Town of Southern Shores
Special Council Meeting
March 20, 2020

The Town of Southern Shores Town Council met in the Pitts Center located at 5377 N. Virginia Dare Trail at 3:00 p.m. on Friday, March 20, 2020.

COUNCIL MEMBERS PRESENT: Mayor Tom Bennett, Mayor pro tem Elizabeth Morey and Councilman Matt Neal.

COUNCIL MEMBERS ABSENT: Council Members Jim Conners and Leo Holland

OTHERS PRESENT: Interim Town Manager Wes Haskett, and Town Clerk Sheila Kane

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE
Mayor Bennett called the meeting to order at 3:00 p.m., led the Pledge of Allegiance, and held a moment of silence.

Mayor Bennett briefly addressed the absence of Councilman Jim Conners and Councilman Leo Holland, due to recent travel, and in an effort to keep staff, the public, and Town Council Members safe during this COVID 19 pandemic.

Mayor Bennett stated the specific purpose of the special meeting are as follows:

- Cancel the previously scheduled March 24, 2020 budget work session;
- Consideration of amendments to the Council's Rules of Procedure allowing for cancellation or rescheduling (with appropriate notice) of meetings by the Mayor or any two Council Members during declared emergencies; and
- Consideration of adoption of a policy for managing meetings with electronic participation of Council Members;

CANCEL THE PREVIOUSLY SCHEDULED MARCH 24, 2020 BUDGET WORK SESSION
MOTION: Mayor Bennett moved to cancel the previously scheduled March 24, 2020 work session. The motion was seconded by Mayor pro tem Morey. The motion passed unanimously.

NEXT AGENDA ITEM:
CONSIDERATION OF AMENDMENTS TO THE COUNCIL'S RULES OF PROCEDURE ALLOWING FOR CANCELLATION OR RESCHEDULING OF MEETINGS BY THE MAYOR, MAYOR PRO TEM, OR ANY TWO COUNCIL MEMBERS DURING DECLARED EMERGENCIES.

Interim Town Manager Wes Haskett stated this additional language to the Council Rules of Procedure only addresses recessed meetings, and canceling meetings during declared emergencies. It does not address canceling meetings for a lack of agenda items, per a previous rule removed in 2018, which can be addressed at a more appropriate time. He further stated Town Attorney Gallop has reviewed the language and had no comment.

MOTION: Mayor Bennett moved to amend the Rules of Procedure by adding requirements for recessed & cancelled, meetings as follows:

> (a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the Council may recess the meeting to another date, time, or place by a procedural motion made and adopted, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.
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> (b) Notice of Recessed Meetings. If the Council has a website maintained by one or more city employees, notice of the recessed meeting's date, time, and place must appear on the website prior to the meeting. No further notice of a properly called recessed meeting is required.
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> (c) Cancelling Meetings due to Declared Emergencies. The Mayor, the Mayor pro tempore or any two members of the Council may cancel or reschedule any regular, special, or emergency meeting during declared emergencies. Notice is to be provided (a) to the Mayor and each Council member; (b) posted on the Council's principal bulletin board, or if none, at the door of the Council's usual meeting room; (c) posted on the Town website; and (d) emailed to each newspaper, radio station, television station, and person who has filed a written request for notice with the Town Clerk.

The motion was seconded by Councilman Neal. The motion passed unanimously.

NEXT AGENDA ITEM:
CONSIDERATION OF ADOPTION OF A POLICY FOR MANAGING MEETINGS WITH ELECTRONIC PARTICIPATION OF COUNCIL MEMBERS
MOTION: Mayor Bennett moved to amend the Council Rules of Procedure by adding the following Electronic Participation Clause:

> The Southern Shores Town Council is committed to conducting its meetings in compliance with the North Carolina Open Meetings Law. To enable all Council members to participate fully in Council meetings, the following requirements shall apply

whenever a Council member can only participate in a Council meeting through electronic means:

1. A quorum of the Council must be physically present for the meeting.
2. The remote participant must be able to hear the Council's discussion and any presentations made to the Council during the meeting.
3. Technical arrangements must be made so that the remote participant's comments can be heard by all present for the meeting, including the public.
4. The remote participant must notify the Town Clerk sufficiently in advance of the meeting to ensure that all requirements for remote participation, including technical and equipment needs can be addressed in advance of the meeting.
5. The remote participant may not vote on any matter.
6. The remote participant will not be included in determining whether a quorum is present for the meeting.
7. The remote participant may not participate in a closed session.
8. The remote participant may not participate in any quasi-judicial proceeding.
9. The Board minutes must reflect that the remote participant was not physically present.
10. A Board member is discouraged from participating remotely in more than 3 regular Board meetings in a 12-month period.
11. In the event of a declared State of Emergency and/or when public health or safety may be affected by the presence of Councilmembers in the same meeting room, the Council may meet electronically pursuant to this policy without a quorum physically present in the Council chambers and participants may vote on matters before the Council. For such meetings, the Council should take reasonable precautions to limit voting actions to those items which must be voted on at that time or within the time that an in-person meeting could safely and conscientiously occur. The Council should also consider taking action at the next in-person meeting to ratify any actions taken electronically under this provision which occurred without a physically present quorum and without all the necessary votes for the action physically present in the Council chamber.

Interim Town Manager Wes Haskett stated under number eleven, line three, of the Electronic Participation Clause, the words "this policy" needs to be changed to "these requirements."

Mr. Haskett further stated, that in an event such as this, there could come a time when Council Members, all or some, may not be able to join a Town Council meeting. The language Council has been presented are requirements that would be added to the Council Rules of Procedure allowing for electronic participation in town council meetings. The main part of this, is in any situation, other than a declared state of emergency and, or when public health or safety may be affected by the presence of Council Members in the same room, a quorum of the Council must be physically present for the meeting, and those participating remotely would not be able to vote. In a State of Emergency, then a quorum does not have to be present and Council Members may vote. It is strongly suggested by the Town Attorney, as well as the School of Government, to have a policy or requirements in place. Because the general statute does not

clearly address electronic participation, the Town is vulnerable to a legal challenge. A policy or requirement is a proactive measure to reduce this risk.

Councilman Neal stated he would like to revisit the language to address public participation.

Mayor pro tem Morey agreed, stating the clause did not clearly address public participation.

Mayor pro tem Morey **moved to amend** Mayor Bennett's' motion to adopt the *Electronic Participation in Town Council Meetings* as presented; additionally, add it as an agenda item to the May 5, 2020 regular Council meeting to include clear language for public participation. The motion was seconded by Councilman Neal. The motion passed unanimously.

ADJOURN

MOTION: Mayor Bennett moved to adjourn the meeting. The motion was seconded by Mayor pro tem Morey. The time was 3:27 pm. The motion passed unanimously.

ATTEST:

Thomas G. Bennett, Mayor

TOWN OF SOUTHERN SHORES SEAL NC

Respectfully submitted,

Sheila Kane, Town Clerk