

RESOLUTION OF THE CHARLOTTE CITY COUNCIL ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS AND COUNCIL COMMITTEE MEETINGS, AND REPEALING PREVIOUSLY ADOPTED RULES.

WHEREAS, written rules of parliamentary procedure are necessary to insure the orderly transaction of business in meetings of the City Council; and

WHEREAS, the City Council, by resolution dated January 14, 1974, adopted Robert's Rules of Order as the rules of parliamentary procedure to be used in the conduct and transaction of business at official meetings of the City Council; and

WHEREAS, the City Council now desires to adopt a more simplified set of rules of procedure for the conduct of its official meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that it does hereby formally adopt the attached Rules of Procedure to be used in the conduct and transaction of business of all official meetings of the Charlotte City Council and meetings of Council committees.

BE IT FURTHER RESOLVED that the Council resolution of January 14, 1974 establishing Robert's Rules of Order as the rules of procedure for the conduct of Council meetings is hereby rescinded as are all other resolutions which deal with the subject matters that are addressed in the attached Rules of Procedure and which are in conflict therewith.

This 5th day of May, 1980.

Approved as to form:

  
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 5th day of May, 1980, the reference having been made in Minute Book 73, page         , and recorded in full in Resolutions Book 16, page 22.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 7th day of May, 1980.

\_\_\_\_\_  
Ruth Armstrong, City Clerk

1. REGULAR MEETINGS

At its organizational meeting, the City Council shall fix the time and place of its regular meetings. Its regular meeting schedule may be changed by the Council at any time upon compliance with the notice provisions of the open meetings law.

2. SPECIAL MEETINGS

Upon compliance with the notice provisions of the open meetings law, the Mayor, or in the absence of the Mayor, the Mayor Pro Tempore, or a majority of the members of the City Council may at any time call a special meeting by causing a written notice, stating the business to be transacted and the time and place of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member or to be left at his usual dwelling or place of business at least six hours before the time of such meetings. Only the business stated in the written notice may be transacted at the special meeting so called, except when the Mayor and all members of the Council are present and consent to the transaction of other business.

3. ORGANIZATIONAL MEETING

At the first regular meeting in December following a general election in which Council members are elected, the Mayor and Council members shall take and subscribe the oath of office as the first order of business. As the second order of business, the Council shall elect from its members a Mayor Pro Tempore who shall hold office at the pleasure of the Council.

4. AGENDA; PROCEDURES

- (a) The City Clerk and the office of the City Manager shall prepare the agenda for the meeting. The Mayor and each member of the Council shall receive a copy of the agenda and it shall be available for public inspection when it is distributed to the Mayor and Council.
- (b) During its consideration of the agenda, Council members shall confine their discussion and comments to only those items that appear on the agenda.

- (c) Any matter which is not on the agenda may be discussed upon the completion of the agenda. The Council may not take formal action on any non-agenda matter unless all Council members, in accordance with Section 3.23 (a) of the Charter, vote to add the matter to the agenda. A motion to suspend the rules shall not be in order if the purpose of the motion is to suspend the requirement of unanimity necessary to add a non-agenda matter to the agenda.
- (d) The Mayor or any member of Council may request the City Manager to place an item on a future agenda by making such a request at a Council meeting. Unless a Council member or the City Manager objects, the requested item shall be included. If a Council member or the City Manager has an objection, the item in question shall not be included on a future agenda, unless a majority of the Council votes in favor of including the item.
- (e) The City Council shall periodically hold policy agenda meetings to discuss issues of a policy nature and to determine the necessity for further action. Policy agenda meetings will be considered informal sessions of City Council and no formal policy decisions shall be made at these meetings. The office of the City Manager shall prepare an agenda for the meeting and the City Clerk shall record and provide minutes of the meeting.

#### 5. ADDRESSING COUNCIL

- (a) Persons desiring to address the City Council shall call the office of the City Clerk and give their name, address and subject matter to be discussed. Any person unable to give advance notice prior to a Council meeting, shall fill out the card available for this purpose and hand it to the City Clerk. Persons desiring to speak on a non-agenda matter will be recognized to speak at the citizen's hearing preceding most Council meetings. If there is no citizen's hearing, those persons desiring to speak will be recognized upon the completion of the agenda. Persons desiring to speak on an agenda item will be recognized to speak when the agenda item is reached.
- (b) No person in addressing the City Council, except as otherwise provided herein, shall be allowed to speak more than five <sup>three (3) minutes</sup> ~~(5)~~ minutes unless the Mayor allows an extension of time. The Mayor, as the presiding officer, may in his discretion shorten the time for speaking when an unusually large number of persons have registered to speak.
- (c) Public hearings:
  - (1) Zoning. At hearing involving amendments to the zoning ordinance, proponents of the amendment shall be heard first and shall be provided a total of ten (10) minutes notwithstanding the number of persons desiring to be heard. Opponents of the amend-

Page 3

ment shall be heard after the proponents and shall be provided a total of ten (10) minutes notwithstanding the number of persons desiring to be heard. Proponents may speak a total of two (2) minutes in rebuttal. The time of proponents or opponents may be extended by an affirmative vote of a majority of the Council members present.

(2) Other hearings. At public hearings other than zoning hearings, each person addressing Council is limited to <sup>(3) minutes</sup> ~~five (5)~~ minutes. The Mayor may, in his discretion, extend the time for speaking.

(3) Once a matter has been the subject of a public hearing, persons will not be allowed to address the Council on the matter at a subsequent Council meeting, or at a subsequent informal session devoted to hearing from citizens.

6. OFFICE OF MAYOR

The Mayor shall preside at all meetings of the Council. In order to address the Council, a member must be recognized by the Mayor. At such Council meetings, the Mayor shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently offered for obstruction or dilatory purposes;
- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
- (c) To entertain and answer questions of parliamentary law or procedure;
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency;
- (f) To vote in cases of a tie and on zoning amendments that are the subject of a valid protest as defined in G.S. 160A-385; and
- (g) To postpone the passage of ordinances for further deliberation as set forth in Section 3.23 (b) of the Charter.

Page 4

7. OFFICE OF MAYOR PRO TEMPORE

At the organizational meeting, the Council shall elect from among its members a Mayor Pro Tempore to serve at the Council's pleasure. A Councilmember who serves as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Councilmember for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Mayor Pro Tempore shall preside, but shall not have postponement power and shall only vote when presiding as herein provided for the Mayor.

8. PRESIDING OFFICER WHEN THE MAYOR IS IN ACTIVE DEBATE

The Mayor shall preside at meetings of the Council unless he becomes actively engaged in debate on a particular proposal, in which case he may designate another Councilmember to preside over the debate. The Mayor shall resume the duty to preside as soon as the debate on the matter is concluded and prior to a vote on the matter.

9. ACTION BY THE COUNCIL

The Council shall proceed by motion, although limited discussion of a matter may be had prior to a motion being made. Any member may call for discussion on an agenda item before a motion is in order. This discussion is limited to a maximum of five (5) minutes, but may be extended by the Mayor in his discretion. Any member may make a motion. All motions shall require a second in order to be considered by the Council.

10. ONE MOTION AT A TIME

A member may make only one motion at a time.

11. SUBSTANTIVE MOTION

A substantive motion is out of order while another substantive motion is pending.

12. ADOPTION BY MAJORITY VOTE

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules, the Charter, or the laws of North Carolina.

Page 5

13. DEBATE

The Mayor shall state the motion and then open the floor to debate on it. The Mayor shall preside over the debate according to the following general principles:

- (a) The introducer (the member who makes the motion) is entitled to speak first; and
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken.

14. PROCEDURAL MOTIONS

In addition to substantive motions, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

- (a) To adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
- (b) To take a recess.
- (c) To suspend the rules. The motion requires a vote equal to the number required for a quorum.
- (d) To divide a complex motion and consider it by paragraph.
- (e) To defer consideration. A substantive motion whose consideration has been deferred expires one hundred (100) days thereafter unless a motion to revive consideration is adopted.
- \* (f) Call of the previous question. The motion is not in order until ~~the motion is not in order until~~ all Council members, who have indicated a desire to be recognized, have had an opportunity to speak once.
- (g) To postpone to a certain time or day.
- (h) To refer to a committee. Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Council, whether or not the committee has reported the matter to the Council.

\* *Changed*

Page 6

- (i) To amend. An amendment to a motion may be pertinent to the subject matter of the motion, but it may achieve the opposite of the intent of the motion.

A motion may be amended, and that amendment may be amended, but no further amendments may be made.

- (j) To revive consideration. The motion is in order any time within one hundred (100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires one hundred (100) days after the deferral unless a motion to revive consideration is adopted.
- (k) To reconsider. This motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken. The motion cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.
- (l) To rescind or repeal.
- (m) To ratify.
- (n) To prevent reconsideration for three (3) months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to the number required for a quorum for adoption and is valid for three (3) months or until the next regular election of Council members, whichever occurs first.
- (o) To substitute. A motion to substitute may seek the opposite result of the original motion, but it must be pertinent to the subject matter of the original motion. It shall not be necessary for the Council to vote a second time on the same subject matter if a motion to substitute is approved.

#### 15. RENEWAL OF MOTION

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted.

Page 7

16. WITHDRAWAL OF MOTION

A motion may be withdrawn by the introducer at any time before a vote. Permission of the member seconding the motion is not required.

17. DUTY TO VOTE

Every member must vote unless excused by the remaining members pursuant to Section 3.23 (a) of the City Charter and Section 2-54 of the City Code. A member who wishes to be excused from voting shall so inform the Mayor, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his own financial interest or official conduct. In all other cases, 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, shall be recorded as an affirmative vote.

18. ADOPTION OF MOTIONS, RESOLUTIONS  
AND ORDINANCES

Six (6) affirmative votes of the Council members, or five (5) of such affirmative votes, together with the affirmative vote of the Mayor, in case of a tie vote, shall be required for the passage of any motion, resolution or ordinance. Motions, resolutions and ordinances granting special franchises and special privileges must be voted on and passed at not less than two regular meetings of the City Council. Except as provided in this section, motions, resolutions and ordinances will be deemed adopted if passed upon one reading. Provided: as to ordinances, unless they are approved by at least ~~nine~~ (9) members of the Council, the Mayor shall have the power to provide for a period of additional deliberation by postponing the passage of the ordinance until the next regular or special meeting of the Council. An ordinance postponed for additional deliberation by the Mayor shall automatically be on the agenda at the next regular or special meeting of the Council, but shall not become effective until reapproved by the Council with at least eight (8) members voting in the affirmative at such regular or special meeting of the Council.

19. EXECUTIVE SESSIONS

The Council may hold executive sessions as provided by law.

Page 8

20. QUORUM

A majority of the actual members of the Council shall constitute a quorum. A member who leaves a meeting, whether excused or unexcused, shall be counted as present for purposes of determining whether a quorum is present.

21. QUORUM AT PUBLIC HEARINGS

A quorum of the Council shall be required at all public hearings required by law.

22. MINUTES

Full and accurate minutes of the Council proceedings shall be kept and shall be open to the inspection of the public. The results of each vote shall be recorded in the minutes.

23. COUNCIL COMMITTEES

The following rules shall be applicable to all Council committee meetings:

- (a) A quorum shall be required consisting of a majority of the members of the committee.
- (b) The chairman of the committee shall have a vote on all matters coming before the committee.
- (c) Minutes of committee meetings shall be kept and open to the inspection of the public. The results of each vote shall be recorded in the minutes.

May 5, 1980  
Resolution Book 16 - Page 31

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO THEODORE PAUL NORDMAN AND WIFE, BRENDA HILL NORDMAN; THOMAS C. RUFF, ET AL., TRUSTEES; MUTUAL SAVINGS AND LOAN ASSOCIATION, CESTUI QUE HOLDER; THOMAS C. RUFF, TRUSTEE; AND VERNON REALTY CO., CESTUI QUE HOLDER, LOCATED AT 5120 CARMEL CLUB DRIVE IN THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY, FOR THE 1979 ANNEXATION SEWER TO SERVE CARMEL ROAD AREA PROJECT.

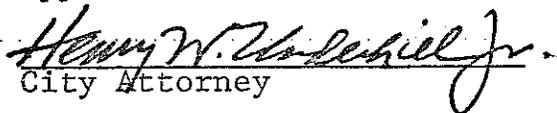
WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Theodore Paul Nordman and wife, Brenda Hill Nordman; Thomas C. Ruff, et al., Trustees; Mutual Savings and Loan Association, cestui que holder; Thomas C. Ruff, Trustee; and Vernon Realty Co., cestui que holder, located at 5120 Carmel Club Drive in the City of Charlotte, Mecklenburg County for a perpetual easement for a sanitary sewer plus a temporary construction easement in connection with the 1979 Annexation Sewer to Carmel Road Area Project; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property, but has been unable to reach an agreement with the owners for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Theodore Paul Nordman and wife, Brenda Hill Nordman; Thomas C. Ruff, et al., Trustees; Mutual Savings and Loan Association, cestui que holder; Thomas C. Ruff, Trustee; and Vernon Realty Co., cestui que holder, located at 5120 Carmel Club Drive in the City of Charlotte, Mecklenburg County, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$850.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

  
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by City Council of the City of Charlotte, North Carolina, in regular session convened on the 5th day of May 1980, and the reference having been made in Minute Book 73, page          and recorded in full in Resolutions Book 16 page 31.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 7th day of May, 1980.

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO HERBERT SPAUGH, JR.; EARLE F. SPAUGH; REBECCA H. SPAUGH; ROBERT A. HOVIS, TRUSTEE; AND NORTHWESTERN BANK, CESTUI QUE HOLDER, LOCATED AT 3200 BLUEBIRD DRIVE IN THE CITY OF CHARLOTTE, AND MECKLENBURG COUNTY, FOR THE 1979 ANNEXATION SEWER TO SERVE CARMEL ROAD AREA PROJECT.

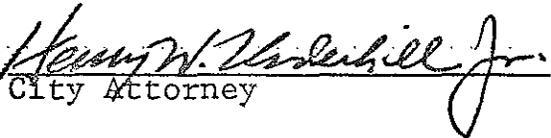
WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Herbert Spaug, Jr.; Earle F. Spaug; Rebecca H. Spaug; Robert A. Hovis, Trustee and Northwestern Bank, cestui que holder, located at 3200 Bluebird Drive in the City of Charlotte and County of Mecklenburg for a perpetual easement for a sanitary sewer plus a temporary construction easement in connection with the 1979 Annexation Sewer to Carmel Road Area Project; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property, but has been unable to reach an agreement with the property owners for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Herbert Spaug, Jr.; Earle F. Spaug; Rebecca H. Spaug; Robert A. Hovis, Trustee; and Northwestern Bank, cestui que holder, located at 3200 Bluebird Drive in the City of Charlotte and Mecklenburg County, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$1,800.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

  
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 5th day of May, 1980, and the reference having been made in Minute Book 73, page        and recorded in full in Resolutions Book 16, page 32.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 7th day of May, 1980.

.....  
Ruth Armstrong, City Clerk

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO HERBERT SPAUGH, JR.; B. IRVIN BOYLE, TRUSTEE; METROPOLITAN SAVINGS AND LOAN ASSOCIATION, CESTUI QUE HOLDER; ROBERT A. HOVIS, TRUSTEE; AND NORTHWESTERN BANK, CESTUI QUE HOLDER, LOCATED AT 3201-3239 BLUEBIRD DRIVE IN THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY, FOR THE 1979 ANNEXATION SEWER TO SERVE CARMEL ROAD AREA PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Herbert Spaug, Jr.; B. Irvin Boyle, Trustee; Metropolitan Savings and Loan Association, cestui que; Robert A. Hovis, Trustee; and Northwestern Bank, cestui que holder, located at 3201-3239 Bluebird Drive in the City of Charlotte and Mecklenburg County for a perpetual easement for a sanitary sewer plus a temporary construction easement in connection with the 1979 Annexation Sewer to Carmel Road Area Project; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property, but has been unable to reach an agreement with the owners for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte, as amended, and the authority granted in Chapter 160A-241 of the General Statutes of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Herbert Spaug, Jr.; B. Irvin Boyle, Trustee; Metropolitan Savings and Loan Association, cestui que holder; Robert A. Hovis, Trustee; and Northwestern Bank, cestui que holder, located at 3201-3239 Bluebird Drive in the City of Charlotte, Mecklenburg County, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that \$600.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the office of the Clerk of Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

  
City attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 5th day of May, 1980, and the reference having been made in Minute Book 73 page \_\_\_\_\_ and recorded in full in Resolutions Book 16 page 25.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 7th day of May, 1980.

\_\_\_\_\_  
Ruth Armstrong, City Clerk