



TOWN OF CHAPEL HILL

Town Hall
405 Martin Luther King Jr.
Boulevard
Chapel Hill, NC 27514

Legislation Details (With Text)

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Type: Discussion Item **Status:** Passed

File created: 4/16/2020 **In control:** Town Council

On agenda: 4/22/2020 **Final action:** 4/22/2020

Title: Adopt a Revised Meeting Schedule to Hold Special Meetings in a Virtual Environment through May 31, 2020 or Until the Orange County Stay At Home Order is Lifted.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Council Questions with Staff Response, 2. A RESOLUTION ADOPTING A REVISED MEETING SCHEDULE TO HOLD SPECIAL MEETINGS IN A VIRTUAL ENVIRONMENT THROUGH MAY 31, 2020 OR UNTIL THE ORANGE COUNTY STAY AT HOME ORDER IS LIFTED (2020-04-22/R-7)

Date	Ver.	Action By	Action	Result
4/22/2020	1	Town Council	adopted	Pass

Adopt a Revised Meeting Schedule to Hold Special Meetings in a Virtual Environment through May 31, 2020 or Until the Orange County Stay At Home Order is Lifted.

Staff:

Maurice Jones, Town Manager
Ralph Karpinos, Town Attorney
Sabrina Oliver, Town Clerk/Director

Department:

Town Manager’s Office
Town Attorney’s Office
Communications and Public Affairs

Overview: The Council values transparency in government and will include robust and inclusive public participation in virtual meetings. The Resolution describes the virtual meeting environment and includes information about public participation in a virtual environment during the COVID-19 pandemic. The Resolution anticipates resuming regular meetings in June 2020, if conditions allow.

☆ **Recommendation(s):**

That the Council adopt a revised meeting schedule to hold special meetings in a virtual environment through May 31, 2020 or until the Orange County Stay at Home Order is lifted.

Key Issue:

On March 26, 2020, the NC Department of Justice provided an advisory opinion stating that “electronic meetings are allowed under N.C.G.S. §143.318.13, and the requirements of notice, access and minutes can be met through electronic means. Due to the unprecedented circumstances we are all faced with, and the fact that local governing bodies conducting meetings remotely is not expressly prohibited by statute, I conclude that local governments can carry out necessary meetings electronically and remain in compliance with Open Meetings Laws.”

The School of Government transmitted the above advisory opinion and added that “the letter doesn’t specifically address the impact of electronic participation on statutory quorum/voting requirements, public hearings, public comment periods, or quasi-judicial hearings.” Some blog posts on those topics include the following:

- [Meetings and Public Hearings Under the Coronavirus State of Emergency](https://canons.sog.unc.edu/meetings-and-public-hearings-under-the-coronavirus-state-of-emergency/)
<<https://canons.sog.unc.edu/meetings-and-public-hearings-under-the-coronavirus-state-of-emergency/>>
- Can We Really Ban In-Person Attendance at Board Meetings During the Coronavirus Emergency?
<<https://canons.sog.unc.edu/can-we-really-ban-in-person-attendance-at-board-meetings-during-the-emergency/>>
- Failures to Vote by Board Members Participating Remotely <<https://canons.sog.unc.edu/failures-to-vote-by-board-members-participating-remotely/>>
- Remote Participation in Quasi-Judicial Evidentiary Hearings
<<https://canons.sog.unc.edu/author/lovelady/>>
- (April 9) [Electronic Meetings During the COVID-19 Emergency: Recommended Practices](https://canons.sog.unc.edu/electronic-meetings-during-the-covid-19-emergency-recommended-practices/)
<<https://canons.sog.unc.edu/electronic-meetings-during-the-covid-19-emergency-recommended-practices/>>

The Council will conduct the remote meetings using the ZOOM platform with the Webinar add-on. This allows the Council to create an environment similar to the Council Chamber. The panelists are the Council members, staff, and presenters that normally would be seen at the dais, staff tables, and public podium. The attendees are the audience participants. At the appointed time, an attendee would be promoted to the panelist discussion, make their comment, and be returned to the attendee mode by the meeting host.

The overall intent of these efforts is to continue to protect the public health, safety, and welfare while continuing to carry out the responsibilities of the Town.



Attachments:

- Resolution

A RESOLUTION ADOPTING A REVISED MEETING SCHEDULE TO HOLD SPECIAL MEETINGS IN A VIRTUAL ENVIRONMENT THROUGH MAY 31, 2020 OR UNTIL THE ORANGE COUNTY STAY AT HOME ORDER IS LIFTED. (2020-04-22/R-7)

WHEREAS, the Council values transparency in government and will include robust and inclusive public participation in virtual meetings; and

WHEREAS, on March 13, 2020, the Town of Chapel Hill proclaimed a State of Emergency in response to COVID-19; and

WHEREAS, on March 26, 2020, the NC Department of Justice provided an advisory opinion stating that "electronic meetings are allowed under N.C.G.S. §143.318.13, and the requirements of notice, access and minutes can be met through electronic means. Due to the unprecedented circumstances we are all faced with, and the fact that local governing bodies conducting meetings remotely is not expressly prohibited by statute, I conclude that local governments can carry out necessary meetings electronically and remain in compliance with Open Meetings Laws."; and

WHEREAS, the School of Government transmitted the above advisory opinion and added that "the letter doesn't specifically address the impact of electronic participation on statutory quorum/voting requirements, public hearings, public comment periods, or quasi-judicial hearings." Some blog posts on those topics include the following:

- [Meetings and Public Hearings Under the Coronavirus State of Emergency](https://canons.sog.unc.edu/meetings-and-public-hearings-under-the-coronavirus-state-of-emergency/) <<https://canons.sog.unc.edu/meetings-and-public-hearings-under-the-coronavirus-state-of-emergency/>>
 - Can We Really Ban In-Person Attendance at Board Meetings During the Coronavirus Emergency? <<https://canons.sog.unc.edu/can-we-really-ban-in-person-attendance-at-board-meetings-during-the-emergency/>>
 - Failures to Vote by Board Members Participating Remotely <<https://canons.sog.unc.edu/failures-to-vote-by-board-members-participating-remotely/>>
 - Remote Participation in Quasi-Judicial Evidentiary Hearings <<https://canons.sog.unc.edu/remote-participation-in-quasi-judicial-evidentiary-hearings/>>
 - (April 9) [Electronic Meetings During the COVID-19 Emergency: Recommended Practices](https://canons.sog.unc.edu/electronic-meetings-during-the-covid-19-emergency-recommended-practices/) <<https://canons.sog.unc.edu/electronic-meetings-during-the-covid-19-emergency-recommended-practices/>>
- ; and

WHEREAS, in an effort to significantly reduce the spread of the novel coronavirus, the Town of Chapel Hill, along with the Towns of Carrboro and Hillsborough, have joined Orange County's Stay at Home Declaration. Orange County Order adopted by reference to be effective within the Town Limits. The

Declaration is in effect beginning at 6 p.m. Friday, March 27, until 5 p.m. Thursday, April 30.

WHEREAS, effective March 30, Governor Roy Cooper ordered people in the state of North Carolina to stay at home for thirty days, until April 29, 2020. In April, the Governor issued further orders to tighten the social distancing requirements to address the spread of COVID-19; and

WHEREAS, on April 1, 2020, the Council modified and reinstated a policy to address the remote participation for the Town's advisory boards and commissions. These meetings shall provide an opportunity for public to participate and comment during the meetings by remote methods, including email, telephone, and other methods, to the extent practical; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts a revised meeting schedule to hold special meetings in a virtual environment through May 31, 2020 or until the Orange County Stay at Home Order is lifted, whichever occurs first.

April 2020

- 22-W-Special Meeting at 7 PM
- 29-W-Special Meeting at 7 PM

May 2020

- 6-W-Special Meeting at 7 PM
- 13-W-Special Meeting at 6:30 PM
- 20-W-Special Meeting at 7 PM
- 27-W-Special Meeting at 6:30 PM

BE IT FURTHER RESOLVED that the Council will conduct the remote meetings using the ZOOM platform with the Webinar add-on. This allows Council to create an environment similar to the Council Chamber. The panelists are the Board members, staff, and presenters that normally would be seen at the dais, staff tables, and public podium. The attendees are the audience participants. At the appointed time, an attendee would be promoted to the panelist discussion, make their comment and be returned to the attendee mode by the meeting host.

The Town will provide a notification on the Town's web calendar for each event that is similar to the notice below. In addition, this information can also be conveyed through our other modes of communication such as email, and social media.

The BOARD will meet virtually at TIME p.m. DAY, DATE, to conduct a meeting to cover the items on the agenda below. Board members will attend and participate in this meeting remotely, through internet access, and will not physically attend. The Town will not provide a physical location for viewing the meeting.

The public is invited to attend the Zoom webinar directly online or by phone. This provides better video quality than on the streaming service. Register for this webinar: [URL](#). After registering, you will receive a confirmation email containing information about joining the webinar in listen-only mode. Phone: NUMBER, Meeting ID: NUMBER.

Members of the public may also continue to live stream the meeting and view it over the Town's cable television channel access at <https://chapelhill.legistar.com/Calendar.aspx> - and on Chapel Hill Gov-TV (townofchapelhill.org/GovTV <https://townofchapelhill.org/GovTV>).

Virtual Board Meeting Procedures

Order of Proceedings for Agenda Items

1. Staff/Applicant Presentation
2. Clarifying Questions from Board
3. Public Comments
4. Board Discussion

Public Comment

- Verbal Comments: Members of the public may sign up to speak when they register for the meeting. Please do so at least three-hours in advance, so we can compile the information in time for the meeting. At the appropriate time, the Chair will provide attendees the option to use the raise the hand function or *9 via phone to indicate your desire to speak on the topic. Individuals who have pre-registered, followed by those with a 'raised hand' will then be brought into the public portion of the meeting one at a time.
- Written Comments: Public comment may be submitted prior to the meetings, provided to the board members and posted with the meeting materials.

After the Meeting

- To view recordings, visit: <https://chapelhill.legistar.com/Calendar.aspx>
- For additional comments, email: mayorandcouncil@townofchapelhill.org
<mailto:mayorandcouncil@townofchapelhill.org>

Meeting Contact:

- Email: NAME@townofchapelhill.org <mailto:NAME@townofchapelhill.org>
- Phone: 919-969-####

EMBEDDED AGENDA INCLUDED IN THIS LOCATION IN THE WEB CALENDAR ITEM

BE IT FURTHER RESOLVED that the Council anticipates resuming its regular meetings in June, if conditions allow.

June 2020

- 3-W-Budget Work Session (Tentative) at 6:30 PM
- 10-W-Regular Meeting at 7 PM
- 17-W-Work Session at 6:30 PM
- 24-W-Regular Meeting at 7 PM

This the 22nd day of April, 2020.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

PRESENTER: Maurice Jones, Town Manager

RECOMMENDATION: That the Council adopts a revised meeting schedule to hold special meetings in a virtual environment through May 31, 2020 or until the Orange County Stay at Home Order is lifted.