



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Meeting Minutes Board of Aldermen – Special Meeting

**Saturday, March 26, 2016**

**1:00 PM**

**Board Chambers - Room 110**

**Present:** Mayor Lydia Lavelle, Alderman Damon Seils, Alderman Sammy Slade, Alderman Bethany Chaney, Alderman Michelle Johnson, Alderman Randee Haven-O'Donnell

**Absent:** Alderman Jacquelyn Gist

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A special meeting of the Carrboro Board of Aldermen was held on Saturday, March 26, 2016, at 1:00 pm at Carrboro Town Hall.

### **CONSIDERATION OF A RESOLUTION AFFIRMING THE DIGNITY OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PEOPLE AND CALLING FOR THE REPEAL OF SESSION LAW 2016-03/HOUSE BILL 2**

Mayor Lavelle welcomed the many community members in attendance, as well as Senators Valerie Foushee and Mike Woodard; Representative Graig Meyer; Orange County commissioners Mia Burroughs, Mark Dorosin, and Penny Rich; and Chapel Hill mayor pro tempore Donna Bell and council members Jessica Anderson, Sally Greene, Nancy Oates, and Michael Parker.

Mayor Lavelle stated that it was unusual for the Board to hold a special meeting, especially on a Saturday and on a holiday weekend. Mayor Lavelle noted that she had heard from many residents about their concerns and outrage about House Bill 2. She summarized the Town's history as a leader in advancing the rights of lesbian, gay, bisexual, and transgender (LGBT) people.

Mayor Lavelle stated that the special meeting was called by Alderman Seils and Alderman Johnson for the purpose of considering a resolution concerning Session Law 2016-3/House Bill 2. Mayor Lavelle recognized Alderman Seils to introduce a resolution.

**MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL, TO APPROVE THE FOLLOWING RESOLUTION:**

**A RESOLUTION AFFIRMING THE DIGNITY OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PEOPLE AND CALLING FOR THE REPEAL OF SESSION LAW 2016-3/HOUSE BILL 2**

WHEREAS, on February 22, 2016, the Charlotte City Council demonstrated admirable leadership by approving a local ordinance that adds marital status, familial status, sexual orientation, gender identity, and gender expression to its list of categories protected from discrimination in city contracting and public accommodations; and

WHEREAS, on March 23, 2016, in response to the Charlotte ordinance, the North Carolina General Assembly in special session ratified, and Governor Pat McCrory signed, House Bill 2 (Session Law 2016-3), the Public Facilities Privacy & Security Act; and

WHEREAS, House Bill 2 appears to repeal the Charlotte ordinance by establishing new statewide standards for what constitutes discriminatory practice in employment and public accommodations; and by establishing new statewide requirements for bathrooms and changing facilities in all public agencies, including schools; and

WHEREAS, the omission of sexual orientation, gender identity, gender expression, and other categories from the statewide list of categories protected from discrimination means that not only do protections on these bases appear to be unavailable under state law, but further, that local governments appear to be preempted from offering these protections to their residents; and

WHEREAS, the legislation also appears to eliminate the right of any person to bring a civil action in a North Carolina court for a claim of discrimination in employment or public accommodations on account of race, religion, color, national origin, age, or biological sex (as well as handicap for employment only); and

WHEREAS, by enacting House Bill 2, our state's political leaders have once again taken extreme measures to attempt to diminish the legislative authority of local governments, and have once again used the laws of the State of North Carolina to codify discrimination and division rather than to advance the rights and dignity of North Carolinians; and

WHEREAS, the legislation, its brief twelve-hour legislative history, and lawmakers' public statements clearly demonstrate a discriminatory intent; a lack of knowledge and understanding of the experiences of transgender people; and a lack of respect for the dignity of lesbian, gay, bisexual, and transgender (LGBT) people on the part of the General Assembly and Governor McCrory; and

WHEREAS, the legislation is inconsistent with the Equal Protection Clause of the United States Constitution, which provides that no state shall deny to any person within its jurisdiction "the equal protection of the laws" (US Const amend XIV, § 1); and the legislation is mean-spirited and "born of animosity toward the class of persons affected" (*Romer v Evans*, 517 US 620 [1996]); and

WHEREAS, the General Assembly expended an estimated \$42,000 to hold an urgent special session to enact House Bill 2, meanwhile neglecting to act with urgency to address real challenges facing the people of North Carolina: the state's 18% poverty rate (including 25% of children and 27% of African Americans); expansion of the Medicaid program and access to high-quality health care for all; funding for public education, including historically black colleges and universities; protection of the natural environment; mitigation of and adaptation to the effects of global climate change; and job opportunities and fair and living wages for all workers; and

WHEREAS, Carrboro is a community dedicated to the principles of equality, nondiscrimination, and full inclusion and engagement by any resident in the civil rights, benefits, and privileges of all residents; and

WHEREAS, Carrboro has a proud history of advancing the rights of LGBT North Carolinians, including being the first municipality in the state to create a domestic partner registry and to extend eligibility for employment benefits to same-sex partners of Town employees; being the first to elect a gay mayor and, later, the first to elect a lesbian mayor; among the first to support civil marriage for same-sex couples and inclusion of LGBT families in comprehensive immigration reform; and one of several municipalities and counties to oppose the General Assembly's discriminatory and arguably unconstitutional Senate Bill 2 (Session Law 2015-75).

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. The Board of Aldermen reaffirms its support for protecting and advancing the constitutional rights and equitable treatment of all residents and its opposition to discrimination, prejudice, homophobia, and transphobia.

SECTION 2. The Board of Aldermen applauds the people of Charlotte and the members of the Charlotte City Council for their historic achievement, and particularly for their courageous leadership in standing for dignity and equality in North Carolina's largest city.

SECTION 3. The Board of Aldermen extends gratitude to the Orange County Board of Commissioners, which approved a resolution in support of the Charlotte nondiscrimination ordinance on March 22, 2016.

SECTION 4. The Board of Aldermen urges the North Carolina General Assembly to repeal House Bill 2 at the earliest opportunity. Meanwhile, the Board will look to the court system for remedy, seeking opportunities to partner with other local jurisdictions and advocacy organizations in taking appropriate legal action against this unconstitutional legislation; to adopt appropriate local ordinances to advance the cause of equal protection; and to encourage other local governments to exercise their legislative authority to promote equal protection and nondiscrimination.

SECTION 5. The Board of Aldermen encourages all businesses providing public accommodations in Carrboro and throughout North Carolina to demonstrate their support for the dignity of all people by openly welcoming LGBT people to their places of business, and by providing gender-nonspecific bathroom facilities for their customers and employees wherever practicable.

SECTION 6. The Board of Aldermen encourages all municipalities, counties, and boards of education in North Carolina to adopt similar resolutions at a special meeting or at their next regular meeting calling for the repeal of House Bill 2; and to use this resolution as a model from which to craft their own resolutions, or to use a more succinct version available by email from the Office of the Mayor at [llavelle@townofcarrboro.org](mailto:llavelle@townofcarrboro.org).

SECTION 7. The Board of Aldermen asks the town manager and staff to raise the Town's rainbow pride flags on Monday, March 28, in a demonstration of the Town's solidarity with LGBT North Carolinians and visitors.

SECTION 8. The Board of Aldermen asks the town clerk to send copies of this resolution to the members of the Orange County delegation to the General Assembly, the chair of the Orange County Board of Commissioners, and the mayors of the Town of Chapel Hill, the Town of Hillsborough, and the City of Charlotte.

This the 26th day of March, 2016.

VOTE: AFFIRMATIVE: SIX (CHANEY, HAVEN-O'DONNELL, JOHNSON, LAVELLE, SEILS, SLADE); ABSENT: ONE (GIST).

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**CONSIDERATION OF A RESOLUTION OF STRONG CONDEMNATION OF THE NORTH CAROLINA GENERAL ASSEMBLY LEGISLATORS AND NORTH CAROLINA GOVERNOR WHO HAVE ENACTED HATE LEGISLATION SESSION LAW 2016-3/HOUSE BILL 2**

Alderman Slade noted the General Assembly's continuing attack on the authority of local governments. He also expressed the importance of naming those legislators who voted in favor of House Bill 2.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN SEILS, TO APPROVE THE FOLLOWING RESOLUTION:

**RESOLUTION OF STRONG CONDEMNATION OF THE NORTH CAROLINA GENERAL ASSEMBLY LEGISLATORS AND NORTH CAROLINA GOVERNOR WHO HAVE ENACTED HATE LEGISLATION SESSION LAW 2016-3/HOUSE BILL 2**

WHEREAS, Session Law 2016-3/House Bill 2, its brief twelve hour legislative history, and lawmakers' public statements clearly demonstrate a discriminatory intent; a lack of knowledge and understanding of the experiences of transgender people; and a lack of respect for the dignity of lesbian, gay, bisexual, and transgender (LGBT) people on the part of the General Assembly and Governor McCrory; and

WHEREAS, legislators who voted for this bill must be held accountable and get exposure for supporting this intolerable act of hate.

NOW, THEREFORE BE IT RESOLVED THAT, the Carrboro Board of Aldermen strongly condemns all the legislators and the governor who have voted for this hateful bill:

Governor Pat McCrory; and

N.C. Senate Republicans Alexander, Apodaca, B. Jackson, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Cook, Curtis, Daniel, Gunn, Harrington, Hartsell, Hise, J. Davis, Krawiec, Lee, McInnis, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Sanderson, Tarte, Tillman, Tucker, Wade, and Wells; and

N.C. House of Representatives Republicans Adams, Arp, Avila, Bishop, Blackwell, Blust, Boles, Bradford, Brawley, Brody, Bryan, Bumgardner, Burr, Catlin, Cleveland, Collins, Conrad, Daughtry, Davis, Dixon, Dobson, Dollar, Elmore, Faircloth, Ford, Fraley, Hager, Hardister, Hastings, Horn, Howard, Hurley, Iler, J. Bell, Jones, Jordan, K. Hall, L. Johnson, Lambeth, Langdon, Lewis, Malone, McElraft, McNeill, Millis, Murphy, Pittman, Presnell, R. Brown, R. Turner, Riddell, Robinson, Ross, S. Martin, Saine, Schaffer, Setzer, Shepard, Speciale, Stam, Steinburg, Stevens, Szoka, T. Moore (Speaker), Torbett, Warren, Watford, West, Whitmire, Yarborough, and Zachary; and

N.C. House of Representatives Democrats Brisson, C. Graham, Floyd, G. Graham, Goodman, Hunter, L. Bell, Pierce, Salmon, W. Richardson, and Wray.

VOTE: AFFIRMATIVE: SIX (CHANNEY, HAVEN-O'DONNELL, JOHNSON, LAVELLE, SEILS, SLADE); ABSENT: ONE (GIST).

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Alderman Chaney thanked members of the Orange County legislative delegation and noted the importance of voting.

Alderman Johnson thanked Mayor Lavelle and Alderman Seils for their work and thanked community members for being present to show their support.

Alderman Haven-O'Donnell encouraged community members to thank Orange County's state legislators. She noted that Board members act as representatives of the community's values, and she thanked community members for attending.

Donna Bell, mayor pro tempore of the Town of Chapel Hill, thanked the Board for its leadership and stated that the Chapel Hill Town Council would hold a special meeting on Monday, March 28, to discuss House Bill 2.

Lisa Hazirjian, a Carrboro resident, thanked the Board members for helping to make a welcoming community for her and her family. She encouraged community members to get involved in the upcoming elections. She thanked community members who are transgender or gender-nonconforming for being part of the community and for their bravery.

Ber Kadens, a Carrboro resident, noted the importance of thanking members of the General Assembly who voted against House Bill 2.

Penny Rich, a member of the Orange County Board of Commissioners, thanked members of the North Carolina Senate who walked out during the vote on House Bill 2; encouraged businesses not to boycott North Carolina and instead to financially support legal action against House Bill 2; and noted that the county has completed a study of county facilities and will include gender-nonspecific bathrooms in county buildings.

Matt Hughes, chair of the Orange County Democratic Party, thanked the Board for its leadership and noted that Orange County residents also led the way in opposing Amendment 1.

Dolores Chandler, an Orange County resident, social worker, and educator in local schools, thanked the Board for its swift response to House Bill 2; stated that the legislation is about restricting freedom of movement and freedom of expression; and encouraged community members to push themselves to constantly question what it takes to live out our values everyday.

Jessica Anderson, a member of the Chapel Hill Town Council, thanked the Board and noted that the Chapel Hill Town Council would also express opposition to House Bill 2 at a special meeting on March 28.

Amanda Ashley, a Carrboro resident, described House Bill 2 as the State's latest attack on LGBT people, women, people with disabilities, older persons, veterans, immigrant communities, people living in poverty, people of color, and local governments.

An unnamed Carrboro resident spoke about the resources and safe spaces available to LGBT community members and thanked community members for attending the meeting.

Chuck Morton, a Carrboro resident, spoke in support of the resolution.

Fiona Matthews, a Carrboro resident, stated that she was designing a poster naming the legislators who voted for House Bill 2 and that she would make the posters available for display in storefront windows.

Kareem Browne, a Carrboro resident, noted that we can do more than voting by having conversations with friends and neighbors about the experiences of LGBT people.

Andal Narayanan, a graduate student, questioned how the law would be enforced and stated that House Bill 2 is a Trojan horse for provisions other than those related to bathrooms.

Alderman Seils noted that one of the most troubling parts of the legislation is the part that appears to make it impossible to bring civil actions in North Carolina courts on the basis of racial and other forms of discrimination.

Bob Kirschner, a Carrboro resident, stated that House Bill 2 affects everyone.

Alderman Johnson noted the importance of understanding that House Bill 2 attacks community members who already are marginalized, that oppression is both individual and institutional, and that change will require working to shift cultural and institutional norms.

Mayor Lavelle read a quotation from the United States Supreme Court decision in *Obergefell v Hodges* and thanked community members for attending the meeting.

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## **ADJOURNMENT**

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY, TO ADJOURN THE MEETING AT 2:14 PM. VOTE: AFFIRMATIVE: SIX (CHANEY, HAVEN-O'DONNELL, JOHNSON, LAVELLE, SLADE, SEILS); ABSENT: ONE (GIST).

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