MINUTES

COUNCIL FINANCE, HUMAN RESOURCES and CITIZEN APPOINTMENT COMMITTEE

Thursday, June 4, 2026 – 11:00am
City Hall Council Chambers

Members Present:	Dean Lytle, Chair (arrived at 11:13am) Pamela Holder, Vice-Chair, Council Member Susan Miller, Citizen Member
Members absent:	Maureen Copelof, Mayor, Ex-Officio
Staff Present:	Wilson Hooper, City Manager Dean Luebbe, Assistant City Manager/Finance Director Kelley Craig, Human Resources Director (arrived at 11:38am) Denise Hodsdon, City Clerk (arrived at 11:14am) Shawnee Cummings, Assistant to the City Manager
Guests:	Harvey Sankey

A. Welcome & Call to Order

Committee Vice Chair Pamela Holder welcomed everyone and called the meeting to order at 11:05am.

B. Certification of Quorum

Assistant to the City Manager Shawnee Cummings certified that a quorum was present.

C. Approval of Agenda

Ms. Miller moved, seconded by Ms. Holder to approve the agenda. The motion carried unanimously.

D. Approval of Minutes – April 27, 2026 Meeting

Ms. Miller moved, seconded by Ms. Holder to approve the minutes of the April 27, 2026 meeting as presented. The motion carried unanimously.

E. Vendors on City Property Policy Update

Ms. Brewer gave a presentation (Attachment A) and summarized what was discussed at past meetings, including vendor inquiries received by the Planning Department, the rationale behind locations and permit fees, and in-depth discussions held in late 2025

and early 2026. Ms. Brewer said the Planning Department was working to update their temporary use regulations and the special event regulations at the same time, which have since been updated. Vendors on City property do not fit neatly into either category of regulations, so the policy is being brought to the Committee and Council for consideration. In February, the Committee gave direction as to the changes needed for the non-motorized/pushcart vendor policy, including a longer permit period, lower permit fee, and the inclusion of additional locations, and advised Staff to look into a pilot program for motorized vendors, including food trucks and trailers.

Ms. Brewer said most cities do not allow vendors in public spaces outside of special events, but gave example policies used by Raleigh, Boone, and Marion. All the mentioned municipalities' programs have annual permits and fees, require liability insurance, allow vending only in downtown or public parks, require separation from restaurants, and are superseded by special events. Raleigh requires reservation of specific spots, while Boone and Marion are first-come-first-served. Asheville also piloted a food truck program that began in October 2025 and is ongoing given its success. Prior to the pilot, Asheville did not allow vendors on public property outside of special events. Asheville's program has 2 spaces in Pack Square that require registration and they rotate vendors by working their way through the registration list.

Ms. Brewer detailed a proposed food vendor pilot program for discussion purposes, including a 6-month pilot that would allow motorized and/or non-motorized vendors to operate at designated locations Friday through Sunday from 11am to 9pm. The program would aim to support local entrepreneurs, activate public spaces, expand dining options, and inform future policy decisions. Planning Staff would monitor participation, public feedback, operational impacts, and enforcement needs. At the end of the pilot, Staff would evaluate the program and provide recommendations to Council.

To participate, vendors would need to obtain a $100 annual permit from the City, provide copies of their business license and health department permits, maintain sufficient insurance coverage, and operate during approved hours at designated locations. Ms. Brewer suggested 5 locations to start, some of which would accommodate motorized vendors, non-motorized vendors, or both. She added that a first-come-first-served model that is superseded by special events would be the easiest for Staff to administer and would allow Staff to gauge overall interest in the program.

Operational standards would include the following:

- Vendor can take up the one designated parking space or a 10'x 10' area
    - Vehicles used to tow must be moved to maintain adequate public parking/traffic flow
- No temporary structures, tents, tables, etc. (umbrellas or protective coverings allowed if attached to the vendor cart)
- No music/audio amplification
- One A-frame sign allowed
- Operator must be present at all times, except in cases of an emergency
- Vendors must keep area clean during and after operations

    - Each vendor must have at least one trash can and cannot use City trash receptables
- Vendors must maintain professional behavior
- No sale of alcohol, tobacco, cannabis, hemp products, or other controlled substances or prohibited items
- At the end of operational hours, vendors would be required to take all signs and trash so the area is fully vacated after use

Ms. Brewer said she does not have any proposed locations because she knows it will be a point of discussion and could change based on where the Committee wants the pilot program to go. She added that the locations should be City-owned parking areas or public parking lots, parks, rights-of-way, and potentially Clemson Plaza, as Planning has received inquiries about that location specifically. Items to consider are what types of vendors are allowed, proximity to restrooms, restaurants, and residential areas, electrical and/or generator needs, and separation distances. The City has a couple downtown locations with electrical hookups that are only used for special events, but a consideration is whether to use some of those spots for the pilot program.

The options to consider are (1) move forward with a food vendor pilot program for motorized and non-motorized vendors, (2) move forward with non-motorized vendor policy and motorized food truck pilot program, or (3) table vendor discussion until additional interest or public input is received.

Ms. Holder asked when food trucks use power, whose power do they use? Ms. Brewer said it would usually be a generator, unless they are at a downtown site with electrical hookups, which would use the City's power. Ms. Holder asked if individuals using the City's power would need to pay a different fee. Ms. Brewer advised that food trucks in the Downtown Fire District, spanning 6 blocks, are not allowed to use a generator and downtown electrical hookups were created for vendors during special events. She added that usage of the City's power and whether that warrants a higher fee is a consideration for the Committee. Mr. Lytle asked if food trucks require either electrical hookups or generators to operate and Ms. Brewer said it is possible that they would not need power but infrequent, as it limits the ability to prepare food onsite. There are 4-5 locations downtown with electrical hookups, with one being Times Arcade Alley, and all are in the right-of-way. Ms. Brewer added that during City festivals, food trucks are notably set up outside of the Downtown Fire District. Mr. Hooper said aside from Times Arcade Alley, the other hookups are along the street and will take up a parking spot. Ms. Brewer explained that another consideration will be whether to have locations at parks near residential areas given the noise from generators. Mr. Lytle said that may be a reason to do a pilot program, as it will allow us to see if there are complaints or if neighbors are okay with the noise in certain areas and not others. The Committee agreed that downtown locations will be limited due to the electrical hookups and that other options can include parks and downtown locations outside the 6-block area.

Ms. Holder said that in thinking about the hours, she is wondering if the truck would need to be open until 9pm considering Brevard winds down early. If they closed earlier,

it may also help with the noise when trucks are set up at parks near residential areas. Ms. Brewer said later operating hours could also increase the number of food options available in the evening. Mr. Lytle said from a marketing perspective, he really likes Asheville's Food Truck Friday idea and asked about Ms. Brewer's rationale for the proposed days and operating hours. She stated that she included the extended hours because most businesses close early and it would generate activity downtown. The weekend schedule was chosen because it is when the City sees the heaviest traffic and the most visitors. If we receive feedback stating that no one comes to the food trucks late at night during the pilot, that would give Staff more information when assessing the effectiveness of the program. Mr. Lytle asked if vendors have to stay during operating hours. Ms. Brewer said no, it would just set parameters for when vendors are allowed to operate. Ms. Holder said we may want to consider seasonal hours, as it gets dark much later in the summer than it does in the winter, and if the hours are more aligned with daylight hours, people would not have to be there after dark.

Ms. Miller said she is comfortable with pushcarts in City parks or at Clemson Plaza, but she has issue with food trucks in public places. She said the private sector can make their property available for food trucks and that would possibly result in the City competing with private sector interests. Ms. Miller said she does not like food trucks and they are a nuisance, which will be pointed out by the pilot program. She added that food trucks can be a gathering spot for kids hanging out, have excessive noise from generators, or play very loud, disruptive music. Ms. Holder said the operational standards state that music would not be allowed. Mr. Lytle said a lot of vibrant downtowns are buzzing and have noise and music. He then asked if playing music downtown has been discussed before or if there have been complaints. Mr. Hooper said people have come to the Council before to ask about playing music downtown or selling art on the sidewalk and Council has shown little interest. He added that is without the complications of those being State roads and the State's limitations on what kind of commerce can take place on the sidewalks. He clarified that that was an old Council and if Council would like to revisit it, they can.

Mr. Hooper said he is hearing that the Committee still wants us to explore some things related to a food truck pilot program, so he hopes to hear the Committee's thoughts on moving forward with non-motorized vendors since there is comfort with that portion among the Committee. Ms. Holder said she is comfortable with both motorized and non-motorized vendors. Mr. Lytle agreed and said he does not see any reason that we cannot do a pilot program. Mr. Hooper said having not identified the locations yet, it sounds like Staff will need to come back to the Committee with the locations and information on what the locations can accommodate in terms of power. The Committee agreed.

Ms. Brewer said at the last Committee meeting, the Committee wanted to add Silversteen Park and the concrete area at the Depot, but the concrete area at the Depot is not City property so it would not be able to go there. Mr. Lytle asked if the locations are either/or, or if some could accommodate both pushcarts and food trucks. Ms. Brewer said Clemson Plaza and the dog park can only accommodate pushcarts, but the other locations have parking lots that could potentially accommodate a food truck.

Mr. Hooper recommended that we make the locations available for pushcarts now and then look into whether the locations can accommodate food trucks or both, to which Mr. Lytle said he could agree with that. Ms. Holder said she would like to pilot both at the same time so the public knows what is coming. Mr. Hooper said he only offers that option since we seem ready to do non-motorized vendors but we still have some work to do on food trucks. By grouping them together, it may delay program implementation. Ms. Miller said option 2 for consideration would move forward with the non-motorized vendor policy and allow Staff to gather more information for a food truck pilot program.

Ms. Miller motioned to recommend option 2, which moves forward with the non-motorized vendor policy and a food truck pilot program subject to additional information, to the full Council. Mr. Lytle seconded and the motion carried unanimously.

F. Remote Participation Policy for Committee Meetings

Ms. Hodsdon said there has been a question about whether to allow remote participation for boards and committee meetings. Considerations are whether to allow remote participation, remote participants to count toward a quorum, remote participants to vote, and whether the policy should be extended to Council. Ms. Hodsdon provided a handout with the main considerations in developing this policy (Attachment B). She added that UNC's School of Government (SOG) has a 3-part blog post that details considerations and components that should be approached with caution. Part 3 of the blog post was provided to Committee members (Attachment C). UNCSOG advises municipalities to exercise caution, particularly with the governing board, because there are no clear State laws that expressly prohibit or authorize remote votes. Given the ambiguity related to governing boards, UNCSOG directs municipalities to work closely with their City attorneys when creating a policy.

There is more flexibility for boards and committees and the blog post offered 4 possible approaches to consider, as well as considerations within each approach. Ms. Hodsdon added that she included remote participation policies used by other municipalities, including Chapel Hill, Durham, and Winston-Salem. Chapel Hill's policy applies only to boards and committees, Winston-Salem's policy applies to both Council and boards and committees, and Durham's policy applies only to Council.

Ms. Hodsdon said the first question is which boards and committees would the Committee want to allow remote participation for. Mr. Lytle said for him, the policy would only apply to boards and committees and not Council. While he does think there is an argument to be made that participating remotely is the same as being present, he said it should not be considered for Council at this time due to the ambiguity. Mr. Lytle asked what the risks are by allowing remote participants to count toward a quorum or allowing them to vote. Mr. Hooper said for the governing board, the main risk is that without statutory permission to allow remote appearances, someone could challenge the outcome of a vote and a court could rule that the vote was not official and the action is not binding. He added that it could be a small risk that would require Council to hold another vote, or it could be a big risk depending on the particulars of the action. Those

circumstances could be mitigated by claiming that that person did not vote. Mr. Lytle said his question was more specific as to allowing or not allowing the quorum for a Committee. Ms. Hodsdon said it could be challenged that it is an illegal meeting.

Ms. Holder said she agrees with what Mr. Lytle is saying, but if she is not able to attend due to a family emergency, she probably will not be able to attend remotely. She added that with a State of Emergency, it cannot be avoided, so she thinks that would be the only time Council should be permitted to remotely participate. Ms. Hodsdon said State statute allows remote meetings and participation during a State of Emergency. Ms. Holder said for boards and committees, the preference is to be in person but there should be a standard of reasoning for members who attend remotely, such as scheduling conflicts, work obligations, or personal emergencies.

Ms. Holder asked if the policy on remote participants needs to be black and white or if we could motion to allow someone to count towards a quorum when needed. Mr. Hooper said we should probably stick to whatever Council decides and approves as a policy, but that could be a caveat in the policy. Mr. Lytle said he believes the need for a remote participation policy was prompted because there have been a few times when a person attending remotely is needed to have a quorum. Ms. Holder said maybe it should only be allowed if it is needed for a quorum. Mr. Lytle asked why not just allow it? Ms. Holder said she thinks it is important that people understand the importance of attending in person, to which Ms. Miller agreed. Mr. Lytle said he is biased because he came from a fully remote tech company and saw productivity go up when they went remote, so his opinion is to allow it. Ms. Hodsdon said one of the example municipalities saw participation go up when they allowed remote participation. Ms. Craig said you may have more people willing to serve on committees and Ms. Hodsdon added that that is dependent on whether it is a blanket allowance or only under certain circumstances.

Mr. Hooper said we have more flexibility if the policy applies only to boards and committees, but the one reservation he has is applying the policy for Planning Board and Board of Adjustment, which are quasi-judicial governing boards and have quasi-judicial responsibilities. It would be particularly important for the Board of Adjustment hearings, given that parties are not allowed to have ex-parte communication and that cannot be ensured for someone sitting at their desk. Ms. Hodsdon said it would get complicated because you would need to allow individuals with standing to have remote access as well. Mr. Hooper said he needs to talk with the City attorney and check the statute for the Board of Adjustment given that they also have alternates present.

Mr. Lytle said Planning Board and Board of Adjustment could follow the same policy that Chapel Hill has, which states that remote participation shall not include voting on quasi-judicial applications, nor shall quasi-judicial hearings be held without a quorum of members present in person, except during a State-declared State of Emergency. He added that boards and committees could allow remote quorum, participation, and voting. Lastly, Council would only be permitted to participate remotely in a State-declared State of Emergency. Mr. Hooper asked if locally declared States of Emergency

should also be included. Mr. Lytle said he thinks that local emergencies are just as relevant and the Committee agreed to include it if permitted by statute.

Ms. Holder asked if we could allow the public to watch remotely but not comment or participate, similar to Council meetings. Mr. Hooper said Staff have been working on that but are working to figure out what equipment is needed. The equipment used for Council meetings will not work, as the microphones used to record committee meetings do not communicate with the camera used for Council meetings. If we were to stream committee meetings, those watching would not be able to hear the committee members. Mr. Lytle asked if we want to include that we will be streaming committee meetings or wait until we have the equipment. Mr. Hooper said we can include it.

G. Public Comment

Harvey Sankey said public comment on a Zoom meeting will get out of hand and arguments could start on a Zoom call. He said people could listen to Committee meetings remotely, but they should not be able to comment. Mr. Sankey said face-to-face is important and he thinks you can get more accomplished that way. Mr. Sankey said he does not think remote Committee participants should count toward a quorum or be allowed to vote. He said there are no distractions when attending in person and if you are in a different setting, there are distractions.

Mr. Sankey asked what department will monitor vendors on City property. Mr. Hooper said the Planning Department. Mr. Sankey asked if the Planning Department currently monitors anything similar. Mr. Hooper said they monitor compliance with planning and zoning ordinances and have employees in inspector-type roles, which give Planning the infrastructure to monitor vendor compliance. Mr. Sankey asked if there is a separate budget item for monitoring. Mr. Hooper said no, but the $100 permit fee is intended to cover staff time. Mr. Sankey asked if the fee will cover staff time. Mr. Hooper said that will be evaluated during the pilot program. Mr. Sankey said he likes the pilot program, especially from June to September, but he thinks it should only be for food trucks and not push carts. He added that a $100 fee is for 1 year, but the pilot program will only last a few months and asked if the fee would stay the same. Mr. Hooper said good point.

H. Set Date for Next Meeting

The next regular meeting is scheduled for Monday, June 22, 2026, at 11am.

I. Adjourn

There being no further business, the meeting was adjourned at 12:33pm.

Minutes Approved: June 22, 2026

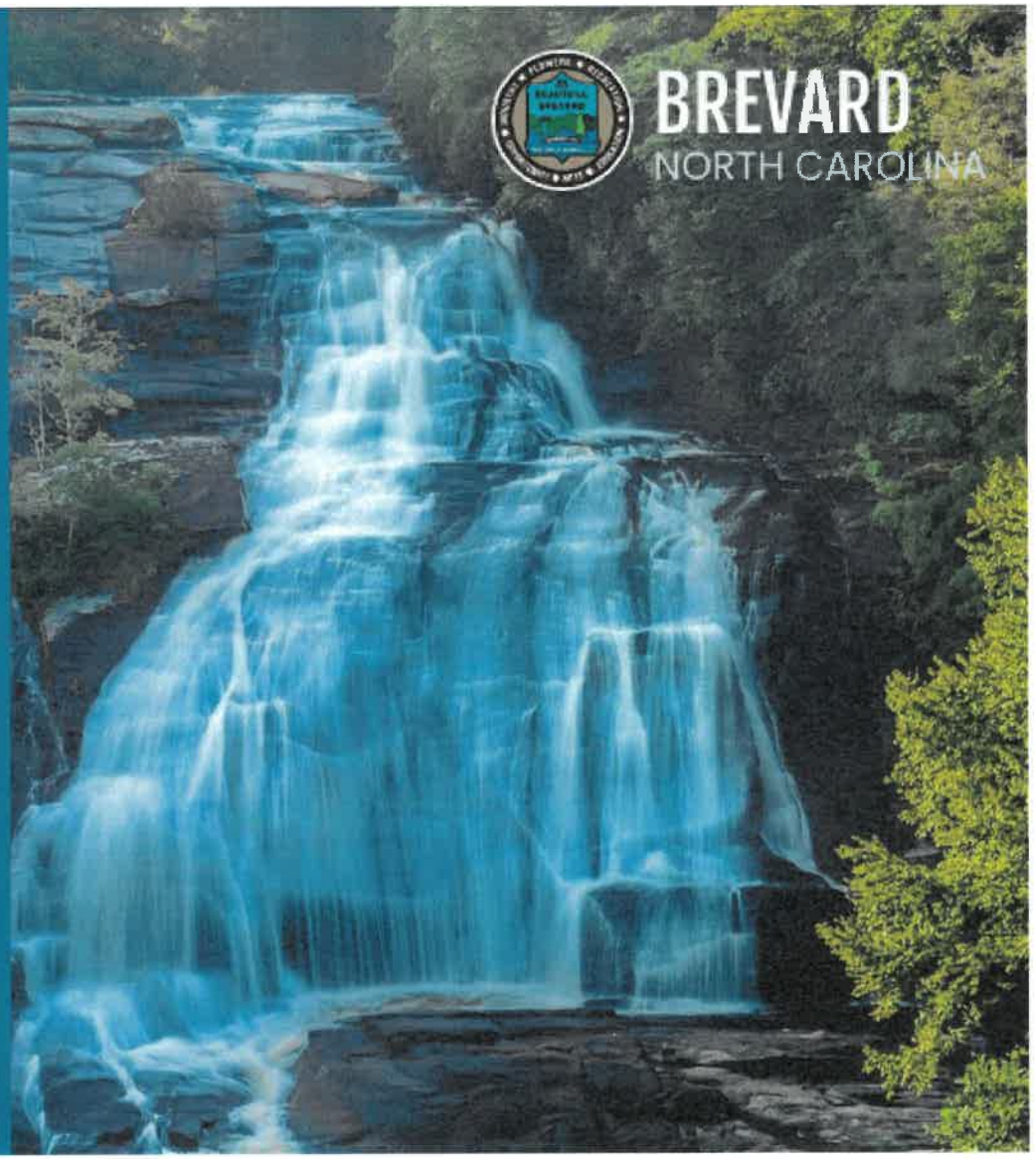
X _____
Dean Lytle, Chair, Council Member or
Pamela Holder, Vice Chair, Council Member

X Shawnee A. Cummings
Shawnee Cummings
Assistant to the City Manager

Vendors on Public Property Discussion

FHRCA Committee

June 4, 2026



Background

- **Summer 2025:**
  - Uptick in requests for temporary uses, markets, events and vendors (including requests for Clemson Plaza)
  - Staff amending temporary uses (private property) and special events (public property usage)
- **Fall 2025**
  - Initial discussions of allowing vendors on public property with FHRCA Committee
    - Committee recommended policy where non-motorized vendors (pushcarts) could reserve one of 5 designated locations for up to 30 days
    - Committee discussed motorized vendors, but did not wish to pursue this
  - DTMP Committee was briefed and expressed concern about competition with brick-and-mortar restaurants – requested a high permit fee
- **December 2025:**
  - City Council referred the policy back to the FHRCA Committee to consider adding other vendor locations, lowering permit fee, and the changes to the reservation period (initially 30 days)
- **February 2026:**
  - FHRCA Committee discussed changes to the non-motorized vendor policy and asked staff to look into a pilot program for food trucks

Vendor Types

- **Motorized Vendors**
  - Food trucks, air streams, trailers, etc.
  - Connected to power
  - Food preparation can be on-site

- **Non-Motorized Vendors**
  - Pushcarts (sometimes called "Compact Mobile Food Operations")
  - Not connected to power
  - Food preparation off-site



Other Cities

- Most cities do not allow vending in public spaces outside of a special event
  - Charlotte, Asheville, Hendersonville, Black Mountain, Franklin, etc.
- Trends for those that do:
  - Annual vendor program with permit / fee
  - Liability insurance required
  - Only in downtown or in public parks
  - Separation requirements from restaurants
  - Superseded by special events

City	Pushcarts in Public Spaces	Pushcart Permit	Food Trucks in Public Spaces	Food Truck Permit	Notes
Raleigh	Pushcarts allowed on sidewalk with location-specific permit in Downtown Overlay and Pedestrian Business Overlays	Annual spot-specific permit $183	Food trucks allowed in designated right-of-way areas for food trucks (downtown only); total of 4 spots booked through the Raleigh Street Food Finder app	Annual permit to participate $216	Location-specific and reserved; Superseded by special event permits
Boone	Vendors permitted at designated locations on sidewalk in front of Post Office (5 total)	Annual permit $100	Not allowed (currently discussing new regulations for private property usage)	N/A	Spots are first-come-first-served; Superseded by special event permits
Marion	Pushcarts allowed on downtown sidewalks or public area designated for pedestrians if meet separation requirements	Annual permit $240; Two-day permit $25	Food trucks allowed in designated downtown public parking spaces after 5:30 pm (5 total)	Annual permit $240; Two-day permit $25	Spots are first-come-first-served; Superseded by special event permits; vendors can only take up one parking space; generators are prohibited / cannot use ancillary power

Asheville Pilot Program

- Typically only allow food trucks / vendors on public property as part of special event
- Currently holding a **Food Truck Friday pilot program** with 2 spaces in Pack Square
- Rotating selection of food trucks (registration process)
- Initially October – December 2025
- Very successful, continued into 2026



Proposed Food Vendor Pilot Program

- **Food Vendor Pilot Program**
  - Allow food vendors (motorized and non-motorized) to operate at designated public locations
  - 6-month trial period
  - Proposed operational hours: Friday – Sunday from 11:00 AM to 9:00 PM
- **Goals of Pilot Program:**
  - activate public spaces,
  - support local entrepreneurs,
  - expand dining options for residents and visitors, and
  - inform future policy decisions
- **Monitoring and Assessment**
  - City staff would monitor participation, public feedback, operational impacts, and enforcement needs
  - At the end of the pilot period, staff provides City Council an evaluation and recommendations regarding whether the program should be continued, modified, expanded, or discontinued

Proposed Food Vendor Pilot Program

- **Participating vendors would be required to:**
  - Obtain a Food Vendor Pilot Program permit (proposed $100 permit fee)
  - Provide copies of business license, health department permits, etc.
  - Maintain appropriate insurance coverage ($1,000,000 aggregate), and
  - Operate only within approved locations and hours / comply with operational standards of the program.
- **Designated Locations**
  - List of designated locations (perhaps 5 to start?)
  - Some motorized only, some non-motorized only, some both
  - First-come, first-served basis
  - Superseded by special events

Operational Standards

- Vendor can only take up the one designated parking space or 10-foot by 10-foot area
  - Vehicles used to tow must be moved to maintain adequate public parking / traffic flow
- No temporary structures, tents, tables, etc. (umbrellas or protective coverings allowed if attached to the vendor cart)
- No music / audio amplification
- One A-frame sign allowed
- Operator must be present at all times, except in cases of an emergency
- Vendors must keep area clean during and after operations
  - Each vendor must have at least one waste trash – cannot use City trash receptables
- Vendors must maintain professional behavior
- No sale of alcohol, tobacco, cannabis, hemp products, or other controlled substances or prohibited items.

Location Discussion

- **Potential locations include:**
  - City owned parking areas / public parking lots
  - Clemson Plaza
  - Parks
  - Rights-of-way (maybe?)
- **Things to consider:**
  - Whether location would be pushcarts only, food trucks only, or both
  - Proximity to restroom facilities, brick-and-mortar restaurants, residential (especially with generators / noise)
  - Electrical needs
  - Separation distances (15 feet from fire hydrant, 5 feet from building entrances (higher with generator), and cannot impede flow of traffic)

Options for Consideration

1. Move forward with a food vendor pilot program for both non-motorized and motorized
2. Move forward with non-motorized vendor policy and motorized food truck pilot program
3. Table vendor discussion until additional interest received / public input

Questions:

1. To which boards/committees will a remote participation policy apply?

    - Council

    - Appointed Boards/Committees
        - Council Committees – Advisory & Policy
        - Ecusta Trail Advisory Board
        - Planning Board
        - Board of Adjustment

2. Which approach(es) to consider? Same approach for governing board and appointed boards/committees, or separate approaches?

    - In person only – prohibit any remote participation outside state of emergency

    - In person quorum and in-person voting required – allow for remote attendance but only physically present members count toward quorum and can vote

    - In-person quorum required with restricted remote voting – require in-person quorum to conduct business, but allow remote participants to count toward quorum as well. Permit remote participation in discussion, deliberation, motions, seconds, and votes. However, remote votes only count if they are not outcome determinative.

    - Allow remote quorum, participation, and voting – allows for remote participant to count toward quorum, to participate in discussion, and to vote. Would not require an in-person quorum. (Caution: it is not clear that local governing boards have the authority to count remote participants toward quorum or to count remote votes.)

Main Areas for Policy to Address:

- Definition of "remote" or "electronic" meeting
- Rules regarding quorum and participation
- Rules regarding making motions and voting
- Cross-reference statutes re state of emergency and notice requirements

Policies/Procedures for Other Municipalities:

Town of Chapel Hill:

- Remote Participation Policy only includes boards and commissions, not the Council.
- Some or all members may attend meetings remotely and fully participate in all discussions and votes, and shall be counted toward a quorum.
- Policy does not limit the number of scheduled meetings that a board or commission member may participate in remotely, nor does it limit the number of board or commission members who may participate remotely in a given meeting.
- Meetings shall provide an opportunity for the public to participate and comment during the meetings by remote methods, including email, telephone and other methods, to the extent practical.
- For members of Board of Adjustment, remote participation shall not include voting on quasi-judicial applications, nor shall quasi-judicial hearings be held without a quorum of members present in person, except during a State-declared State of Emergency.

City of Winston-Salem:

- Applies to Council and city-designated boards and committees.
- Remote participation may be used in limited circumstances only.
    - Personal illness or disability
    - Personal or family emergency
    - Scheduling conflicts that make in-person attendance impracticable
    - National, state, or local state of emergency
- Members must give 24-hour notice to mayor/committee chair and clerk/committee secretary.
- Quorum must be physically present; remote members do not count toward quorum, but can vote.
- Remote participation permitted in all open sessions except for quasi-judicial proceedings.
- At the start of meeting and prior to participating in deliberations, mayor/chair shall announce who is participating remotely and remote participant shall state the reason he/she is participating remotely.
- Additional authority for city-designated public bodies: boards and committees are authorized to meet remotely, as a body, upon a majority vote of the membership at a separate meeting in-person; provided the public is afforded access to the meeting and all notice procedures are adhered to. No hearings shall be conducted remotely.

City of Durham:

- Council Rules of Procedure allow for Councilmember remote participation if:
    - Remote attendance is not requested for mere convenience but is needed because of unexpected or reasonably unavoidable circumstances (medical issues, necessary travel conflicts of greater than 50 miles, conflicts incurred in performing City business)
    - Notice to council and city manager must be submitted at least 24 hours in advance of the meeting.
- A quorum must be physically present in the meeting room and remote members do not count toward quorum.
- Presiding officer shall announce councilmember is attending remotely and that member shall confirm reason for remote attendance.
- Councilmembers attending remotely may take part in debate but shall not vote on any matter.
- Remote attendance is not allowed for quasi-judicial proceedings.
- Includes section regarding declarations of state of emergency.

Coates' Canons

NORTH CAROLINA LOCAL GOVERNMENT LAW BLOG

September 2, 2025

Remote Meetings Still Up in the Air: Part 3

Kristina Wilson

Since the COVID state of emergency expired, local governments have consistently wondered about remote meetings. The Court of Appeals evaluated an aspect of remote meetings in ***State of North Carolina ex rel. Cannon v. Anson County***. Then, in March of 2025, **the Supreme Court deemed the *Anson County* case to be without precedential value**. Where does that leave local governments? This post will focus on locally adopted remote meeting rules and is the **third of a multi-part series**. **Part 1** focused on the broad legal landscape surrounding remote meetings after COVID, and **Part 2** centered on local governing boards' authority to conduct remote meetings.

Possible Approaches

Given the ongoing ambiguity around holding meetings remotely, local governing boards should rely on their attorneys to make judgment calls in this area. A menu of possible approaches to remote meetings follows:

1. In person only. The most cautious, and arguably most straightforward, option is to conduct governing board meetings entirely in person and prohibit any remote participation, outside of qualifying states of emergency as described in **G.S. 166A-19.24**.

2. In-person quorum and in-person voting required. A lower-risk compromise option is to adopt rules of procedure that allow for remote attendance but do not allow remote

participants to count toward quorum or to vote. In other words, only physically present board members would count toward quorum—the minimum numbers of members needed to conduct business. Under this approach, remote members can participate in discussion but cannot make motions, seconds, or vote.

3. In-person quorum required with restricted remote voting. Under this approach, a local governing board would still require an in-person quorum to conduct business, but it would allow remote participants to count toward quorum as well. Rules following this method would permit remote participation in discussion, deliberation, motions, seconds, and votes. However, remote votes would *only count* if they were not outcome determinative. If a remote vote was a tiebreaker or outcome-determinative vote, the rules would require a repeat in-person vote to finalize the matter. Repeating the vote in person is a cautionary measure in case of challenges to remote voting.

4. Allow remote quorum, participation, and voting. The opposite of approach No. 1, approach No. 4 allows for remote quorum, remote participation, and remote voting. These local rules would count remote participants toward quorum and would not require an in-person quorum. Remote voting would be permitted in all circumstances, including in ties, without the need for a repeat in-person vote. **As Part 2 of this series discussed**, it is not clear that local governing boards have the authority to count remote participants toward quorum or to count remote votes. Therefore, this approach is probably the most "high-risk."

Neither statute nor case law provide which of these approaches is permissible. Ultimately, local governing boards should rely on advice from counsel when navigating these uncertainties.

Local Rules of Procedure

If local governing boards wish to continue allowing remote participation under these or any other approaches, they should adopt specific rules authorizing such participation. Having remote meeting rules will help boards define their authority to conduct remote meetings and assist them in consistent application. Boards may adopt such rules in a variety of ways including as part of their local rules of procedure or as local policies. Regardless of the form the rules take, boards should approve the rules by majority vote in an open meeting. There are at least four main areas local rules should address.

- The definition of "remote" or "electronic" meeting

Because **there is no broadly applicable definition of "remote" or "electronic" meeting** in law, it would be wise for boards to establish their own definition in their locally adopted rules. Boards that follow *Robert's Rules* may wish to incorporate *Robert's* definition of remote meetings (discussed in **this post**). Other boards may want to mimic the remote meeting definition in G.S. **166A-19.24(i)(3)**. Whatever the definition, boards need to understand when and how the remote meeting rules apply, and clearly defining these terms can help.

- Quorum

Remote meeting rules should establish whether remote participants count toward quorum. If they do not, boards may want to address whether remote participants can still contribute to discussion. If the rules do count remote participants toward quorum, they should also define when a remote participant is considered "present" for quorum purposes. Is it when the participant is connected to the meeting remotely? Only when the participant is visible and/or audible? Rules should make these determinations to avoid unnecessary ambiguity.

- Voting

Remote meeting rules should also explicitly state whether remote participants can vote and how and when these votes do or do not count. They should additionally explain whether remote participants can make and second motions and whether they can participate in discussion and deliberation. For those using approach No. 3 above, the rules should define when a remote vote is considered an outcome-determinative vote.

Moreover, recall that city governing boards are subject to the "default yes" rule in **G.S. 160A-75(c)**, whereby a failure to vote by a member who is physically present in the council chamber (or who has withdrawn without being excused by a majority vote of the remaining members present) must be recorded as an affirmative vote. (Though not subject to this statute, many county governing boards have adopted this rule in their local procedures). Consequently, city governing boards and relevant counties should address how this rule applies in the remote context. They should answer questions such as: i) what constitutes an unexcused withdrawal that triggers a "default yes" in the remote context? and ii) what constitutes a failure to vote in the remote context?

- Cross-references

Finally, it may be prudent for rules to state explicitly that **G.S. 166A-19.24** controls during applicable states of emergency. To be clear, G.S. 166A-19.24 controls during qualifying states of emergency whether boards include this language or not, so including this cross-reference does not have legal significance. Instead, incorporating this citation is a practical tool to remind boards of the emergency statute and to help them understand how it interacts with their local remote meetings rules. Similarly, boards may consider including language about notice under **G.S. 143-318.13(a), addressing requirements for electronic meetings.** As **Part 1 of this series** explained, it is not clear that G.S. 143-318.13(a) applies to all types of remote meetings. However, the cautious approach is to assume that G.S. 143-318.13(a) applies to all remote meetings—however defined on the local level. Boards should then ensure they are complying with these notice and procedural requirements any time they conduct a remote meeting under their rules.

What about appointed boards, committees, subcommittees, and commissions?

The Supreme Court's treatment of the *Anson County* case did not impact the analysis for appointed boards, committees, subcommittees, and commissions since it dealt specifically with a county governing board. As I explain in more detail

in **this blog post**, some of these bodies likely have significantly more freedom to conduct remote meetings, provided that there are no specific statutes regarding physical presence for voting or quorum. Still, many of the considerations outlined above apply to appointed boards, and it is likely good practice for these boards to adopt specific remote meeting rules as well for the sake of transparency, clarity, and consistency.

Conclusion

The Supreme Court's treatment of *Anson County* muddies the already murky waters of remote meetings. Without more statutory or judicial guidance, local governing boards should be cautious when conducting remote meetings, particularly when significant votes are involved. In consultation with counsel, they should adopt specific remote meeting rules, follow them consistently, and comply with the notice requirements in G.S. 143-318.13(a).