

APPROVED 9/6/22

**MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
BUSINESS MEETING
June 21, 2022
7:00 p.m.**

The Orange County Board of Commissioners met for a Business Meeting on Tuesday, June 21, 2022 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, NC.

COUNTY COMMISSIONERS PRESENT: Chair Renee Price, Vice Chair Jamezetta Bedford, and Commissioners Amy Fowler, Sally Greene, Jean Hamilton, Earl McKee, and Anna Richards

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Deputy Clerk to the Board Tara May. (All other staff members will be identified appropriately below)

Chair Price called the meeting to order at 7:00 p.m.

1. Additions or Changes to the Agenda

Chair Price requested to move Item 8-s up on the agenda as Item 6-d.

Commissioner Fowler requested to add a discussion on the Designation of the Alcoholic Beverage Control Board Chair as item 11-a.

A motion was made by Commissioner McKee, seconded by Commissioner Greene, to change Item 8-s to 6-d on the agenda, and to add a discussion on the Designation of the Alcoholic Beverage Control Board Chair as item 11-a.

VOTE: UNANIMOUS

Chair Price dispensed with reading the public charge.

2. Public Comments (Limited to One Hour)

a. Matters not on the Printed Agenda

Don O'Leary said he wants to give a prelude to item 8-s. He said the issue is about what is being taught in schools and the Board finding ways to stifle parents' voices. He said he has seen what is being taught in schools and it is not pretty. He said there are inappropriate comics in schools. He said this whole thing is about trying to slip under the First Amendment, abolish it for school areas, sexualize children, and give pedophiles a pass. He said this issue is about sexualizing children and that is why the Board wants to stifle the parents. He said the Board has a habit of running meetings long so people can't make public comment and said it wouldn't be a good idea in this case.

Makeda Ma'at spoke on behalf of the Landings at Winmore's tenant association. She said she is following up on her September 14, 2021 petition requesting Orange County investigate the management and treatment of residents at the Landings at Winmore. She said outside of the initial confirmation that her petition had been received, she has not heard of any further action taken by Orange County. She said that during this time, residents endured

continued disrespect and breeches of confidentiality by the Community Home Trust and Landings management. She said the Landings management treats her like a roach on the wall and is trying to silence her. She said over the past years, the Landings management and Community Home Trust have continued to foster an environment of distress, discrimination, inequities, mismanagement, mistreatment, disenfranchisement, and exclusion. She said the CHT-Landings LLC operation agreement is not being adhered to. She said since 2018 a stolen bike rack has not been replaced, and CHT refuses to adhere to the policy that Orange County set to allow residents to conduct a short recertification for six years. She said there is preferential treatment for one resident out of 58 units who has an assigned parking spot, and she said it is a fair housing issue. She said dismantlement of awnings, improper management tactics, and removal of residents' space to accommodate the site manager are injustices. She said new barriers to use the community garden space directly impacted her ability to run her food justice non-profit Grow to Life, which teaches gardening and nutrition to members. She said when she and others moved to the Landings, the Winmore residents didn't want them there and didn't want them using the pool. She said the same race and class issue is happening now with the community garden. She asked the Board to look at the policies and practices of Community Home Trust, particularly for racial equity, the recertification process, and dignity for residents, since the County is a significant funder of that organization.

b. Matters on the Printed Agenda

(These matters will be considered when the Board addresses that item on the agenda below.)

3. Announcements, Petitions and Comments by Board Members

Commissioner Richards said she was pleased to be able to participate in Juneteenth activities in Hillsborough and Chapel Hill, as well as the historic courthouse proceeding last Friday. She said she appreciates the significance of these activities and thanked the towns and court partners for taking action to recognize this occasion and rectify a wrong that was done to Freedom Riders in our community 75 years ago. She said she was honored to be at the renaming of the Chapel Hill Transit offices yesterday for former Mayor and Mrs. Lee. She said it is a well-deserved honor and recognizes the transit system in Orange County as one of the best in the nation.

Commissioner Fowler said she attended the TARPO meeting on June 9, 2022. She informed the Board that Matt Day, previous director of TARPO, is now the director of transportation at TJCOG. She said one interesting announcement from the NCDOT newsletter is that as of May 2023, all US travelers will need a Real ID or passport to board any domestic or international flights. She said there was an ABC Board meeting this morning and Patrick Burns was nominated as Chair and this will come to Board for approval later in the meeting. She said the ABC Board has aligned its travel policy to be consistent with the state policy, so the Board will no longer have to approve the policy going forward. She said there were a record number of sales this year for the ABC Board, and it approved increased funding to agencies that provide alcohol rehab and education.

Commissioner Greene seconded Commissioner Richards's appreciation for the events starting on Friday afternoon at the courthouse and ending on Monday with the renaming of the Chapel Hill Transit Center for Howard and Lillian Lee. She said it was well-deserved and a lovely ceremony.

Commissioner Bedford said she attended the DSS Board meeting today, and there is hope that emergency benefits may be extended through October rather than expiring July 15th.

Commissioner Hamilton said she also attended the ceremony for the renaming of the Chapel Hill Transit Center for Howard and Lillian Lee. She said she learned the importance of

persistence from the speakers, as then Mayor Lee had a hard time garnering support for the public transit system at first. She said she is the chair of the Capital Needs Work Group, which works to understand the capital needs of schools. She said they will continue to meet over the summer, and hope that by the fall there will be a written report to reflect the work that has been done to date. She said they have an overview of the needs and challenges of finances and also got a chance to hear about modern designs of schools. She said they will be looking at design standards at the July 20th meeting. She is hopeful the community can come together to improve physical plans of public schools.

Commissioner McKee thanked those in attendance for their participation, attention, and interest.

Chair Price said the Juneteenth events were great and the event at the courthouse on June 17th was inspiring and surreal, as well as the renaming of the transit center for Howard and Lillian Lee. She said the South Orange Rescue Squad will be celebrating their 50th anniversary this weekend and all commissioners are invited.

4. Proclamations/ Resolutions/ Special Presentations

None.

5. Public Hearings

None.

6. Regular Agenda

a. Approval of Fiscal Year 2022-23 Budget Ordinances and County Fee Schedule

The Board considered approving the Fiscal Year 2022-23 Budget Ordinances and County Fee Schedule.

BACKGROUND: At the June 9, 2022 budget work session, the Board of County Commissioners made decisions regarding the County's FY2022-23 budget. See the following attachments related to those decisions:

- Attachment 1 – the Resolution of Intent to Adopt the FY 2022-23 Orange County Budget outlines the actions approved by the Board of County Commissioners on June 9, 2022
- Attachment 2 – the FY 2022-23 Budget Ordinance is the legislation implementing the FY2022- 23 Annual Operating Budget for Orange County, including Grants Project Ordinances
- Attachment 3 – the FY 2022-23 County Fee Schedule

Travis Myren made the following PowerPoint presentation:

Slide #1

Items 6-a and 6-b



ORANGE COUNTY
NORTH CAROLINA

**Approval of FY2022-23 Operating
and Capital Budgets**

June 21, 2022

Slide #2

Operating Budget

- Property Tax Rates

– Countywide Ad Valorem	83.12 cents per \$100 value
– Chapel Hill – Carrboro City Schools District Tax	18.30 cents per \$100 value
– Fire Districts	Varies by District; see table
- Employee Pay and Benefits
 - 3% wage adjustment
 - Merit pay program adjustments
 - Salary schedules – including step program for public safety classifications
 - Living wage adjustment to \$15.85
 - Short term disability program
 - Additional voluntary benefits



Slide #3

Operating Budget

- Amendments to the Recommended Budget
 - Restore Sunday hours at the Library
 - Offset by American Rescue Plan Act substitution in Social Services
- Approval of New Positions
 - 35.9 additional full time equivalents
 - 27 of the new positions in Sheriff's Office and Emergency Medical Services
- School District Funding
 - \$93.5 million current expense divided by average daily membership
 - \$21.8 million school debt service
 - \$3.7 million School Resource Officers and School Nurses



Slide #4

Operating Budget

- Year 1 of the Capital Investment Plan
 - \$10.9 million for County Projects
 - \$28.5 million for School Projects
 - \$722,363 for Solid Waste
 - \$520,000 for Sportsplex
- County Fee Schedule
 - No change from Recommended Budget



Slide #5

Operating Budget

- Other Provisions in Budget Ordinance
 - Privilege Licenses
 - Animal Licenses
 - Board of Commissioners' Compensation – 3% wage adjustment
 - Budget Control Policies
 - Funds Outside of the General Fund
 - Contract Approval and Purchasing Policies
 - Project Grant Ordinance for American Rescue Plan Act Funds



Travis Myren said “funds outside the general fund” includes things like the post-employment benefit fund, health and dental fund.

Slide #6

Manager's Recommendation

- Adopt the FY2022-23 Budget Ordinances and FY2022-23 County Fee Schedule, consistent with the parameters outlined in the Board's *Resolution of Intent to Adopt the FY2022-23 Orange County Budget*



A motion was made by Commissioner McKee, seconded by Commissioner Greene, to adopt the FY 2022-23 Budget Ordinances and the FY 2022-23 County Fee Schedule, consistent with the parameters outlined in the Board's "Resolution of Intent to Adopt the FY 2022-23 Orange County Budget."

VOTE: UNANIMOUS

b. Accept the Ten-Year Capital Investment Plan (CIP) and Approve the Orange County Overall CIP Projects of \$40,610,532 for FY 2022-23

The Board accepted the FY 2022-32 Orange County Five-Year Capital Investment Plan (CIP), and considered approving the Orange County Overall CIP Projects of \$40,610,532 for FY 2022-23.

BACKGROUND: For over 20 years, the County has produced a Capital Investment Plan (CIP) that establishes a budget planning guide related to capital needs for the County as well as Schools. The current CIP consists of a 10-year plan that is evaluated annually to include year-to-year changes in priorities, needs, and available resources. Approval of the CIP commits the County to the first year funding only of the capital projects; all other years are used as a planning tool and serves as a financial plan.

Capital Investment Plan – Overview

The FY 2022-32 CIP includes County Projects, School Projects, and Proprietary Projects. The School Projects include Chapel Hill-Carrboro City Schools, Orange County Schools, and Durham Technical Community College – Orange County Campus projects. The Proprietary Projects include Water and Sewer, Solid Waste Enterprise Fund, and Sportsplex projects.

The CIP has been prepared anticipating moderate economic growth of approximately 2% in property tax growth over the next five years, and 4% sales tax growth. Many of the projects in the CIP will rely on debt financing to fund the projects.

Attachment 1 is the FY 2022-32 Capital Investment Plan Overall Summary of \$40,610,532 (individual projects were provided to the Board of County Commissioners at previous work sessions, and revised project funding was discussed at the June 9, 2022 budget work session).

Attachment 2 lists County Capital Projects Summary totaling \$10,854,009 in FY 2022-23 (Year 1).

Attachment 3 lists Proprietary Capital Projects Summary totaling \$1,242,363 in FY 2022-23 (Year 1).

Attachment 4 lists School Capital Projects Summary totaling \$28,514,160 in FY 2022-23 (Year 1).

Travis Myren continued with the following PowerPoint presentation:

Slide #7

Capital Investment Plan

- Approve Year 1 of the Capital Investment Plan as amended
 - \$40,610,532 total Year 1 funding
 - \$10.9 million for County Projects
 - \$1,242,383 for Solid Waste and Sportsplex
 - \$28.5 million for School Projects
 - Incorporates Amendments to Year 1
 - Add \$100,000 for Perry Hills Mini-Park
 - Revise Climate Change Grant language for disposition of available funds
 - Add \$115,000 to convert nine vehicles to electric
 - Reduce \$388,000 for ambulances authorized for purchase (Years 1-3)
 - Reduce \$45,000 for Fire Marshal vehicle purchased in FY2021-22
 - Add \$200,000 for Emergency Medical Services Renewal and Replacement Fund



Slide #8

Capital Investment Plan

- Acceptance of the Ten Year Capital Investment Plan
 - Important for debt modeling
 - Project timing subject to change
 - Projects subject to change



Slide #9

Manager's Recommendation

- Accept the FY 2022-32 Orange County Ten-Year Capital Investment Plan
- Approve County projects and associated funding for FY 2022-23 as stated in Attachment 2
- Approve the FY 2022-23 Proprietary Capital projects as stated in Attachment 3
- Approve the FY 2022-23 School Capital projects as stated in Attachment 4



A motion was made by Commissioner Fowler, seconded by Commissioner Hamilton, to approve funding for FY 2022-23 and adopt the FY 2022-23 County Capital projects as stated in Attachment 2; the FY 2022-23 Proprietary Capital projects as stated in Attachment 3; and the FY 2022-23 School Capital projects as stated in Attachment 4.

VOTE: UNANIMOUS

c. Amendments to the Network Development Agreement for Broadband Deployment with North State Communications Advanced Services

The Board considered approving amendments to the Network Development Agreement with North State Communications Advanced Services, LLC to deploy broadband service in unserved locations in Orange County.

BACKGROUND: On April 26, 2022, the Board of Commissioners authorized the County Manager to execute a Network Development Agreement with North State Communications to deploy a fiber optic broadband network to unserved locations in Orange County. Unserved locations are defined by State law as locations that do not have access to internet service that provides speeds of 25 megabits per second (mbps) download and 3 mbps upload. The statutory authority under which the County is authorized to make grants for broadband deployment only allows those grant funds to be used to serve unserved locations.

During the meeting at which the agreement was originally considered, an attorney representing Spectrum Communications asserted that many of the addresses in the proposed service area were served by Spectrum and, therefore, were not unserved. If that were the case, County grant funds could not be used to fund connections to those addresses. County staff delayed the final execution of the agreement with North State pending resolution of this dispute with Spectrum Communications.

Due to the nature of the telecommunications industry, identifying specific unserved addresses is difficult. There is no official map that identifies specific locations or addresses that are defined as served or unserved. The Federal Communication Commission (FCC) maps, for example, are imprecise since they only provide information by census block, not specific addresses within that census block. North State compiled a list of addresses that the company believed were unserved based on their engineering and mapping. The only way to verify addresses that are served by Spectrum Communications is to individually search for them on the Spectrum website.

Spectrum Communications initially claimed that the company provided service to over 4,700 addresses that were intended to be funded with County grant funds. Through a verification process that included staff from the County, North State Communications, and Spectrum Communications, the list of served addresses was refined to 3,528. While the number of addresses that are funded with County grant funds has decreased, the total number of addresses served, linear miles of fiber installed, and the cost to install the fiber is not impacted. The disputed addresses are in locations that are either along the fiber route that will be needed to reach the unserved addresses or are in more densely populated areas which North State has a strong economic interest to serve.

The proposed contract amendments refine the list of addresses funded with County grant dollars and address concerns raised since the original contract was considered.

1. Refining addresses funded with the County grant

The proposed contract amendment revises the number of addresses funded with County grant dollars from 9,898 to no less than 6,370 with corresponding changes to the address list in Attachment B. The amendment also generally prohibits County grant funds from being to be used to provide service to already served locations.

2. Expansion of the service area

The original service area defined in the contract only included those areas where the County had identified unserved households. The North State construction plan extends beyond that area. The contract amendment proposes to expand the service area to include the entirety of North State's planned construction. This means that North State will be obligated to serve any unserved address in the expanded service area and that those addresses will be automatically added to the list of addresses in Attachment B.

The only limitation to this obligation outside of the original grant area is if the cost of the fiber extension would be double the average cost of passing homes in the service area. The average cost to pass each address is \$3,700, so twice the average cost would be \$7,400. This cost is equivalent to an installation of greater than a mile to serve less than eight homes.

3. Price and network performance protections expanded to the entire service area.

The original contract included a mandatory low cost service option, limitations on price increases, and performance guarantees for network reliability and performance for addresses funded through the agreement. The contract amendment extends these protections to any address in the service area.

4. Low cost service offering modified to remove cost barriers

The original contract required a low cost service to be available to subscribers in Orange County to help remove barriers to access. That original offering was 200 mbps symmetrical service for \$40 per month. The contract amendment proposes to change the low cost option to 100 mbps symmetrical service for \$30 per month which is equivalent to the discount offered through the FCC's Affordable Connectivity Plan. Aligning these amounts will remove all cost barriers associated with paying for monthly service.

5. Payment schedule revised to reflect new address list

The original agreement required the County to pay up to \$10 million in American Rescue Plan Act (ARPA) funds as a grant to North State in three installments. The number of connections that would have to be enabled to receive the final installment has been revised to comport with the new list of addresses, changing from 6,898 to 3,396.

6. Construction schedule revised to reflect new address list

Based on the location of the households contained in the new list of addresses, the contract amendment delays the completion of phase 1 of the project from April of 2023 to June of 2023. The sequencing of the remaining phases is consistent with the initial plan. The number of homes served during each phase has also been changed to reflect the change in the number of locations funded with County grant funds.

Phase	Homes Added	Date
1	1,000	June 2023
2	1,000	September 2023
3	1,000	December 2023
4	1,000	March 2024
5	1,000	June 2024
6	1,370	September 2024
TOTAL	6,370	

7. Adjacent addresses not included in the expanded service area

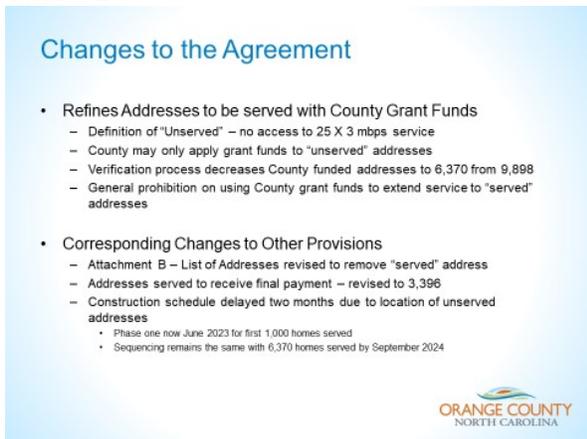
Some addresses in Orange County that are adjacent to the service area were not included due to engineering constraints. Although not part of the revised contract language, the County and North State have agreed to revisit those addresses once final engineering is completed in December 2022. At that time, North State will have finalized the specific fiber routes and will be able to confidently advise the County on what would be necessary to extend service to unserved households in these limited areas.

Travis Myren made the following PowerPoint presentation:

Slide #1



Slide #2



Commissioner Fowler asked about the verification process decreasing the funding from 9,898 to 6,370 addresses and the final payment.

Travis Myren said by the time they have reached final payment there will have been two other payments that are scheduled installments, and this would be the balance remaining.

Commissioner Fowler asked if they do not have to serve all 6,370 to receive the final payment.

Travis Myren said by the end of the payment schedule, all 6,370 will be served but there is an installment prior to the final that reflects the balance of addresses. He said when you add all the houses served it will add up to 6,370.

Commissioner Hamilton asked if new addresses that are unserved came on. She asked about the schedule delay related to this.

Travis Myren said the first scheduled payment was to serve 3,000 addresses but the location was not defined. He said that what was left were the addresses that were in the furthest parts of the county. He said that takes more fiber and more work to reach those first 3,000.

Commissioner McKee asked if this moved back the final completion date.

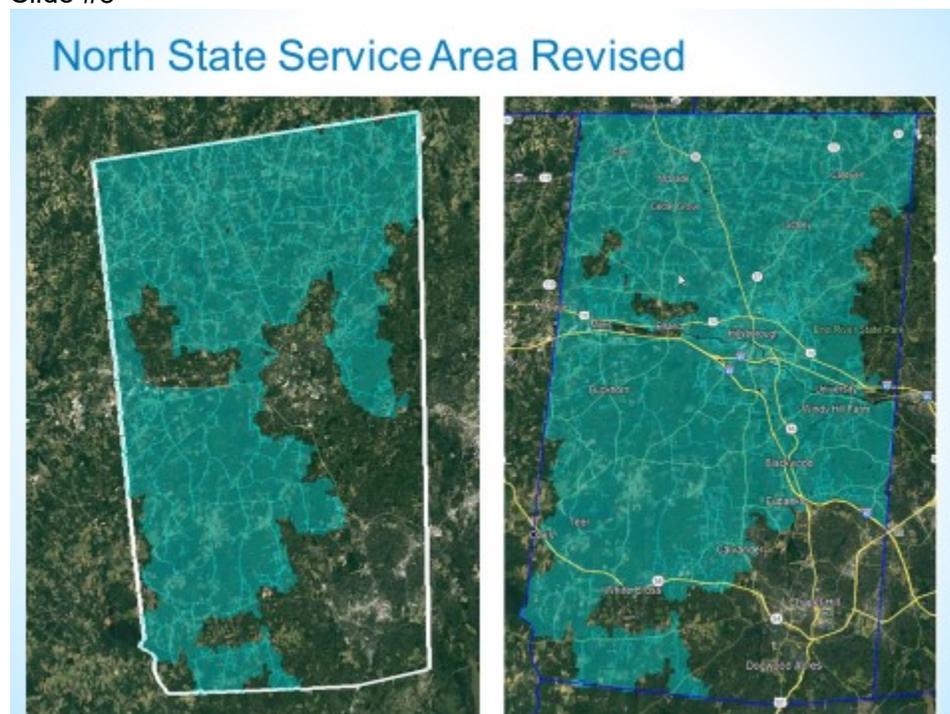
Travis Myren said everything gets bumped back by two months, so the final date is now May-June 2023.

Commissioner McKee said he wants to clarify that the reduction from 9,898 to 6,370, does not mean that there are 3,000 homes that are unserved, they just aren't on this list because Spectrum challenged their viability.

Travis Myren said yes, county grants can't provide services to served addresses.

Commissioner McKee said Spectrum is saying 25/3, but some are getting 10/1. He said that Spectrum may be on legal grounds for the county not being able to use grant funds, but NorthState can fund it on their own.

Slide #3



Travis Myren said any unserved address within the service area, NorthState has an obligation to serve.

Slide #4

Locations Served

- Serve any additional *unserved* households within the polygon consistent with the terms of the contract
 - Limitations on price increases
 - Low cost service option
 - Network performance levels
 - Network reliability levels
 - New addresses subject to double average cost to serve limitation
- Low Cost Option Modified
 - Eliminates monthly out of pocket expense for residents participating in the Affordable Connectivity Plan - \$30 per month
- Adjacent Addresses Not Included in Service Area
 - Revisit after final engineering (December 2022)



Commissioner McKee said that even though this drops to 200 megabytes per second to 100 megabytes per second, this is still considerably faster than many people have today.

Commissioner Hamilton asked what they are referring to low cost.

Travis Myren said when the out-of-pocket monthly expense went down, the speed decreased as well. He said it is adequate service.

Commissioner Hamilton asked about the criteria for the affordable connectivity plan.

Travis Myren said he will follow up with that information, but believes it is tied to federal poverty levels.

Commissioner Greene said that the RFP specced 100 megabytes as the baseline and that meets the federal guidance.

Travis Myren said the federal guidance is 100 MBPS.

Chair Price asked if 100 MBPS would support three children doing schoolwork and a business at the same time.

Travis Myren said it might be more of a strain for higher number of people in a household, but it is adequate for most households.

Slide #5

Manager's Recommendation

- Approve and authorize the County Manager to sign the amended Network Development Agreement and any amendments that do not exceed the contract amount with North State Communications Advanced Services, LLC to construct, operate, and maintain a fiber to the premise network in unserved locations in Orange County



PUBLIC COMMENTS:

Amanda Hawkins said she is an attorney with Brooks Pearce in Raleigh. She said she is speaking on the NC Cable Telecommunications Association and one of its members is Spectrum and Charter. She said that a colleague spoke to them previously and noted that North Carolina law only allows counties to award broadband grants to unserved areas. She expressed concern that the NorthState grant service area would include a large number of locations that are already served by Spectrum. She said that after the April 26th meeting, they have worked with the county's legal staff to identify a subset of location from the prior list that are presently served by Charter. She said that these conversations have resulted in the amendment that is before them tonight. She said that there are over 3,000 addresses that need to be removed. She said that this amendment does not solve the legal problem. She said that the law only permits counties to issue grants to unserved areas and this project does more than that. She said that to fix the legal issues, the amount of the grant needs to either be reduced by 36% or a new 3,528 unserved locations need to be identified to add to the grant. She said the amendment attempts to address this by requiring NorthState to serve any unserved locations that it is building to, but the law does not allow a county to overbuild.

A motion was made by Commissioner Greene, seconded by Commissioner McKee, to approve and authorize the County Manager to sign the amended Network Development Agreement and any amendments that do not exceed the contract amount with North State Communications Advanced Services, LLC to construct, operate, and maintain a fiber to the premises network in unserved parts of Orange County.

VOTE: UNANIMOUS**d. Regulation of Gatherings on and near School Property and Public Playgrounds**

PURPOSE: To present for second reading an ordinance regulating picketing on or within 1,000 feet of school property and public playgrounds.

BACKGROUND: The Board of Commissioners requested information on how the County may regulate protests or large gatherings in Orange County. The Board initially received information on this subject at its [February 1, 2022 Business meeting](#). At that meeting the Board discussed many aspects of this type of regulation including prohibiting large gatherings on certain public school properties. The Board further discussed this topic at its [May 10, 2022 work session](#). At that work session the Board determined parades would not be regulated and provided further direction to the County Attorney to be brought back to the Board for future consideration. At the [June 2, 2022 work session](#), the Board determined to move forward with an ordinance prohibiting picketing on School Property. The agenda materials for each prior discussion may be viewed at the links above.

Pursuant to the Board's prior discussions and input, the County Attorney revised the draft ordinance which generally provides as follows:

- Only covers Picketing conducted on, or within 1,000 feet of, School Property and Public Playgrounds;
- Declares violations to be subject to a monetary fine, equitable relief, or trespass depending on the facts and circumstances.

Recent changes to North Carolina law provide that when a local ordinance involves a potential criminal penalty, the ordinance may not be adopted at the meeting at which it is first introduced. Such an ordinance may only be adopted at the next regular meeting following its introduction. Because one potential penalty of this ordinance is trespass, which is a statutory misdemeanor, this ordinance may only be adopted at its second reading. First reading for this proposed ordinance occurred at the Board's June 7, 2022 Business meeting.

John Roberts said this is the fifth time this has been on an agenda for the Board to discuss. He said that each time it has gotten smaller, and he recommends that it get a bit smaller tonight. He said it would prohibit protests on school property when there are students present for any purpose. He said that there are three types of public forum as it relates to government property. He said the traditional public forum, limited public forum, and nonpublic forum are the types. He said that in a traditional public forum, the government may not regulate speech and gave the example that the courthouse steps or the lawn around the courthouse would be places where speech could not be regulated. He said that a limited public forum is a government property that has been specifically designated for freedom of expression but is subject to certain kinds of limitation, either time, place, and manner, or event content, but it has to be very narrow. He said that the Eno Arts Mill would be an example of this type of property with artists having political works. He said that a non-public forum is something that is not traditional or limited, or a designated area. He said that an example would be government offices, the jail, public schools, and things like that. He said that the Supreme Court has said that a government may place limits on spaces that are non-public forums, which is what school properties are.

Chair Price said she should have prefaced this by saying that this was brought to the Board by residents, so the Board is responding to those concerns.

John Roberts said that the recommendation for a change with the words "vigil" and "observation." He said those were left over from sample ordinances from other jurisdictions but does not fit the legal definition for the use of those words. He said that his recommendation is to change the definition of picketer/picketing to the activity or circumstance whereby one or more persons gather together for a common purpose for a protest or demonstration which primarily promotes or objects to a person, policy, political candidate issue or action. He said that is the only specific change that he recommended. He said that he notified the Board earlier that when he was reviewing other buffer regulations that the county has developed by ordinance that the 1,000 feet that was requested by the school board does seem extremely lengthy. He said that the next closest buffer regulation is 150 yards or 450 feet. He recommended the Board consider another distance.

Chair Price said she received an email from Patrick Abele, and he said 1,000 feet is the distance for registered sex offenders.

Commissioner McKee said going back to the definition, one person may be considered a picketer.

John Roberts said it could be. He said that there was originally a minimum number and the Board discussed that a minimum was not needed.

Commissioner McKee said that "any common purpose" is pretty broad. He said that removing "vigil" and "observation" leaves protest, demonstrations, or other action. He said that his other issue is with "or other action." He asked the attorney to define "other action."

John Roberts said he removed that in his recommendation because it was subjective.

Commissioner Greene said that she does not see the new recommendation in the attorney portal or the other email.

John Roberts said that the recommendation is what he just read and that he sent an email that contained the language.

PUBLIC COMMENTS:

Dale Hodson asked if the Board would be voting on an item that the public has not seen.

Chair Price said that it is in the public domain and that the amendment being discussed by the attorney is a common practice. She said that the Board has the option to vote on the item tonight.

Dale Hodson said that he does not have it in front of him.

Chair Price said that it would be in his packet if he accessed it online.

Dale Hodson said this is a bait and switch.

Chair Price said it was not.

Dale Hodson said that the ordinance is mean spirited and unconstitutional. He said that it is mean spirited because it has been created to keep Orange County parents from free speech activities regarding their schools. He said that it is unconstitutional because it prevents speech, assembly, and redress, all guaranteed in the First Amendment. He said that it is also unconstitutional because of the equal protection provided by the Fourteenth Amendment. He said that students are not bound by the ordinance but everyone else is. He said that allows students to picket, but he can't. He said this is a clear Fourteenth Amendment violation. He said that if 1,000 students line the sidewalks leading to a school with their BLM signs that he can't also join them with his BLM sign. He said that is a clear Fourteenth Amendment violation. He said this ordinance is criminalizing these protected activities on private property as well. He said that the Sheriff will be sent to cite them in their own backyards and that this ordinance is madness. He said that the Board has said that the whole reason is to protect the emotional health of kids, but where was that when they locked down, remote learned, and masked their kids. He said that is what has damaged the kids' emotional health. He said that the Board says that they want free speech but only in a way that does not hurt children. He asked what that even means. He said that it means they do not want free speech. He said they want zero free speech within 1,000 feet of a school other than for students. He said that they only want speech that is regulated and controlled by the state. He said that this is exactly what the authors of the First Amendment were aiming to prevent – an authoritarian government limiting speech. He said that they say that their children must be protected, but that is a parent's job not the government's. He said that if a child saw something that was offensive near a school today then it is the parent's job to counsel, console, and discuss with the child. He said that they say they can protest farther from schools, so their restrictions are okay. He said that the restrictions are so drastic in the times and locations that it is as much a violation of the First Amendment as restricting the content of their speech. He said that they say that all rights have limits. He said that the courts have ruled that any restrictions must be limited and that this is not. He said this ordinance should be removed from the agenda and that the Board should never bring it back. He said they should stop meddling in their free speech.

Larry Tippens, retired Army and Department of the Army Civil Service. He said that he is 81 years old and if they do not want to get a lot of illness, pain, and misery then they should not get old. He also said they should listen to a cardiologist that is somewhat controversial from Florida State University. He said that you can hear his lectures to his lectures to med students on fasting for survival. He said that he goes with Isaiah 65 and that is if you die at 100, you die a young man. He said that people studying genetics say that we should have 125 years. He said that having sworn to protect the constitution, things like this concern him because he has talked to people who have escaped fascist governments. He said the things they see that chip away at our freedoms terrorize those political refugees. He said they tremble when they speak, and they are so afraid that we are only a year or two away from the same situation as Venezuela. He said that you hear a lot of promises from people that are far left because they don't intend on keeping those. He said if there is going to be a loss of free speech and assembly then he invites how would they celebrate people like Martin Luther King, Jr. who is

one of his heroes. He said on picketing, where is the police report, and who has been hurt. He said that if someone was carrying a sign and beating kids up then surely there is a police report. He said that losses of the freedoms will lead to closing of church doors and burning bibles. He said that is not far off and only a few years.

Dan O'Leary read a quote from JFK that said those who make peaceful resolution impossible will make violent resolution inevitable. He said that they are not putting up with curtailing the First Amendment and going after children. He said this will not happen. He said this is not a joke and that the Board is trying to stifle the parents. He then read a quote from the King James Bible, Matthew 18:6, that said but whoever causes one of these little ones who believe in me to sin, it would be better for him if a noose was hung around his neck, and he would drown in the depths of the sea. He said that he thinks that sexualizing kids is pretty screwed up. He asked the Board if they thought the Lord would like that from them. He said that the Board should wake up and that he feels like he is in the twilight zone with the Board.

David Kolbinsky said he has been out of civic involvement for a while. He said from 1994-2003 he was on the Board of Education. He said that what caught his attention was that in 2019, the BOE was having issues and passed a resolution that the school system was historically and systemically racist. He said that came as a shock because he was there for nine years and served with Keith Cook, Delores Simpson, Brenda Stephens, and nothing like that was talked about. He said that they had an achievement gap that was addressed every budget cycle and there was never hesitation on anyone's part. He said that nothing like this rhetoric was ever used. He said that sometimes that the board would be divided 3-4, but they all had an agreement and didn't advocate for their constituency. He said they were there for all residents of Orange County and all students. He said that he understands that there is quite a bit of acrimony in the school system and that the former superintendent left abruptly after four years. He said that he tried to call the former superintendent and ask why but that all he would say is that he was burnt out and he wanted to go do something else. He said that he called a board member that was on the board at that time, and it was worse because all they said was that they would not talk about politics. He said that he ran for the board because a superintendent was there that wanted to do something called outcome-based education. He said that they did not know what that was but that they were worried about what outcomes they were wanting. He said that they were bringing something into the school system other than reading, writing, and arithmetic. He said that the superintendent worked for them for ten years and when he left, Randy Bridges was doing such a good job, that he was hired for superintendent. He said that his problem with this ordinance is that they are weaponizing the BOCC and police against parents to silence their concern about what is going on in the school system. He showed a sign that he was carrying.

Jacque Barker said she understands there is concern about harm occurring to children on school property. She said that the alleged incident that happened to spark this ordinance did not happen on school property. She said that the restrictions will now include private property that is within 1,000 feet of a school. She said that the commissioners can now judge when a private gathering can be considered a public event and shut it down while fining each person \$100. She asked what the definition for "school" is in the proposed ordinance. She asked if this includes charter schools. She said if this is about protecting where children are present then why aren't preschools and daycares included. She said that playgrounds will be included but what about museums, art galleries, and parks where plenty of children are present. She asked what they are trying to protect children from. She said all past protests were peaceful and asked what this is trying to address. She said there is no evidence of imminent danger to children. She said law enforcement is already in place for when the law is broken. She asked why they would limit freedoms when there is already a system in place to deal with someone violating the law. She asked where the statements from harmed students came from. She

asked if the protests actually came from someone that was at the protests that took place outside of a football game. She asked if they came from the students that were in the targeted African American studies class at Orange High School. She asked if they came from school board members or a superintendent that wanted to talk about white nationalist hate groups and showed a news video of the protest near the football game. She said that those students were not even at the protest to give an accurate statement. She asked if they were aware that this protest was organized by students to originally take place in the student parking lot but that it was shutdown by intimidation and threats by the principal. She said that is how it ended up taking place off of school property. She said that the Board is being played by a group of activists that are intolerant to different voices and that they are falling right into the trap. She said that the goal is to take away small bits of their freedoms here and there and that it isn't noticed when it falls under the guise of safety. She said that it is then further validated by virtuous praises and agreements with one another. She said they are being subverted and now they all believe in more control and more restrictions on the people. She said that the next thing they know is there will be zero rights and that includes the commissioners. She said that when you trade security for liberty, you lose both. She said they could stop this now by voting against the ordinance.

Dylan Sylvan said he got an email about this proposed ordinance, and he said he appreciates what the Board does. He said he went through the Orange County school system and had a few hiccups, but it was a great experience growing up here. He said he's concerned about what the next generation is being taught. He said there wasn't a lot of controversy about what was being taught and it seems that has come back. He said that this seems to be the heart of the issue, but he is not an expert on it. He said that he is worried on the effect of an ordinance that is very broad where it puts law enforcement in a position where they aren't enforcing the law, they are enforcing the dictates of the facility that is in a position of authority. He said this gets into a situation where they are the police, and this is similar to trespassing laws. He said this gives police a framework who has a right to be there even if one might not agree with what someone has to say. He said this is what is tearing out country apart. He said we need to get to a place where the law isn't being used against each other.

Laurie Teper said she is concerned with 8-s. She said she is outraged that they are considering passing it. She said it has nothing to do with safety of children and is targeted at parents. She said this will keep them from protesting anything they don't agree with on the school board. She said that most of these parents are working and put trust in the school system. She said they don't have time to attend school board meetings. She asked if there is evidence of crimes being committed at past protests and the evidence of victims from the protests outside of the football games. She said there is not any because no one was breaking the law. She asked if Chairman Doyle was even there. She asked where the students are who claimed they feared for their lives. She asked if there are any written comments supporting those claims. She said now because the Orange County School Board deems parents as threatening, they want to eliminate the ability of any concerned parent to speak out against any policy. She said that a three-minute comment doesn't get a lot of attention. She said that one person mentioned the First Amendment during the Board's discussion of the item. She said they are crossing dangerous lines of thinking if they pass this ordinance. She said the public's right to petition the government for a redress of grievances is at stake. She said she is thankful the language on vigil and observation is proposed to be changed. She quoted John Adams and said that liberty, once lost, is lost forever.

Sarah Snipes said she is a parent of students at OCS. She said her children were part of the protest that alleged harm to other students. She said that the individuals that claimed harm was done to them are not here tonight because the harm did not happen. She said that the hate comments that were derived for the hate resolution that the school board developed

was because three school board members went into an African American studies class and solicited those comments from students by using video footage from a news channel. She said that the way she knows this is because a close friend of her son's was in the class when it happened. She said she wanted to speak clarity into where this is coming from. She said this is a complete political agenda against parents that wanted to have a respectful protest, a student-led protest, to protest spectator rights to go into football games. She said that the reason that the school board wanted to shut that down is because there was a group of students wanted to go and the students had a certain political affiliation they didn't agree with, so the other side of the political affiliation showed up, and they are the ones embedded with the school board, to try to push this hate resolution. She said there were no crimes committed and this was done peacefully. She said the protest was in October and this is an attempt from the school board to silence the parents. She said that parents have tried to bring several atrocities to their attention. She said they have brought concerns of pornography in books and school grades. She asked if the commissioners knew that Orange County is the third highest ranked school system in the state of North Carolina on per pupil spending. She said they spend \$20,000 more per student and their graduation rates are 3% lower, but they're worried about protests on the side of the road instead of the education of children. She said they are watching and will pay close attention. She said that citizens are holding them accountable and that she does not agree with the attorney's assessment on the infringement of their free speech. She said to tread lightly on the vote and to honor their country.

Gretchen Schmid said 1,000 feet is not on school property and not part of non-public forum. She said that the impetus to regulate freedoms of speech seems to have been inspired by claims of illegal activity and endangerment of students near school property. She said these claims are being made from a school board where none of its members were present, except for one and that she was ironically chased by them as they were yelling fascist at her while she was passing out a small card that had information about a parent research project. She said there are 700 people and counting, who have thanked OCS Truth for parents gathering and disseminating that information. She said that society has a system for dealing with law breakers and there have been none in the stories that have been shared. She said it is important to ask why parents and community members were coming out to exercise their First Amendment rights in the first place. She said that it is because they do not feel safe sending children to school where there are assignments describing illicit, abusive, and erotic sexual behaviors and acts. She said that parents do not feel safe that their child's private medical information is not shared school wide, and then they are being bullied, intimidated, and ostracized by staff and peers when personal information has been shared. She said that parents do not feel safe when their children are attempting to learn in a polarized environment, dressed in emblems and symbols of actual events that have led to billions of dollars of damage and the destruction of private and public property as well as documented attacks on individuals, some of which ended in death. She said that parents do not feel safe sending their kids to a place where they are attempting to learn in an environment where content depicting rape, incest in children, providing sexual acts for adults are displayed in a prominent spot on a library shelf. She said that parents do not feel safe when their children are being shoved in the hall and into lockers after they have expressed religious beliefs. She said that parents came out in force as soon as the school board meetings were happening live again. She said that the OCS school board has established a reputation of distancing itself from the people and suppressing their attempts at expressing their beliefs. She said that it is imperative this body hold to the supreme law of the land. She said that it was said at the last meeting that they are not trying to control but rather to restrict. She said that the definition of restrict is to prohibit and that whether it is restrict or control, both are restricting of freedoms of speech.

Courtney Geels said she is the Republican Nominee for US Congress District 4. She said she grew up in Hillsborough and went through the school system of Orange County. She said she is appalled at the direction this Board is going. She said this ordinance is targeting parents. She said that if she is elected, if she disagrees with a constituent, she will still listen to them. She said they are working against a group of their own constituents if this regulation is passed. She said they are all aware of the events that led up to the May elections. She said there is a coordinated effort between the school board, Orange County government, and now the County Commission and that it is very manipulative and unconstitutional. She said this is blatantly against the First Amendment and that it is the Sheriff's duty to uphold the peoples' constitutional rights. She said that if this is passed it is a message that they do not care about the Constitution. She said if the Sheriff then chooses to enforce the regulation, then he is saying to the citizens that he is denying the oath of his office to defend the constitution of North Carolina and the US Constitution. She said that if Sheriff Blackwood enforces this it will be a lie to the people and to God. She said there will be legal ramifications against each of them if they pass this.

David Ogden said to please excuse him if he is a little emotional. He said that his 12-year-old daughter lost her two last baby teeth this week and while it is the cutest smile ever, it is a reminder that it is the end of a phase for her. He said that he should be with her tonight, listening to her read and laugh, and talk about her day but instead, he has to be at the meeting to defend her future against would-be tyrants. He said that the fact that this regulation is even coming up for a vote reveals that most of the commissioners have a complete disregard for the Bill of Rights. He said that this ordinance would strip residents of right to peaceably assemble. He said that it depends on fear and submission to suppress. He said that like the school board, this Board has a palpable fear of citizens in the community exposing bad actions by elected officials. He said that the efforts that they are afraid of are tantamount to rebel. He said imagine what those that seek to shed light could do with more time and more motivation. He asked if they think this ordinance will weaken those that stand for liberty. He said that their actions only serve to expose those who vote for these as Machiavellian usurpers of Constitutional rights. He said that the days of no accountability are over. He said that he will be watching and will be disseminating the results of each of their votes to the community.

Kathy Arab said this ordinance is unconstitutional. She said it violates the rights of any person that shares a difference world view than that of Orange County's social justice goals. She said that it diminishes individuality. She said that the people elected the commissioners, so the people should carry as much as or more weight than any non-governmental office or from those that provide grant monies with strings attached. She said that America's founders were thinking of them when they wrote the constitution. She said that measuring the social justice impact of the ordinance is interesting to her because the dictionary definition of social justice is state redistribution – which is politics and power – about groups and not individual. She said that critical social justice is inherently incompatible with the world view prevalence in the Constitution. She said that the difference is that social justice defines equity as the same outcomes and the Constitution defines justice as equality, the same opportunities. She said that social justice missions to redress grievances is defined by critical theories. She said that means that any time the numbers aren't equal, you know there isn't equity, but this doesn't align with the natural world. She said that critical social justice is narrow and authoritarian. She said that the people are not intent on gaining political power to force people to do justice. She said that their greatest desire is the freedom to express their convictions. She said that critical social justice does not tolerate a variety of ideas because critical social justice is a source and means of oppression. She quoted Milton Freeman – "A society that puts equality, in the sense of equality of outcomes, ahead of freedom, will end up with neither equality nor freedom...use of force to achieve equality will destroy freedom and the force introduced for good purposes will

end up in the hands of people who use it to promote their own interests...One of the great mistakes is to judge policies and programs by their intentions, rather than their results.”

Karen Raines said 1,000 feet is restrictive of freedom of speech and assembly. She said both are outlined and protected in the Constitution. She said that in another discussion in this topic, someone mentioned other counties joining the voices from Orange County and that those outside voices should not be heard. She said that those voices that are here are here to oppose an injustice that if permitted, would then spread to other counties. She said that freedom of speech must not be limited geographically. She paraphrased a quote circa post World War II stating “First they came for the [fill in the blank with a group of people,] but I did not speak out for them because I was not of them. Then they came for the Jews, and I did not speak up for them because I am not a Jew. Then, they came for me and there was no one left to speak for me.”

Charles Lopez said he is the Republican candidate for State House District 50 and the state chairman for the Hispanic GOP outreach. He said that he went to school for public administration and his professor said that as a public administrator, they try to do the most good. He said this is doing the most harm. He said that as a public administrator, when he sees the public coming out with this much passion, he has some doubt that this is not the best time to adopt this ordinance. He said that maybe it is not the right wording to accomplish their noble intent of protecting children. He said there is power in the constituents sitting here today. He asked them to reject the ordinance if they have any doubt.

Robert Thomas said this is part of the great American experiment. He said that the forefathers established a system years ago that allows people to come forward to a place and discuss their disagreements about ideas. He said this is the genius of the American system at work. He said the Board has rights as well as parents and students. He said that greater rights have to be with parents because they are ultimately responsible for raising good citizens. He said that he would bet that every parent there tonight believes they have a solemn duty to raise good citizens and that is why they are here. He said that protests are not just opportunities to raise objections but are also an opportunity to reach out to likeminded people. He said that the protests are not endangering children. He said that he takes the point of Mr. Roberts that it is not a traditional public forum but when you have a situation where parents are feeling that the very core curriculum of the school is antithetical to their children, then he contends that they have a right to come and assemble peaceably because the First Amendment gives them the right to. He said that he does not support the court rulings that seem to be unconstitutional. He said that they need to support parents because they are the backbone of society, and they should have the opportunity to object in the place of their choice.

Rusty Toley said he has never been to a meeting before. He said that he hears all the parents say the same thing and then he looks at the Constitution and realizes that it is not supported. He said that he feels bad for the Commissioners. He said the decision the Board makes tonight affects everyone here and the future of the county. He said he likes living here and asked them to do the right thing and vote against this.

Commissioner McKee asked if John Roberts was aware of law enforcement action on any of the protests to arrest or remove any of the folks.

John Roberts said that when he spoke to Sheriff Blackwood about this potential ordinance several months ago, he said that he or his deputies did not encounter any illegal activity at, what he believes, was the protest or demonstration that led to this ordinance discussion.

Commissioner McKee said that is the same discussion he had with the Sheriff. He asked Mr. Roberts if he had heard of any physical altercations or if any harm came to anyone at any of the demonstrations.

John Roberts said not to his knowledge.

Commissioner McKee said he has not either. He said that the school board approached the Board due to a concern over students. He said he has sat through multiple discussions on this, and has not heard of physical harm or crime, or threatening actions. He said this is a solution looking for a problem. He said he understands that some people may feel intimidated, and have angst, but no one is ever guaranteed protection against this. He said his primary concern on an action like this is abridgment of freedom of speech. He said that without that right, a lot of injustices that have occurred in past years, particularly to Black citizens, would not have been addressed without people being vocal and protesting. He said he can't support this. He said that 1,000 feet means that someone can't stand on Churton St. and would have to stand at the intersection. He said that he has concerns with the younger children but they are more resilient than a lot of people think. He said that he remembers growing up and hearing language about certain groups of people and he immediately knew that was not right. He said that his parents enforced that it was not right. He said that he expects a lot of parents at the meeting are concerned about their children and other people's children, and he does not believe they are at a point where they need to address this as a Board. He said that the Board has enacted a lot of programs to reduce the interactions of law enforcement with citizens to keep people out of the court system. He said that this would enact civil penalties, debt, and allows the county to seek other equitable forms of relief against people who are on private property. He said passing this puts law enforcement agency right in the middle.

Commissioner Hamilton thanked everyone for coming and said it is good to hear concerns of this group. She said she hears a lot of concerns from parents about what is going on at Orange County schools. She said she was on the CHCCS Board and understands that it is difficult for parents to be heard. She said that there are a lot of ways that parents can work together to be heard at schools without affecting the school environment of the students. She said she supported this ordinance because she was concerned about what has occurred at Orange County Schools. She said that she watched some videos from the events and went to the Sheriff's Office to talk with them about it as well. She said that she spoke with individuals that did feel intimidated by what happened. She said that she listened to the resolutions. She said that as someone in mental health field, she has worked with students who have been traumatized and intimidated. She said she does not take lightly the kind of school environment that allows all children to feel safe. She said that there is an epidemic of mental health crisis in this country. She said that there are a lot of factors, and it is paramount to have a school climate that is safe to everybody. She said she is open to revising the distances. She said it is important to have all students feel safe. She said that is the genesis to have an ordinance for picketing. She said that there are other ways to do it and she encouraged them to do that, including coming to the Whitted Building. She said she is in support of the county attorney's recommended changes and agrees with lessening 1,000 feet to 450 or what is in line with other ordinances.

Commissioner Bedford said this ordinance specifically excludes places of public meetings. She said she supports this ordinance. She said that children need protection from some behaviors of adults. She said there are other venues for adults to protest. She said that she accepts the recommendations from the attorney and that 450 feet is more appropriate.

Commissioner Greene said there were people in favor at the last board meeting. She said she is leery of this ordinance. She said she did not have evidence of the harm to students and is not ready to move forward with this ordinance at this time. She said there is a long history of political protests and as long as they are nonviolent, she doesn't believe children going in and out of schools should be shielded from seeing a protest. She said that she doesn't believe this is an urgent curtailment of First Amendment rights. She does believe the attorney has accurately stated what the First Amendment is about. She said that the reasoning is that

she has not been convinced that there is harm that has been inflicted and she thinks that it is important to allow people to protest in these circumstances.

Commissioner Richards thanked everyone for attending tonight. She said she believes they have concerns about the school district that she hopes they are addressing those in a forum other than just with the Board of Commissioners. She said she has respect for the right of protestors and is disappointed in some of the reaction here. She said that it seems they are saying that other people's concerns are not valid. She said that her concern is they were presented with evidence. She said if they could accept that other people could be impacted in ways that they are not, then people can be fair. She said that her biggest concern is the doubt that Charles Lopez spoke to. She said she isn't ready to make a decision tonight. She said she would like to understand more about the harm. She said she agrees with 450 feet and the other recommendations by the county attorney.

Commissioner Fowler said she has participated in a demonstration on school property. She said it was in support of teachers. She said the ordinance would make it more difficult but weighing that against the student need to feel safe in a learning space which is tremendously more important than inconvenience of finding a different place to protest. She said she appreciates hearing the people's opinions and she appreciates that. She said that does not mean we reserve the right to say anything, anytime, anywhere. She said the lack of an arrest does not mean a lack of harm. She said she has been robbed in her office and she was not physically harmed, and no one was arrested, but it leaves doubt. She said that if children do not feel safe, they are required to go to school, and we want them to feel safe. She said it is reasonable to consider how to make them feel safe. She said there are other ways to express their opinions in emails, Facebook, at school board meetings, and at Board of Commissioners meetings. She said that she agrees with the 450 feet. She said that if people feel the need to wait, she said she is happy to wait.

Chair Price said this came to the Board from parents, school board members, and students. She said they received a document from students. She said they are addressing those concerns. She thanked the County Attorney for helping with this as was requested by the Board. She also thanked the public for their points of view. She said that what bothers her is that there is a gross misunderstanding of what this is about. She said from her perspective, the Board was addressing a need to protect student's learning environment during school hours. She said any other time outside of school hours, they can say whatever they want to say. She said there are misunderstandings. She said the curriculum had nothing to do with this ordinance. She said that her concern was to let the children go to school and not be bothered. She said that she agreed with lessening the distance. She said no one is here tonight to speak in favor, and the Board is in the middle, which is why she would be willing to wait, depending on motion made by colleagues. She said she is concerned that the school board will be changing in the next two weeks. She said the two coming on have been in the schools on a daily basis and communicating on a daily basis. She said some people might think it is kicking the can down the road but at the same time, there is a new school board that is going to be seated that would have to carry out what is decided by the Board. She said that if there are concerns about curriculum and the library, that is not what this is about, whatsoever. She said the Board is not trying to restrict what is said to the school board.

Commissioner McKee asked John Roberts when this first came to the county.

John Roberts said it was either January 2022 or before.

Commissioner McKee said he understands the need to be deliberative. He said this is the second reading of it, because this law requires that it be a second reading. He said he doesn't know what is to be gained by pushing it down the road. He said he mentioned about the effect of protests to address social justice issues and injustices. He said that growing up in the 1950s and 1960s he heard people say they would address the racial issues later, but did

not say when the right time is. He said that 100 years ago, the Board would have all looked like him and that changed because of protests. He said that it needs to be addressed tonight. He said that while it may not be overly aggressive, it creates a slippery slope. He said that he thinks they should kill the ordinance tonight.

Commissioner Hamilton said she supports delaying this. She thinks it would need a second reading to go over the substantial changes. She said that the intent in her mind was not to stifle parents and it was to protect students. She said getting the input from the new school board will be good in the time they are waiting. She said there is a place that people protest in Chapel Hill and that is a place that invites people to come and say what they want. She said that there are a lot of protests and demonstrations that people get permits for. She said they can support free speech and the rights of parents to advocate for their children and protect the environment for all students.

Commissioner Greene read the email from the County Attorney. She said that this is a second reading with different language. She said that is what is on the table but that is not what was in the packet. She said there is a lot of confusion here about what the Board might be doing. She said she does not think there is evidence, but it could come back more clearly so they can have a debate about what it is.

Chair Price said the school board not listening to the parents is unacceptable. She said that she hopes with the new board, it may be different. She said if not, come back to them and they can try to do something. She said that parents should be in the schools as they feel they should be. She said that many years ago she tutored in the schools and was astounded by how many parents didn't even come to pick their child up after school.

Commissioner McKee made a motion to reject the County Manager's recommendation and take no further action on this item.

The motion died for lack of a second.

A motion was made by Commissioner Hamilton, seconded by Commissioner Bedford, to delay the discussion of the ordinance to a business meeting in October 2022.

Commissioner Richards asked if it was possible to specify in the ordinance while children are present.

John Roberts said that it was included.

Commissioner Richards said she read it and it does not say when students are present.

John Roberts said it applies only during school hours or school activities during which students are present on school property for educational, athletic, or school-sponsored extracurricular activities.

Commissioner Richards said that has to stay in there and be clear.

Chair Price said the motion on the floor was to delay discussion of the ordinance to October.

Commissioner Richards asked if when it comes back in October if that will be the first or second reading.

John Roberts said that if the changes were more restrictive, it would have to come back for a first and second reading. He said that the proposed changes were less restrictive. He said that as a policy matter, it doesn't have to come back for a second reading. He said the statute that was passed last year says a first reading and then the next regular meeting, so for that reason, it will come back for a first and second reading.

Chair Price said it will come back as a new ordinance in the fall, at which time the Board could get input from other school board members and parents.

Commissioner McKee asked why the delay until October.

Chair Price said that September provides time to draft changes, and then it could be ready for October.

Commissioner McKee said it is already drafted.

Chair Price said it could be difference because it is coming back for a first reading. She said that if the Board delays discussion of the ordinance it would have to be newly considered. She said that the ordinance will basically die, or it will be comatose.

Commissioner McKee said it will not die with the motion.

Chair Price said John Roberts said the ordinance will have to come back for a first and second reading.

Commissioner McKee said staff will retype the ordinance. He said changes were made during the meeting.

John Roberts said whenever the Board wants it to come back, it will come back for a first reading and a second reading. He said there would not be changes unless the Board directs those between now and the first reading.

Commissioner Hamilton said she pulled October out of the hat, because the Board did not know what might be on the agenda in September. She said a delay will give the schools time to have input and they can see where things stand. She said she is okay with rethinking this and if there is a way to protect children and not abridge other peoples' rights.

Commissioner Greene asked what the Board needed to do to change the language about the definition of picketing to add for a protest or demonstration and take out the other clause.

John Roberts said no specific action is needed but if the Board agrees with it, he will bring that to the Board. He said it would be a completely new first reading. He said that if the Board was adopting at the meeting, they would need to specify adoption with the amendment as proposed or as recommended.

Commissioner Greene said if the Board was in support of the amended language.

The Commissioners agreed.

Chair Price said she would like to speak with the members of the school board and invite them to a meeting so they can hear all sides.

Commissioner Fowler said that the previous discussion included pickets and the size of the signs. She asked if Board decided that they were not going to regulate the size of the signs.

Commissioner Greene said no, because it's not allowed under the proposed ordinance, so there is no reason to regulate the size.

Commissioner Fowler said that the public can still picket outside of the Whitted building. She asked if the Board did not want to address the issue at that time.

The Commissioners indicated that they did not want to address that issue.

VOTE: Ayes, 6 (Chair Price, Commissioner Bedford, Commissioner Fowler, Commissioner Greene, Commissioner Hamilton, Commissioner Richards); Nays, 1 (Commissioner McKee)

MOTION PASSES 6-1

7. Reports

None.

8. Consent Agenda

- Removal of Any Items from Consent Agenda
- Approval of Remaining Consent Agenda
- Discussion and Approval of the Items Removed from the Consent Agenda

A motion was made by Commissioner McKee, seconded by Commissioner Greene, to approve the consent agenda.

VOTE: UNANIMOUS

a. Minutes

The Board approved the draft minutes from the May 10, 2022 and May 12, 2022 Board of County Commissioners meetings.

b. Motor Vehicle Property Tax Releases/Refunds

The Board approved a resolution to release motor vehicle property tax values for three taxpayers with a total of three bills that will result in a reduction of revenue.

c. Property Tax Releases/Refunds

The Board approved a resolution to release property tax values for one taxpayer with a total of one bill that will result in a reduction of revenue.

d. Amendment to the Advisory Board Policy

The Board approved one substantive deletion from the Advisory Board Policy.

e. Fiscal Year 2021-22 Budget Amendment #13

The Board approved a budget amendment for Fiscal Year 2021-22.

f. Capacity Building Competitive Grant Award Acceptance

The Board accepted a Capacity Building Competitive Grant award and authorized the County Manager to sign all grant documents necessary to execute the award between the County and the North Carolina Emergency Management Division.

g. Excellance, Inc. Ambulance Purchase Service Agreement

The Board authorized the Manager to sign all documents necessary to execute the purchase of three (3) ambulances from Excellance, Inc.

h. Updates to the Assistance Policy for the 2020 North Carolina Housing Finance Agency (NCHFA) Essential Single Family Rehabilitation Loan Pool (ESFR20)

The Board authorized the Manager to sign the Orange County Assistance Policy for Essential Single-Family Rehabilitation Loan Pool 2020 & Local Single-Family Rehabilitation Loans, thereby adopting the policy.

i. JCPC Certification and County Plan for FY 2022-2023

The Board approved the JCPC Certification and County Plan for FY 2022-2023 and authorized the Chair to sign the associated documents.

j. Resolution of Approval – Amendment to the Iski (Panthers Branch) Conservation Easement

The Board adopted the Resolution approving the amendment to the conservation easement and authorized the Chair to sign the Resolution and conservation easement amendment.

k. Contract Approval for the Whitted Complex Roof Replacement

The Board approved a construction contract with Owens Roofing, Inc. for the replacement of the existing Whitted Complex roofing system; and authorized the County Manager to execute the Agreement and to execute any subsequent amendments for contingent and unforeseen requirements up to the approved budget amount on behalf of the Board, upon final County Attorney review.

I. Orange County Southern Campus Expansion Stormwater Operations and Maintenance Plan Agreement with Town of Chapel Hill (2501 Homestead Road, Chapel Hill)

The Board approved the Stormwater Operations and Maintenance Plan Agreement with the Town of Chapel Hill for the Orange County Southern Campus Expansion Stormwater Control Measures; and authorized the Chair to sign the necessary paperwork upon final County Attorney review.

m. Memorandum of Agreement with Administrative Office of the Courts

The Board authorized the Manager to sign the Memorandum of Agreement with the Administrative Office of the Courts upon final review of the County Attorney.

n. Contract with the WB Brawley Company for Renovation of the West Campus Office Building Third Floor

The Board approved a construction contract with the WB Brawley Company for the renovation of the third floor of the West Campus Office Building and authorized the County Manager to execute the Agreement and to execute any subsequent amendments for contingent and unforeseen requirements up to the approved budget amount on behalf of the Board, upon final County Attorney review.

o. Approval of Senior Lunch Caterer Contract

The Board approved and authorized the Manager to sign a food service caterer contract to provide noon meals for the Home and Community Care Block Grant-funded Senior Lunch Program at the Seymour and Passmore Centers, following review and approval by the County Attorney.

p. Revised Memorandum of Understanding (MOU) for the Orange County Partnership to End Homelessness (OCPEH)

The Board approved and authorized the Chair to sign a revised Memorandum of Understanding for the Orange County Partnership to End Homelessness that reflects operations in place since Fall 2020.

q. Funding Agreement Between Orange County and Alliance Health

The Board approved a funding agreement with Alliance Health for \$1,164,848 (\$897,045 in MOE and \$267,803 in outside agency funds), authorized the Chair to sign the agreement, and authorized the County Manager to approve changes or amendments to the agreement during FY 2022-23.

r. Authorization for the Chair to Sign a Letter of Intent to Realign with the Capital Area Workforce Development Board

The Board authorized the Chair and staff to enter negotiations with Capital Area Workforce Development Board on the details of alignment; authorized the Chair to sign a letter of intent to realign with the Capital Area Workforce Board; and authorized staff to coordinate the realignment process as prescribed by the Department of Commerce, including the development of the consortium agreement for consideration by the Board.

s. Regulation of Gatherings on and near School Property and Public Playgrounds

This item was pulled from the consent agenda at the start of the meeting and made item 6-d.

t. Proposed Sale of the County Property (PIN #9779088613) Located in Chapel Hill

The Board approved the sale of the 0.12 acre parcel of property having PIN# 9779088613 located in Chapel Hill, NC through a negotiated offer, advertisement and upset bid process, in accordance with North Carolina General Statute 160A-269; approved and authorized the Chair to sign the resolution authorizing the sale through this process; and authorized the County Manager to conduct the sale, accept the highest bid, and execute all necessary documents to complete the sale.

u. Orange County Board of Adjustment Member Removal

The Board approve the removal of Scott Taylor as a member of the Board of Adjustment (BOA) for non-compliance with Section IV of the Board of Adjustment's Rules of Procedure.

9. County Manager's Report

Bonnie Hammersley reviewed the Board's agenda for their Board retreat on Thursday, June 23, 2022 from 9:00 AM-4:00 PM at the Bonnie B. Davis Center. She said they will discuss Article 46 Sales Tax Proceeds Usage and Allocations in the morning along with the Board of Commissioner's goals and priorities, followed by a discussion on Board operations in the afternoon.

10. County Attorney's Report

John Roberts said filing deadlines for the state legislature came and went a few weeks ago, and they have only passed three or four bills so far, and none with local impact. He said he will continue to report if there are any bills passed with local impacts over the summer.

11. *Appointments

Added at the beginning of the meeting

The Board considered designating a member of the Alcoholic Beverage Control (ABC) Board as Chair.

BACKGROUND: Pursuant to G.S. 18B-700, the Board of Commissioners shall designate a member of the local ABC Board to serve as Chair. The ABC Board has recommended Patrick Burns be appointed as Chair.

One of the following ABC Board members may be designated as Chair:

NAME	POSITION DESCRIPTION	EXPIRATION DATE
Patrick Burns (current chair)	At-Large	06/30/2024
Judson Williamson	At-Large	06/30/2024
Mike Zito	At-Large	06/30/2023
Alice Mahood	At-Large	06/30/2023
Elizabeth Carter	At-Large	06/30/2025

Commissioner Fowler said Patrick Burns was nominated as Chair, and Elizabeth Carter as Vice-Chair, at the most recent ABC Board meeting. She said the Board is bound by state law to appoint an ABC Board member to serve as Chair, and that person then appoints the Vice-Chair.

A motion was made by Commissioner Fowler, seconded by Commissioner McKee to designate Patrick Burns as Chair of the ABC Board.

VOTE: UNANIMOUS

12. Information Items

- June 7, 2022 BOCC Meeting Follow-up Actions List
- Memorandum – Orange County Installs Twelve New Electric Vehicle Chargers as Part of Clean Fuels Advanced Technology Grant Program
- Memorandum – Orange County Participating in Solarize the Triangle Program
- Memorandum – Orange County Public Library Strategic Plan 2022-2027

13. Closed Session

None.

14. Adjournment

Commissioner McKee informed the Board he will not be physically present for the Board retreat on Thursday.

A motion was made by Commissioner Fowler, seconded by Commissioner Bedford, to adjourn the meeting at 9:33 p.m.

VOTE: UNANIMOUS

Renee Price, Chair

Recorded by Tara May, Deputy Clerk to the Board

Submitted for approval by Laura Jensen, Clerk to the Board.