they didn’t want to allocate any personnel resources out there to make it happen. Something similar occurred at Elizabeth Lane Elementary. He said signage is great but ineffective - every parent makes their own decisions and pushes the limits. All three of the schools have the same issues, and the only way the parents will do everything correctly is to require a police officer every single day. Without that the parents will go back to their previous actions. Discussion continued.

REVIEW TOWN BOARD CODE OF ETHICS

Mr. Blodgett discussed the Board’s code of ethics. The existing code is fine, but it doesn’t include any provisions for a censure process, and best practice calls for the inclusion of such a process. A censure has no legal impact on its recipient; it’s a way to express disapproval of a Board member. There has not been any need for this recently but in previous years there had been a situation in which a censure process probably would have been used if the member hadn’t chosen to resign his position. Mr. Buckley clarified that the code currently includes all statutory requirements. If a censure provision was added it would mean there was a formal process in place for the Board to censure another member. If a complaint was made then the Town Attorney would investigate it, or get outside council to do so, and then hold a public hearing. The Board could adopt a resolution of non-support by majority vote or resolution of censure by a super majority. It’s a very serious thing - it essentially puts a member on trial to determine if an ethical violation was made. There’s a serious chance for potential reputational damage to the accused even if the process determines that no unethical behavior occurred. Discussion ensued.

Mayor Bailey discussed reading a statement at the start of each meeting to remind everyone of the expected civil behavior of all participants. He quoted portions of the Board’s code of ethics:

    Whereas, a spirit of honesty and forthrightness is reflected in North Carolina's state motto, Esse quam videri, "To be rather than to seem;"

and

Section 1. Public Officials should obey all laws applicable to their official actions as members of the board. Public Officials should be guided by the spirit as well as the letter of the law in whatever they do. At the same time, Public Officials should feel free to assert policy positions and opinions without fear of reprisal from fellow Public Officials or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

He said there has been some behavior from citizens recently that he’s never experienced, and it concerns him. He stated that just because a person’s opinion is different doesn’t mean that person is unethical.

Motion by Mr. Query to read a section of text at the beginning of every meeting:

    Public Officials should obey all laws applicable to their official actions as members of the board. Public Officials should be guided by the spirit as well as the letter of the law in whatever they do. At the same time, Public Officials should feel free to assert policy positions and opinions without fear of reprisal from fellow Public Officials or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

The motion was seconded by Ms. Dement and passed 6-1 with Bailey, Dement, Melton, Miller, Query and Urban in favor and Higdon in opposition.

Mr. Higdon said this decorum is self-evident and he doesn’t think it needs to be read at every meeting. He doesn’t want to discourage people from expressing their discontent and is very wary of quashing public opinion or making it
any less likely for people to feel free to voice their opinion. Mr. Miller said he doesn’t mind criticism but certain recent comments from a citizen to Mr. Urban were wrong. Mr. Melton suggested printing the language on each agenda rather than reading it out at every meeting. Mr. Query said he’d prefer it to be read aloud so everyone can hear it. Mayor Bailey said this in no way inhibits anyone from giving their opinion during public comment, but he feels it’s an issue when it gets to the point where people are publicly questioning the ethics of an elected official when that person is just doing their job.

Discussion ensued. Mr. Buckley clarified the issue of freedom of speech, noting that speakers can’t be shut down simply because their comments are negative. Ms. Dement said she would never want to squelch opinions, but the vilification that has happened with some comments is what the last sentence of that quote is referring to. Disagreeing with someone and being accused of unethical behavior are two very different things. She believes the mayor can stop comments that veer toward vilification. Mr. Buckley pointed out that the code of ethics applies to the Board, not the public, so it shouldn’t be said that a member of the public is behaving unethically when they’re not subject to this policy. Mr. Melton noted that the reading of the wording is not to apply the code of ethics but simply use its language to remind everyone in the room that just because someone dislikes an opinion doesn’t make it wrong. The language also reminds the council members that they have a duty to share their opinions. Mr. Query said he has no problem hearing comments but does have a problem with personal attacks. Mr. Miller suggested reading out a simple disclaimer at the beginning of each public comment period asking people to refrain from personal attacks. Ms. Dement said the behavior the council models sets the tone for the meeting, and so perhaps it could encourage people to share their opinions without including personal attacks. Mr. Higdon reiterated his concerns about scaring people away and squelching their comments. Discussion continued.

Mr. Buckley noted that the only time freedom of expression can be prohibited is if there is a clear and present danger from it. A council member is within their rights to respond to a public comment, but it carries a political consequence. All speakers need to remember that they can’t say something they know to be untrue because that’s slander. Someone may have a case for slander/libel if that can be proven.

After additional discussion, Mr. Melton made a motion to reconsider the previous action – the reading of the statement at each meeting. The motion was seconded by Mr. Higdon and unanimously approved.

A member of the public requested the opportunity to make a comment. Motion by Mr. Miller to take a comment from the public. The motion was seconded by Mr. Higdon and passed 5-2 with Bailey, Higdon, Melton, Miller and Urban in favor and Dement and Query in opposition. Matthews resident Renee Garner stated that the issue of censuring came up at her request because of things that happened to her and were done to her by members of the council. She said residents have no protection against mistreatment by the Board. She is sorry some members feel like they’ve been attacked by citizens but there are citizens who feel they have been attacked by the Board. The censure process is the only remedy available to handle that. Mr. Buckley noted that if a person feels that they have been mistreated they can make a complaint to the manager, mayor or town attorney and the complaint will be investigated.

Discussion continued. Mayor Bailey made a motion to withdraw the previous motion and direct staff to work on suggested phrasing that could be read before comment periods to explain how the process works and request that people refrain from personal attacks. The motion was seconded by Mr. Miller.

Ms. Dement suggested including language to disallow speakers from posing questions to or asking for input from the audience. Mr. Miller noted that type of activity had been allowed before. Mayor Bailey said it was his responsibility to stop disruptive activity. Ms. Hawke said staff can incorporate language that instructs speakers to direct their comments to the Board. Mr. Query explained that his vote against allowing a comment from the audience was because he felt that this was an item that the Board needed to decide amongst its members. The motion was unanimously approved.