



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Meeting Agenda Town Council



Tuesday, June 2, 2020

7:00 PM

Remote Meeting - View Livestream or Cable TV

18

7:00-7:15

A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

1. [20-227](#) Pride Month Proclamation
2. [20-229](#) Gun Violence Awareness Day and Wear Orange Weekend
3. [20-228](#) Trails Day Proclamation

7:15-7:20

B. ROLL CALL

7:20-7:25

C. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

Comments are limited to three minutes per speaker. If you wish to make a public comment during an online meeting, please contact the Town Clerk's office via email at publiccomment@townofcarrboro.org or by phone at (919) 918-7309.

7:25-7:30

D. CONSENT AGENDA

1. [20-226](#) Approval of Minutes from May 19, 2020
2. [20-217](#) Independent Audit Contract for Fiscal Year Ending June 30, 2020
PURPOSE: To award contract for the Town's annual independent audit for the fiscal year ending June 30, 2020.

Attachments: [Attachment A - Resolution to Award Audit Contract for FY20](#)
[Attachment B - FY20 Audit Engagement Letter and Contract](#)

E. PUBLIC HEARING

7:30-7:50

1. [20-218](#) Public Hearing on Town Manager's Recommended Budget for FY 2020-21
PURPOSE: To hold a public hearing on the Town Manager's Recommended Budget for the upcoming fiscal year as required by G. S. 159-12 (b).

7:50-8:30

2. [20-220](#) Public Hearing on Text Amendments to the Land Use Ordinance Relating to Residential Uses in the B-1(c) District
PURPOSE: The purpose of this agenda item is for the Town Council to consider proposed amendments to the Land Use Ordinance relating to residential uses in the B-1(c) Zoning District. A draft ordinance has been prepared. The consideration of an amendment to the Land Use Ordinance is a legislative decision; the Council must receive public input before reaching a decision on the draft ordinance.

Attachments: [Attachment A - Consistency Resolution 06-02-2020](#)
[Attachment B- Draft LUO Ordinance Relating to Residential Uses in the B-1\(c\) District 05-1-2020](#)
[Attachment C - LUO AME 104 COBB Application](#)
[Attachment D - Comments](#)

F. OTHER MATTERS**8:30-9:00**

1. [20-231](#) Update from Chief Schmidt on COVID-19

9:00-9:45

2. [20-224](#) Discussion on How COVID 19 Is Disproportionately Affecting Blacks, Latinos and Other Underserved and Marginalized Communities
PURPOSE: The purpose of this agenda item is for the Council to discuss how COVID 19 is disproportionately affecting Blacks, Latinos and other underserved and marginalized communities. In addition, identify solutions that can be integrated in the recovery efforts and provide relief to vulnerable populations in Carrboro and Orange County.

Attachments: [ATTACHMENT A - COVID-19 Long Term Recovery Planning-update](#)
[ATTACHMENT B - COVID-19 pandemic concerns and requests](#)
[ATTACHMENT C - COVID-19 Orange County FYI - Health Dept.](#)

9:45-10:00

3. [20-225](#) Consideration of Request to Sponsor Carrboro United Locating at Carrboro High School

PURPOSE: The purpose of this agenda item is to provide the Town Council with an opportunity to consider a request for the Town to sponsor Carrboro United locating its food pick-up service at Carrboro High School.

10:00-10:30

4. [20-232](#) Increased Outdoor Dining Space and Other Actions to Support Businesses Opening Under Social Distancing Requirements

PURPOSE: The purpose of this agenda item is to provide the Town Council with information on actions that could be taken to support phased opening as COVID-19-related restrictions on businesses operations are eased.

Attachments: [Attachment A - COVID-19 BUSINESS SUPPORT SURVEY RESULTS RECOMMENDATIONS](#)
[Attachment B - Executive Order 141 from Governor Cooper](#)
[Attachment C - Frequently Asked Questions for Executive Order 141](#)
[Attachment D - House Bill 561](#)

G. MATTERS BY COUNCIL MEMBERS



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number:20-227

Agenda Date: 6/2/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

Pride Month Proclamation



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number:20-229

Agenda Date: 6/2/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

Gun Violence Awareness Day and Wear Orange Weekend



Town of Carrboro

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Agenda Item Abstract

File Number:20-228

Agenda Date: 6/2/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

Trails Day Proclamation



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Approval of Minutes from May 19, 2020



Town of Carrboro

Town Hall
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Agenda Item Abstract

File Number:20-217

Agenda Date: 6/2/2020

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Version: 1

Independent Audit Contract for Fiscal Year Ending June 30, 2020

PURPOSE: To award contract for the Town's annual independent audit for the fiscal year ending June 30, 2020.

DEPARTMENT: Finance

CONTACT INFORMATION: Cary McNallan, 918-7301

INFORMATION: The Local Government Budget and Fiscal Control Act (LGBFCA) requires each local government to prepare an annual financial report on their financial position at the end of the fiscal year and financial results of operations. The LGBFCA also requires that this financial report be audited by an independent certified public accountant.

Dixon Hughes Goodman LLP, the Town's independent auditor, has submitted a contract to audit the Town's accounts and letter of engagement for the fiscal year ending June 30, 2020. The audit cost is \$53,000.00, compared to \$51,490.00 last year. Depending upon the total expenditures of state and/or federal funds (e.g. Powell Bill Funds, federal grants, etc.), the Town may be required to have one or more single audits prepared. The cost for a single audit is \$3,000 for up to two major programs and \$1,800 for any additional major program thereafter. At the request of the Town, Dixon Hughes Goodman LLP has included preparation of the Town's annual financial statements at an additional cost of \$3,100.00.

FISCAL & STAFF IMPACT: The total cost for audit and financial statement preparation will not exceed \$60,900.00, if no more than three major programs require audits. Funds for the cost of the annual audit, single audits and financial statement preparation have been requested in the Finance Department's FY 2020-21 General Fund operating budget.

RECOMMENDATION: That the Council: 1) award a contract to Dixon Hughes Goodman LLP for a total cost not to exceed \$60,900.00 for independent audit of Town accounts, preparation of single audits if necessary, and preparation of annual financial statements for fiscal year ending June 30, 2020; and, 2) authorize the Mayor to sign the Audit Contract and Letter of Engagement as required by the North Carolina Local Government Commission.

**A RESOLUTION AWARDING THE CONTRACT FOR INDEPENDENT AUDIT FOR
FISCAL YEAR ENDING JUNE 30, 2020**

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO THAT:

Section 1. The audit contract for the fiscal year ending June 30, 2020 is awarded to Dixon Hughes Goodman LLP for a total cost not to exceed \$60,900.00.

Section 2. The Mayor is authorized to sign the Audit Contract and Letter of Engagement as required by the North Carolina Local Government Commission.

Section 3. This resolution shall become effective upon adoption.

May 13, 2020

Town Council
Town of Carrboro
301 W. Main Street
Carrboro, North Carolina 27510

Dear Members of the Town Council:

We are pleased to confirm our understanding of the services we are to provide for Town of Carrboro, (the "Town") for the year ended June 30, 2020. This attachment to item 18, "Contract to Audit Accounts" (LGC-205) is intended to further clarify certain provisions of the Contract.

Audit Services

We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the Town as of and for year ended June 30, 2020.

Audit Objective

The objective of our audit is the expression of an opinion about whether the Town's financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America. The objective also includes reporting on:

- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act, as amended, Title 2 U.S. Code of Federal Regulations ("CFR") Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance") and the State Single Audit Implementation Act (collectively referred to as the "Single Audit").

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that; (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance; and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. The reports will state that the report is not suitable for any other purpose. If during our audit we become aware that the Town is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act; and the provisions of the Uniform Guidance; and the *State Single Audit Implementation Act*, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such an opinion. We will issue written reports upon completion of our audits. Our reports will be addressed to the governing board of the Town. Our audit will also include performing procedures on the financial information of Carrboro Tourism Development Board to enable us to express such an opinion. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or add an emphasis-of-matter or other-matter paragraph. If our opinions on the financial statements or the Single Audit is other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or issue reports, or we may withdraw from this engagement.

Audit Procedures - General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free from material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Town or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of certain assets and liabilities by

correspondence with selected individuals, funding sources, creditors, and financial institutions. We may also request written representations from the Town's attorneys as part of the engagement, and they may bill the Town for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from management about management's responsibilities for the financial statements; Schedule of Expenditures of Federal and State Awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards. Because of the importance of management's written or verbal representations to an effective audit, you agree to release and indemnify Dixon Hughes Goodman LLP and its personnel from any liability and costs relating to our services under this letter attributable to any knowing misrepresentations by management.

In providing our audit services we are required by law and our professional standards to maintain our independence from the Town. We take this mandate very seriously and thus guard against impermissible relationships which may impair the very independence which you and the users of our report require. As such you should not place upon us special confidence that in the performance of our audit services we will act solely in your interest. Therefore, you acknowledge and agree we are not in a fiduciary relationship with you and we have no fiduciary responsibilities to you in the performance of our services described herein.

Audit Procedures - Internal Control

Our audit includes obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control over financial reporting. Accordingly we will express no such opinion. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to you and those charged with governance internal control related matters that are required to be communicated under auditing standards generally accepted in the United States of America, *Government Auditing Standards*, and the Uniform Guidance and the State Single Audit Implementation Act.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance and the State Single Audit Implementation Act.

Audit Procedures - Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town's compliance with provisions of applicable laws, regulations, contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *Office of Management "OMB" Compliance Supplement* and the *Audit Manual for Governmental Auditors in North Carolina* for the types of compliance requirements that could have a direct and material effect on each of the Town's major programs. The purpose of these procedures will be to express an opinion on the Town's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance and the State Single Audit Implementation Act.

Management's Responsibilities

Management is responsible for designing, implementing and maintaining effective internal controls, including internal controls over federal and state awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements;

and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. Management is responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, Schedule of Expenditures of Federal and State Awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes), and the provisions of contracts and grant agreements (including award agreements).

Management is also responsible for making all financial records and related information available to us, and for the accuracy and completeness of that information. Management is also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the Town from whom we determine it necessary to obtain audit evidence. Because this engagement qualifies as a group audit, you agree to facilitate unrestricted access to information related to components of the Unit as well as persons at components (including management and those charged with governance).

Management's responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information. Management's responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Management is responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the Town involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Management's responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the Town received in communications from employees, former employees, grantors, regulators, or others. In addition, management is responsible for identifying and ensuring that the Town complies with applicable laws and regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report. As required by the Uniform Guidance, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a Summary Schedule of Prior Audit Findings and a Corrective Action Plan if necessary.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the "Audit Objective" section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. Management is also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as planned corrective actions, for the report, and for the timing and format for providing that information.

Management is responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the Schedule of Expenditures of Federal and State Awards (including notes and noncash assistance received) in conformity with the Uniform Guidance and the State Single Audit Implementation Act. Management agrees to include our report on the Schedule of Expenditures of Federal and State Awards in any document that contains and indicates that we reported on the Schedule of Expenditures of Federal and State Awards. Management agrees to include the audited financial statements with any presentation of the Schedule of Expenditures of Federal and State Awards that includes our report thereon. Management's responsibilities include acknowledging to us in the representation letter that (1) management is responsible for presentation of the Schedule of Expenditures of Federal and State Awards in accordance with the Uniform Guidance and the State Single Audit Implementation Act; (2) management believes the Schedule of Expenditures

of Federal and State Awards, including its form and content, are stated fairly in accordance with the Uniform Guidance and the State Single Audit Implementation Act; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) management has disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the Schedule of Expenditures of Federal and State Awards.

We understand that the Town's employees will prepare all cash, accounts receivable, and other confirmations we request, and will locate any documents selected by us for testing.

Required Supplementary Information

Our audit is for the purpose of forming an opinion on the financial statements taken as a whole. Accounting principles generally accepted in the United States ("GAAP") provide for certain required supplementary information ("RSI") to accompany the basic financial statements. We understand the following RSI will accompany the basic financial statements:

1. Management's Discussion and Analysis ("MD&A")
2. Schedule of Changes in Total Other Postemployment Benefits ("OPEB") Liability and Related Ratios
3. Law Enforcement Officers' Special Separation Allowance - Schedule of Changes in Total Pension Liability
4. Law Enforcement Officers' Special Separation Allowance - Schedule of of Total Pension Liability as a Percentage of Covered Payroll
5. Schedule of the Proportionate Share of the Net Pension Liability (Asset) - Local Government Employees' Retirement System
6. Schedule of Contributions - Local Government Employees' Retirement System

Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context.

The Town's management is responsible for the fair presentation of the RSI. As part of our engagement, we will apply certain limited procedures to the RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit is for the purpose of forming an opinion on the financial statements taken as a whole. We understand that the following supplementary information will accompany the financial statements.

1. Combining non-major and fiduciary fund statements.
2. Budgetary schedules for all funds required to adopt a budget other than the General Fund and annually adopted major special revenue funds
3. Schedule of Ad Valorem Taxes Receivable
4. Analysis of Current Tax Levy
5. Schedule of Expenditures of Federal and State Awards

Such information is presented for the purpose of additional analysis of the financial statements and is not a required part of the financial statements. The Town's management is responsible for the fair presentation of the supplementary information. We will subject the supplementary information to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the accounting and other records used to prepare the financial statements or to the financial

statements themselves in accordance with auditing standards generally accepted in the United States of America.

Management's responsibilities include acknowledging to us in the written representation letter that (a) management is responsible for presentation of the supplementary information in accordance with GAAP; (b) management believes the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (c) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (d) management has disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Our responsibility is to report whether such information is fairly stated in all material respects in relation to the basic financial statements taken as a whole. Management agrees to include our report on supplementary information in any document that contains and indicates that we have reported on the supplementary information. Management agrees to include the audited financial statements with any presentation of the supplementary information OR make the audited financial statements readily available to users of the supplementary information that includes our report thereon.

Other Information

Our audit is for the purpose of forming an opinion on the financial statements taken as a whole. We understand the Town will prepare schedules for inclusion in the Comprehensive Annual Financial Report. Such information is presented for the purpose of additional analysis of the financial statements and is not a required part of the basic financial statements. The Town's management is responsible for such information. We will not subject such information to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we will not express an opinion or provide any assurance on it.

Management Responsibility for Non-attest Services

Management agrees to assume all management responsibilities and to oversee the non-attest services we will provide by designating an individual possessing suitable skill, knowledge and/or experience. Management acknowledges that non-attest services are not covered under *Government Auditing Standards*. Management is responsible for evaluating the adequacy and results of the services performed and accepting responsibility for the results of such services. Management is responsible for designing, implementing, and maintaining internal controls.

We will provide the following additional non-attest services:

- We will assist with preparation of the Town's financial statements, the preparation of fund to accrual accounting adjustments, the Schedule of Expenditures of Federal and State Awards, and related notes.
- We will advise management about appropriate accounting principles and their application and will assist in preparation of the Town's basic financial statements. The responsibility for the basic financial statements and all representations contained therein remains with management, which includes members of the governing board.
- At the conclusion of the engagement, we will complete the appropriate sections of and sign the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including the basic financial statements, Schedule of Federal and State Awards, auditors' reports on internal controls and compliance, Schedule of Findings and Questioned Costs, Corrective Action Plan (if required) and a Summary Schedule of Prior Audit Findings (if required) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with management has the electronic submission and certification. If applicable, we will provide copies of our report for management to include with the reporting package management will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditor's reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audit.
- At the conclusion of the engagement, we will upload the audited financial statements and compliance reports on the North Carolina State Treasurer's website.

- At the conclusion of the engagement, we will complete the applicable sections of the Data Input Worksheet, and upload to the North Carolina State Treasurer's website.

Management is responsible for evaluating the adequacy and results of the above non-attest services performed and accepting responsibility for the results of such services. This includes management's review and approval of all adjustments we may propose to the accounting records of the Town or its financial statements as a result of these services.

With respect to any non-attest services provided, management is responsible for downloading and storing such deliverables in information systems controlled by your company or organization within ninety days of the completion date of the non-attest service. To the extent a web-based portal is utilized for the transmission of non-attest service deliverables, management agrees that any web-based portal controlled by Dixon Hughes Goodman LLP will not be relied on as a data repository and acknowledge that any non-attest service deliverables will be removed from the web-based portal ninety days after the non-attest service completion date.

Use of Financial Statements

If the Town's financials are to be included in a client-prepared document, which includes other information, the Town should notify us of the nature of the document and allow us to read such document prior to submitting the document to others. An example of another document would be an official statement in connection with a public debt offering.

Audit Administration, Fees, and Other

In connection with providing our professional services described herein, DHG may utilize the services of third-party service providers to complete these services. In addition, DHG may use third-party providers to provide, at DHG's discretion, administrative, clerical and data analysis services to DHG in connection with our professional services. In the performance of these services for DHG, we may share confidential information with the third-party service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your information. DHG represents to the Town that each such third-party service provider has agreed to conditions of confidentiality with respect to the Town information to the same or similar extent as DHG has agreed. Furthermore, we are responsible for the adequate oversight of services provided by these third-party service providers.

The audit documentation for this engagement is the property of Dixon Hughes Goodman LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available to the U.S. Governmental Accountability Office or North Carolina Office of the State Auditor or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office pursuant to authority given to it by law or regulation. If requested, access to such audit documentation will be provided under supervision of our personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

This engagement is limited to the services outlined above. We will perform all services in accordance with applicable professional standards.

John Frank is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. We plan to begin our audit work in June 2020.

Engagement Fees

Our fees for these services will be based upon the time, skill and resources, including our proprietary information required to complete the services, plus all out-of-pocket expenses. However, you acknowledge the complexity of the issues involved and unforeseen circumstances may result in additional charges. In such event we will discuss with you the basis of any such charge.

Our fees for these services will be \$53,000 plus \$3,000 for up to two major programs and \$1,800 for any additional major program thereafter and \$3,100 for the writing on the financial statements, and are based on anticipated

cooperation from the Town's personnel and the assumption that unexpected circumstances will not be encountered. If significant additional time is necessary, we will discuss a revised fee arrangement with you. We will also invoice for travel and other out-of-pocket costs such as report production, typing, postage, etc. This estimate is based on the assumption there will be no significant bookkeeping assistance required or significant changes in the Town's operations including (but not limited to): issuance of new debt; new construction projects; creation of new funds; new major programs required to be tested for Single Audit; or additional procedures required in response to the discovery of fraud. We will issue contract addendums for additional fees related to any bookkeeping or changes mentioned above. The additional fees will be billed at our standard hourly rates depending on the experience level of the individuals performing the work.

Our invoices for these fees will be rendered each month as work progresses and are payable on presentation in U.S. Dollars. A 1½ percent per month interest charge will be added to all accounts not paid within thirty (30) days. If there is a significant change in your organizational structure or size due to acquisitions or other events, we reserve the right to revise our fees. We shall have the right to halt or terminate entirely our services until payment is received on past due invoices.

Should you require additional services incidental to those specified herein which are not the subject of a separate engagement letter, upon your request for the performance of those services we will confirm to you in writing or by electronic mail the requested services we will provide. Such services, including our fees, shall be rendered subject to and in accordance with the provisions of this letter.

In providing our services we may direct you to provide your information to us through a separate web based client portal in an effort to provide greater security with respect to the information. In the event we request you provide your information to us through such a client portal, to the extent you fail to do so or in using the client portal you fail to monitor and restrict access only to your authorized personnel (any such failure being referred to herein as a "Portal Failure") we disclaim, and you release us from, any and all liability for loss and damage, including direct, indirect, consequential, incidental, and special damages such as loss of revenue or anticipated profits, arising from any interception, unintentional disclosure or communication or unauthorized use of such information incident to a Portal Failure. In addition, you agree not to provide access to the client portal for use by any third-party with whom you are affiliated by contract or otherwise without our express prior written consent, and you shall indemnify and hold us harmless from and against any and all claims by any such third-party for all damages whatsoever, including direct or indirect damages, consequential, exemplary, incidental, special or punitive damages including lost profits or lost data, arising from such third-party's use of materials on, accessed through, or downloaded from the client portal even if we are aware or have been advised of the use of or the access to, the client portal by such third-party in contravention of the restrictions set forth herein.

Many of our clients choose to communicate with us by email, and we may use email in connection with this engagement unless you direct us otherwise. We will use reasonable precautions to protect your confidential information, but we have no obligation to employ any measures that you do not regularly employ in protecting your confidential information. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third-party, or may not be delivered to each of the parties to whom they are directed, we cannot guarantee or warrant that email from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim any liability or responsibility whatsoever for interception or unintentional disclosure or communication of email transmissions, or for the unauthorized use or failed delivery of emails transmitted by us in connection with the performance of this engagement, or the disclosure or communication of confidential or proprietary information arising therefrom (hereinafter collectively referred to as "Email Interruption"). You agree that we shall have no liability for any loss or damage to any person or entity resulting from or related to any Email Interruption, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, and you hereby forever release us from any such liability and shall indemnify us from any claim related thereto.

This agreement and any claim arising out of the services provided shall be governed by the laws of the state of North Carolina, exclusive of its conflict of laws rules. The parties agree that any action between them related to or arising out of this engagement shall be brought only in the state or federal courts of North Carolina.

In the event Dixon Hughes Goodman LLP is required to respond to a subpoena, court order, government regulatory inquiry or other legal process relating to you or your management for the production of documents and/or testimony relative to information we obtained or prepared incident to this or any other engagement, you shall compensate Dixon Hughes Goodman LLP for all time we expend in connection with such response at normal and customary hourly rates, and to reimburse us for all out of pocket expenses incurred in regard to such response.

Whenever possible, each provision of this agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision hereof shall be ineffective or invalid, such ineffectiveness or invalidity shall be only to the extent of such prohibition or invalidity, without invalidating the remainder of the provision or the remaining provisions of this agreement, which shall otherwise remain in full force and effect. The agreements of the Town of Carrboro and Dixon Hughes Goodman LLP contained in this engagement letter shall survive the completion or termination of this engagement.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any subsequent peer review reports received during the contract period. Accordingly, our 2017 peer review report accompanies this letter.

Please indicate your acceptance of the above understanding by signing this letter in the space below and returning it to our office. A copy is enclosed for your records. If your needs change during the year, the nature of our services can be adjusted appropriately. Likewise, if you have special projects with which we can assist, please let us know.

We want to express our appreciation for this opportunity to work with Town of Carrboro.

Sincerely,

Dixon Hughes Goodman LLP

Dixon Hughes Goodman LLP
Accepted and Agreed:

This letter correctly sets forth the understanding of Town of Carrboro.

Lydia Lavelle, Mayor

Date _____

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Arche McAdoo, Finance Officer

The	Governing Board
of	Primary Government Unit (or charter holder)
and	Discretely Presented Component Unit (DPCU) (if applicable)

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name
	Auditor Address

Hereinafter referred to as Auditor

for	Fiscal Year Ending	Audit Report Due Date
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Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards* if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit performed under the requirements found in Subpart F of the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.
4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.
5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.
- If the audit engagement is not subject to *Government Accounting Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC staff within four months of fiscal year end. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay shall be submitted to the Secretary of the LGC for approval.
7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's (Units') records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to

the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC along with an Audit Report Reissued Form (available on the Department of State Treasurer website). These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the

Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing, on the Amended LGC-205 contract form and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to charter schools or hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 28 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

See attached engagement letter

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the parent government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to charter schools or hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and Governmental Auditing Standards, 2018 Revision (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. Applicable to charter school contracts only: No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions.

29. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 16 for clarification).

30. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>.

31. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

32. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Governmental Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will not be approved.

Financial statements were prepared by: ☐ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:

Title and Unit / Company:

Email Address:

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees below. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year billings. Should the 75% cap provided below conflict with the cap calculated by LGC staff based on the prior year billings on file with the LGC, the LGC calculation prevails. All invoices for services rendered in an audit engagement as defined in 20 NCAC 3 .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

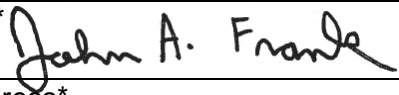
PRIMARY GOVERNMENT FEES

Primary Government Unit	
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$

DPCU FEES (if applicable)

Discretely Presented Component Unit	
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$
75% Cap for Interim Invoice Approval (not applicable to hospital contracts)	\$

SIGNATURE PAGE**AUDIT FIRM**

Audit Firm*	
Authorized Firm Representative (typed or printed)*	Signature* 
Date*	Email Address*

GOVERNMENTAL UNIT

Governmental Unit*	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)*	Signature*
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed)	Signature*
Date of Pre-Audit Certificate*	Email Address*

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all
required signatures prior to submission.



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number:20-218

Agenda Date: 6/2/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Public Hearing on Town Manager's Recommended Budget for FY 2020-21

PURPOSE: To hold a public hearing on the Town Manager's Recommended Budget for the upcoming fiscal year as required by G. S. 159-12 (b).

DEPARTMENT: Town Manager

CONTACT INFORMATION: David L. Andrews, 918-7315 and Cary McNallan, 918-7301

INFORMATION: On May 26, 2020 the Town Manager presented his recommended budget for Fiscal Year 2020-21. The recommended budget totals \$70,767,273 and is comprised of the following: General Fund \$25,001,606 (Operating Fund); Capital Projects Fund \$42,100,375; Special Revenue Fund \$2,324,517; Stormwater Utility Enterprise Fund \$994,475; and Parking Enterprise Fund \$346,300.

To ensure that the public has access to the budget document and is aware of the public hearing, North Carolina G.S. 159-12 (a) requires the Town Clerk to have the budget document available for public inspection until the budget ordinance is adopted. The document is also available on the Town's website at <https://www.townofcarrboro.org/2397/Recommended-Annual-Operating-Budget-2020-2021>

The statute also requires the Town Clerk to make a copy of the budget available to all news media in the county and to publish a statement that the budget has been submitted to the governing board, and is available for public inspection. The statement must also give notice of the time and place of the budget public hearing.

FISCAL & STAFF IMPACT: The total recommended budget for FY 2020-21 is \$70.8 million comprised of the following: General Fund \$25.0 million; Capital Fund \$42.1 million; Special Revenue Fund \$2.3 million; Stormwater Utility Enterprise Fund \$994 thousand; and Parking Enterprise Fund \$346 thousand.

RECOMMENDATION: The Council is requested to: 1) hold a public hearing and receive comments from the public on the Town Manager's recommended budget; and, 2) provide directions to the Town Manager for preparation of the final budget ordinance for FY 2020-21 for adoption on June 23, 2020.



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number:20-220

Agenda Date: 6/2/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Public Hearing on Text Amendments to the Land Use Ordinance Relating to Residential Uses in the B-1(c) District

PURPOSE: The purpose of this agenda item is for the Town Council to consider proposed amendments to the Land Use Ordinance relating to residential uses in the B-1(c) Zoning District. A draft ordinance has been prepared. The consideration of an amendment to the Land Use Ordinance is a legislative decision; the Council must receive public input before reaching a decision on the draft ordinance.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, cmoon@townofcarrboro.org; Marty Roupe - 919-918-7333, mrroupe@townofcarrboro.org; Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org; Nick Herman - 919-929-3905, gnherman@broughlawfirm.com

INFORMATION: Jim Spencer Architects, PA, working as the agent for Self-Help Ventures Fund, has submitted an application for text amendments to the Land Use Ordinance (LUO) to allow residential uses on the ground floor of the B-1(c) Zoning District to advance an affordable housing proposal (*Attachment C*). The project is part of a collaboration between Self-Help Ventures Fund and the Marian Cheek Jackson Center to redevelop property at 104 Cobb Street to provide four affordable townhome units.

The subject property is zoned B-1(c). Residential uses are allowed in the B-1(c), but not on the ground floor. A draft ordinance has been prepared that would amend Section 15-160.1 of the LUO to allow ground floor residential uses for affordable housing purposes, in this zoning district, under very specific circumstances (*Attachment B*). Modifications to the standards in Section 15-185.1 (Downtown Neighborhood Protection Overlay), Section 15-204 (Downtown Livability Area and Urban Living Amenities), Section 15-178 (Architectural Standards for Downtown Development), and Article XIX (Screening and Trees) relating to canopy cover and screening would also be allowed subject to criteria.

The Town Council must receive public comments before adopting amendments to the Land Use Ordinance. The draft ordinance was referred to Orange County and presented to the Planning Board and the Affordable Housing Advisory Commission (AHAC) on May 7th, the Economic Sustainability Commission on May 13th and discussed again at the AHAC meeting on May 20th. Comments are provided (*Attachment D*).

FISCAL & STAFF IMPACT: Public notice costs and staff time are associated with the review of text

Agenda Date: 6/2/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

amendments for public hearings and advisory board review.

RECOMMENDATION: Staff recommends that the Town Council consider adopting the resolution of consistency (*Attachment A*) and the draft ordinance (*Attachment B*).

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE TOWN COUNCIL'S
REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO
LAND USE ORDINANCE (N.C. Gen. Stat. 160A-383)

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: A LAND USE ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO RESIDENTIAL USES IN THE B-1(C) DISTRICT.

NOW, THEREFORE, the Town Council of the Town of Carrboro Resolves:

Section 1. The Council has reviewed the draft amendment to the text of the Land Use Ordinance and concludes that the proposed amendment is:

_____ *Consistent* with adopted plans such as *Carrboro Vision2020*, particularly the provisions to support the wellbeing of special and vulnerable populations and provide housing for a diverse population, and Goal 1.1 and 1.2 in the Town's Affordable Housing Goals and Strategies, to increase the number of homeownership units that are permanently affordable and to allow for increased density for affordable housing purposes.

_____ *Inconsistent* with current adopted plans. The proposed action is *inconsistent* with the comprehensive plan for the following reason(s):

_____ *Inconsistent* with the current adopted plans; however, because of the following changed circumstance(s), the Council's approval shall also be deemed an amendment to the existing adopted plan, _____, as described below.

Changed circumstance(s):

Amendment to current adopted plan:

Section 2. The Town Council's action is reasonable and in the public interest for the following reason(s):

The proposed text amendment is reasonable and consistent with the public health, safety and welfare by furthering the Town's efforts toward providing housing for all of its citizens.

Section 3. Therefore, the Carrboro Town Council has: approved / denied the proposed amendment to the text of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes effective upon adoption.

Adopted by the Carrboro Town Council this 2nd day of June 2020.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO
RESIDENTIAL USES IN THE B-1(C) DISTRICT

****DRAFT 05-01-2020****

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. Section 15-160.1 of the Carrboro Land Use Ordinance is rewritten to read as follows:

Section 15-160.1 Residential Uses in B-1(c)

- (a) Residential uses are not allowed on the ground floor of property within a B-1(c) district.
- (b) Notwithstanding the foregoing, residential uses are allowed on the ground floor in the B-1(c) district when (i) the property is less than 10,000 square feet, (ii) the preexisting land use is residential, (iii) the development creates no more than four dwelling units, and (iv) every dwelling unit is an affordable housing unit pursuant to Subsection 15-182.4(b) of this chapter. Residential developments permitted by this section, shall not be eligible for a density bonus for providing affordable units under 15-182.4(i).

Section 2. Section 15-185.1(c) (Downtown Neighborhood Protection Overlay District Requirements) is amended by adding a fourth provision to read as follows:

- (4) Notwithstanding the foregoing, if more than one building is constructed pursuant to Section 15-160.1(b) and the residentially zoned property is within the Lloyd/Broad Overlay District no separation between buildings shall be required.

Section 3. Section 15-204 (Downtown Livability Area and Urban Living Amenities) is amended by adding a new subsection (e) to read as follows:

- (e) Notwithstanding the foregoing, when property is developed pursuant to Section 15-160.1(b) the dollar value of urban amenities, required by Subsection 15-204(d)(2) may be reduced to 3.5 percent of the assessed value of the land that constitutes the development site.

Section 4. Section 15-178 (Architectural Standards for Downtown Development) is amended by adding a new subsection (c) to read as follows:

- (c) Residential projects in the B-2 district, or the B-1(c) and B-1(g) districts subject to the DNP Overlay District in Section 15-185.1, where every dwelling unit is an affordable unit, as defined in Section 15-182.4(b), may volunteer to adhere to the Village Mixed Use & Affordable Housing Vernacular Standards in Appendix L.

Section 5. Section 15-309 (Flexibility in Administration Required) is amended by adding a fourth provision in subsection (b) to read as follows:

- (4) For use classification 1.320 constructed pursuant to 15-160.1(b) by allowing a less stringent street right-of-way screening.

Section 6. Subsection 15-319(1)(b) is rewritten to read as follows:

(b) Modifications to Canopy Coverage Standards

- (1) The permit issuing authority may approve a development application that does not fully comply with the canopy coverage standards when it finds that the application substantially complies with these standards and that such a deviation enables the development to better achieve other Town objectives, such as the promotion of solar access to encourage active and passive solar technology for water and space heating and renewable energy generation, improved stormwater management, and the preservation of established managed landscapes, or established streetscapes, and the development of affordable housing under 15-161.1(b).
- (2) Modifications for canopy coverage standards may be approved for the development of affordable housing under Subsection 15-161.1(b) so long as the application provides for an increase in canopy coverage by at least double.

Section 7. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed.

Section 8. This ordinance is effective upon adoption.

TOWN OF CARRBORO



LAND USE ORDINANCE AMENDMENT REQUEST

"Dear Potential Business Operator:

Please be advised that it may be necessary to meet with several members of Town staff as well as outside agencies to identify and fully understand all rules, regulations, and policies applicable to your business. Please refer to the 'Checklist for Opening a Business in Carrboro.'

To the Town Council, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Carrboro Town Council to amend the Land Use Ordinance. In support of this application, the following facts are shown:

- 1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):**

See attached response.

- 2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):**

See attached response.

- 3) State the reasons for the proposed amendment:**

See attached response.

SIGNATURE:

Jim Spencer

applicant

Jim Spencer Architects

{print}

ADDRESS:

109A Brewer Lane, Carrboro, NC 27510

TELEPHONE NUMBER:

919.960.6680



JIM SPENCER ARCHITECTS, PA
 109A Brewer Lane | PO Box 385
 Carrboro, NC 27510
 919.960.6680

March 27, 2020

104 Cobb Street
 Carrboro, NC 27510
 PIN: 9778-96-7546, 9778-96-7518

Land Use Ordinance Amendment Request

1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):

The property at 104 Cobb Street in Carrboro is zoned B-1 (C) Town Center Business. As stated in section 15-136, 'This district is designed to encourage and accommodate a unified, compact, contiguous shopping and entertainment area focused around restaurants, specialty shops, arts and crafts. This area is intended for development around a theme or themes consistent with the Carr Mill, The Station, and historic or old Carrboro. The area is intended to accommodate the pedestrian user.'

Although B-1(C) allows for residential use under certain circumstances, per section 15-160.1 Residential Uses in B-1(C) Districts, 'Residential uses are not allowed on the ground floor of property within a B-1 (C) district.'

2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):

The proposed amendment would allow residential uses on the ground floor in the B-1(C), if the following criteria are met:

- 1) Every unit is classified as affordable under 15-182.4
- 2) The maximum number of units is limited to 4

If the above criteria are met, the development would adhere to the following standards:

- a) In regards to the Downtown Livability and Urban Amenities Provisions, section 15-204, the dollar value of the urban amenities to be installed within the downtown livability area shall equal an amount to 3.5 percent of the assessed value of the land that constitutes the development site,



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 919.960.6680

determined as of the date the development permit is approved.

b) In regards to the architectural standards, the development be exempt from the Standards for Downtown Development, section 15-178, and instead adhere to the Vernacular Architectural Standards listed in 15-177 (d)(3).

c) Regarding the tree canopy, section 15-319, the development will adhere to a 15% tree canopy standard. The newly planted trees needed to meet this standard will be chosen from the list of North Carolina native tree canopy, provided in section 15-315.

3) State the reasons for the proposed amendment:

The proposed amendment creates an opportunity for small 100% affordable infill projects in the Town Center Business district that meets the Town's goals of increasing affordable housing stock, particularly housing for seniors, with access to public transit. Only permitting residential uses on the second or higher floors requires the installation of an elevator if units are to be accessible to seniors and persons with mobility issues. The cost of an elevator is cost-prohibitive to creating affordable housing that is accessible to seniors and provides access to transit.

The proposed development at 104 Cobb Street is a project of the Northside Neighborhood Initiative, a partnership between the Marian Cheek Jackson Center and Self-Help Ventures Fund. They are working with Habitat for Humanity of Orange County, and propose demolition of the existing structures and re-development of the site with four (4) affordable unit townhomes.

Self Help Ventures Fund has worked with the Jackson Center's Compass Group over the past two years to identify desired uses for the property by the residents of the neighborhood. The Compass Group identified the need for affordable housing, especially for elderly residents. Allowing residential on the ground floor would accommodate this identified need for the neighborhood.

The townhouses are designed with reverence to the architecture and scale of the Lloyd-Broad Neighborhood, which currently contains a mix of one and two story residences. Each unit will have a front porch, which will sit close to the street setback. The design proposes the use of gable dormers and will incorporate masonry accents, which are both elements found in the architecture of neighboring homes. The height of each unit is 11' above grade at the front porch. The second level is set back 5' off the footprint of the ground level and is 19' above grade at the spring line of the roof. The units are approximately 28' above grade at the ridge.

Regarding Consistency with Carrboro Vision 2020



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This project fully embodies the intent that Carrboro should, “interact with non-profit groups that work to provide affordable housing,” stated in Section 6.17 - Housing for a Diverse Population of Carrboro Vision 2020. Further, the proposed text amendment with the specified criteria is an example of how the “town should continue to advocate for inclusionary zoning techniques to increase the local stock of affordable housing,” as stated in Section 6.14 of Vision 2020.

The proposed development will be geared towards senior (age 55+) housing, with 2 units as fully ADA compliant and 2 units that can be easily converted to ADA. This would allow Northside Neighborhood elders to age in the neighborhood in which they live (where many of them grew up). It would also, “allow our senior citizens to interact fully with the larger community,” and have access to public transit, as stated in Section 6.16 of Vision 2020.

Please see referenced sections of Carrboro Vision 2020 below as well as other sections that support the conditional rezoning for this development.

1.35 Human Services

The town should consider the impact of its ordinances and policies on the well being of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed incomes.

2.52 Balanced and Controlled Development

The town should continue to require the construction of a diverse housing stock.

3.28 Downtown Vitality

Carrboro encourages a variety of appropriate residential developments – single-family, multi-family, SROs, et cetera – in the downtown especially as part of mixed-use developments.

Housing for a Diverse Population

6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more nondetached housing, mixed-use development, and communal living options.

6.14 The town should continue to advocate for inclusionary zoning techniques to increase the local stock of affordable housing.

6.16 With our growing population of senior citizens, the town should support the creation of more housing that allows our senior citizens to interact fully with the larger community. Senior access to public transit will become an increasingly important concern.



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6.17 The town should interact with non-profit groups that work to provide affordable housing, including but not limited to the Land Trust, Orange Community Housing Corporation, Empowerment Inc., and Habitat for Humanity.

6.18 A minimum of 15 percent of the residential units in any residential development should meet the affordability criteria specified in Section 15-182.4 of the Carrboro Land Use Ordinance.

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov



131 W. Margaret Lane
P O Box 8181
Hillsborough,
North Carolina, 27278



TRANSMITTAL DELIVERED VIA EMAIL

May 7, 2020

Christina Moon, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on May 1, 2020 and proposed for town public hearing on June 2, 2020:

- *An Ordinance Amending the Carrboro Land Use Ordinance Relating to Residential Uses in the B-1(c) District.*

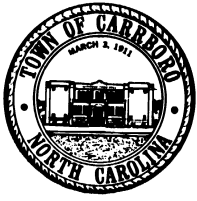
We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

If you have any questions or need additional information, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Perdita Holtz". The signature is written in a cursive, flowing style.

Perdita Holtz, AICP
Planning Systems Coordinator



TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510**R E C O M M E N D A T I O N****THURSDAY, MAY 7, 2020****Land Use Ordinance Text Amendment Relating to Residential Uses in the B-1(c) District**

Motion was made by Foushee and seconded by Poulton that the Planning Board of the Town of Carrboro recommends that the Town Council approve the draft ordinance.

The Planning Board also supports trying to relocate or reuse existing buildings whenever possible, especially for affordable housing purposes.

VOTE:

AYES: (10) Fray, Foushee, Posada, Sinclair, Clinton, Mangum, Leloudis, Gaylord-Miles, Tooloe, Poulton

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (0)

Associated Findings

By a unanimous show of hands, the Planning Board membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Poulton and seconded by Gaylord-Miles that the Planning Board of the Town of Carrboro finds the proposed text amendment, is consistent with *Carrboro Vision2020* particularly the provisions to support the wellbeing of special and vulnerable populations and provide housing for a diverse population, as well as Goal 1.1 and 1.2 in the Town's Affordable Housing Goals and Strategies, to increase the number of homeownership units that are permanently affordable and to allow for increased density for affordable housing purposes.

Furthermore, the Planning Board of the Town of Carrboro finds the proposed text amendment is reasonable and consistent with the public health, safety and welfare by furthering the Town's efforts toward providing housing for all of its citizens.

VOTE:

AYES: (10) Fray, Foushee, Posada, Sinclair, Clinton, Mangum, Leloudis, Gaylord-Miles, Tooloe, Poulton

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (0)

DocuSigned by:

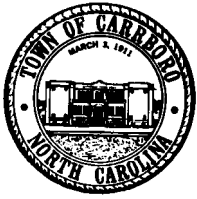
Catherine Fray

1725EEF4E2B64E0...

(Chair)

5/26/2020

(Date)



TOWN OF CARRBORO

Affordable Housing Advisory Commission

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, MAY 20, 2020

Land Use Ordinance Text Amendment Relating to Residential Uses in the B-1(c) District

Motion was made by Betty Curry and seconded by Amy Singleton that the AHAC of the Town of Carrboro recommends that the Town Council approve the draft ordinance.

VOTE:

AYES: (All: Betty Curry, Amy Singleton, Quinton Harper, Pamela Atwood, Terri Buckner, Cain Twyman)

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (Gabe Vinas)

Associated Findings

By a unanimous show of hands, the AHAC membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Cain Twyman and seconded by Pamela Atwood that the Affordable Housing Advisory Commission of the Town of Carrboro finds the proposed text amendment, is consistent with *Carrboro Vision2020* particularly the provisions to support the wellbeing of special and vulnerable populations and provide housing for a diverse population, as well as Goal 1.1 and 1.2 in the Town's Affordable Housing Goals and Strategies, to increase the number of homeownership units that are permanently affordable and to allow for increased density for affordable housing purposes.

Furthermore, the AHAC of the Town of Carrboro finds the proposed text amendment is reasonable and consistent with the public health, safety and welfare by furthering the Town's efforts toward providing housing for all of its citizens.

VOTE:

AYES: (All: Betty Curry, Amy Singleton, Quinton Harper, Pamela Atwood, Terri Buckner, Cain Twyman)

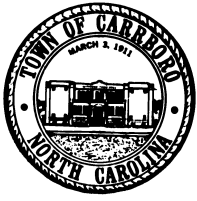
NOES: (0)

ABSTENTIONS: (0

ABSENT/EXCUSED: (Gabe Vinas)

Quinton Harper
(Chair)

5-20-20
(Date)



TOWN OF CARRBORO

Economic Sustainability Commission

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, MAY 7, 2020

Land Use Ordinance Text Amendment Relating to Residential Uses in the B-1(c) District

Motion was made by Jessee and seconded by Vandegrift that the Economic Sustainability Commission of the Town of Carrboro recommends that the Town Council approve the draft ordinance.

VOTE:

AYES: (4) Darr, Jessee, Vandegrift, Moracco

NOES: ()

ABSTENTIONS: (0) Porto

ABSENT/EXCUSED: ()

Associated Findings

By a unanimous show of hands, the Economic Sustainability Commission membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Vandegrift and seconded by Moracco that the Economic Sustainability Commission of the Town of Carrboro finds the proposed text amendment, is consistent with *Carrboro Vision2020* particularly the provisions to support the wellbeing of special and vulnerable populations and provide housing for a diverse population, as well as Goal 1.1 and 1.2 in the Town's Affordable Housing Goals and Strategies, to increase the number of homeownership units that are permanently affordable and to allow for increased density for affordable housing purposes.

Furthermore, the Economic Sustainability Commission of the Town of Carrboro finds the proposed text amendment is reasonable and consistent with the public health, safety and welfare by furthering the Town's efforts toward providing housing for all of its citizens.

VOTE:

AYES: (4) Darr, Jessee, Vandegrift, Moracco

NOES: (1) Porto

ABSTENTIONS: ()

ABSENT/EXCUSED: ()

David Darr

(Chair)

5/13/2020

(Date)



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number:20-231

Agenda Date: 6/2/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

Update from Chief Schmidt on COVID-19



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number:20-224

Agenda Date: 6/2/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Discussion on How COVID 19 Is Disproportionately Affecting Blacks, Latinos and Other Underserved and Marginalized Communities

PURPOSE: The purpose of this agenda item is for the Council to discuss how COVID 19 is disproportionately affecting Blacks, Latinos and other underserved and marginalized communities. In addition, identify solutions that can be integrated in the recovery efforts and provide relief to vulnerable populations in Carrboro and Orange County.

DEPARTMENT: Town Manager

CONTACT INFORMATION: Anita Jones-McNair, Recreation Parks and Cultural Resources Director- Race and Equity Officer - amcnair@townofcarrboro.org <<mailto:amcnair@townofcarrboro.org>>

INFORMATION: Mayor Pro Tem Foushee requested to place an item on an upcoming meeting agenda that affords the Council time to discuss how COVID 19 is disproportionately affecting Blacks, Latinos and other underserved and marginalized communities. She also wanted to include in that discussion how can the Town intentionally reach out in the communities to address concerns. The May 19, 2020 meeting vote was affirmative in favor of a discussion in the next few weeks.

Later in the meeting, Deputy County Manager, Travis Myren presented the County Wide Recovery Planning Process and Overview Plan. Attachment A is the updated information presented during that presentation.

More recently, Tiffany Palmer Lytle, a speaker from the floor at the May 26, 2020 meeting, requested that the Town Council find ways to address the disproportionate impact of COVID 19 in the Black and Brown communities - Blacks, Latinos and other underserved and marginalized communities. She made the following suggestions: provide COVID testing, incorporate more handwashing and sanitizing stations throughout town, offer flu vaccinations, create a newsletter sharing resources and updates, protect voting rights/allow absentee voting and working with the school board on keeping children safe and re-opening schools. Ms. Lytle also offered the following links to articles that provide additional context to the discussion:

<https://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/covid19-racial-disparities>

<https://www.aclu.org/news/racial-justice/if-covid-19-doesnt-discriminate-then-why-are-black-people-dying-at-higher-rates/>

<https://www.brookings.edu/blog/the-avenue/2020/04/16/mapping-racial-inequity-amid-the-spread-of-covid-19/>

Later that evening Orange County Elected Officials received an email from Orange County Elected Officials of

Agenda Date: 6/2/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

Color who have a keen interest in issues that affect communities of color, in addition to issues that affect the communities of their respective jurisdictions. The email highlighted concerns and requests related to the current COVID-19 pandemic. See Attachment B.

Note other information that can provide context to the discussion:

Racial make-up of Carrboro (based on the Census Bureau)

70% White

11% Black or African American

1% American Indian and Alaskan Native

10% Asian

8% Hispanic or Latino

Finally, the Orange County Health Department's Coronavirus page provides information on the number of cases in the County and background information. See Attachment C.

FISCAL & STAFF IMPACT: No fiscal impact at this time.

RECOMMENDATION: Staff recommends that the Town Council discuss how COVID 19 disproportionately affects Blacks, Latinos and other underserved and marginalized communities. Based on the conversation identify solutions including outreach that can be integrated in the recovery efforts for Carrboro and Orange County.



COVID-19 Long Term Recovery Planning

*Carrboro Town Council
May 19, 2020*

Re-Opening vs. Recovery

- Re-Opening

- Easing Restrictions on Travel, Work, and Commerce
- Limited Term
- More of a Logistical Effort – cleaning, employee protections and precautions, distancing, and capacity limitations

- Recovery

- Long Term – Months to Years
- Strategic Process – May Emerge Different and Stronger
- Structure Needs to be Flexible and Scalable to Respond Over Time
- Community Engagement – Priorities, Needs, Trust, and Support

Coronavirus Relief Funds

- Short Term Relief – December 31 Deadline to Spend
- Board of Commissioners Considering Distribution to Towns

Coronavirus Relief Fund	\$	Per Capita Allocation
ORANGE	1,546,136.74	58%
CARRBORO	266,575.30	10%
CHAPEL HILL	746,410.84	28%
DURHAM	-	0%
HILLSBOROUGH	79,972.59	3%
MEBANE	26,657.53	1%
TOTAL	2,665,753.00	100%

Coronavirus Relief Funds

- Eligible Use Categories

- Medical Expenses

- Emergency Medical Response Expenses
 - Increasing Treatment Capacity

- Public Health Expenses

- Medical and Personal Protective Equipment
 - Disinfection of Public Spaces
 - Communication and Enforcement
 - Expenses for Quarantining Individuals

- Payroll Expenses

- In Excess of FY2019-20 Budgeted Funds

- Compliance with Public Health Measures

- Food Acquisition and Delivery
 - Remote Working
 - Care for Homeless Population

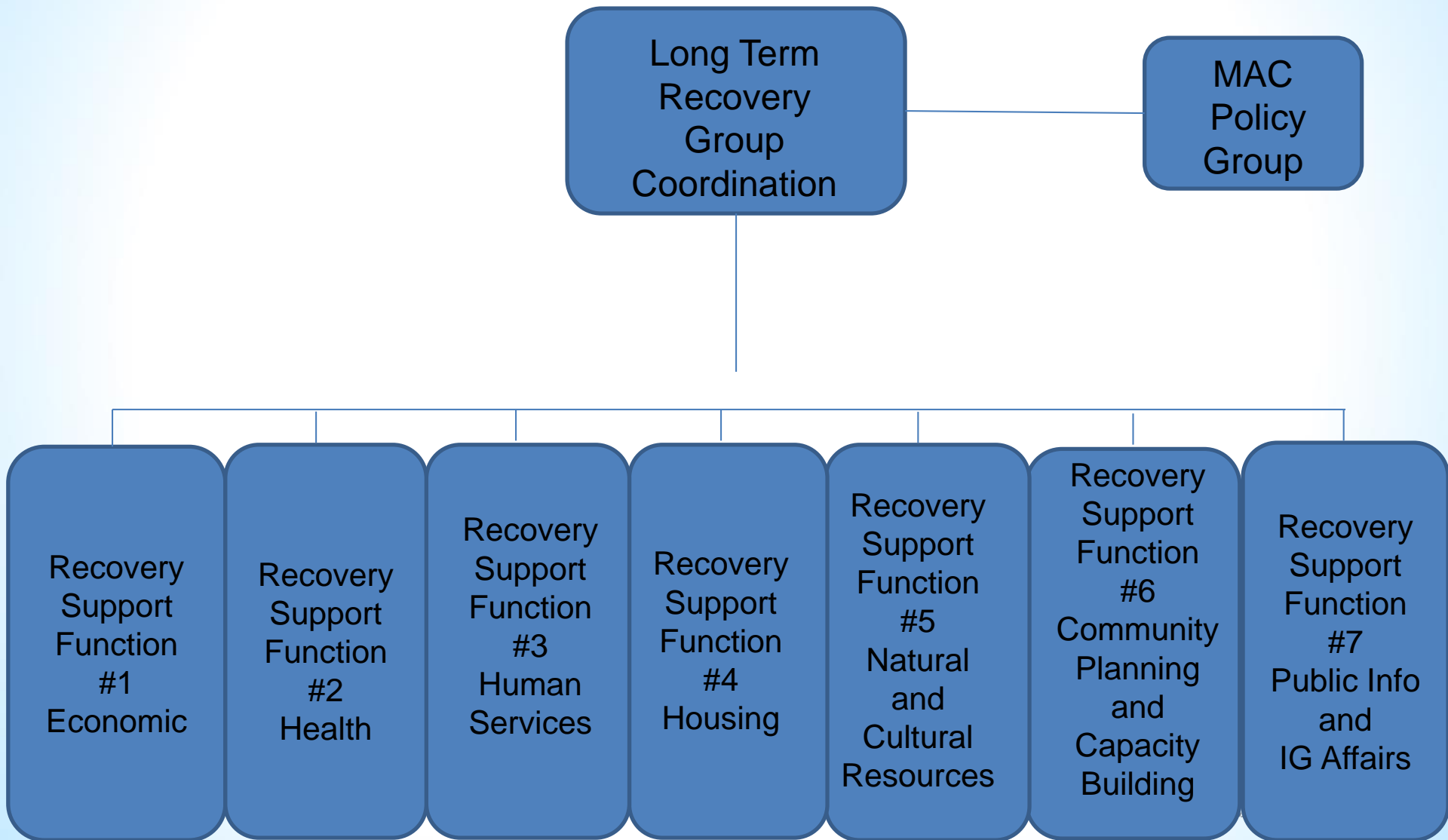
- Economic Support

- Small Business Grants

- Other Potential Uses

- Eviction and Foreclosure Prevention

Long Term Recovery Structure



Role of the Coordinating Agency

- Impact Assessment - Three Key Areas
 - Economy
 - Health and Social Services
 - Diverse Communities

- Facilitate Recovery Support Functions
 - Refine Stakeholder Participation
 - Identify Most Appropriate Outside Funding Sources
 - Guidelines and Recommendations for Long Term Recovery
 - Promote Equitable Outcomes for Recovery

Role of the Coordinating Agency

- Social Equity Focus
 - Understand Existing Issues Likely to be Exacerbated by Pandemic
 - Use Multijurisdictional GARE Team to Mitigate Adverse Impacts to People of Color
- Community Engagement with Physical Distancing
 - Website and Social Media
 - Online Surveys
 - Targeted Hard Copy Surveys
- **Questions and Comments?**

Christopher Milner

Subject: Covid-19 pandemic concerns and requests

From: Rani Dasi [<mailto:ranidasi@yahoo.com>]

Sent: Tuesday, May 26, 2020 8:42 PM

To: Penny Rich <prich@orangecountync.gov>; Renee Price <rprice@orangecountync.gov>; jbedford@orangecountync.gov; Mark Dorosin <mdorosin@orangecountync.gov>; sgreene@orangecountync.gov; mmarcoplos@orangecountync.gov; emckee@orangecountync.gov; mayorandcouncil@townofchapelhill.org; council <council@townofcarrboro.org>

Cc: Joal Broun <joal.rechelle.broun@gmail.com>; Allen Buansi <allenbuansi23@gmail.com>; Rani Dasi <ranidasi@yahoo.com>; Barbara Foushee <barbarafoushee4alderwoman@gmail.com>; Valerie Foushee <vpfoushee@bellsouth.net>; Hongbin Gu <hongbin.gu@gmail.com>; Matt Hughes <mghughesnc@gmail.com>; Tai Huynh <tai.tr.huynh@gmail.com>; Renee Price <reneeprice2012@gmail.com>; Brenda Stephens <booklady52@msn.com>; D. T. <deon.temne@gmail.com>

Subject: Covid-19 pandemic concerns and requests

Dear elected officials,

We, the undersigned, are local elected officials who have a keen interest in issues that affect our communities of color, in addition to issues that affect the communities of our respective jurisdictions, generally.

We write to you to with the following concerns and requests related to the current COVID-19 pandemic:

1. We know that significant gaps exist in the ability of small business owners of color to access federal and state funding in response to the impact of COVID-19 due to an historical lack of working relationships with financial institutions. Thus, businesses owned by people of color will suffer disproportionately as a result of the COVID-19-related economic slowdown. **Given this inequity, we ask for your intentional consideration to equitably distribute local COVID-19-related funding. We also ask that county and municipal staff collect and publish demographic data on how this COVID-19-related funding is being distributed to small businesses as soon as possible.**
2. We are aware of the disparate health outcomes for African Americans, Latinos/as, Asian Americans and other community members of color during this pandemic. **Therefore, we ask for your response as to what our local governments are doing to mitigate the higher level of risk in these vulnerable communities.**
3. Some of our community members are performing key roles to maintain the structure of our society; they are among the “essential workers” (nurse caregivers, janitors, bus drivers, grocery clerks, etc.) who do not have the option of working-from-home. **We ask that specific resources be allocated to provide essential workers—often from high-risk populations—with Personal Protective Equipment (PPE), including masks, face shields, and hand-sanitizers.**
4. Assuring that families are able to remain in their homes is critical, and many households are struggling and at risk of homelessness due to decrease in income and/or joblessness. The recession accompanying this health crisis is hurting people of color disproportionately. **We therefore ask that you consider creating and supporting eviction diversion, rental assistance or other housing support programs.**
5. **Finally, we call on you to support education and outreach efforts to vulnerable community members including historically marginalized, low income and immigrant communities to build awareness of the resources available to them.**

Thank you for your commitment to all of Orange County. We look forward to your response.

Orange County Elected Officials of Color

Joal Broun

Allen Buansi

Rani Dasi

Barbara Foushee

Valerie Foushee

Hongbin Gu

Matt Hughes

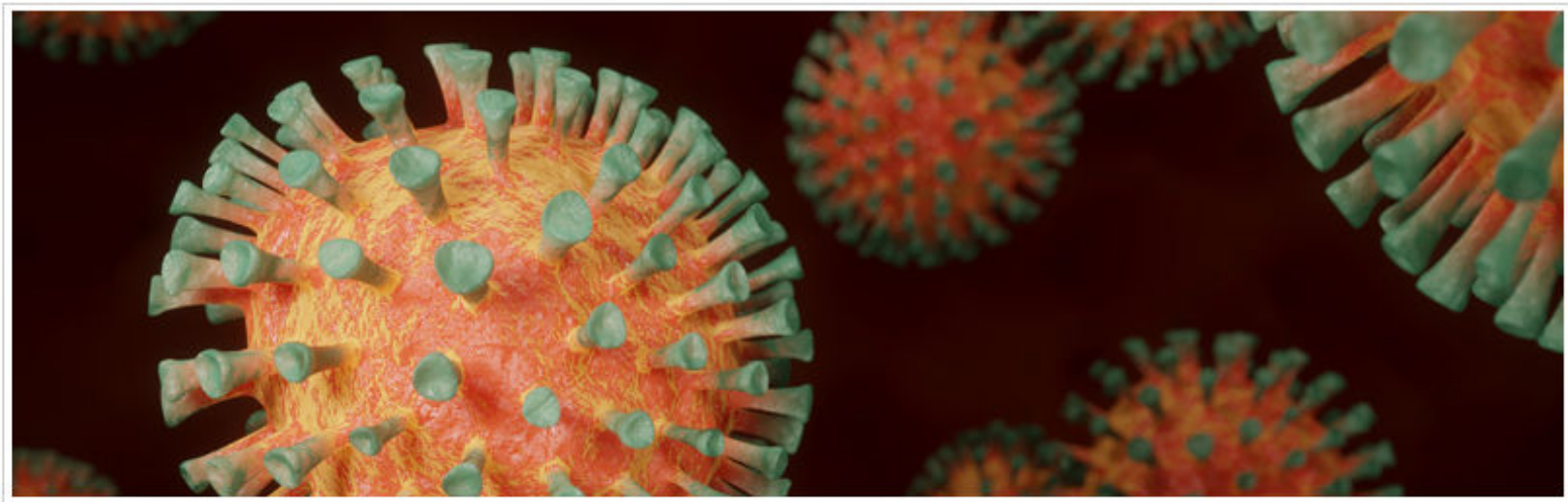
Tai Huynh

Renee Price

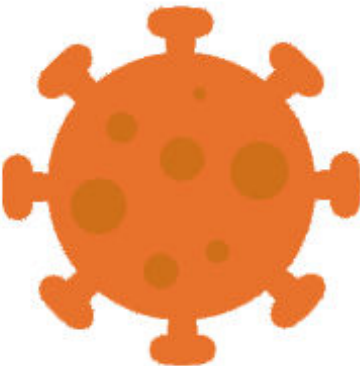
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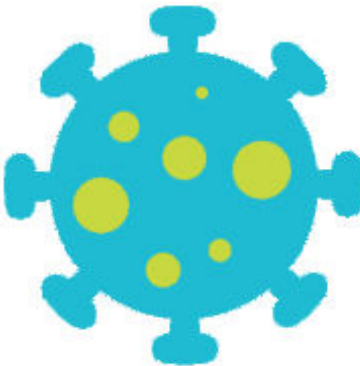
Coronavirus (COVID-19)



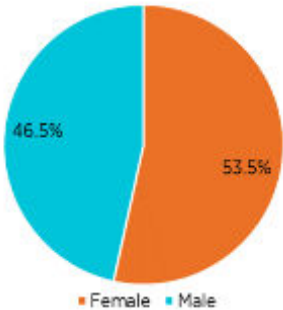
COVID-19 Cases in Orange County



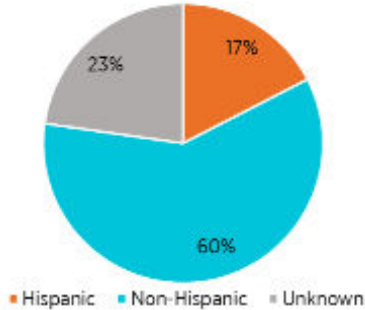
Total Cases: 320



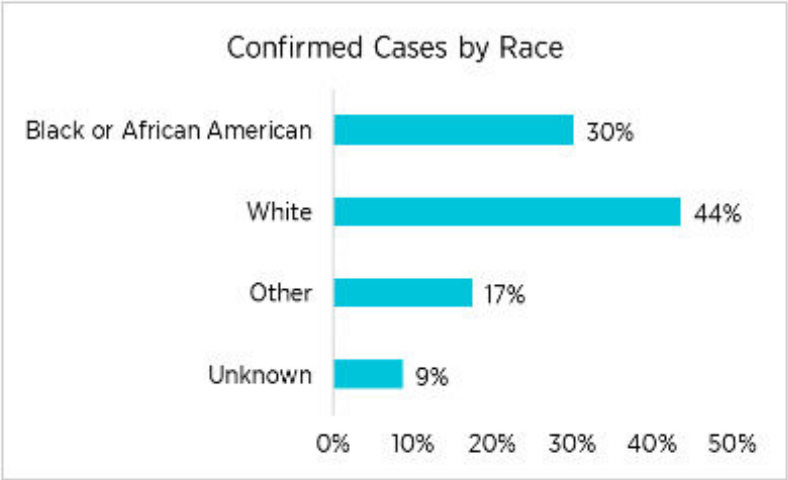
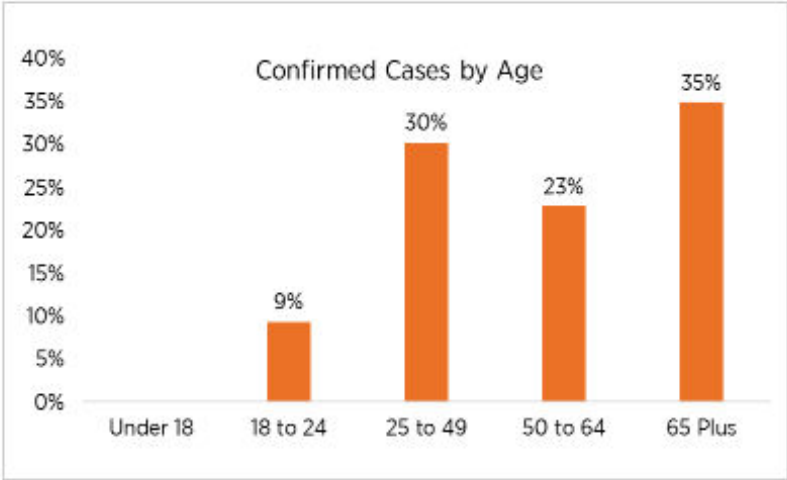
Total Deaths: 40



Cases by Gender



Cases by Ethnicity





Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number:20-225

Agenda Date: 6/2/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Consideration of Request to Sponsor Carrboro United Locating at Carrboro High School

PURPOSE: The purpose of this agenda item is to provide the Town Council with an opportunity to consider a request for the Town to sponsor Carrboro United locating its food pick-up service at Carrboro High School.

DEPARTMENT: Manager's Office, Planning, Economic Development

CONTACT INFORMATION: David Andrews - 919-918-7315, dandrews@townofcarrboro.org
<<mailto:dandrews@townofcarrboro.org>>; Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org
<<mailto:pmcguire@townofcarrboro.org>>; Betsy Bertram - elizabeth.bertram1@gmail.com
<<mailto:elizabeth.bertram1@gmail.com>>

INFORMATION: Carrboro United's operations at 300 E. Main have concluded and exploration of a new location has been underway. Locating at Carrboro High School, under the Chapel Hill-Carrboro City Schools Facility Rental program has been identified, so long as a governmental or organization sponsor can be identified. The Town has received a request to sponsor this activity. Carrboro United and Acme Restaurant have indicated that they will continue to provide necessary insurance and will indemnify and hold harmless the Town of Carrboro in relation to this activity.

Carrboro High School is located within the R-10 zoning district, where very limited commercial activities are permissible. The Town can support locating this activity via a Mayoral proclamation that allows the activity advancing the public interest under the Town's emergency powers during the phased opening of businesses in relation to COVID-19.]

FISCAL & STAFF IMPACT: A fiscal impact has not been identified in conjunction with this request. Limited staff support is anticipated with processing the request.

RECOMMENDATION: Staff recommends that the Town Council consider the request and if of interest, authorize the Town Manager to take steps necessary for rental of Carrboro High School facilities for use by Carrboro United's food and meals distribution.



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

File Number:20-232

Agenda Date: 6/2/2020

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Increased Outdoor Dining Space and Other Actions to Support Businesses Opening Under Social Distancing Requirements

PURPOSE: The purpose of this agenda item is to provide the Town Council with information on actions that could be taken to support phased opening as COVID-19-related restrictions on businesses operations are eased.

DEPARTMENT: Town Manager, Planning, Public Works, Economic Development, Recreation and Parks, Police

CONTACT INFORMATION: Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org
<<mailto:pmcguire@townofcarrboro.org>>;

INFORMATION: The exploration of measures that the Town could support the opening of businesses has been occurring during the COVID-19 closures. A Town survey (*Attachment A*) distributed the week of May 12 provides information on business needs and actions they see as assisting. Governor Roy Cooper's Order #141 and a list of Frequently Asked Questions (*Attachments B & C*) pertaining to the second phase of opening service describe requirements that will be in place through June 26, 2020. A bill passed by the North Carolina General Assembly on May 28th indicates the extent to which this topic is front and center throughout the State, as it is in Carrboro (*Attachment D*). There is some indication that Governor Cooper may veto this bill. The current conditions are that front-door, in-house, and curbside pickup options have been in use by a number of retail businesses and restaurants. Under the Phase 2 order, restaurants that wish to provide in-house are subject to limitations on the numbers of customers and table spacing, use of PPE and sanitizing requirements. Mask use by customers is recommended, not required; a source of concern for some owners.

Uncertainty about customer willingness to dine-in, combined with the lowered capacity and additional requirements, as well as the possibility that stricter provisions or additional closings may be necessary should COVID-19 surges occur, suggest that some restaurants may continue to provide take-out service for a while to come. Staff has outlined three phases of actions to support business openings, with an emphasis on steps the Town can take to relieve or modify regulations and/or existing permits to support onsite or nearby parking for pickup or conversion to dining or pop-up retail. Following an à la carte model of sorts that has already been successfully implemented elsewhere, staff has been working on an À La Carrboro concept under which patrons

could order from multiple restaurants and vendors and arrange for a one stop pick up point. A citizen may choose to order a meal from one restaurant, dessert from another, and possibly fresh fruit and vegetables or other retail goods from yet another, all to be picked up at one time in one location, facilitated by town sponsored pick up lanes and / or shared use of public parking lots. Recognizing the interest in outdoor dining experiences, staff are also assessing where and how the Town might provide space that could be used by customers frequenting businesses in Town.

- Create food hubs and pick-up spaces around town
- Offer outdoor dining areas for restaurants to use
- Provide community style spaces where multiple restaurants can share outdoor space
- Encourage multi-point shopping experiences that enhance economic impact

Phase I - Pick-up food hubs

Designate areas for multiple restaurants, and possibly retail businesses as well, to use as pick-up locations where customers can purchase from multiple vendors with a one-stop shop model similar to Carrboro United.

Land Use/Permissibility: If located in a town right of way, coordination with Public Works Department is needed. If located in a NCDOT right of way, coordination with NCDOT is needed. On private property, this may be possible under an Emergency Declaration by / from the Mayor. The town's role related to private property situations under the declaration is still being considered at this time. These actions are expected to occur in proximity to existing businesses and likely within commercial zoning districts.

Other considerations: Set-up/pick-up/management of pick-up lanes materials and equipment (e.g. signage, barriers, et cetera): Town staff certified in TCM place barriers and check daily. Plan for installation is shared with all so they can check periodically and alert Town of issues if materials or equipment goes missing. Financial impact to the town to be determined according to the extent of purchasing needed, as in signage, barriers, etc.

Possible Locations:

E. Weaver Street (remove 3-4 parking spaces and designate for pick-up spaces)

E. Main Street (establish pick up space in front of Jade Palace - tight, due to bus stop and crosswalk)

Century Center lot on N. Greensboro Street (designate 5 spaces for pick-up). Possibly 1-2 spaces in lot adjacent to Century Center (and adjoining Jade Palace). Some concerns about conflict with shift changes and regular staff trips to/from the Century Center. Recreation & Parks trips increase in summer months, and especially at this time with additional trips to parks for COVID-19-related equipment and site checks.

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Action Needed: Proclamation regarding deviation from current land use permits and/or parking requirements. Possible quick turn around of simple site plan review by staff under consideration at this time. Creation of signage for pick-up spaces and possibly obtaining barriers as well.

Phase II - Outdoor dining food hubs

Designate outdoor seating areas where multiple restaurants can work together to provide tables and chairs, possible marquees and heating/cooling equipment as needed based on weather conditions, to accommodate more outdoor dining space. These spaces will be designed for carry-out as opposed to table service to accommodate restaurants easily sharing and increase the capacity for customers using the space. Within the primary fire district, fire retardant materials will be required.

Land Use/Permissibility: If located on town owned property, coordination with Public Works and other applicable staff as needed. If located on private property, this may be possible under an Emergency Declaration by / from the Mayor. The town's role related to private property situations under the declaration is still being considered at this time.

Other considerations: Set-up/pick-up/management of infrastructure including but not limited to tables, chairs, signage, barriers, et cetera. Management, maintenance, and sanitizing needs to be specified, particularly for regular checks of the safety of equipment and actions to secure if damage or severe weather is anticipated. Possible BYOS - bring your own sanitizer program? If Town-owned locations, release of liability/indemnification and insurance would be needed. Amenities the town will not provide in these areas

- Tables and chairs
- Tents
- Public Restrooms

Locations:

Century Center Parking Lot at corner of E. Weaver Street and N. Greensboro Street to be closed to create a pedestrian only space with tables and chairs spread out in a manner that maintains appropriate social distancing.

Shared parking lot behind 100 Block of E. Main Street

Other possible locations to be identified if private parties are interested in partnership and funding.

Action Needed: Proclamation regarding deviation from current land use permits and/or parking requirements.

Agenda Date: 6/2/2020

File Type:Agendas

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And coordination with private parties regarding partnership and funding to bring the concept to fruition.

Phase III - Combined pick-up and outdoor dining hubs

Designate outdoor areas where both pick-up and sit down dining can occur. Optimize these areas by having certain hours of the day for pick-up and other hours for outdoor dining. Consider making accommodations to allow outdoor dining with table service.

Land Use/Permissibility: Similar to above noted considerations. Further thoughts to be shared after reviewing the success and / or possible unintended consequences of Phase I and / or Phase II.

Other considerations: Similar to above noted considerations. Further thoughts to be shared after reviewing the success and / or possible unintended consequences of Phase I and / or Phase II.

Locations: Potentially the same as those used for Phase I and / or Phase II, with possible expanded footprint if appropriate. Other / additional locations to be determined at a later date after reviewing the success and / or possible unintended consequences of Phase I and / or Phase II.

Action Needed: None at this time. Possible expanded version of Proclamation regarding deviation from current land use permits and/or parking requirements at a later date. Possible quick turn around of simple site plan review by staff under consideration at this time.]

FISCAL & STAFF IMPACT: To be determined.

RECOMMENDATION: Staff recommends that the Town Council consider the information.

COVID-19 BUSINESS SUPPORT SURVEY RESULTS & RECOMMENDATIONS



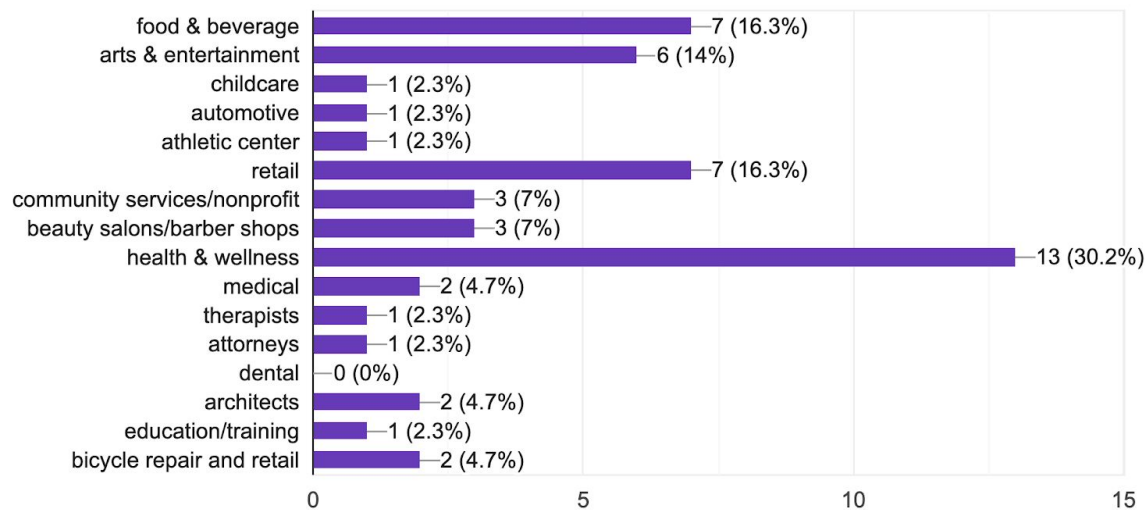
OVERVIEW OF SURVEY

The COVID-19 Business Support Survey was sent to over 400 businesses in Carrboro to get real time feedback from the business community. The intention of the survey is to better assess what we can do to help our beloved business community in this time of need.

- 43 businesses responded to the COVID-19 Business Support Survey. Note that many businesses selected multiple categories for their business.

Type of business (check multiple if applicable)

43 responses



- This short survey focused on impact of COVID-19 and how the Town of Carrboro can best support and included the following:
 - Estimate percentage of gross revenue up or down year over year March 1st-today (excluding any loans or grants received)
 - Would your business benefit from more outdoor space to accommodate your customers and clients than your current interior space allows?
 - Follow up question to specify type of outdoor spaces
 - Current square footage/capacity of space (insufficient and inconsistent responses to this question for reporting purposes).
 - Estimate how long your business can survive
 - Number of local employees both full and part-time (see graphs on page 3)
 - What are ways the Town of Carrboro can support your business during this time?

Estimate percentage of gross revenue up or down year over year March 1st-today (excluding any loans or grants received).

The below summary is broken down by category. Note that many businesses selected multiple categories for their business.

Bicycle repair and retail

2 businesses reported

- Up 40% / \$137,786

Food and beverage

7 businesses reported

- Down 25% to 85% - majority in the 75-85% range

Arts and Entertainment

6 businesses reported

- Down 35-90% - majority in the 50-90% range

Childcare

1 business reported

- Down 90%

Automotive

1 business reported

- Down 65%

Retail

7 businesses reported

- Down 50-90% - majority in the 50-80% range

Community Services/Nonprofits

3 businesses reported

- Down 25-70%

Beauty Salons/Barber Shops

3 businesses reported

- Down 98-100% / \$30,000

Architects

2 businesses reported

- Down 20-50%

Health and Wellness/Therapists/Medical/Athletic Centers

17 businesses reported

- Down 35-100% - majority falling into 50-100%
 - Many businesses in this category are using online platforms but many are unable to operate at all (massage therapist, estheticians and

yoga/pilates/workout classes that require equipment and are not adaptable to an online model)

Education/Training

1 business reported

- Down 25%

Real Estate

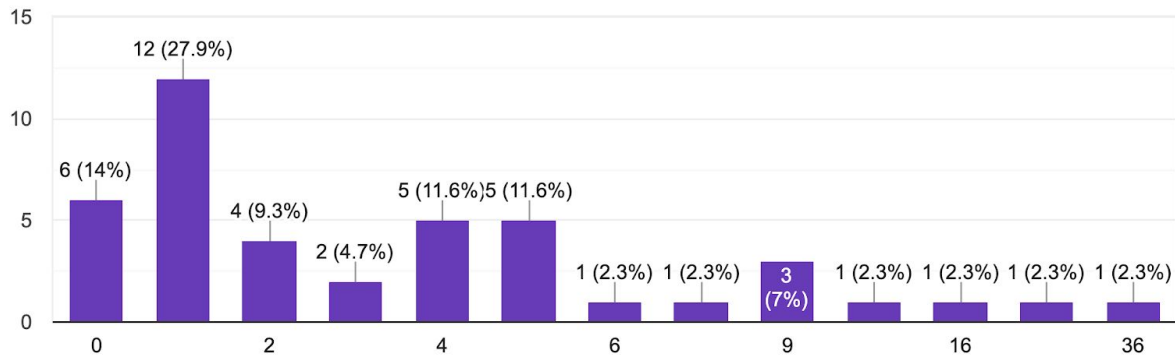
2 businesses reported (1 designated attorney noting in the comments section that they are real estate agents)

- Down 25-35%

EMPLOYEE BREAKDOWN (prior to Covid-19)

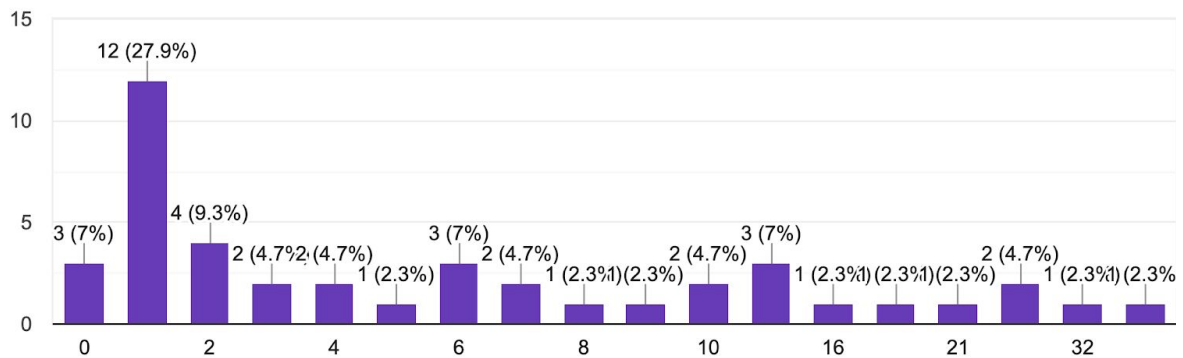
Number of local full time employees

43 responses



Number of total local employees

43 responses



Estimate how long your business can survive under current social distancing requirements

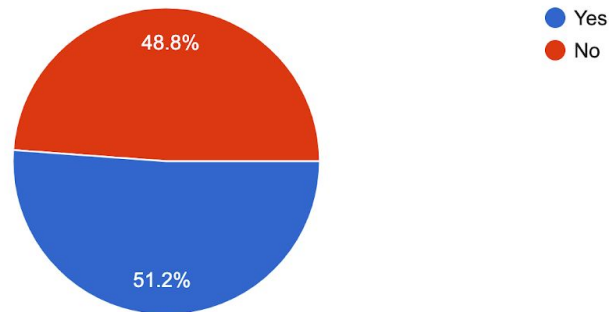
The majority of businesses do not know given the uncertain nature of COVID-19. 12 businesses estimated 2-3 months; 8 businesses estimated 6-8 months; massage therapists and estheticians are unable to offer their services at all at this time. The vast majority of businesses reported that they will be unable to hire new employees or bring back the entirety of their staff given current social distancing requirements (with the exception of bicycle retail and service businesses).

Suggestions from the business community for how the Town of Carrboro can support them in this time of need.

- Personal protective equipment and social distancing
 - Provide PPE equipment for business owners for their staff and patrons
 - Launch educational campaigns through social media platforms and signs around town about the importance of PPE
 - Incentivize/require that patrons to wear PPE when frequenting local businesses
 - Ensure all town staff wear PPE, model social distancing protocol and model best/safest behavior
 - Share Consistent and ample messaging around the importance of PPE and social distancing
- Expedited permitting and fee waiving
 - Accelerate food truck permits
 - Offer blanket “sidewalk sale” permits at no cost
 - Conduct courtesy-only fire inspections with no fee and lots of flexibility on when they will return.
 - Allow additional signage to raise awareness of open status (adjust sign ordinances and/or authorize Manager to temporarily waive certain rules, or temporarily limit enforcement.
 - Allow for more street facing signage
 - A-frame type signage for curbside pick-up details/hours of operation and larger banners etc.

- Outdoor Spaces

Would your business benefit from more outdoor space to accommodate your customers and clients than your current interior space allows? For ... for outdoor dining and possibly retail display, etc
43 responses



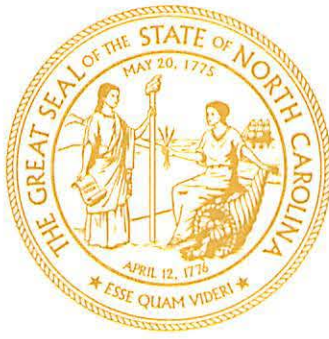
- Offer space for [Carrboro United](#) to use (they will have to leave the 300 East Main lot in the coming week)
- Expedite and/or relax permitting for use of parking areas
 - Offer temporary no-cost outdoor restaurant operations permits
 - Restaurants and bars request that an allowance for alcohol to be made allowing businesses to serve in parking lots and other outdoor spaces without additional fees or permits
 - Create new safe “retail zones” for both restaurants and retailers to meet customers/clients outdoors
- Use of public spaces for classes, markets, food and beverage, events, music, art shows
 - Bring public spaces, like “Carrboro Town Commons,” to life (safely) not just on Wednesdays and Saturdays with the Carrboro Farmers Market Town but everyday with retail.
- Close certain streets (Main St was the only one specifically referenced) in the evenings once or twice a week for outdoor events/outdoor dining that allow for social distancing
- Use of covered picnic areas and spaces for outdoor classes (yoga, workout etc.)
- Requests for outdoor spaces to be viable for businesses long term
 - Rent tents, chairs, tables, hand washing stations, porta-johns for parking lots for outdoor dining/experiences
 - Shade coverings and partial enclosures
 - Heating and cooling
 - Access to electricity

- Recycling
 - Pick-up the cost of cardboard recycling (Carrboro businesses are required to recycle cardboard, each pays a fee for this service, yet there is no pick-up location in Carrboro. Acme is currently paying for private recycling pick-up and other businesses are using it. It would be helpful if the town would absorb this expense during this time).
- Marketing
 - Leverage digital, radio, social media and other platforms to inform the community about businesses that are open:
 - Promote local businesses, perhaps through mini-features and highlight those local businesses that have earned high marks from the health department and/or the NC covid safety certification.
 - Emphasize the benefit of buying local and use unusual channels to increase reach (such as OWASA billing stuffers, mailers, posters, and Next Door app/neighborhood lists).
 - Keep the [The Carrboro Covid-19 Business Updates spreadsheet](#) up to date and accessible to the community (currently available on the town of Carrboro website and the StimulUS site).
 - Amplify local delivery options such as Takeout Central (vs) global platforms with significantly higher fees.
 - Continue to support the [StimulUS campaign](#)
 - Market and support [Carrboro United](#)
- Incentives
 - Offer incentives for multipoint local shopping experiences, perhaps with a “community business passport” or \$X at one business earns you X at another local business.
 - Offer incentive for local shopping that gives a kickback to nonprofits andgmail.com
 - community organizations
- Rent
 - Tax breaks
 - Grants for rent payment relief
 - Coalition of local landlords who are willing to offer spaces at reduced rates during social distancing

Other Feedback/Concerns/Requests

- Gratitude for the Emergency Loan/Grant Fund Program

- Request that future relief loan/grant programs not require two full-time employees as this excludes many local small businesses that did not qualify for federal funding either.
- Request for no additional requirements above what state and county requires for clarity and consistency.
- From 3 restaurants in the survey and 3 on the CBA call the following concern was voiced the following:
 - Opening a restaurant to dine-in with social distancing is a complete fantasy, and would tank most restaurants in a week, not to mention the threat of liability if someone were to get sick at our business. These restaurants requested to remain in to-go only as long as possible until strongly encouraging dine-in. Any stance in between will result in even more closures.



State of North Carolina

ROY COOPER
GOVERNOR

May 20, 2020

EXECUTIVE ORDER NO. 141

EASING RESTRICTIONS ON TRAVEL, BUSINESS OPERATIONS, AND MASS GATHERINGS: PHASE 2

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

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

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

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

WHEREAS, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, and 138-140; and

WHEREAS, more than twenty 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, should there be an increase in the percentage of emergency department visits that are due to COVID-19 like illness, an increase in the number of laboratory-confirmed cases, an increase in the positive tests as a percent of total tests, an increase in COVID-19-related hospitalizations that threaten the ability of the health care system to properly respond, or should the State’s ability to conduct testing and tracing be compromised, it may be necessary to reinstate certain restrictions eased by this Executive Order so as to protect the health, safety, and welfare of North Carolinians; and

WHEREAS, the risk of contracting and transmitting COVID-19 is higher in settings that are indoors, where air does not circulate freely and where people are less likely to maintain social distancing by staying six (6) feet apart; and

WHEREAS, the risk of contracting and transmitting COVID-19 is higher in settings where people are stationary and in close contact for long periods of time; and

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

WHEREAS, to lower the risk of contracting and transmitting COVID-19, this Executive Order imposes restrictions on businesses that limit the number of contacts between people, particularly in settings that are indoors, involve people being stationary and in close contact for long periods of time, or are part of mass gatherings; and

WHEREAS, certain types of businesses by their very nature present greater risks of the spread of COVID-19 because of the nature of the activity, the way that people have traditionally acted and interacted with each other in that space, and the duration that patrons stay in the establishment; 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, people in North Carolina must remain flexible to account for the evolving nature and scope of the public health emergency posed by COVID-19, and also return to—in a safe, strategic, and incremental manner—their normal personal and professional activities, to the extent public health circumstances permit; and

WHEREAS, people in North Carolina are encouraged to take on the challenges of living in a community beset by a global pandemic, while also returning to school, work, and social activities in a safe, strategic and incremental manner to help reduce the risk of COVID-19 transmission; and

WHEREAS, businesses that are open during the duration of this Executive Order are encouraged to follow the Guidelines for Businesses published by the North Carolina Department of Health and Human Services (“NCDHHS”), available electronically on its website; and

WHEREAS, food service and food availability remain an important component of North Carolina’s response to the COVID-19 pandemic, such that food service providers, including restaurants and other dine-in facilities are encouraged to open to the extent practicable to safely provide food and nutrition to people in North Carolina; and

WHEREAS, it is in the interest of the State of North Carolina to provide as many viable avenues as practicable for North Carolina agricultural products to be consumed in-state in order to avoid unnecessary waste in the production of food; and

WHEREAS, the closure of on-premises dining in restaurants has significantly curtailed demand for food sold by restaurants and, therefore, disproportionately harmed workers, farms, and businesses involved in the sale of food through the restaurant supply chain and led to the waste of food produced by such workers, farms, and businesses; and

WHEREAS, because restaurants and grocery stores are served by different supply chains that cannot always be rapidly adjusted, the closure of on-premises dining in restaurants has shifted food demand to grocery stores, taxing the supply chain for grocery stores and leading to higher grocery prices for consumers; and

WHEREAS, reopening restaurants for on-premises dining in a safe, strategic manner should ameliorate the adverse economic effects on workers, farms, and businesses involved in the sale of food through the restaurant supply chain, prevent the waste of food, and reduce stress on the supply chain for grocery stores, thereby lowering grocery prices for consumers; and

WHEREAS, despite the unprecedented nature of the COVID-19 pandemic, people in North Carolina should have the opportunity to enjoy performing arts and competitive sporting events broadcast into their homes; and

WHEREAS, as long as progress continues to be met on the COVID-19 metrics, and as long as health care systems continue to be projected to have sufficient capacity for patient care, commerce that does not raise unreasonable risks of COVID-19 spread may be reopened; and

WHEREAS, with public health requirements in place and face coverings more readily available, personal care, grooming, and tattoo businesses may be reopened in a safe, strategic manner without raising unreasonable risk of COVID-19 spread; 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. “Bars” means establishments that are not eating establishments or restaurants as defined in N.C. Gen. Stat. §§ 18B-1000(2) and 18B-1000(6), that have a permit to sell alcoholic beverages for onsite consumption under N.C. Gen. Stat. § 18B-1001, and that are principally engaged in the business of selling alcoholic beverages for onsite consumption.
2. “Core Signage, Screening, and Sanitation Requirements” are the following actions which establishments open to the public under the terms of this Executive Order must follow, namely:
 - a. Post the Emergency Maximum Occupancy in a noticeable place.
 - b. Post signage reminding attendees, customers, and workers about social distancing (staying at least six (6) feet away from others) and requesting that people who have been symptomatic with fever and/or cough not enter.
 - c. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.
 - d. Immediately isolate and remove sick workers.
 - e. 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).

NCDHHS has prepared sample signs and a sample screening checklist questionnaire, available at <https://covid19.ncdhhs.gov/guidance>, that may be used to meet some of the requirements above. Businesses or operations do not need to use the NCDHHS sample signs and questionnaires to meet the requirements of this Executive Order.

3. “Emergency Maximum Occupancy” is defined in Section 6.
4. “Face Covering” means a covering of the nose and mouth by wearing a 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 works to protect other people more than the wearer.
5. “Personal Care, Grooming, and Tattoo Businesses” means businesses that (a) do not provide health care services; and (b) either (i) have workers directly touch customers or (ii) have a piece of equipment (other than a touchscreen) repeatedly come into contact directly with customers’ skin. This includes, but is not limited to, barber shops, beauty salons (including but not limited to waxing and hair removal centers), hair salons, nail salons, manicure or pedicure providers, tattoo parlors, tanning salons, and massage therapists.
6. “Recommendations to Promote Social Distancing and Reduce Transmission” are defined in Section 3(B) below.

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, and ABC stores. This also includes, but is not limited to, (i) retail establishments operated by the state, its political subdivisions, or agencies thereof, and (ii) state agencies under the jurisdiction of the undersigned which have a public-facing component offering a service, such as the Division of Motor Vehicles, the Department of Revenue, and shops in Department of Natural and Cultural Resources facilities.

Section 2. High-Risk Individuals Encouraged to Stay at Home.

People who are at high risk of severe illness from COVID-19 are very 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 who have chronic lung disease, moderate-to-severe asthma, serious heart conditions, severe obesity, diabetes, chronic kidney disease undergoing dialysis, or liver disease.

Section 3. Activities Outside the Home.

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

- A. **Stay at Home Order Lifted.** The Stay at Home Order in Executive Order No. 138 is lifted. Individuals are strongly encouraged to telework to the greatest extent permissible by their employer.
- B. **Follow the Recommendations to Promote Social Distancing and Reduce Transmission.** When people are outside their homes, they are strongly encouraged to take the following Recommendations to Promote Social Distancing and 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, and phones.
 6. Stay at home if sick.

Section 4. Exemptions from This Executive Order.

Worship, religious, and spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights are exempt from all the

requirements of this Executive Order and Executive Order Nos. 121 and 138, notwithstanding any other provision of this Executive Order or of Executive Order Nos. 121 and 138.

The undersigned strongly urges that entities and individuals engaging in these exempted activities follow the Recommendations to Promote Social Distancing and Reduce Transmission, avoid exceeding Emergency Maximum Occupancy in the places where they meet, and avoid holding Mass Gatherings.

Section 5. Structure of This Executive Order.

The restrictions in this Executive Order are tailored for particular situations where COVID-19 can spread. As a result, the restrictions in this Executive Order fall into three categories:

- Section 6 establishes restrictions for certain listed kinds of businesses and operations. The restrictions in this Section ensure that there is not overcrowding and spread people out in each space to reduce the risk from COVID-19.
- Section 7 establishes a Mass Gathering limit. This limit controls the risk of COVID-19 spread in events or convenings that are not covered by the specific restrictions in Section 6.
- Section 8 keeps closed certain kinds of businesses and operations because those types of businesses, by their very nature, present greater risks of the spread of COVID-19. These greater risks are due to factors such as people traditionally interacting in that space in a way that would spread COVID-19, shared equipment that is repeatedly touched by customers or attendees, or a business model that involves customers or attendees remaining in a confined indoor space over a sustained period.

Section 6. Restrictions on Certain Businesses and Operations.

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

A. **Prohibition.** To control the spread of COVID-19 and protect lives during the State of Emergency, this Section lists restrictions on the operations of business establishments and other places to or from which people may travel or at which they may congregate. Businesses or operations within the scope of this Section are prohibited from operating unless they follow the restrictions stated in this Section.

B. Retail Businesses.

1. **Requirements for Retail Businesses.** While this Executive Order is in effect, all open Retail Businesses must do all of the following.
 - a. Limit customers inside the store to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a Retail Business is the lowest number produced by applying the following two tests:
 - i. Limit the number of customers in the store to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than 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 or guests).
 - ii. Limit the number of people in the store so that everyone can stay six (6) feet apart.
 - b. 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-demand products.
 - c. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.

C. Restaurants.

1. **Restaurants May Open for On-Premises Service.** During the effective period of this Executive Order, restaurants may allow on-premises consumption of food and beverages. Restaurants must meet the sanitation requirements of this Section even if they are open only for take-out or delivery service.
2. **Requirements.** While this Executive Order is in effect, all open restaurants must do all of the following:
 - a. Limit customers in indoor and outdoor seating areas to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a restaurant is the lowest number produced by applying the following three tests:
 - i. Limit the number of customers in the restaurant to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than 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 or guests).
 - ii. Limit the number of people in the space so that groups can stay six (6) feet apart.
 - iii. Arrange the restaurant so that customers sitting at a table are not within six (6) feet of any customers sitting at another table. Moreover, each group of customers sitting at a counter should be separated from other groups by six (6) feet.
 - b. Limit customers at tables so that no more than ten (10) people shall be seated together at the same table. However, more than ten (10) people may sit together at the same table if they are members of the same household.
 - c. Workers in Restaurants are strongly encouraged to wear Face Coverings when they are within six (6) feet of another person. Notwithstanding this general rule, people whose religious beliefs prevent them from wearing a Face Covering, people who cannot wear a Face Covering due to a medical or behavioral health condition, and people who are under twelve (12) years of age are excepted from the requirement to wear a Face Covering. Children under two (2) years of age shall not wear a Face Covering so that their breathing may not be inhibited.
 - d. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order, along with the following additional requirements:
 - i. Increase disinfection during peak times or high customer density times, and disinfect all shared objects (e.g., dining tables, booths, counters, payment terminals, tables, countertops/bars, receipt trays, condiment holders, and reusable menus) between each use.
 - ii. Promote frequent use of hand-washing and hand sanitizer for wait staff and food service staff throughout the shift and upon reporting to work. Hand washing must at least meet the requirements specified in the North Carolina Food Code Manual.
 - e. Mark six (6) feet of spacing in lines at high-traffic areas for customers, such as a cash register or place where customers wait to be seated at their table.
3. **Clarifications.** People sitting at a table need not be members of the same household and do not need to stay six (6) feet apart. Moreover, this Executive Order does not require servers and wait staff to stay six (6) feet away from customers.

4. **Miscellaneous.** A restaurant that operates consistent with the terms of this Subsection of this Executive Order shall continue to be considered an “Essential Business” for the purpose of N.C. Sess. L. 2020-03, Sec. 4.14(a) to the extent that COVID-19-related claims are made against the restaurant.

D. Personal Care, Grooming, and Tattoo Businesses.

1. **Personal Care, Grooming, and Tattoo Businesses May Open.** During the effective period of this Executive Order, Personal Care, Grooming, and Tattoo Businesses may operate, but must be in compliance with this Section.
2. **Requirements.** While this Executive Order is in effect, all open Personal Care, Grooming, and Tattoo Businesses must do all of the following:
 - a. Limit customers inside the store to Emergency Maximum Occupancy. Under this Executive Order, the Emergency Maximum Occupancy for a Personal Care, Grooming, and Tattoo Business is the lowest number produced by applying the following two tests:
 - i. Limit the number of customers in the store to fifty percent (50%) of stated fire capacity (or, for spaces without a stated fire capacity, no more than 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 or guests).
 - ii. Limit the number of people in the store so that patrons can stay six (6) feet apart.
 - b. Arrange seating so that groups of customers are separated from one another by six (6) feet.
 - c. Workers in Personal Care, Grooming, and Tattoo Businesses shall wear Face Coverings when they are within six (6) feet of another person. Notwithstanding this general requirement, people whose religious beliefs prevent them from wearing a Face Covering, people who cannot wear a Face Covering due to a medical or behavioral condition, and people who are under twelve (12) years of age are excepted from the requirement to wear a Face Covering. Children under two (2) years of age shall not wear a Face Covering so that their breathing may not be inhibited.
 - d. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order, except for the requirement to have signage remind people about staying six (6) feet apart.
 - e. Ensure that all equipment that comes into direct personal contact with customers and all furniture in service areas (such as chairs, capes, and the shampooing area in a barber shop or salon) is completely cleaned and disinfected between each customer.
 - f. Mark six (6) feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as at cash registers and waiting areas.
3. **Recommendation.** Patrons in Personal Care, Grooming, and Tattoo Businesses are strongly encouraged to wear Face Coverings when they are within six (6) feet of another person, unless they cannot wear Face Coverings due to religious beliefs, age, or a medical or behavioral health condition.

E. Pools.

1. **Indoor and Outdoor Pools May Open.** During the effective period of this Executive Order, indoor or outdoor pool facilities (whether stand-alone or part of other facilities) may operate, but must be in compliance with this Subsection.
2. **Requirements.** While this Executive Order is in effect, all open pool facilities must do all of the following:
 - a. Limit the user capacity in the pool to no more than 50% of maximum occupancy as determined by fire code (or, when fire code number is not known, thirty-three (33) people per one thousand (1000) square feet in deck areas, wading pools and splash pads), and a maximum occupancy in the water of ten (10) people per one thousand (1000) square feet. This user capacity is the Emergency Maximum Occupancy for the pool facility.
 - b. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
3. This Subsection applies only to shared pools in commercial settings or at residential complexes. It does not apply to family pools at people's homes.

F. Child Care Facilities.

1. **Child Care Facilities May Open and May Serve All Children.** Child care facilities may open or reopen, and they may serve all children in North Carolina. All references to "covered children" in Executive Order Nos. 130 and 138 shall refer to all children.
2. **Requirements.** Child care facilities that are open or reopened consistent with the Executive Order must abide by the following requirements:
 - a. Follow all applicable NCDHHS guidelines.
 - b. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
 - c. Conduct a daily health screening on all individuals who are entering the building.
 - d. Immediately isolate sick workers and children from the rest of the facility and send them home.
 - e. Have a plan to work with local health departments to identify close contacts of confirmed cases in the child care setting.
 - f. Before reopening, child care facilities shall submit to NCDHHS the Emergency Child Care Provider Application. NCDHHS must approve the Emergency Child Care Provider Application before the child care facility can reopen.
3. **Relationship to Previous Executive Orders.** Subdivisions 1 and 2(a) of this Subsection completely replace Subsections (C) and (D) of Section 2 of Executive Order No. 130. Otherwise, Section 2 of Executive Order No. 130 and Section 3 of Executive Order No. 139 shall remain in effect through 5:00 pm on June 26, 2020. The effective date provisions of those Executive Orders are amended accordingly.

G. Day Camps and Overnight Camps.

1. **Requirements for Day Camps.**
 - a. Follow all applicable NCDHHS guidelines.

- b. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
- c. Conduct a daily health screening on all individuals who are entering the building.
- d. Immediately isolate sick workers and children from the rest of the facility and send them home.
- e. Public schools operating day camps and programs may open for the purpose of the day camp or program, but must otherwise remain closed to the general public.
- f. Have a plan to work with local health departments to identify close contacts of confirmed cases in the camp setting.

2. Requirements for Overnight Camps.

- a. Follow all applicable NCDHHS guidelines.
- b. Conduct daily symptom screening of workers.
- c. Immediately isolate sick campers and staff away from others.
- d. If a camper or staff member has been diagnosed with COVID-19 or is presumed positive by a medical professional due to symptoms, the camper or staff member should be isolated away from other campers and staff until they meet the CDC criteria for release from isolation:
 - i. No fever for at least 72 hours since recovery (without the use of fever-reducing medicine); and
 - ii. Other symptoms have improved (e.g., coughing, shortness of breath); and
 - iii. At least ten (10) days have passed since first symptoms.
- e. Have a plan to work with local health departments to identify close contacts of confirmed cases in a camp setting
- f. Perform ongoing and routine environmental cleaning and disinfection of high-touch areas (e.g., doors, doorknobs, rails) with an EPA approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19), increasing disinfection during peak times or high camper density times.

3. Programs and camps for adults are not covered by this Section.

Section 7. Mass Gatherings.

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

A. Prohibition on Mass Gatherings.

1. **Prohibition.** Mass Gatherings are prohibited. "Mass Gathering" means an event or convening that brings together more than ten (10) people indoors or more than twenty-five (25) people outdoors at the same time in a single confined indoor or outdoor space, such as an auditorium, stadium, arena, or meeting hall. This includes parades, fairs, and festivals. In publicly accessible indoor facilities, the Mass Gathering limit applies per room of the facility. A household where more than ten (10) people reside is not a Mass Gathering.

The outdoor Mass Gathering limit of twenty-five (25) people applies to groups of people that may gather together in a park, and on a beach or trail.

2. **Exceptions from Prohibition on Mass Gatherings.** Notwithstanding Subsection (A)(1) above:

- a. The prohibition on Mass Gatherings does not apply to any of the restricted businesses and operations identified in Section 6 of this Executive Order, because in those situations, transmission of COVID-19 will be controlled through the measures specifically tailored for each situation that are listed in those Sections. The prohibition on Mass Gatherings also does not apply to educational institutions or government operations.
- b. The prohibition on Mass Gatherings does not include gatherings for health and safety, to look for and obtain goods and services, for work, or for receiving governmental services. A Mass Gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, libraries, shopping malls, and shopping centers. However, in those 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. Parks, Trails, and Beaches.

1. Each group of people within a park, trail, or beach must be limited so that the group, counted on its own, does not exceed the Mass Gathering limit.
2. All operators of open public or private parks must meet the following requirements:
 - a. Post signage reminding attendees, customers, and workers about social distancing (staying at least six (6) feet away from others) and requesting that people who have been symptomatic with fever and/or cough not enter.
 - b. Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace.
 - c. Immediately isolate and remove sick workers.
 - d. 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).
3. **Public Playgrounds Remain Closed.** Because public playground equipment may increase spread of COVID-19, public playgrounds will remain closed during the effective phase of this Executive Order, including public playground equipment located in parks.

C. **Drive-ins.** Events are not prohibited Mass Gatherings if the participants all stay within their cars, such as at a drive-in movie theater.

D. **Households.** A household where more than ten (10) people reside is not a Mass Gathering.

Section 8. Orders of Closure.

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

A. Entertainment and Fitness Facilities.

1. In addition to the restrictions on Mass Gatherings identified in Section 7 of this Executive Order, the following entertainment and fitness 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 the following entertainment and fitness facilities may operate solely for retail or dining, but those components must comply with the restrictions set out in Section 6 of this Executive Order.

2. Entertainment and fitness 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., yoga studios, dance studios, martial arts facilities, indoor trampoline and rock climbing facilities)
- Gyms
- Indoor Fitness Facilities, including but not limited to indoor basketball courts, volleyball courts, racquetball courts, squash courts, and tennis courts
- Health Clubs and Fitness Centers
- Movie Theaters
- Skating Rinks
- 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)
- Venues for Receptions or Parties
- Museums
- Amusement Parks
- Bars
- Night Clubs, Dance Halls, or Music Halls where patrons are not seated.

B. **Limitations of this Executive Order.** This Executive Order solely directs that bars are not to serve alcoholic beverages for onsite consumption, and 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.

C. **Training of Professional and Collegiate Athletes.** Professional athletes and athletes performing on an agreement with an educational institution to receive a scholarship or other benefit may train within indoor fitness facilities that otherwise would be closed under Subsection A above, provided they do not exceed the Mass Gathering limit.

D. **ABC Commission.** 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 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.

Section 9. Entertainment and Sporting Events in Large Venues.

A. **Intent.** The intent of this Section is to permit venues to hold sporting or entertainment events, for the recording of and broadcast to the public, if the venue is of sufficient size to allow people to flow in and out of the venue in a way that would avoid creating a risk of spreading COVID-19.

B. **Exception.** Therefore, as an exception to the closure of entertainment and fitness facilities in Section 8 above, an entertainment or sporting venue with at least two entrances and exits and a stated fire capacity of at least five hundred (500) may hold a performance by entertainers, performers, or athletes. The venue must control the flow of people through lobbies and other common spaces to allow social distancing and avoid the spread of COVID-19.

C. **Treatment under Mass Gathering Limit.** In this situation, and only in this situation: (1) entertainers, performers, and athletes, along with coaches, training, support, and broadcast staff, shall not count toward the Mass Gathering limit and (2) employees and other workers at facilities where entertainment and sporting events occur also shall not count toward the Mass Gathering limit.

- D. **Restrictions on Spectators.** Spectators or other attendees at any sporting or entertainment events allowed under this Section must be no more than the Mass Gathering limit of ten (10) people indoors or more than twenty-five (25) people outdoors. Moreover, any entertainers or athletes must stay six (6) feet away from spectators.
- E. **Requirements for Large Venue Operators.** Any venue operator subject to this Section allowing an event permitted by this Section shall:
1. Follow the Core Signage, Screening, and Sanitation Requirements as defined in this Executive Order.
 2. Increase disinfection during peak times or high customer density times, and disinfect all shared objects (e.g., payment terminals, tables, countertops/bars, receipt trays, condiment holders) between use.
 3. Immediately isolate and remove sick workers.
 4. Any food service at sporting or entertainment events must comply with the restrictions set out in Section 6 of this Executive Order. Bars at sporting or entertainment events must remain closed.

Section 10. Provisions from Previous Executive Orders.

- A. The provisions on schools contained in Section 4(E) of Executive Order No. 138 and signed on May 05, 2020 by the undersigned are incorporated by reference into this Executive Order and adopted as if reprinted here in full.
- B. The Long Term Care provisions contained in Section 7 of Executive Order No. 138 and signed on May 05, 2020 by the undersigned are incorporated by reference into this Executive Order and adopted as if reprinted here in full.
- C. The Local Order provisions contained in Section 8 of Executive Order No. 138 and signed on May 05, 2020 by the undersigned are incorporated by reference into this Executive Order and adopted as if reprinted here in full. The references to maximum occupancy standards for Retail Businesses in Section 8 of Executive Order No. 138 shall instead refer to the equivalent provisions in this Executive Order.
- D. Otherwise, all previous travel restrictions, orders to stay at home, and prohibitions of mass gatherings in Executive Orders Nos. 121 and 138 are no longer in effect and are replaced by this Executive Order.

Section 11. 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 June 26, 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 12. 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 13. 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 14. 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 15. 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 16. Effective Date.

This Executive Order is effective at 5:00 pm on May 22, 2020. This Executive Order shall remain in effect through 5:00 pm on June 26, 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 20th day of May in the year of our Lord two thousand and twenty.



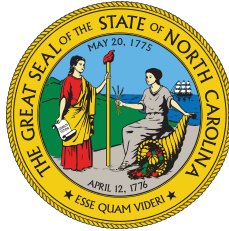
 Roy Cooper
 Governor

ATTEST:



 Elaine F. Marshall
 Secretary of State





Frequently Asked Questions for Executive Order No. 141 May 20, 2020

This Frequently Asked Questions ('FAQ') document provides guidance for the implementation of Executive Order No. 141 ("Order"). The Order moves North Carolina into a Safer At Home "Phase 2" of easing certain COVID-19 restrictions to help revive the economy while protecting public health.

This information is subject to change in light of new guidance from the Center for Disease Control and Prevention ("CDC") and additional Executive Orders or local government declarations.

When does Phase 2 go into place?

Phase 2 begins at 5:00pm on Friday, May 22, 2020 and remains in place until June 26, 2020, unless changed or cancelled.

Does this Order lift the Governor's Stay at Home Order?

Yes, this order lifts the statewide Stay at Home Order and moves the state to a Safer At Home recommendation. It is important to stay home if you are sick. While in public, people should wear a cloth face covering, practice social distancing by waiting six feet apart from others while in public, and wash their hands or use hand sanitizer. High-risk individuals are urged to stay at home and travel only for absolutely essential purposes. The 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 who have chronic lung disease, moderate-to-severe asthma, serious heart conditions, severe obesity, diabetes, chronic kidney disease undergoing dialysis, or liver disease.

What is different about Phase 2 compared to Phase 1?

This Phase 2 Executive Order does the following:

- Lifts the Stay at Home Order and moves the state to a Safer at Home recommendation;
- Allows restaurants to open for on-premises dining with limits on occupancy, specific requirements for disinfection of common spaces, and six feet between each group of customers sitting at each table;
- Allows child care businesses to open to serve all children, as long as they follow state health guidelines;

- Allows overnight camps to operate, following specific public health requirements and guidance;
- Allows personal care, grooming, massage, and tattoo businesses to open with specific requirements for disinfection of equipment, face coverings for the service providers, six feet of distance between customers, and at 50 percent reduced occupancy;
- Allows indoor and outdoor pools to open with 50 percent reduced occupancy, following specific public health requirements;
- Allows people to gather together for social purposes, so long as they do not exceed the mass gathering limit of 10 people indoors and 25 people outdoors; and
- Allows sporting and entertainment events to occur in large venues for broadcast to the public, so long as the events occur in large venues and spectators are limited to the mass gathering limit of 10 people indoors and 25 people outdoors.

What stays the same in Phase 2?

This Phase 2 Executive Order does not change the following:

- The [Three Ws](#) (Wear, Wait, Wash) should be practiced;
- Public playgrounds remain closed;
- Bars and nightclubs remain closed;
- Movie theaters, museums, bowling alleys, amusement parks, arcades, and skating rinks remain closed;
- Bingo parlors and other gaming establishments remain closed;
- Teleworking continues to be encouraged whenever possible; and
- Visitation at long-term care facilities remains restricted, except for certain compassionate care situations; and
- The following facilities that operate within an indoor space remain closed: exercise facilities, gyms, fitness studios, martial arts facilities, dance studios, trampoline and rock-climbing facilities, roller skating rinks, ice skating rinks, and basketball courts.

What is the new mass gathering limit?

In Phase 2, gatherings of more than ten people in a single indoor space remains prohibited. In outdoor spaces, gatherings of more than 25 people are prohibited. These mass gathering limits include parades, fairs, festivals, auditoriums, stadiums, arenas, conference rooms, and meeting halls.

The mass gathering limit does not apply to retail businesses, restaurants, personal care and grooming businesses, pools, child care, day camps, and overnight camps. In these settings, there are other restrictions, such as 50 percent reduced occupancy or

putting six feet of distance between each group at a restaurant, to ensure that there is not overcrowding.

The prohibition on mass gatherings does not include gatherings for health and safety, to look for and obtain goods and services, for work, or for receiving governmental services. A mass gathering does not include normal operations at airports, bus and train stations or stops, medical facilities, libraries, shopping malls, and shopping centers. It also does not apply to the exercise of First Amendment rights. However, in these settings, people are strongly encouraged to follow the [Three Ws](#), and should avoid congregating in groups.

Regarding indoor spaces that are public facing, is the mass gathering limit calculated by the entire building or per room?

In public-facing facilities, the mass gathering limit applies per each room of the facility.

Does this mean that residents of North Carolina are safe from COVID-19?

No. The State of North Carolina is guided by data and facts in making decisions regarding COVID-19. Enough of the key indicators are leveling or moving in the right direction to make this transition to Safer At Home Phase 2. Public health experts' analysis indicates that if restrictions are eased gradually with safety practices still in place, North Carolina may benefit from increased economic activity without a surge in new cases that would exceed our health care system's ability to respond.

Despite this progress, COVID-19 remains a highly contagious virus, and state officials continue to monitor key metrics. COVID-19 spreads from person to person easily, especially indoors or if people come in close contact (less than six feet apart) for more than ten minutes. If key indicators move in the wrong direction, restrictions may be put back into place.

What actions are recommended to protect North Carolinians from contracting COVID-19 when they are not at home?

North Carolinians are encouraged to limit non-essential travel and stay at home if they are sick. People can protect themselves against the spread of COVID-19 remembering the [Three Ws](#):

- Wear a [cloth face covering](#);
- Wash your hands for 20 seconds or use hand sanitizer; and
- Wait six feet apart from other people to keep your distance.

What requirements do open retail businesses need to follow?

All open retail businesses must:

- Limit customers inside the store to Emergency Maximum Occupancy;

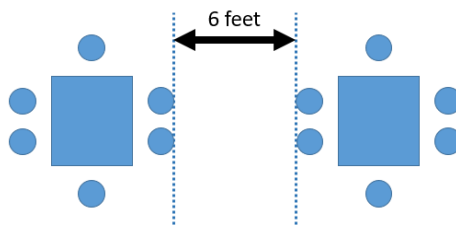
- Mark six feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as at deli counters and near high-demand products;
- Post the Emergency Maximum Occupancy in a noticeable place;
- Post signs reminding customers and workers about social distancing and requesting that people who have been sick with a fever and/or cough not enter;
- Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace;
- Immediately isolate and remove sick workers; and
- Perform frequent and routine environmental cleaning and disinfection of hightouch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).

The North Carolina Department of Health and Human Services has prepared sample signs and a [sample screening checklist questionnaire](#) that may be used to meet some of the requirements above. Businesses or operations do not need to use the NCDHHS sample signs and questionnaires to meet the requirements of this Executive Order.

What requirement do open restaurants need to follow?

All open restaurants must do the following:

- Limit customers in indoor and outdoor seating areas to the Emergency Maximum Occupancy limit;
- Limit customers at tables so that no more than ten people shall be seated together at the same table. More than ten people may sit together at the same table, however, if they are members of the same household;
- Ensure that customers sitting at a table are not within six feet of any customers sitting at another table (as shown in the diagram below), and ensuring that customers at counters are separated by six feet;



- Post the Emergency Maximum Occupancy in a noticeable place;
- Post signs reminding customers and workers about social distancing (staying at least six feet away from others) and requesting that people who have been sick with a fever and/or cough not enter;
- Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace;

- Immediately isolate and remove sick workers;
- Perform frequent and routine environmental cleaning and disinfection of hightouch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19);
- Increase disinfection during peak times or high customer density times, and disinfect all shared objects (e.g., dining tables, booths, counters, payment terminals, tables, countertops/bars, receipt trays, condiment holders, and reusable menus) between each use;
- Promote frequent use of hand-washing and hand sanitizer for wait staff and food service staff throughout the shift and upon reporting to work. Hand washing must at least meet the requirements specified in the North Carolina Food Code Manual; and
- Mark six (6) feet of spacing in lines at high-traffic areas for customers, such as a cash register or place where customers wait to be seated at their table.

Face coverings for employees and customers are strongly encouraged. People sitting at a table do not need to be members of the same household. This Executive Order does not require servers and wait staff to stay six feet away from customers.

All types of restaurants may open in Phase 2, including, but not limited to, 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 airports, shopping centers, educational institutions, or private clubs where food and beverages are permitted to be consumed on premises.

Can breweries and wineries be open in Phase 2?

Bars, which are defined in Executive Order 141 as “businesses that are principally engaged in the business of selling alcoholic beverages for onsite consumption,” are closed in Phase 2. However, breweries, wineries, cideries, and distilleries are able to open under Phase 2. This is because these entities are principally engaged in the business of producing alcoholic beverages for commercial sale off-premises. Any open brewery, winery, cidery, or distillery must follow the requirements for restaurants under this executive order.

What requirements do personal care and grooming businesses need to follow?

Personal care and grooming businesses may open in Phase 2 and they must comply with the following:

- Limit customers to Emergency Maximum Occupancy;
- Arrange seating so that groups of customers are separated from one another by six feet;
- Mark six feet of spacing in lines at point of sale and in other high-traffic areas for customers, such as cash registers and waiting areas;
- Post the Emergency Maximum Occupancy in a noticeable place;

- Post signs requesting that people who have been sick with a fever and/or cough not enter;
- Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace;
- Immediately isolate and remove sick workers;
- Perform frequent and routine environmental cleaning and disinfection of hightouch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19);
- Ensure that all equipment that comes into direct personal contact with customers and all furniture in service areas (such as chairs, capes, and the shampooing area in a barber shop or salon) is completely cleaned and disinfected between each customer; and
- Employees of personal care and grooming businesses must wear face coverings at all times while in the business.

It is also strongly recommended that customers at personal care and grooming businesses wear a face covering at all times while in the business, and that businesses institute an appointment process and encourage people wait in their vehicle or offsite before being served.

Personal care and grooming businesses include, but are not limited to: barber shops; beauty salons; waxing and hair removal centers; hair salons; nail salons; manicure or pedicure providers; tattoo parlors; tanning salons; and massage therapists/businesses.

How is Emergency Maximum Occupancy calculated for restaurants?

Emergency Maximum Occupancy for restaurants is the lowest number produced by applying the following three tests:

- Fifty percent of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve customers for every 1,000 square feet of the location's total square footage, including the parts of the location that are not accessible to customers or guests).
- Limiting the number of people in the space so that everyone can stay six feet apart.
- People sitting at a table must not be within six feet of any customers sitting at another table. Moreover, each group of customers sitting at a counter should be separated from other groups by six feet.

If the restaurant expands beyond its existing space, for instance, an approved expansion onto a sidewalk or parking lot, then that expansion space would be counted when making the Emergency Maximum Occupancy calculation.

How is Emergency Maximum Occupancy calculated for retail and personal care and grooming businesses?

Emergency Maximum Occupancy for retail and personal care and grooming businesses is the lowest number produced by applying the following two tests:

- Limiting the number of customers in the store to fifty percent of stated fire capacity (or, for spaces without a stated fire capacity, no more than twelve customers for every 1,000 square feet of the location's total square footage, including the parts of the location that are not accessible to customers or guests).
- Limiting the number of people in the store so that everyone can stay six feet apart.

Should North Carolinians continue to work from home if possible?

Yes. All businesses in North Carolina are strongly encouraged to continue directing employees to telework, if possible. Additionally, non-essential travel and in-person meetings should be avoided.

Does this Executive Order mean that I can gather freely with individuals outside of my household?

Under Safer At Home Phase 2, North Carolinians can hold small get-togethers that do not have more than ten people indoors, or 25 people outdoors. Individuals are encouraged to follow the [Three Ws](#) to reduce the chance of spreading COVID-19.

Are houses of worship allowed to hold services in Phase 2?

The mass gathering limit and other requirements of this Executive Order do not apply to worship, religious, and spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights. Individuals are encouraged to follow the [Three Ws](#) to reduce the chance of spreading COVID-19.

Are weddings and funerals allowed to be held in Phase 2?

Yes. Even though there is no mass gathering cap on the people who may attend a wedding or funeral ceremony, receptions or visitations before or after weddings and funerals are subject to the mass gathering limit. Individuals are encouraged to follow the [Three Ws](#) to reduce the chance of spreading COVID-19.

Are in-person high school graduation ceremonies allowed in Phase Two?

Phase 2 lifts the Stay at Home order but strongly encourages individuals to maintain at least six feet social distancing from other individuals. Phase 2 also limits an event that brings together more than ten people indoors and twenty-five people outdoors. Educational institutions are exempt from these mass gathering requirements. The intent of this exemption was to allow educational institutions the ability to gather more individuals together on their premises if necessary to support planning for summer learning and for the 2020 - 2021 school year. This exemption was not intended to allow for large, in-person events, such as graduation ceremonies.

Accordingly, the Governor's Office and NC Department of Health and Human Services strongly recommend that local school leaders continue to follow the [COVID-19: Guidance on High School Graduation Ceremonies](#) originally issued on May 1, 2020, and the Recommendations to Promote Social Distancing and to Reduce Transmission outlined in Executive Order No. 141. These continued efforts will support local education leaders as they mitigate the spread of COVID-19 when considering how to safely and responsibly honor graduating students. This response provides clarification on the mass gathering exemption for educational institutions and does not change or override the terms of any Executive Orders.

Are there any visitation restrictions at long-term care facilities?

Yes, long-term care facilities should continue to restrict visitation of all visitors and non-essential care personnel, except for certain compassionate care situations, like end-of-life situations. The restrictions do not apply to essential health care personnel. Long-term care facilities include skilled nursing facilities, adult care homes, family care homes, mental health group homes, and intermediate care facilities for individuals with intellectual disabilities.

Are child care facilities open under Phase 2?

Yes, child care facilities are open to serve all children in Phase 2. All open child care facilities must:

- Follow all applicable NCDHHS guidelines;
- Perform frequent and routine environmental cleaning and disinfection of hightouch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19);
- Conduct daily symptom screening of workers and children using a standard interview questionnaire of symptoms when workers/children begin their day;
- Immediately isolate sick workers and children from the rest of the facility and send them home;
- Have a plan to work with local health departments to identify close contacts of confirmed cases in the child care setting; and
- Before reopening, child care facilities will submit the Emergency Child Care Provider Application to NCDHHS. NCDHHS must approve the Emergency Child Care Provider Application before the child care facility can reopen.

Are overnight camps open in Phase 2?

Yes, overnight camps can operate in Phase 2 and must follow [NC DHHS's guidance for overnight camps](#). The guidance is published by NC DHHS and available electronically on their website. Overnight camps must:

- Perform frequent and routine environmental cleaning and disinfection of hightouch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19);

- Immediately isolate sick workers and campers, if symptoms develop, from the rest of the camp;
- Conduct daily symptom screenings of staff/campers; and
- Have a plan to work with local health departments to identify close contacts of confirmed cases in the camp setting.

Are pools open in Phase 2?

Yes, indoor and outdoor pools may be open if specific public health requirements are followed. Open indoor and outdoor pools must:

- Limit user capacity in the pool to no more than Emergency Maximum Occupancy;
- Post the Emergency Maximum Occupancy in a noticeable place;
- Post signage reminding pool attendees and workers about social distancing (staying at least six feet away from others) and requesting that people who have been sick with a fever and/or cough not enter;
- Conduct daily symptom screening of workers, using a standard interview questionnaire of symptoms, before workers enter the workplace;
- Immediately isolate and remove sick workers; and
- Perform frequent and routine environmental cleaning and disinfection of hightouch areas with an EPA-approved disinfectant for SARS-CoV-2 (the virus that causes COVID-19).

These requirements apply only to shared pools in commercial settings or at residential complexes, not to family pools at people's homes.

What are the rules about gathering at parks and trails or on beaches?

Each group of people at a park, trail, or beach must be limited so that the group, counted on its own, does not exceed the outdoor mass gathering limit of 25 individuals.

Can concerts, spectator sports, or other entertainment events take place in Phase 2?

Entertainment and professional sports events at large venues may take place so they can be broadcast to the public, but spectators are subject to the mass gathering limit. Professional entertainers, athletes, coaches, performers, support staff, and broadcast staff will not count toward the mass gathering limit. Employees and other workers at facilities where entertainment events occur also will not count toward the mass gathering limit. Venue operators allowing such events must follow specific public health requirements.

Does this Executive Order require North Carolinians to wear masks when outside the home?

It is strongly recommended, but not required, that a cloth face covering of the nose and mouth should be worn when you leave your house and may be within six feet of other people who are not household and family members. This would include indoor community, public, and business settings. These coverings function to protect other people more than the wearer. Face coverings should also be worn outdoors when you cannot stay at least six feet away from other people.

Some populations experience increased anxiety and fear of bias and being profiled if wearing face coverings in public spaces, but everyone should adhere to this guidance without fear of profiling or bias. If someone is the target of ethnic or racial intimidation as the result of adhering to the protective nose and mouth covering guidance or as a result of the pandemic, they are encouraged to report the matter to local law enforcement agencies or other government entities.

What if I am stopped by a law enforcement officer and directed to remove my face covering?

A person wearing a face covering for health and safety purposes must remove the face covering upon request by a law enforcement officer in any of the following circumstances:

- during a traffic stop, including a checkpoint or roadblock, as required by law; and
- when a law enforcement officer has reasonable suspicion or probable cause during a criminal investigation, as required by law.

How does this Executive Order impact policies set by local government?

Most of the restrictions in this order are minimum requirements. Local governments, like cities and counties, can impose greater restrictions but they cannot restrict state government operations or set different Emergency Maximum Occupancy requirements.

What will change in Phase 3 and when will that happen?

Phase 2 will be in place until data shows the state is prepared to move forward with Phase 3. Phase 3 will likely ease even more restrictions on businesses and increase occupancy and mass gathering limits, but this is subject to the data. Social distancing, hand hygiene, and use of cloth face coverings will still be recommended. Depending on state COVID-19 trends, restrictions may be lifted more slowly, or some restrictions may have to be reinstated to ensure the health and safety of North Carolinians.

DHHS has issued guidance for the following topics:

- Restaurants
- Salons and Personal Care
- Places of Worship
- Large Venues

- Overnight Camp
- Child Care
- Day Camp
- Tattoo Businesses
- Pools
- Sports
- Retail

Guidance can be accessed at <https://covid19.ncdhhs.gov/guidance>.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**HOUSE BILL 536
RATIFIED BILL**

AN ACT TO AUTHORIZE CERTAIN EXISTING ESTABLISHMENTS TO OFFER AND OPERATE OUTDOOR DINING AND BEVERAGE SERVICE OPTIONS WHILE ALSO SAFEGUARDING THE PUBLIC HEALTH TO PREVENT THE SPREAD OF CORONAVIRUS DISEASE 2019 (COVID-19).

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any declaration of emergency issued under Article 1A of Chapter 166A of the General Statutes or any municipal or county ordinance adopted under that Article related to the public health emergency created by COVID-19, any establishment that prepares or serves food or drink, as defined in and regulated under Part 6 of Article 8 of Chapter 130A of the General Statutes, may open and operate its food and drink service for on-premises consumption provided all the following apply:

- (1) The establishment was in existence on March 10, 2020, is properly licensed and permitted, and holds all necessary State and local regulatory permits, including, if applicable, any necessary ABC permits.
- (2) If the establishment holds ABC permits, the establishment is not any of the following:
 - a. A private club as defined by G.S. 18B-1000.
 - b. A private bar as defined by G.S. 18B-1000.
 - c. A winery permitted pursuant to G.S. 18B-1101 or G.S. 18B-1102.
 - d. A distillery permitted pursuant to G.S. 18B-1105.
- (3) The food and drink service operation for on-premises consumption is limited to any authorized indoor seating and to the outdoor seating location. The owner or owners of that outdoor seating location must have granted the establishment permission to use the location for its food and drink service operation.
- (4) The outdoor food and drink service seating capacity is limited to fifty percent (50%) of the current indoor seating capacity of the establishment, or 100 customers, whichever is less.
- (5) The outdoor seating location is on the same parcel or is contiguous to or in close proximity to the underlying establishment and contains or has access to lavatory and toilet facilities for employees and customers as required for such establishments under rules established by the North Carolina Department of Health and Human Services.
- (6) If the establishment holds ABC permits and serves alcohol pursuant to those permits, the outdoor seating location must have delineated vertical boundaries that the consumer would recognize as indicating the boundaries that physically separate areas where consumption of alcohol is allowed from areas open to the general public other than customers of the establishment.



- (7) The establishment maintains and enforces the social distancing requirements recommended by the federal Centers for Disease Control and Prevention and the North Carolina Department of Health and Human Services.
- (8) The establishment complies with all rules and regulations promulgated by the Division of Public Health of the North Carolina Department of Health and Human Services applicable to outdoor food and drink service.
- (9) The outdoor seating location may include a covered patio or areas covered by tents, awnings, tarps, umbrellas, or other similar coverings. For purposes of this subdivision, "tent" shall mean a temporary structure, with or without side panels, constructed by draping or otherwise attaching sheets of fabric, plastic, or other material to a framework of poles or supports.
- (10) The outdoor seating location may include areas on a public sidewalk if the local government allows through its ordinances or permitting process the use of public sidewalks for the service of and consumption of food or drink and the establishment obtains any necessary local government approval. Nothing in this act is intended to require a local government to approve the use of public sidewalks for the service of and consumption of food or drink.
- (11) The outdoor seating location may include areas on a public street if the local government allows through its ordinances or permitting process the use of public streets during periods of temporary street closure for the service of and consumption of food or drink and the establishment obtains any necessary local government approval. Nothing in this act is intended to require a local government to temporarily close public streets for the service of and consumption of food or drink or to allow the service of and consumption of food or drink on public streets during a period of temporary closure.

SECTION 2. Notwithstanding any declaration of emergency issued under Article 1A of Chapter 166A of the General Statutes or any municipal or county ordinance adopted under that Article related to the public health emergency created by COVID-19, any (i) private club or private bar as defined by G.S. 18B-1000, (ii) winery permitted pursuant to G.S. 18B-1101 or G.S. 18B-1102, or (iii) distillery permitted pursuant to G.S. 18B-1105 may open and serve alcohol for on-premises consumption provided all the following apply:

- (1) The establishment was in existence on March 10, 2020, is properly licensed and permitted, and holds all necessary State and local regulatory permits, including any necessary ABC permits.
- (2) The service is limited to an outdoor seating location and the owner or owners of that outdoor seating location have granted the establishment permission to use the location for its service.
- (3) The outdoor seating location is on the same parcel or is contiguous to or in close proximity to the underlying establishment and contains or has access to lavatory and toilet facilities for employees and customers as required for such establishments under rules established by the North Carolina Alcoholic Beverage Control Commission.
- (4) The outdoor seating location has delineated vertical boundaries that the consumer would recognize as indicating the boundaries that physically separate areas where consumption of alcohol is allowed from areas open to the general public other than customers of the establishment.
- (5) The outdoor service seating capacity is limited to fifty percent (50%) of the current indoor seating capacity of the establishment, or 100 customers, whichever is less.

- (6) The establishment maintains and enforces the social distancing requirements recommended by the federal Centers for Disease Control and Prevention and the North Carolina Department of Health and Human Services.
- (7) The establishment complies with all rules and regulations promulgated by the Division of Public Health of the North Carolina Department of Health and Human Services applicable to outdoor food and drink service.
- (8) The outdoor seating location may include a covered patio or areas covered by tents, awnings, tarps, umbrellas, or other similar coverings. For purposes of this subdivision, "tent" shall mean a temporary structure, with or without side panels, constructed by draping or otherwise attaching sheets of fabric, plastic, or other material to a framework of poles or supports.
- (9) The outdoor seating location may include areas on a public sidewalk if the local government allows through its ordinances or permitting process the use of public sidewalks for the service of and consumption of food or drink and the establishment obtains any necessary local government approval. Nothing in this act is intended to require a local government to approve the use of public sidewalks for the service of and consumption of food or drink.
- (10) The outdoor seating location may include areas on a public street if the local government allows through its ordinances or permitting process the use of public streets during periods of temporary street closure for the service of and consumption of food or drink and the establishment obtains any necessary local government approval. Nothing in this act is intended to require a local government to temporarily close public streets for the service of and consumption of food or drink or to allow the service of and consumption of food or drink on public streets during a period of temporary closure.

SECTION 3. The outdoor seating area authorized in Sections 1 and 2 of this act shall not be prohibited by a municipality or county because the outdoor seating area is not a permitted use for operation of food and drink services under zoning ordinances.

SECTION 4. This act is effective when it becomes law and expires upon the later of (i) 30 days after any declaration of emergency prohibitions and restrictions applicable expire or are otherwise terminated to permit the establishment to open for full unrestricted service of food and drink or (ii) October 31, 2020.

In the General Assembly read three times and ratified this the 28th day of May, 2020.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2020