after the event. Please pick up all trash including paper, plastic, bottles, cans and event marketing signs. Clean-up fees may be incurred because of an applicant's failure to clean and/or restore the site following the event. If you reasonably believe that no litter will be generated during your event, please state this in your plan.	
PUBLIC PROPERTY CLEAN-UP	
Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event? <p style="text-align: center;"><i>No Plan</i></p>	
SAFETY AND SECURITY (CHECK ALL TYPES OF SECURITY USED)	
<input type="checkbox"/> Stage Security	<input type="checkbox"/> Event Area Security
	<input checked="" type="checkbox"/> Road Closure Security
<input type="checkbox"/> Other	<input type="text"/>
<input type="checkbox"/> Overnight Security	From <input type="text"/> : <input type="text"/> To <input type="text"/> : <input type="text"/>
Dates & Times security will be on site: <input type="text"/>	
Security provided by:	<input type="text" value="Town of Dallas Police"/> ? Number of Security Personnel: <input type="text"/>
<i>Applicant may be required to hire sworn off-duty Town of Dallas police officers or Sheriff's Department personnel to provide security to insure public safety. The Town of Dallas will determine the number of security personnel required on site.</i>	

SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets and the surrounding area. The plan should include the following information:

- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, etc.
- Identify location of all cooking devices and open flames; generators and fuel storage.
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.

ROUTE AND TRAFFIC PLAN

<input checked="" type="checkbox"/> PARADE (Includes floats, vehicles, and persons) <input type="checkbox"/> MARCH OR WALK (persons only) <input checked="" type="checkbox"/> VEHICLES ONLY (Includes motorcycles) <input type="checkbox"/> OTHER (Description: _____)	<input type="checkbox"/> BICYCLES <input type="checkbox"/> FOOT RACE
Number of Persons: <input type="text" value="~200"/>	% Children: <input type="text" value="50"/>
Number of Vehicles: <input type="text" value="~100"/>	Vehicle Types: <input type="text"/>
Number of Animals: <input type="text" value="0"/>	Kinds: <input type="text"/>
<p>DESCRIBE BELOW THE EVENT ROUTE. IF THERE IS MORE THAN ONE SEGMENT TO AN EVENT, INCLUDE START AND FINISH TIMES FOR EACH SEGMENT. (Example: The "GENERIC AWARENESS RUN" may include a 5k, a 10k, and a Fun Run).</p>	
<p><i>Ingles down Main Street turn right after courthouse and back to Ingles</i></p>	

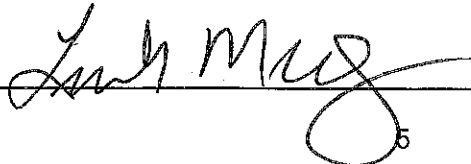
ROAD CLOSURES

If your event involves road closures, a parade, a foot or bike race, any type of procession, or more than one location, attach a Route and Traffic Plan. Include the required information (listed below) and any additional information you believe applies to your event. When planning a moving route, the Dallas Police Dept. is available to assist you.

- NC and US roadways will also require approval from the NCDOT.
- The proposed route to be traveled including the requested starting and termination point. Please also clarify the directions of movement of your event.
- Routing plans for traffic. Illustrate a plan to include roads that you are requesting to be closed to vehicular or other traffic for your event. Include planned arrangements to resolve conflicts with people trying to reach businesses, their own residences, places of worship and public facilities including public transportation.
- Whether the event will occupy all or a portion of the street(s) requested for use.
- Proposed locations for barricades, signs and police/volunteers.
- The provision of twenty foot (20') minimum emergency access lanes throughout the event site.
- White temporary water base paint can be used to mark the route on the street pavement (May be purchased at common hardware stores such as Lowes Home, Home Depot, etc.).

Please Note: All road closure requests will be strictly reviewed by the Town of Dallas. Approval, denial, or modification of all road closure requests are at the sole discretion of the Town of Dallas. The Town has final discretion over your Route and Traffic Plan including, but not limited to the route, placement and number of all barricades, signs, and police/volunteer locations.

DO NOT ASSUME, ADVERTISE, OR PROMOTE YOUR EVENT UNTIL YOU HAVE A SIGNED PERMIT FROM THE TOWN OF DALLAS. CONFLICTS DO ARISE AND CHANGES TO THE REQUEST MAY BE NECESSARY.

Applicant's Signature:  Date: 5/22/2020

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Asset Inventory and Assessment Grant Acceptance Resolution

AGENDA ITEM NO. 8B

MEETING DATE: 5/12/2020

BACKGROUND INFORMATION:

In September 2019 the Town applied for a state assistance grant for a Water Asset Inventory and Assessment study. On April 27th, we received notice that the Town had been awarded a grant for \$142,500.00 to conduct the Water Asset Inventory and Assessment study. Dallas will have to provide a 5% match in the amount of \$7,125.00, which will be included in the FY2020/21 budget.

In order to proceed with the grant, the governing body must approve the attached resolution. This assessment will help aid in managing and planning for our water system going forward in a manner that will maintain/improve our service levels to our citizens and customers.

MANAGER RECOMMENDATION: Approve the resolution to accept the Asset Inventory and Assessment grant award, as presented.

BOARD ACTION TAKEN:

Resolution Accepting State Reserve Grant

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water infrastructure needs; and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$142,500.00 to perform asset inventory and assessment work; and

WHEREAS, the Town of Dallas intends to perform said project in accordance with the agreed scope of work.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF DALLAS:

That the Town of Dallas does hereby accept the State Reserve Grant offer of \$142,500.00.

That the Town of Dallas does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Maria Stroupe, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 12th day of May, 2020 at Dallas, North Carolina.

Rick Coleman, Mayor

Attested by:

Da'Sha Leach, Town Clerk

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Public Building Reopening Schedule

AGENDA ITEM NO. 8C

MEETING DATE: 5/12/2020

BACKGROUND INFORMATION:

On Friday, May 8th North Carolina entered Phase 1 of Governor Cooper's Reopening Plan. While loosening restrictions in a few categories, most of the restrictions are still in place, including restricting gatherings to less than 10 individuals.

Based on the North Carolina reopening plan, Phase 1 should last a minimum of 2-3 weeks before entering Phase 2. This second phase would continue to loosen restrictions, but would also allow larger numbers of individuals at gatherings (this number has not been confirmed). Phase 3 could be implemented at minimum 4-6 weeks after Phase 2 and would ease restrictions even further.

Estimating the best case scenarios, Phase 3 would not be implemented until later in June.

Attached is a comparison of Phase 1 restrictions against the original Stay at Home order, Executive Order No. 138, and an overview of Phases 2 and 3.

Currently, the Town of Dallas has closed all buildings to the public through May 15th, refunded fees for reservations of the Civic Building through May 15th, and halted any new reservations.

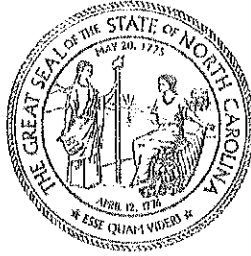
The purpose of this discussion is to determine a guide to reopen Town facilities.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

	Through May 8	Phase 1
Commercial activity	People should only leave home for essential purposes (e.g., food, medicine)	People can leave home for commercial activity and more businesses are open
Retail	20% capacity allowed	50% capacity allowed with cleaning and social distancing
Gatherings	10-person limit	10-person limit; gathering outdoors with friends allowed
Child care	Child care centers open for essential workers only	Child care centers open for working parents or those looking for work
Teleworking	Encouraged	Encouraged
Bars and restaurants	Take-out and delivery	Take-out and delivery
Barbers, salons and massage	Closed	Closed

	Through May 8	Phase 1
Theaters, music venues and bowling alleys	Closed	Closed
Gyms	Closed	Closed
Playgrounds	Closed	Closed
Visitation at long-term care centers	Not allowed	Not allowed
Worship services	Outdoor services allowed	Outdoor services allowed
State parks and trails	Local discretion	Opening encouraged
Face coverings	Encouraged	Encouraged



State of North Carolina

ROY COOPER
GOVERNOR

May 05, 2020

EXECUTIVE ORDER NO. 138

EASING RESTRICTIONS ON TRAVEL, BUSINESS OPERATIONS, AND MASS GATHERINGS: PHASE 1

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, and 133-136; and

WHEREAS, more than ten thousand people in North Carolina have had laboratory-confirmed cases of COVID-19, and hundreds of people in North Carolina have died from the disease; and

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, the undersigned and the Secretary of Health and Human Services have directed hospitals, physicians' practices, and other health care entities to undertake significant actions as part of North Carolina's emergency response to address the COVID-19 pandemic; 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, the continued community spread of COVID-19 within North Carolina requires the state to continue some measures to slow the spread of this virus during the pandemic; and

WHEREAS, since the issuance of executive orders to slow the spread of COVID-19, North Carolina has “flattened the curve” and prevented a surge or spike in cases across the state, and North Carolina has also increased its capacity for testing, tracing and the availability of personal protective equipment (“PPE”); and

WHEREAS, despite the overall stability in key metrics, North Carolina’s daily case counts of COVID-19 continue to increase slightly in the context of increased testing, demonstrating the state must remain vigilant in its work to slow the spread of the virus; and

WHEREAS, the risk of COVID-19 transmission remains high, particularly with regard to indoor settings with an increased likelihood of close contact; and

WHEREAS, people in North Carolina are encouraged to use a cloth face covering to reduce the spread of COVID-19, but some populations may experience increased anxiety and fear of bias and being profiled if wearing face coverings in public spaces; and

WHEREAS, if someone is the target of ethnic or racial intimidation as the result of adhering to the mask provision or as a result of the pandemic, they are encouraged to report the matter to law enforcement or another government entity; and

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, N.C. Gen. Stat. § 166A-19.10(b)(4) gives the undersigned the authority to “cooperate and coordinate” with the President of the United States; 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 Gubernatorially 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, **IT IS ORDERED**:

Section 1. Definitions.

In this Executive Order:

1. “Allowable Activities” are defined in Section 2(C) of this Executive Order.

2. “Bars” means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Stat. §§ 18B-1000(2) and 18B-1000(6) and have a permit to sell alcoholic beverages for onsite consumption under N.C. Gen. Stat. § 18B-1001.
3. “Face Covering” means a covering of the nose and mouth by wearing a cloth covering or mask for the purpose of ensuring the physical health or safety of the wearer or others as defined in Session Law 2020-3 s. 4.3(a). In the context of the COVID-19 emergency, the Face Covering predominantly functions to protect other people more than the wearer.
4. “Home” means someone’s house, place of residence, or current place of abode.
5. “Mass Gathering” is defined in Section 6(A) of this Executive Order.
6. “Recommendations to Promote Social Distancing and Reduce Transmission” are defined in Section 2(A) of this Executive Order.
7. “Restaurants” means permitted food establishments, under N.C. Gen. Stat. § 130A-248, and other establishments that both prepare and serve food. This includes, but is not limited to, restaurants, cafeterias, food halls, dining halls, food courts, and food kiosks. This includes not only free-standing locations but also locations within other businesses or facilities, including, but not limited to airports, shopping centers, educational institutions, or private or members-only clubs where food and beverages are permitted to be consumed on premises.
8. “Retail Business” means any business in which customers enter a space to purchase goods or services, including but not limited to grocery stores, convenience stores, large-format retail stores, pharmacies, banks, ABC stores, hardware stores, and vehicle dealerships. “Retail Business” also includes retail establishments operated by the State, its political subdivisions, or agencies thereof.

Section 2. Allowable Activities for Individuals Outside the Home.

All individuals currently in the State of North Carolina may undertake Allowable Activities permitted by this Executive Order. Otherwise, individuals are ordered to stay at home.

- A. **Recommendations to Promote Social Distancing and Reduce Transmission.** Individuals leaving their residence for Allowable Activities are strongly advised to take the following steps to reduce transmission:
 1. Maintain at least six (6) feet social distancing from other individuals, with the exception of family or household members.
 2. Wear a cloth Face Covering when leaving home and wear it inside all public settings such as grocery stores, pharmacies, or other retail or public-serving businesses. A Face Covering should also be worn outdoors when you cannot maintain at least six (6) feet distancing from other people with the exception of family or household members. These coverings function to protect other people more than the wearer.
 3. Carry hand sanitizer with you when leaving home, and use it frequently.
 4. Wash hands using soap and water for at least twenty (20) seconds as frequently as possible.
 5. Regularly clean high-touch surfaces such as steering wheels, wallets, phones.
 6. Stay at home if sick.
- B. **High-Risk Individuals:** People who are at high risk of severe illness from COVID-19 continue to be strongly encouraged to stay home and travel only for absolutely essential purposes. The Centers for Disease Control and Prevention (“CDC”) defines high-risk individuals as people 65 years or older, **and people of any age who have serious underlying**

medical conditions including people who are immunocompromised, or with chronic lung disease, moderate-to-severe asthma, serious heart conditions, severe obesity, diabetes, with chronic kidney disease undergoing dialysis, or liver disease.

- C. **Allowable Activities**: People may leave their residence for the following Allowable Activities. When engaged in activities outside their home, individuals should, as much as reasonably possible, adhere to the Recommendations to Promote Social Distancing and Reduce Transmission above, and are subject to any applicable Mass Gathering or activity restrictions pursuant to Sections 3 to 7 of this Executive Order.
1. **For health and safety**. People may leave their homes to engage in activities or perform tasks for the health and safety of themselves, their family or household members, or those who are unable to or should not leave their home (including, but not limited to, pets). For example, and without limitation, people may leave their homes to seek emergency services, obtain medical supplies or medication, or visit a health care professional or veterinarian.
 2. **To look for and obtain goods and services**. People may leave their homes to look for or obtain goods and services from a business or operation that is not closed by a current Executive Order. This authorization does not include attendance as a spectator at a sporting event, concert, or other performance.
 3. **To engage in outdoor activity**. People may leave their homes to engage in outdoor activities unless prohibited by this Executive Order.
 4. **For work**. People may leave their homes to perform work at any business, nonprofit, government, or other organization that is not closed by this Executive Order. For example, and without limitation, people can leave the house for employment, or to serve as a contractor at a for-profit business, a nonprofit organization, a part of government, a single-person business, a sole proprietorship, or any other kind of entity or operation.
 5. **To look for work**. People may leave their homes to seek employment.
 6. **To take care of others**. People may leave their homes to care for or assist a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order. This includes attending weddings and funerals.
 7. **To worship or exercise First Amendment rights**. People may leave their homes to travel to and from a place of worship or exercise any other rights protected under the First Amendment to the U.S. Constitution and its North Carolina counterparts.
 8. **To travel between places of residence**. People may leave their homes to return to or to travel between one's place or places of residence. This includes, but is not limited to, child custody or visitation arrangements.
 9. **To volunteer**. People may leave their homes to volunteer with organizations that provide charitable and social services.
 10. **To attend small outdoor get-togethers**. People may travel to another person's home for social purposes, so long as no more than ten (10) people gather and the activity occurs outside.
 11. **To provide or receive government services**. People may leave their homes for governmental services. Nothing in this Executive Order shall prohibit anyone from performing actions for, or receiving services from, the state or any of its political subdivisions, boards, commissions, or agencies. This Executive Order does not apply to the United States government.

D. **Specific Situations.**

1. **Homelessness.** Individuals experiencing homelessness are exempt from the order to stay at home, but they are strongly urged to obtain shelter and services that allow them to meet the Recommendations to Promote Social Distancing and Reduce Transmission.
2. **Travel permitted for unsafe homes.** 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.
3. **Public transit.** People riding on public transit must comply with the Recommendations to Promote Social Distancing and Reduce Transmission as defined in Subsection 2(A) to the greatest extent feasible.

Section 3. Orders for Businesses and Parks.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. **Most Businesses and Organizations Can Be Open.** All businesses that are not closed under Section 5 may operate. Some businesses must operate under restrictions, as stated in Sections 3, 4, 6, and 7 of this Executive Order.

B. **Requirements Specific to Retail Businesses.**

Retail Businesses that operate during the effective period of this Executive Order must:

1. Limit customer occupancy to not more than 50% of stated fire capacity. Retail Businesses that do not have a stated fire capacity must limit customer occupancy to twelve (12) customers for every one thousand (1000) square feet of the location's total square footage, including the parts of the location that are not accessible to customers.
2. Limit customer occupancy so that customers can stay six (6) feet apart, even if this requires reducing occupancy beneath the 50% limit stated above.
3. Direct customers to stay at least six (6) feet apart from one another and from workers, except at point of sale if applicable.
4. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as at deli counters and near high-volume products.
5. Perform frequent and routine environmental cleaning and disinfection of high-touch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).
6. Provide, whenever available, hand sanitizer (at least 60% alcohol); systematically and frequently check and refill hand sanitizer stations; and provide soap and hand drying materials at sinks.
7. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.
8. Immediately send symptomatic workers home.
9. Have a plan in place for immediately isolating workers from the workplace if symptoms develop.
10. Post signage at the main entrances that reminds people to stay six (6) feet apart for social distancing, requests people who are or who have recently been symptomatic not to enter, and notifies customers of the Retail Business's reduced capacity.

The North Carolina Department of Health and Human Services ("NCDHHS") will make available on its website a sample screening checklist questionnaire and sample signs that may

be used to meet the requirements above. Retail Businesses do not need to use the NCDHHS sample questionnaires and signs to meet the requirements of this Executive Order.

C. Additional Recommendations Specific to Retail Businesses.

Retail Businesses that operate during the effective period of this Executive Order are strongly encouraged to do the following:

1. Direct workers to stay at least six (6) feet apart from one another and from customers, to the greatest extent possible.
2. Provide designated times for seniors and other high-risk populations to access services.
3. Develop and use systems that allow for online, email, or telephone ordering, no-contact curbside or drive-through pickup or home delivery, and contact-free checkout.
4. High-volume Retail Businesses, such as grocery stores and pharmacies, are strongly encouraged to take the following additional measures to reduce transmission:
 - a. Use acrylic or plastic shields at cash registers.
 - b. Clearly mark designated entry and exit points.
 - c. Provide assistance with routing through aisles in the store.
5. Take all the additional actions listed in Subsection 3(D) below.

D. Recommendations for All Businesses (Retail or Other).

All businesses that operate during the effective period of this Executive Order are strongly encouraged to:

1. Continue to promote telework and limit non-essential travel whenever possible.
2. Promote social distancing by reducing the number of people coming to the office, by providing six (6) feet of distance between desks, and/or by staggering shifts.
3. Limit face-to-face meetings to no more than ten (10) workers.
4. Promote hygiene, including frequent hand-washing and use of hand sanitizer.
5. Recommend workers wear cloth Face Coverings; provide workers with Face Coverings; and provide information on proper use, removal, and washing of cloth Face Coverings. A Face Covering functions to protect other people more than the wearer.
6. Make accommodations for workers who are at high risk of severe illness from COVID-19, for example, by having high-risk workers work in positions that are not public-facing or by allowing teleworking where possible.
7. Encourage sick workers to stay home and provide support to do so with a sick leave policy.
8. Follow the CDC guidance if a worker has been diagnosed with COVID-19.
9. Provide workers with education about COVID-19 prevention strategies, using methods like videos, webinars, or FAQs.
10. Promote information on helplines for workers such as 211 and the Hope4NC Helpline.

E. **Parks and Trails.**

1. All people in North Carolina are encouraged to engage in outdoor activities, so long as they do not form prohibited Mass Gatherings and are engaged in Allowable Activities under this Executive Order. State parks and trails may reopen upon the general Effective Date of this Executive Order. However, because public playground equipment may increase spread of COVID-19, public playgrounds remain closed during the effective phase of this Executive Order, including public playground equipment located in parks.
2. Park operators shall follow the requirements for Retail Businesses listed in Subsection (B) above, and they are strongly encouraged to follow the recommendations for Retail Businesses and the recommendations for all businesses in Subsections (C) and (D) above.

Section 4. Orders for Restricted Business Types.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. **Restaurants.**

1. **Restaurants may remain open if consumption occurs off-premises.** Restaurants may do business only to the extent that consumption of food and beverages occurs 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 provide free food services to students or members of the public may continue to do so under this Executive Order when the food is provided for carry-out, drive-through, or delivery.
2. **Restaurants should follow social distancing and transmission reduction recommendations.** Restaurants are encouraged to comply with the Recommendations to Promote Social Distancing and Reduce Transmission, including use of Face Coverings, when providing carry-out, drive-through, and delivery services. These coverings function to protect other people, more than the wearer.
3. **Further orders.** The Governor, in consultation with and at the recommendation of the Secretary of Health and Human Services, the State Emergency Management Director, and the State Health Director, orders the following limitations on the sale of food and beverages to carry-out, drive-through, and delivery only:
 - a. The Secretary of Health and Human Services, pursuant to N.C. Gen. Stat. § 130A-20(a), has determined that the seating areas of restaurants and bars constitute an imminent hazard for the spread of COVID-19 and that, to abate the imminent hazard, restaurants must be restricted to carry-out, drive-through, and delivery only and bars must close, and has issued an order of abatement dated May 4, 2020.
 - b. The undersigned directs that restaurants are restricted to carry-out, drive-through, and delivery only.
4. **No sit-down service.** Sit-down food or beverage service is prohibited at any kind of businesses, including but not limited to grocery stores, pharmacies, convenience stores, gas stations and charitable food distribution sites.

B. **Bars.**

1. Bars are directed to not serve alcoholic beverages for onsite consumption.
2. This Executive Order does not direct the closure of retail beverage venues that provide for the sale of beer, wine, and liquor for off-site consumption only. It also does not require the closure of production operations at breweries, wineries, or distilleries.
3. If the Alcoholic Beverage Control Commission (the "ABC Commission") identifies other state laws, regulations, and policies that may affect bars, restaurants, and other dining establishments identified in Subsections 4(A)-(B) of this Executive Order, it is directed to

inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the ABC Commission may interpret flexibly, modify, or waive those state laws, regulations and policies, as appropriate, and to the maximum extent permitted under applicable state and federal law, to effectuate the purposes of this Executive Order.

C. **Child Care.**

1. **Must operate in compliance with NCDHHS guidelines.** Child care facilities may be open only if they operate in full compliance with Executive Order No. 130 and all guidelines issued by NCDHHS.
2. **Expanding children that may be served.** The relevant language in Subsection 2(C) of Executive Order No. 130 is amended and replaced by the following:

Children that may be served. Child Care Facilities approved by NCDHHS to operate under the Emergency Facility Guidelines shall provide child care only to the following persons:

1. Children of anyone who performs work on behalf of a business or operation that is not closed by an Executive Order; or
 2. Children of anyone who is leaving the home to seek employment; or
 3. Children who are receiving child welfare services; or
 4. Children who are homeless or who are living in unstable or unsafe living arrangements.
3. **Term.** Section 2 of Executive Order No. 130 shall remain in effect through 5:00 pm on May 22, 2020.

D. **Day Camps and Programs for Children and Teens.**

1. **Must operate in compliance with NCDHHS guidelines.** Day camps and programs may operate only if they are in full compliance with the Interim Coronavirus Disease 2019 (COVID-19) Guidance for Day Camp or Program Settings Serving Children and Teens. Day programs and camps for adults are not covered by this section.
2. **No sports or other activities without social distancing.** Day camps and programs may not allow sports except for sports where close contact is not required, and day camps may not allow activities where campers would not maintain at least six (6) feet social distancing from one another.
3. **Day camps within another business or operation.** Day camps and programs operating within a business, facility, or location closed by Subsection 5(B) of this Executive Order or at a school may open for the purpose of the day camp or program, but must otherwise remain closed to the general public. To the extent day camps permit swimming by camp attendees, local health departments may permit the pool's usage for attendees of the day camp, but not for the general public.
4. **No overnight camps.** Overnight camps and programs for children or adults may not operate.

E. **Schools.**

1. **School facilities remain closed for in-person instruction.** Consistent with Executive Orders No. 117 and 120, public school facilities are to remain closed as in-person instructional settings for students for the remainder of the 2019-2020 school year.
2. **School and health officials to continue efforts.** NCDHHS, the North Carolina Department of Public Instruction ("NCDPI"), and the North Carolina State Board of Education are

directed to continue to work together to maintain and implement measures to provide for the health, nutrition, safety, educational needs, and well-being of children during the school closure period.

3. Graduation and other year-end ceremonies. Local school boards and superintendents will determine whether to conduct graduation and/or other year-end ceremonies. If local school leaders elect to hold graduation ceremonies or similar events, then those gatherings must operate in compliance with Executive Orders and NCDPI/NCDHHS guidelines in effect at the time of the event. Local school leaders are encouraged to engage with students and families to identify the best solutions for their communities. Local plans should include consultation with local public health officials and, where appropriate, local law enforcement.

Section 5. Orders for Businesses to Remain Closed.

A. Personal Care and Grooming Businesses.

1. The ability to practice the social distancing necessary to reasonably protect against COVID-19 is significantly reduced in certain establishments where individuals are in extended close proximity or where service personnel are in direct contact with clients. Therefore, personal care and grooming businesses, including but not limited to the following, are ordered to close:
 - Barber Shops
 - Beauty Salons (including but not limited to waxing and hair removal centers)
 - Hair Salons
 - Nail Salons/Manicure/Pedicure Providers
 - Tattoo Parlors
 - Tanning Salons
 - Massage Therapists (except that massage therapists may provide medical massage therapy services upon the specific referral of a medical or naturopathic healthcare provider).

B. Entertainment Facilities Without a Retail or Dining Component.

1. In addition to the restrictions on Mass Gatherings identified in Section 6 of this Executive Order, entertainment facilities that operate within a confined indoor or outdoor space and do not offer a retail or dining component are ordered to close. Any retail or dining component within an entertainment facility may operate solely for retail or dining, but those components must comply with the restrictions set out in Subsection 4(A) of this Executive Order.
2. Entertainment facilities restricted by this Subsection include, but are not limited to, the following types of business:
 - Bingo Parlors, including bingo sites operated by charitable organizations
 - Bowling Alleys
 - Indoor Exercise Facilities (e.g., gyms, yoga studios, martial arts facilities, indoor trampoline and rock climbing facilities)
 - Health Clubs, Fitness Centers, and Gyms
 - Indoor/Outdoor Pools
 - Live Performance Venues
 - Movie Theaters
 - Skating Rinks
 - Spas, including health spas
 - Gaming and business establishments which allow gaming activities (e.g., video poker, gaming, sweepstakes, video games, arcade games, pinball machines or other computer, electronic or mechanical devices played for amusement).

Section 6. Mass Gatherings Prohibited.

- A. **Prohibition.** Mass Gatherings are prohibited. "Mass Gathering" means an event or convening that brings together more than ten (10) persons at the same time in a single space, such as an auditorium, stadium, arena, conference room, meeting hall, or any other confined indoor or outdoor space. This includes parades, fairs, and festivals.

Mass Gatherings do not include gatherings for health and safety, to look for and obtain goods and services, for work, for worship, or exercise of First Amendment rights, or for receiving governmental services. A Mass Gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, shopping malls, and shopping centers. However, in these settings, people must follow the Recommendations to Promote Social Distancing and Reduce Transmission as much as possible, and they should circulate within the space so that there is no sustained contact between people.

- B. **Dividing one event or convening into multiple sessions.** Nothing in this Executive Order prohibits holding several events or convenings instead of one so that at any time, no more than ten (10) people are gathered in the same space. Organizations that need to hold events or convenings in a single space are encouraged to hold multiple sessions so that no more than ten (10) people are present at a time. In addition, nothing in this Executive Order prohibits holding meetings remotely, and all people in North Carolina are encouraged to hold gatherings electronically so that large groups can meet.
- C. **Outdoor meetings if possible.** Because the risk of COVID-19 spread is much greater in an indoor setting, any gatherings of more than ten (10) people that are allowed under Subsection 6(A) shall take place outdoors unless impossible.
- D. **Funerals.** Notwithstanding the above, and in an effort to promote human dignity and limit suffering, Mass Gatherings at funerals are permitted for up to fifty (50) people. People meeting at a funeral should observe the Recommendations to Promote Social Distancing and Reduce Transmission to the extent practicable.
- E. **Drive-ins.** Events are not prohibited Mass Gatherings if the participants all stay within their cars, such as at a drive-in movie theater.
- F. **Households.** A household where more than ten (10) people reside is not a Mass Gathering.

Section 7. Long Term Care.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

- A. **Long Term Care Visitation Limitations.**
1. Long term care facilities shall restrict visitation of all visitors and non-essential health care personnel, except for certain compassionate care situations, for example, an end-of-life situation.
 2. This restriction does not include essential health care personnel.
 3. For purposes of this Subsection 7(A) only, long term care facilities include all of the following:
 - a. Skilled nursing facilities;
 - b. Adult care homes;
 - c. Family care homes;
 - d. Mental health group homes; and
 - e. Intermediate care facilities for individuals with intellectual disabilities.

B. Long Term Care Risk Mitigation Measures.

1. **Scope of this Subsection.** This Subsection of this Executive Order places mandatory requirements on skilled nursing facilities. This Subsection strongly encourages the same measures, to the extent possible given constraints on the availability of personal protective equipment, for other kinds of long term care facilities, including adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities.
2. **Mitigation measures.** Skilled nursing facilities shall:
 - a. Remind workers to stay home when they are ill and prevent any workers who are ill from coming to work and/or staying at work.
 - b. Screen all workers at the beginning of their shift for fever and respiratory symptoms. This shall include:
 - i. Actively taking that worker's temperature.
 - ii. Documenting an absence of any shortness of breath, any new cough or changes in cough, and any sore throat. If the worker is ill, the facility must have the worker put on a facemask and leave the workplace.
 - iii. Canceling communal dining and all group activities, including internal and external activities.
 - iv. Implementing universal use of a facemask for all workers while in the facility, assuming supplies are available.
 - v. Actively monitor all residents upon admission, and at least daily, for fever and respiratory symptoms (shortness of breath, new cough or change in cough, and sore throat), and shall continue to monitor residents.
 - vi. Notify the local health department immediately about either of the following:
 1. Any resident with new, confirmed, or suspected COVID-19.
 2. A cluster of residents or workers with symptoms of respiratory illness. A "cluster" of residents or workers means three (3) or more people (residents or workers) with new-onset respiratory symptoms in a period of 72 hours.
 - c. Other kinds of long term care facilities. Adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities are strongly encouraged to follow the mitigation measures listed in Subsections 7(B)(2)(b)(i) through (vi) above, assuming supplies are available.

- C. **Effective Date and Duration.** This Section of this Executive Order shall remain in effect unless repealed, replaced, or rescinded by another applicable Executive Order.

Section 8. Local Orders.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. **Effect on local emergency management orders.**

1. **Most of the restrictions in this Executive Order are minimum requirements, and local governments can impose greater restrictions.** The undersigned recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North

Carolina. Urban areas have seen more rapid and significant spread than most rural areas of the state. As such, the undersigned acknowledges that counties and cities may deem it necessary to adopt ordinances and issue state of emergency declarations which impose restrictions or prohibitions to the extent authorized under North Carolina law, such as on the activity of people and businesses, to a greater degree than in this Executive Order. To that end, nothing herein, except where specifically stated below in Subsections A(2) and A(3) of this Section, is intended to limit or prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which impose greater restrictions or prohibitions to the extent authorized under North Carolina law.

2. Local restrictions cannot restrict state or federal government operations. Notwithstanding Subsection 8(A)(1) above, no county or city ordinance or declaration shall have the effect of restricting or prohibiting governmental operations of the State or the United States.
3. Local restrictions cannot set different retail requirements. Notwithstanding Subsection 8(A)(1) above, in an effort to create uniformity across the state for Retail Businesses that may continue to operate, the undersigned amends all local prohibitions and restrictions imposed under any local state of emergency declarations to remove any language that sets a different maximum occupancy standard for Retail Businesses or otherwise directly conflicts with Subsections 3(B)(1)–(2) of this Executive Order. The undersigned also hereby prohibits during the pendency of this Executive Order the adoption of any prohibitions and restrictions under any local state of emergency declarations that set a different maximum occupancy standard for Retail Businesses or otherwise directly conflict with Subsections 3(B)(1)–(2) of this Executive Order.

B. Mandatory local government operations.

1. To the extent that local government functions are required under state and federal law, the undersigned directs the appropriate local government agencies and officials to continue to exercise their responsibilities, including but not limited to local county Department of Social Services (“DSS”) offices, Health Departments, Registers of Deeds, and other local government functions that are required to protect lives and property.
2. Notwithstanding Subsection 8(B)(1) above, local governments are strongly encouraged to follow the Requirements Specific to Retail Businesses in Subsection 3(B) and Recommendations for Retail Businesses in Subsection 3(C) for functions where members of the public enter a space to receive or use government services. Local governments are also strongly encouraged to follow the Recommendations for All Businesses (Retail or Other) included in Subsection 3(D).

Section 9. Extension of Price Gouging Period.

For the reasons and pursuant to the authority set forth above, the undersigned orders 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 May 22, 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 10. No Private Right of Action.

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any emergency management worker (as defined in N.C. Gen. Stat. § 166A-19.60) or any other person.

Section 11. Savings Clause.

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 12. Distribution.

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 13. Enforcement

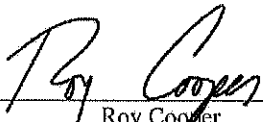
- A. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.
- B. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A.
- C. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

Section 14. Effective Date

This Executive Order is effective at 5:00 pm on May 8, 2020.

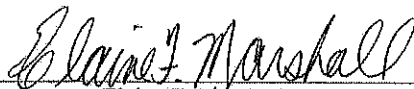
Section 7 of this Executive Order shall remain in effect for the period stated in Subsection 7(C) of this Executive Order. The remainder of this Order shall remain in effect through 5:00 pm on May 22, 2020 unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

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 5th day of May in the year of our Lord two thousand and twenty.

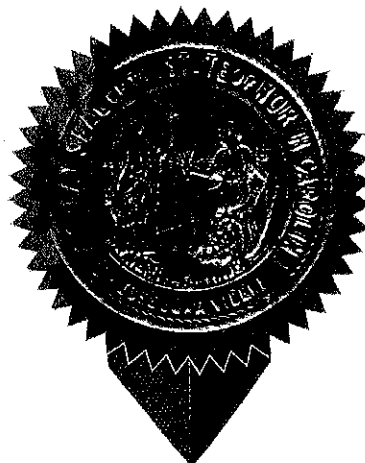


Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State



Lifting Additional Restrictions

Details of Phases 2 and 3 of Gov. Roy Cooper's three-phased approach to lift restrictions are outlined below. It is important to note:

- If infections spike or benchmark trends begin to move in the wrong direction, the state may move to a previous phase to protect public health.
- The best science and data available will be used to make all decisions and continue consultation with business and industry leaders.

Phase 2

To be implemented at least two to three weeks after Phase 1:

- Lift Stay At Home order with strong encouragement for vulnerable populations to continue staying at home to stay safe.
- Allow limited opening of restaurants, bars, fitness centers, personal care services and other businesses that can follow safety protocols, including the potential need to reduce capacity.
- Allow gathering at places such as houses of worship and entertainment venues at reduced capacity.
- Increase the number of people allowed at gatherings.
- Open public playgrounds.
- Continue rigorous restrictions on nursing homes and other congregate care settings.

Phase 3

To be implemented at least four to six weeks after Phase 2:

- Lessen restrictions for vulnerable populations with encouragement to continue practicing physical distancing and minimizing exposure to settings where distancing isn't possible.
- Allow increased capacity at restaurants, bars, other businesses, houses of worships and entertainment venues.
- Further increase the number of people allowed at gatherings.
- Continue rigorous restrictions on nursing homes and other congregate care settings.

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Utility Bill Payment Plan

AGENDA ITEM NO. 8D

MEETING DATE: 5/12/2020

BACKGROUND INFORMATION:

Executive Order No. 124 prohibits utilities disconnections and charging of late or disconnection fees stemming from nonpayment of utility bills through May 2020. (Order No. 124 is attached.) The order also states that customers shall be provided the opportunity to make reasonable payment arrangements to pay off these outstanding bills over at least a six-month period calculated from the date of termination of this provision of the order.

In preparation for setting up these payment plans, the attached announcement will be publicized beginning no later than Friday, May 15th. Those customers needing to make payment arrangements to pay off balances accrued between March and May 2020 will need to set up this plan prior to Friday, June 12th in order to avoid services being disconnected for these balances on the scheduled June cut-off date.

This item is for informational purposes and no formal action is required.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:



Mayor
Rick Coleman

Aldermen
Jerry Cearley
Allen Huggins
Darlene Morrow
Stacey Thomas
Hoyle Withers

Town Manager
Maria Stroupe

Town Clerk/HR
Da'Sha Leach

Finance
Jonathan Newton

Town Attorney
J. Thomas Hunn

Police
Robert Walls

Electrical
J. Doug Huffman

Public Works
Bill Trudnak

Development Svc

Fire Chief
Earl Withers

Recreation
Garrett Lowery

Town of Dallas
210 N. Holland St.
Dallas, NC 28034

Phone:
704-922-3176

Fax:
704-922-4701

Web Page:
www.dallasnc.net



UTILITY BILL PAYMENT PLAN

**For Customers Who Cannot Pay the Full Balance of March – May, 2020
Utility Bills Should Set Up a Payment Plan by June 12, 2020**

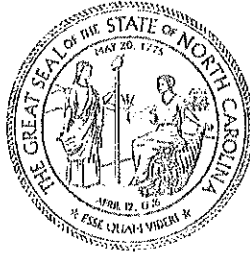
The Town of Dallas has important information for residential utility customers about paying their utility accounts. The Town provides utilities including electric, water, and sewer to citizens of Dallas and customers in surrounding areas. As the COVID-19 crisis began impacting people the Town of Dallas, and many other utility providers, suspended service disconnections and will continue to do so through May 31, 2020.

The Town of Dallas reminds utility customers that they are responsible for paying their utility bills incurred during this time.

The Town urges utility customers to continue making payment on their utility accounts to avoid accumulating large balances, even if they cannot pay their accounts in full. **Utility account balances will not be forgiven** – the payments are only being deferred at this time. Customers who are having trouble paying their utility bills in full should pay as much as they can each month.

The Town of Dallas will work with residential utility customers who have not been able to make payments to develop payment plans for their accounts. Utility customers will have six (6) months—through November 30, 2020—to pay their past due balances in full. The Town will resume disconnecting service and charging processing and late fees on unpaid balances beginning June 1, 2020, **unless a payment arrangement has been signed**. Once a customer has signed a payment plan, their utility service will be subject to penalty and disconnection if the payment plan is not followed.

To set up a payment plan, or ask questions about your bill, please call the Town of Dallas' Billing Department at 704-922-3176, ext. 224.



State of North Carolina

ROY COOPER
GOVERNOR

March 31, 2020

EXECUTIVE ORDER NO. 124

ASSISTING NORTH CAROLINIANS BY PROHIBITING UTILITY SHUT-OFFS, LATE FEES, AND RECONNECTION FEES; PROVIDING GUIDANCE ABOUT RESTRICTIONS ON EVICTIONS; AND ENCOURAGING TELECOMMUNICATIONS PROVIDERS, BANKS, AND MORTGAGE SERVICERS TO PROVIDE ASSISTANCE AND FLEXIBILITY TO THEIR CUSTOMERS

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 to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); 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 declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, the undersigned has issued Executive Order Nos. 117 – 122 for the purposes of protecting the health, safety and welfare of the people of North Carolina; and

WHEREAS, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, the North Carolina Department of Health and Human Services ("NCDHHS") has confirmed the number of cases of COVID-19 in North Carolina continues to rise and has lab documentation that community spread has occurred; and

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, to mitigate further community spread of COVID-19 and to reduce the burden on the state's health care providers and facilities, it is necessary to limit person-to-person contact in workplaces and communities; and

WHEREAS, such limitations on person-to-person contact are reasonably necessary to address the public health risk posed by COVID-19; and

WHEREAS, due to the State of Emergency, many North Carolinians must stay home, many must also work from home, and many businesses have been ordered closed, to slow the spread of COVID-19, and any dislocations that require people to leave their homes increase the risk of spread; and

WHEREAS, any disruptions or dislocations that would require people to leave their homes increase the risk of spread of COVID-19; and

WHEREAS, the economic effects of the pandemic have broadly affected utility customers across the state; and

WHEREAS, utility services are essential to the continued health and safety of residential utility customers, to the ability of workers and employers to engage in teleworking, and to the continued economic viability of business utility customers, even as the economic effects of the pandemic threaten customers' ability to pay for those utility services; and

WHEREAS, on March 19, 2020, the North Carolina Utilities Commission ("Utilities Commission" or "Commission") issued an Order Suspending Utility Disconnections for Non-Payment, Allowing Reconnection, and Waiving Certain Fees; and

WHEREAS, the Utilities Commission's March 19, 2020 order applied to only some of the utilities that are necessary for the continued well-being of North Carolina residents and the continued viability of North Carolina businesses; and

WHEREAS, the undersigned has determined that it is in the best interest of the people of North Carolina to enact, for all utilities, prohibitions and restrictions similar to and consistent with the Utilities Commission's March 19, 2020 order; and

WHEREAS, during this emergency, North Carolinians rely heavily on mass media and telecommunications systems as part of multiple critical activities, including (1) the public dissemination of critical information regarding governmental orders and advisories in response to COVID-19, including stay at home orders, shifts in the public school calendar, and announcements regarding the availability of resources; (2) educational activities, as students and educators have been required to stay at home but are continuing to participate in educational and instructional activities, many of which require the use of online resources and means of communication; (3) the provision of remote tele-medicine services, as urged by NCDHHS, to preserve healthcare system capacity to address the COVID-19 pandemic; and (4) teleworking that allows many businesses, non-profits, governmental agencies, and other organizations to continue to carry out their essential functions; and

WHEREAS, to minimize the possibility of mandatory measures that may need to be taken in the future, the undersigned urges all telecommunications companies serving North Carolina customers to voluntarily provide flexibility to their customers, including through the measures set forth below; and

WHEREAS, the economic effects of the COVID-19 pandemic have led to loss of income for many in North Carolina, making it difficult for many to make timely rental housing payments, creating a risk of eviction; and

WHEREAS, evictions and disconnections of utility services would exacerbate public health and safety risks because of dislocated customers; and

WHEREAS, in orders issued on March 13 and March 19, 2020, the Chief Justice of the Supreme Court of North Carolina exercised her authority under N.C. Gen. Stat. § 7A-39(b)(2) to order most district court and superior court proceedings to be scheduled or rescheduled no sooner than April 17, 2020; and to order that pleadings, motions, notices, and other documents and papers that were or are due to be filed in any county of this state on or after March 16, 2020 and before the close of business on April 17, 2020 in civil actions, criminal actions, estates, and special proceedings shall be deemed to be timely filed if they are filed before the close of business on April 17, 2020; and to order that all other acts that were or are due to be done in any county of this state on or after March 16, 2020 and before the close of business on 17 April 2020 in civil actions, criminal actions, estates, and special proceedings shall be deemed to be timely done if they are done before the close of business on April 17, 2020; and

WHEREAS, the U.S. Department of Housing and Urban Development issued an order dated March 18, 2020, imposing a sixty (60) day moratorium on evictions and foreclosures for single family homeowners with FHA-insured mortgages; and

WHEREAS, the undersigned and the Attorney General wish to provide clear guidance to the public about the effect of the Chief Justice's order on evictions; and

WHEREAS, because of the economic effects of the COVID-19 pandemic, many North Carolinians are enduring financial hardship and financial insecurity; and

WHEREAS, the undersigned encourages North Carolina-licensed or North Carolina-regulated financial institutions, including but not limited to banks and mortgage servicers, to provide assistance and flexibility to their customers; and

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

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7), the undersigned is authorized and empowered to utilize the services, equipment, supplies, and facilities of political subdivisions, and their officers and personnel are required to cooperate with and extend such services and facilities to the undersigned upon request; 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. §§ 75-14, 75-15, 114-2(2), and 114-2(8), the Attorney General has the authority to bring civil actions to enforce compliance with the State's Unfair or Deceptive Trade Practices Act, to represent State agencies in litigation, and to institute or intervene in proceedings before any courts and regulatory bodies on behalf of the State and the using and consuming public; 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”; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(3), the undersigned may take steps to assure that measures, including the installation of public utilities, are taken when necessary to qualify for temporary housing assistance from the federal government when that assistance is required to protect the public health, welfare, and safety; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the undersigned, with the concurrence of the Council of State, may regulate and control the maintenance, extension, and operation of public utility services and facilities; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a State agency or political subdivision which restricts the immediate relief of human suffering; and

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the undersigned, with the concurrence of the Council of State, may perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor’s emergency powers authority in N.C. Gen. Stat. § 166A-19.30; and

WHEREAS, under the terms of N.C. Gen. Stat. § 166A-19.70(a), utilities are considered critical infrastructure for the State of North Carolina.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

Section 1. Assistance for North Carolina Utility Customers

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

A. Definitions

1. In this Section of this Executive Order, “Utility Service Providers” means all political subdivisions, organizations, quasi-governmental entities, and businesses that provide directly to end-user residential customers electric, natural gas, water, or wastewater services, as well as all providers of a combination of these services.
2. This Section applies to all Utility Service Providers, regardless whether they are investor-owned public utilities, are private companies, are member-owned cooperatives, or are owned or operated by a political subdivision of the State or a quasi-governmental agency. This Section applies whether services are pre-paid or post-paid.
3. The restrictions placed on Utility Service Providers by this Section should, in cases of any ambiguity, be interpreted to be consistent with the restrictions imposed upon certain Utility Service Providers by the North Carolina Utilities Commission in its March 19, 2020 Order Suspending Utility Disconnections for Non-Payment, Allowing Reconnection, and Waiving Certain Fees, Docket M-2, Sub 158.

B. Prohibiting utilities from terminating service. No Utility Service Provider shall terminate the service of a residential customer for nonpayment. Utility Service Providers may terminate service of a customer when necessary as a matter of safety or when requested by the customer.

- C. **Late fees and payment arrangements.** A Utility Service Provider shall not bill or collect any fee, charge, penalty, or interest for a late or otherwise untimely payment that becomes due from the date of this Executive Order. Customers shall be provided the opportunity to make reasonable payment arrangements to pay off over at least a six (6) month period any arrearages accumulated during the effective period of this Executive Order and any order extending this Executive Order and 180 days thereafter. The six (6) month payoff period shall be calculated from the date of termination of this Section of this Executive Order or, if other applicable Executive Orders extend the protections of this Section, from the date of termination of the last Order that extends such protections; provided, however, that Utility Service Providers subject to the Utilities Commission's March 19, 2020 Order shall remain subject to the terms of that order after this Executive Order expires. No interest or late fee shall be charged on arrearages. No provision in this Executive Order shall be construed as relieving a customer of their obligation to pay bills for receipt of any service covered by this Executive Order.
- D. **Reconnection of service.** A Utility Service Provider is encouraged to reconnect previously disconnected service to the extent practicable and waive any penalties or reconnection fees, and any policies or ordinances that prevent re-connection of disconnected customers are suspended.
- E. **Payment assistance.** NCDHHS and the North Carolina Department of Environmental Quality shall work with Utility Service Providers to publicize payment assistance programs to aid customers, particularly customers qualified for the Low Income Energy Assistance Program, in the payment of their utility bills.
- F. **Notification.** Utility Service Providers shall reasonably inform their customers of the applicable provisions contained in this Executive Order through the means those providers most typically use to communicate urgent messages to customers, such as print, email, SMS text message, Internet, and phone calls. Utility Service Providers shall maintain reasonable records that show the notifications provided under this Section of this Executive Order and to whom those notifications were delivered.
- G. **Duration.** This Section shall remain in effect for sixty (60) days, unless rescinded or superseded by another applicable Executive Order; provided, however, that after that date, the provisions of this Section shall continue to apply to arrearages that accumulated while this Executive Order was in effect.
- H. **Limitations on this Section**
1. This Section applies to all ordinary monthly (or other periodically-issued) charges for service to residential customer locations in North Carolina by all Utility Service Providers, whether for their customers' business or personal use.
 2. This Section does not apply to additional optional services ordered by customers above their usual periodic charges, including, by means of example, options or services that the customer added on or after the date of this Executive Order in addition to their normal services.
 3. This Section does not apply to issuance or collection of special fees or penalties issued to customers for unusual use, such as fines or penalties for improper disposal or charges for extraordinary discharges of wastewater.
- I. **Effect on regulations and ordinances.** The effect of any regulation, policy, or ordinance of a political subdivision or agency of the state inconsistent with this Section is hereby suspended.

- J. **Implementation and enforcement.** The undersigned directs that the North Carolina Utilities Commission monitor responses and provide assistance and guidance to Utility Service Providers, including to the extent possible Utility Service Providers not under the Commission's regulatory jurisdiction, in implementing the provisions of this Section of this Executive Order. Utility Service Providers shall report implementation information weekly to the North Carolina Utilities Commission, including the following: (1) number of accounts by type (e.g., residential or business account) for which service termination was forbore, (2) number of reconnections by type of account, (3) amount of late fees and other penalties not collected, (4) number of accounts on an extended repayment plan, (5) customer notification information, and any other information determined by the Utilities Commission. The Utilities Commission and the Attorney General shall have the authority to enforce the provisions of this Executive Order through any methods provided by current law. The Utilities Commission, and to the extent necessary for any Utility Service Providers not within the Utilities Commission's jurisdiction, the Attorney General may waive provisions in their discretion and order an effective alternative. The Commission shall provide a weekly report to the Governor's Office on implementation of this Executive Order.

Section 2. Guidance on Cable, Telecommunications, and Related Services

- A. Telecommunications, mobile telecommunications, cable, Internet, and wi-fi or wireless Internet service providers are urged to follow the guidelines outlined in Section 1 of this Executive Order, including the following measures:
1. Ceasing, for the duration of this State of Emergency, termination of customers' service for nonpayment; and
 2. Waiving any fee, charge, penalty, or interest for a late or otherwise untimely payment that has come due or becomes due during the State of Emergency; and
 3. Allowing customers to make reasonable payment arrangements to pay off, over at least a six (6) month period, any arrearages that accumulate during the effective period of this Executive Order, starting after the end of this State of Emergency; and
 4. Reconnect, to the extent feasible, practicable and appropriate, any customers who wish to be re-connected during the duration of this State of Emergency, with penalties and reconnection fees waived.
- B. In addition to the provisions included in this Section, all telecommunications service providers are urged to lift or greatly expand data caps where they have not done so already.
- C. The undersigned requests that the Attorney General convene cable, telecommunications, and related service providers in the state to identify specific and effective measures they can take individually and collectively to ensure that necessary services continue to be provided to people in the State of North Carolina to the maximum extent practicable.

Section 3. Guidance Concerning Eviction Proceedings

As guidance to North Carolinians, the undersigned highlights and explains the effect on evictions of the March 13, 2020 and March 19, 2020 orders by the Chief Justice of the North Carolina Supreme Court. The Attorney General has consulted with the undersigned on this Section of this Executive Order and joins in this guidance.

Pursuant to the Chief Justice's orders referenced above, there should be no new eviction proceedings until the orders expire. The current expiration date is April 17, 2020, unless extended by further order of the Chief Justice.

During this time period, there should also be no new rental bonds due.

The Clerks of Superior Court may, in their discretion, delay, until regular court operations resume, issuing Writs of Possession for Real Property, which are the legal documents under which sheriffs perform evictions. The undersigned and the Attorney General strongly encourage all Clerks of Superior Court to follow the spirit of the Chief Justice's order and to hold the issuance of all Writs of Possession of Real Property until April 17 or any later date subsequently ordered.

Further, the undersigned and the Attorney General strongly encourage sheriffs to delay, until regular court operations resume, the execution of any Writs of Possession for Real Property that have already been issued, consistent with the spirit of the order and in support of public health and public safety.

Finally, the undersigned and the Attorney General strongly encourage all property owners to work with tenants to the best of their abilities to implement payment plans and avoid evictions, in light of the State of Emergency in North Carolina, including cancelling pending evictions by notifying the relevant Sheriff's Office. Similarly, the undersigned and the Attorney General strongly encourage all lenders to work with property owners to the best of their abilities to provide loan payment flexibility that enables property owners to avoid evictions of tenants, in light of the State of Emergency in North Carolina.

Section 4. Assistance for Bank and Mortgage Companies' Customers

For the reasons and pursuant to the authority set forth above:

- A. The undersigned urges that all North Carolina-licensed or -regulated (i) banks, (ii) savings banks, (iii) savings and loan associations, (iv) trust companies, (v) mortgage-lenders, (vi) servicers, (vii) brokers and mortgage loan originators, (viii) consumer finance companies, (ix) check cashers, (x) money transmitters or prepaid card providers, (xi) tax refund anticipation loan facilitators, and (xii) credit unions operating in the State of North Carolina should immediately implement the following reasonable and prudent measures for individual and business customers who are North Carolina residents and can demonstrate financial hardship caused by COVID-19.
 1. Waive overdraft fees.
 2. Extend new credit to creditworthy borrowers on lenient terms, subject to safety and soundness considerations.
 3. Waive late fees for credit card and other loan balances.
 4. Waive automated teller machine (ATM) fees.
 5. Increase daily ATM daily cash withdrawal limits.
 6. Increase credit card limits for creditworthy customers.
 7. Lower or waive fees on prepaid credit or debit cards.
 8. Waive early withdrawal penalties on time deposits.
 9. Offer payment accommodations, such as allowing loan customers to defer payments at no cost, extending the payment due dates or otherwise adjusting or altering terms of existing loans, which would avoid delinquencies, trigger events of default or similar adverse consequences.
 10. Cease reporting derogatory information (e.g., late payments, but not including forbearances) to credit reporting agencies for a period of ninety (90) days.

11. Ensure that customers do not experience a disruption of service if financial institutions close their physical offices. This may include shifting call centers to teleworking, making services available through Internet chat, or other electronic avenues for customers to continue to manage their accounts and to make inquiries.
 12. Alert customers to the heightened risk of scams and price gouging during the COVID-19 pandemic.
 13. Notify customers by various means, including but not limited to the entity's website, apps, and (if authorized by the customer) texts or emails, to explain the above-listed assistance being offered to customers.
- B. The undersigned urges that all entities covered by Subsection A of this Section that service mortgages ("mortgage servicing entities") shall voluntarily, but immediately take actions to alleviate the adverse impact caused by COVID-19 on those North Carolina resident mortgage borrowers ("mortgagors") who attest that they are not able to make timely payments. Mortgage servicing entities are urged to take the following reasonable and prudent actions to support those adversely impacted mortgagors:
1. Forbear mortgage payments for at least 180 days from their due dates and give mortgagors the option to extend loan terms by that number of days without a lump sum payment due at the end of the forbearance period.
 2. Refrain from reporting late payments to credit reporting agencies for at least 180 days.
 3. To the extent possible under existing law, offer mortgagors an additional ninety (90) day grace period to complete trial loan modifications, and ensure that late payments during the COVID-19 pandemic do not affect their ability to obtain permanent loan modifications.
 4. Waive late payment fees and any online or telephonic payment fees for a period of ninety (90) days.
 5. Postpone foreclosures and evictions for at least ninety (90) days.
 6. Notify customers by various means, including but not limited to the entity's website, apps, and (if authorized by the customer) texts or emails, to explain the above-listed assistance being offered to customers.

Section 5. Savings Clause

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Section 6. Distribution

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

Section 7. Effective Date

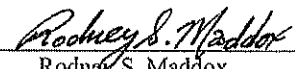
This Executive Order is effective immediately. This Executive Order shall remain in effect for sixty (60) days unless rescinded or replaced with a superseding Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

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 31st day of March in the year of our Lord two thousand and twenty.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State



TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Update on Sewer Interconnect Project

AGENDA ITEM NO. 8E

MEETING DATE: 5/12/2020

BACKGROUND INFORMATION:

Below is the schedule for bidding the project with adaptations for COVID-19:

Bid Documents Sent Out by May 13th

Pre-Bid Meeting – May 28th (Held Outside at Dallas' Public Works Facility)

Bid Opening – June 18th (Held Outside at Rotary Pavilion in Gastonia)

Bid Awarded in July (after confirming bid data)

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN: