



Due to the Coronavirus Pandemic, this meeting was convened remotely using the Zoom Webinar platform.

Council Members Present:

Mayor Ian Baltutis
Mayor Pro Tem Kathy Hykes
Council Member Robert Ward
Council Member Harold Owen
Council Member James Butler

Council Members Absent: None

Staff Present:

City Manager, Hardin Watkins
City Attorney, David Huffman
Interim City Clerk, Beverly Smith

Scott Bibler, Rachel Kelly, Nolan Kirkman, Todd Lambert, Morgan Lasater, Todd Lambert, Tony Laws, Jay Mebane, Mike Nunn, Conrad Olmedo, Bob Patterson, Peggy Reece, Jeff Smythe, and John Vernon.

Media Present: Tomas Murawski, Alamance News

A) Utility Payments Update

Director of Finance and Risk Management Peggy Reece provided an update to City Council to address unpaid utilities following the North Carolina Executive Orders that prevented cut offs of utilities for non-payments and allowed six months to pay past due amounts. She provided the City's Water and Sewer Billing and Collections options available to city customers for payment assistance including Payment Plan Agreement, contact the Community Development Division to seek assistance through CDBG, and the NC Hope Program, which covers financial assistance for rent and utilities. She shared there have been twenty-five approved requests through CDBG CARES funding for assistance, totaling \$5,031 applied to past due balances.

Ms. Reece explained the purpose of this report is to remind City residents and provide awareness to City Council that City staff, in accordance with the policy adopted by City Council at its July 11, 2020 meeting, will begin sending out delinquent notices with cut-off dates noted in the event residents in turn make contact to Council Members. She reported door hangers have been hung on approximately 1000 homes with balances over \$100 and to date, 192 have established payment plans with the first payment due September 10, 2020. She reported staff will work with and continue to work with anyone that reaches out to the City.

Council Member Butler inquired if these customers were recurring past dues or current customers that are now past due.

Ms. Reece responded they are primarily reoccurring with several calls a day from customers inquiring about when payments are due to avoid cut offs especially those that have waited until the last moment to make payment.

Mayor Baltutis inquired if Finance had seen any trends of customers not being able to access the options available for assistance.

Ms. Reece responded these cases have not been evident to City staff. She explained the resources available are provided through the City's website, water billing notices, announced in public meetings, and information is provided through other programs to get the message out to residents of the assistance available to them.

Council Member Owen inquired about the percentage of total customers past due presently compared to pre-pandemic time of delinquent customers.

Ms. Reece responded the City is approximately double in comparison to pre-pandemic level and the hope is that once delinquent notices are sent the City may see an increase in payments being made.

City Manager Watkins stated there have been no cut-offs for City customers since February 2020.

Mayor Baltutis stated the City provided these water services and there is a cost associated with it, and expressed curiosity in seeing a breakdown of how many of these accounts that are currently delinquent, were already delinquent prior to the pandemic versus those that are post pandemic delinquency as well as any trends for those who attempted to take action and create payment plans.

Ms. Reece reported 1,000 door hangers were placed on homes with delinquent bills with 192 responses to apply for payment plans which is approximately 20% that have acted at this time.

Council Member Owen inquired about the number of notices customers would receive before being cut off.

Ms. Reece responded notices of delinquency allow for ten (10) days to arrange a payment to the City before the cutoff date goes into effect.

B) Community Police Advisory Team (CPAT) Proposal

City Manager Hardin Watkins provided an overview and summarized the proposal feedback and revisions since September and October meetings with City Council. He reported beginning in July 2020, he and Chief Smythe began working to develop a framework for City Council consideration to help improve the quality of policing in Burlington, provide an outlet for review and discussion of police policy, and help further enhance trust and confidence amongst the community. He stated this proposal outlines a charter for the creation of a team of Burlington community members to be appointed by City Council using the same format used for appointments to Boards and Commissions.

Manager Watkins explained the draft proposal dated 9.4.20 was presented to City Council at the September 14, 2020 Work Session and following that session, copies of the draft have been shared throughout the community, including person that have contributed ideas and/or shared comments on the topic. He stated media coverage has also assisted with sharing of information about the proposal and Ms. Lasater in Community Engagement has published updates to the City's website. He noted after multiple conversations with community members and meaningful revisions to the initial draft, the 10.29.20 version is being presented for formal public comment, Council discussion and possible action. He provided a summary of the anticipated timeline if formal adoption was made at the November 3, 2020 meeting.

Manager Watkins reported the following key changes in the CPAT Charter between the "9.4.20 Version" and the "10.29.20 – b.1 Version" included in the City Council packet for consideration on November 3, 2020.

- An acknowledgements section was added as Article II. (This is intended to provide broader context prior to outlining the mission and goals. This was suggested based upon feedback from persons offering comments)
- Some wording was added to the Mission section – Article III. (The intent was to provide additional clarity.)
- In Article IV. – Goals: former goal #2 and goal #4 was blended into other goals. (There are now 9 goals instead of 11 – attempting to eliminate redundancy.)
- There are more details in what is now Goal #9 – formerly Goal #11. (This is suggested based upon feedback from persons offering comments.)
- In Article VI. – Membership: the new language provides clarification on how the selection process will work – similar to the City's existing processes managed by Community Engagement Division. All members will be required to live in the City Limits and will be appointed by City Council. (This is changed based upon feedback from City Council.)
- In Article VI. – Membership: racial equity learning opportunity was added as a required or strongly encouraged component of member responsibilities. These learning opportunities can be arranged by BPD or members could seek on their own. (This was a suggestion from persons in the community offering comments and would have likely been a part of the CPAT Team's program of work anyway.)
- In Article VIII. – Meetings: a section was added related to hosting public forums. (This was a suggestion from persons in the community offering comments and would have likely been a part of the CPAT Team's program of work anyway.)
- In Article IX. – Member's Role: the expectation for police ride-alongs was changed from "required" to "encouraged." (This is recognition that some members may not be physically able to participate or unwilling to do so because of past traumatic experiences.)
- Article XIII. has been added as a periodic charter review by the CPAT group as a method of continuous improvement. All suggested changes will be scheduled for public comment and formal consideration by City Council at a Council Meeting. (This is intended to allow the group to

- suggest changes that may improve the group while providing Council the ultimate authority to leave the group as is or allow for modifications.)

Police Chief Jeff Smythe commented on the amount of work involved in the proposal and the diligent community involvement and believes the City has accurately captured the asks in keeping with the vision of discussions with City Council in a document that can be considered for approval.

Council Member Ward inquired about statutory authorities of the CPAT and asked that the statutory authority referencing N.C.G.S. 160A-146, 160A-168, and Chapter 132 be included in the document, as well as verbiage that these meetings are subject to Open Meetings Laws like other advisory boards. He requested the necessary statutes be included referencing public records and asked that City Attorney David Huffman provide the necessary statutes, so the advisory team would be informed of such authorities.

City Attorney David Huffman addressed Council Member Ward's requests for the addition of specific statutory requirements and responded he would provide those to City Manager Watkins to be certain to reference those in a document for final consideration. He mentioned N.C.G.S. 132-(1)(4), which involves criminal investigations and intelligence information records and explained per statute those items are not public records and he noted it needs to be clear to this committee that personnel records and criminal investigation records under these statutes are not public records. He stated this team is advisory to the Police Chief and the City Manager and would be under the authority of all related statutes and advisory in nature.

Council Member Butler commented that he found it interesting that there was zero interest submitted to the online form for the CPAT and inquired about the redline additions and where they came from. He stated he understands many of the recommendations made by Alamance Agents for Change and inquired if these recommendations came from Burlington residents, which is what this advisory team will be based on as it relates to the City of Burlington and how it operates. He expressed concerns with potential hampering the City's receipt of federal grants based on what you can and cannot require people to do, in terms of receiving federal grants, under the current administration. He stated he would be more comfortable with the 9.4.20 Version, adding Article 13 regarding reviews and future changes, and allowing the CPAT members to decide how the document would evolve like the UDO.

Council Member Owen inquired about the City Attorney's role in the process of the CPAT and how it would relate to the process going forward.

Police Chief Smythe responded the City Attorney's involvement will be regularly sought out for legal interpretation and guidance which will be an ongoing team effort.

Mayor Pro Tem Hykes asked for clarification on Council Member Butler's issues with the document.

Council Member Butler responded the overall tone and the tenor of some of the changes that have been made are based on a national narrative that he would like to know more about before a decision is made on the document for the City of Burlington. He explained he understands the value and need for addressing a lot of the racial concerns and the purposeful efforts of those who've worked with the City

prior to September 4th, but is concerned about the national narrative creeping in and wants to be real clear about the scope and purpose and everyone comfortability with it. He noted there are many other guiding

factors on policing in general that need to be kept in mind including but not limited to racial issues. He stated he was concerned about wording in the document that may put the City in harm's way monetarily and noted a change in the latest document "requiring participation in a racial equity learning opportunity, annually", which may be a violation for the City to receive federal funds and would like more feedback on the executive order.

City Manager Watkins responded there is a federal Executive Order 13950 – "Combating Race and Sex Stereotyping" issued by President Donald Trump that goes into effect November 21, 2020 that you cannot force someone in a training scenario that makes them feel uncomfortable. He explained the City is seeking advise from the UNC School of Government to get clarification on the application to federal and/or local government. He reported he has been in communication with Human Resources Director, Jaime Joyner about the executive order and stated he would seek to get a legal opinion on this.

Mayor Baltutis commented this is a reasonable area to seek further information and asked for City Council consensus to continue the consideration to a future meeting to allow time to receive an updated version of the proposal with inclusion of the remarks from this evenings discussion and the statutory requirements mentioned.

City Council consensus was to continue consideration and receive public comments as planned at the November 3, 2020, City Council Meeting and to continue receiving public comments at the November 17, 2020, City Council Meeting which allows additional time for an updated version to be provided for Council consideration at that time.

C) Boards and Commissions Reports

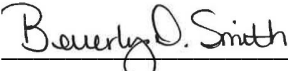
- Planning and Zoning Commission – None
- Traffic Commission – None
- Public Transit Advisory Commission (PTAC) - None

There were no reports received.

D) City Manager Report

Council Member Owen expressed appreciation and commended Morgan Lasater, John Vernon and Rachel Kelly on the quality work they do in terms of getting information out for the organization and noted they do an outstanding job for the City.

The meeting adjourned at 5:57pm.


Beverly D. Smith, NCCMC
Interim City Clerk

November 2, 2020

