SECOND REVISED AND AMENDED JOINT PROCLAMATION OF THE CHAIRMAN OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS, MAYOR OF THE CITY OF CHARLOTTE AND MAYORS OF THE TOWNS OF DAVIDSON, MATTHEWS, MINT HILL AND PINEVILLE, IN CONSULTATION WITH THE MECKLENBURG COUNTY PUBLIC HEALTH DIRECTOR IN CONJUNCTION WITH THE DIRECTOR OF THE OFFICE OF THE CHARLOTTE MECKLENBURG EMERGENCY MANAGEMENT DEPARTMENT

WHEREAS, The North Carolina General Assembly has adopted Article 1A of Chapter 166A of the General Statutes, entitled "North Carolina Emergency Management Act", which sets forth the authority and responsibility of the Governor, State agencies, and local governments in prevention of, preparation for, response to, and recovery from natural or man-made emergencies; and

WHEREAS, G.S. *§166A-19.22 and G.S. §166A-19.31,* which are part of the North Carolina Emergency Management Act, authorize counties and municipalities to declare states of emergency and authorizes counties and municipalities to impose prohibitions and restrictions under conditions and following procedures contained in *G.S. §166A-19.22 and G.S. §166A-19.31;* and

WHEREAS, the novel Coronavirus (COVID-19) is a global pandemic that is easily transmitted from person to person and has created a state of emergency in the State of North Carolina, County of Mecklenburg, City of Charlotte and surrounding six Towns; and

WHEREAS, based on the public health concerns, the Governor declared a state of emergency on behalf of the state of North Carolina on March 10, 2020; and

WHEREAS, Mecklenburg County in conjunction with the City of Charlotte and six Towns within the County signed a Joint Proclamation of State of Emergency on March 13, 2020; and

WHEREAS, Mecklenburg County in conjunction with the City of Charlotte and six Towns within the County have acted together to impose restrictions and guidelines to act in the best interest of the residents of the County, City and Towns; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has determined that COVID-19 is spread primarily between people in close proximity to one another, and can be transmitted through respiratory droplets produced when an infected person coughs, sneezes or talks and recommends social distancing to prevent the continued spread of the virus; and

WHEREAS, CDC recommends wearing a face covering or non-surgical protective face masks in public settings, practicing social distancing and washing one's hands frequently as measures designed to help slow or prevent the spread of the virus and to prevent individuals who may be infected and unaware from transmitting the virus to others; and

WHEREAS, to reduce COVID-19 spread, the Governor issued Executive Order No. 141, requiring safety measures in certain business settings, limiting mass gatherings, and closing certain types of businesses and operations; and

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

WHEREAS, the number of laboratory-confirmed positive cases in the State and in Mecklenburg County continue to climb as do the number of deaths related to the virus but social distancing continues to decline; and

WHEREAS, on June 24, 2020, the Governor issued Executive Order 147, "Extension of Phase 2 Order and New Measures to Save Lives in the COVID-19 Pandemic" requiring face coverings be worn throughout North Carolina when in public places, indoor or outdoor, where physical distancing of six (6) feet from other people who are not members of the same household or residence is not possible; and

WHEREAS, in consideration of all the current available data related to the impact of COVID-19 in Mecklenburg County, on July 7, 2020, the Board of County Commissioners, joined by the City of Charlotte and Town of Matthews, determined that due to the trends it is in the best interest of the residents of Mecklenburg County, City of Charlotte and Town of Matthews to amend the Joint Proclamation to adopt the provisions of Executive Order 147 and further require that face covering be worn while on property owned or leased by Mecklenburg County, City of Charlotte, or Town of Matthews; and

WHEREAS, evidence continues to reveal that many businesses and patrons are not taking social distancing seriously nor wearing masks consistent with the terms of the Governor's Executive Orders or the revised Joint Proclamation such that further restrictions are necessary to slow the spread of the virus. The following findings support these further restrictions:

Some businesses and organizations that are allowed to operate in Phase II are hosting outdoor activities and events, being conducted in a manner that violates Executive Order 147; and

Several restaurants are remaining open until the early morning hours with limited food service but with greater consumption of alcohol; and

There is little to no physical/social distancing among the patrons and those frequenting the business during late hours; and

Several news accounts depict restaurants operating with no visible social distancing;

The Centers for Disease Control "CDC" and the North Carolina Department of Health and Human Services indicate the consumption of alcohol in excess leads individuals to engage in more risky behaviors with generally lower inhibitions; and

Risky behavior and lower inhibitions are likely to lead to a greater likelihood of failure to socially distance or follow Executive Order 147 and other Orders designed to slow the spread; and

There is a greater tendency for certain younger age groups to engage in more socialization and gather in large numbers, in violation of Executive Order 147; and other Executive Orders; and

Data reveals that there is an increase in the number of those within the younger age group being infected by COVID-19; and

In order to help slow the spread of COVID-19 in Mecklenburg County, City of Charlotte, and Towns of Davidson, Matthews and Mint Hill , it is imperative that everyone under the jurisdiction of this proclamation engage in physical social distancing of at least six feet, use face coverings as required unless otherwise legally exempted and that mass gatherings be strictly limited to that number allowed by Executive Orders 141, 147 and 151.

WHEREAS, pursuant to GS 166A-19.31 and the current Declaration of State of Emergency within Mecklenburg County, the City of Charlotte and surrounding six Towns, the movement of people in public places, the sale, transfer, and consumption of alcohol and operation of business establishments may be restricted.

NOW THEREFORE BE IT FURTHER ORDAINED BY THIS SECOND REVISED AND AMENDED PROCLAMATION THAT:

i Restaurants serving only food and non-alcoholic beverages may continue to operate during advertised hours provided all requirements for social distancing and mask wearing are followed; and

ii. Restaurants and private clubs serving food and alcohol shall be closed to the onsite consumption of food and beverages and no customers shall be present for the onsite consumption of food or beverages between the hours of 11:00 pm and 5:00 am; and

iii. Restaurants may continue to offer drive through, delivery, and/or pick-up services between 11:00 pm and 5:00 am; and

iv. Restaurants, breweries, wine shops, private clubs, bars, and any other business or organization that are permitted to sell alcohol for onsite consumption may not sell alcohol between the hours of 11:00 pm and 7:00 am and no customers shall be present for onsite consumption of alcohol between 11:00 pm and 7:00 am; and

v. Restaurants, private clubs and other food and beverage service businesses may not provide onsite outdoor table service for the consumption of food or alcoholic beverages in Mecklenburg County, City of Charlotte, Towns of Davidson, Matthews, Mint Hill or Pineville between 11:00 pm and 5:00 am; and

vi. Restaurants, private clubs, bars and other food and beverage service businesses shall not allow sitting or standing at bars for food and beverage consumption and shall not

allow patrons to touch shared surfaces such as bar counters or game equipment such as pool tables, darts pinball machines, or any other such game equipment that requires social touching of the game equipment; and

vii. All outdoor activities, gatherings, or events of more than twenty-five (25) people are prohibited.

viii. Worship services, religious and spiritual gatherings, funeral ceremonies, wedding ceremonies, and gatherings for health and safety, for work, to obtain food, or to obtain government services are exempt from this section

ix. The restrictions imposed by parts i-viii herein shall apply only within Mecklenburg County, City of Charlotte, and Towns of Davidson, Matthews, Mint Hill and Pineville, except Charlotte Douglas airport staff are exempt from the prohibition on food preparation and service in order to meet passenger and employee/worker needs.

This SECOND REVISED AND AMENDED JOINT PROCLAMATION incorporates the terms and provisions of the Governor's Executive Orders, as amended, in addition to the Revised and Joint Proclamation entered on July 7, 2020 as to Mecklenburg County, City of Charlotte and Town of Matthews, and continues the Declaration of the State of Emergency within Mecklenburg County, City of Charlotte and surrounding six (6) towns. In all other respects, the Proclamation to which their signatures are affixed remain in full force and effect. The duration of this Second Revised and Amended Joint Proclamation shall continue in effect concurrent with the Governor's Phase 2 reopening measures until 5 pm on August 7, 2020 unless sooner rescinded, revised, amended, or terminated by action of the parties hereto.

Pursuant to GS 166A-19.30(a)(2), the provisions of this Second Revised and Amended Joint Proclamation shall be enforced by state and local law enforcement officers. A violation of this Proclamation may subject the violator to prosecution pursuant to GS 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with GS 14-288.20A

A copy of this Second Revised and Amended Joint Proclamation shall be provided to the Clerk to the Board of Commissioners. As soon as practicable, the full text of this Amendment shall be distributed to the mass communications media serving Mecklenburg County, City of Charlotte and affected Towns. A copy of this Second Revised and Amended Joint Proclamation shall be posted conspicuously on the websites of Mecklenburg County at www.MeckNC.gov, and City of Charlotte at www.charlottenc.gov. Notice and a signed copy of this Second Revised and Amended Joint Proclamation shall be submitted to the Department of Public Safety WebEOC.

This Second Revised and Amended Joint Proclamation is adopted this _____ day of July 2020 and shall be effective immediately upon execution and electronically published.

APPROVED AS TO FORM

Tyrone C. Wade
County Attorney

George R. Dunlap
Chairman Board of Commissioners

Mayor, Town of Davidson

Mayor, Town of Mint Hill
Deputy Town Manager

Mayor, City of Charlotte

John F. Higdon
Mayor, Town of Matthews

Mayor, Town of Pineville