

This set of minutes was approved at the February 3, 2020 Town Council meeting

**DURHAM TOWN COUNCIL – SPECIAL MEETING
MONDAY, JANUARY 27 2020
DURHAM TOWN HALL - COUNCIL CHAMBERS
6:30 PM
MINUTES**

MEMBERS PRESENT: Council Chair Kitty Marple; Council Chair Pro tem Ken Rotner
Councilor Jim Lawson; Councilor Carden Welsh; Councilor Andrew
Corrow; Councilor Al Howland; Councilor Wayne Burton; Councilor
Sally Tobias; Councilor Dinny Waters

MEMBERS ABSENT: None

OTHERS PRESENT: Administrator Todd Selig

I. Call to Order

Chair Marple called the meeting to order at 6:30 PM.

Members of the Council introduced themselves.

II. Approval of Agenda

***Councilor Corrow MOVED to approve the Agenda as submitted. Councilor Welsh
SECONDED the motion and it PASSED unanimously, 9-0.***

**III. Shall the Town Council approve and sign the March 10, 2020 Town Election
Warrant?**

Councilor Burton raised a question concerning the gender neutral language change being proposed within the Charter. He said that throughout the Charter document the Administrator is referred to in the male pronoun. In other sections of the Charter the language “he/she” and “his/hers” is also included. In the Charter amendments the word “their” is being proposed to be used. Councilor Burton asked why it would be so difficult to just go into the Charter and change the language to gender neutral language using “they”, “them”, “their” instead of “he” or “she”. He said he realized that some Councilors feel that a disclaimer covers it, but noted that there is already a disclaimer in the Section 1.3B of the Charter which reads “*Any word in this Charter which may be construed to be either masculine or feminine gender shall be considered gender-free.*”

Councilor Burton said that Section 1.3 was already in the Charter and asked why the amendment was even needed. He said if someone is looking for something specific they will find it. They will not necessarily be looking for a disclaimer that claims that just the gender language that is in the Charter has a disclaimer attached to it. He felt it was worth the trouble to go through the entire document and change all of the references, and offered

to do so himself, then no one could question that the Town of Durham is going to live up to the values it says it aspires to with regard to equity and gender equity.

Councilor Lawson asked if every “his” or “her” referenced in the Charter would need to be voted on separately? Administrator Selig replied that yes, it would. He said that question had been asked of Town attorney Laura Spector Morgan and that was her response. He said that in the beginning of the process the intent was to change every reference from “he”/”she” and make it gender neutral. He said that he and attorney Spector Morgan were trying to be overt in terms of gender identity specifically. There was a long list of things to address and this was a way to address all of it with an additional statement that was very clear.

Councilor Burton asked if this wasn’t already covered by Section 1.3B. Administrator Selig said it could be construed that way, but he felt that this was more direct because it is specifically dealing with gender identify, a topic which people were not thinking about 30 years ago when the Charter was adopted.

Councilor Lawson said he agreed with Councilor Burton and thought that there was a lot of work that needs to be done to change and clean up a lot of items that are a legacy from the past. However, he felt that what he believes is a valid concern will get lost in the rush of the moment because as trivial as it is as concept, he felt it was monumental in terms of change of the Charter. He suggested moving forward with the Charter changes that have been brought before the Council but then have an earnest effort next March to be able to present to the community that all of these changes are to address this issue.

After some further discussion, Council consensus was to move forward with the proposed Charter amendments this year and then revisit the gender language issue and bring it forward next year, along with three other Charter amendments that were not brought forward during this year’s process.

Councilor Rotner MOVED that the Durham Town Council does hereby accept and approve the Town Election Warrant notifying the citizens of Durham to meet at the Oyster River High School Multipurpose Room, located on Coe Drive, on Tuesday, March 10, 2020, with the polls to be open between the hours of 7:00 AM to 7:00 PM.

The motion was SECONDED by Councilor Tobias and passed unanimously, 9-0.

IV. Adjourn (NLT 10:30 PM)

Councilor Welsh MOVED to adjourn the meeting. Councilor Rotner SECONDED the motion and it PASSED unanimously 9-0.

The meeting adjourned at 7:47 PM.

Jennie Berry, Administrative Assistant