RESOLUTION NO. 21-____

RESOLUTION AMENDING THE RULES OF PROCEDURE OF THE ASHEVILLE CITY COUNCIL

WHEREAS, the Asheville City Council is authorized pursuant to N.C. Gen. Stat. sec. 160A-71, 160A-81, and 160A-81.1 to adopt rules of procedure, including rules governing public hearings; and

WHEREAS, the City Council has determined that it is in their best interest to amend its rules of procedure to be in conformance with state law and current Council practice regarding public hearings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Rule 27 of the Rules of Procedure be and is hereby amended as follows:

27. PUBLIC HEARINGS. Public hearings required by law or deemed advisable by the council may be organized by a resolution, adopted by a majority vote, that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

Unless different rules are established by the council for the conduct of a public hearing, the time restrictions set forth in Rule 7 regarding public address to the council shall apply.

All notice and other requirements of the Open Meetings Law applicable to council meetings shall also apply to public hearings at which a majority of the council is present. A public hearing for which any notices required by the Open Meetings Law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the council is present.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

Read, approved and adopted this 9th day of November, 2021.

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City Clerk Mayor

Approved as to form:

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City Attorney