



Charlotte City Council
**Council-Manager
Relations Committee**
Meeting Summary for April 23, 2012

COMMITTEE AGENDA TOPICS

- I. **Subject:** City Council Rules of Procedure
 Action: None.
- II. **Subject:** Next Meeting
 Action: Tuesday, May 29 at 11:45 a.m. in Room 280

COMMITTEE INFORMATION

Present: Mayor Anthony Foxx, Council members Warren Cooksey, David Howard,
 and James Mitchell
Absent: None
Time: 11:55 a.m. to 1:00 p.m.

ATTACHMENTS

1. Agenda Package

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DISCUSSION HIGHLIGHTS

Committee Discussion:

Mayor Anthony Foxx called the meeting to order.

I. GAC Overview

Curt Walton reminded the Committee on their last Council agenda there was a clarifying amendment to Section 5. Council member Mayfield then made a referral to Committee to look at public speaking time to see if it was possible to share time in a broader way.

Council member Cooksey said he went back and looked at revising Section 5 not just addressing time but also the understandability of the rules. He noted that they were confusing to follow as written. [Cooksey draft attached to agenda.]

Highlights of draft changes include:

- Clarifying when speaking is not part of a public hearing
- Moved verbiage on public hearings to the beginning as it is currently buried (to help, for example, the folks frustrated speaking to the CRVA issue when it had already been a public hearing budget matter)
- Structurally changing the rules so a person can find how they speak to zoning, public hearing, requests for council action
- Actually adding a number [20] to where it says “unusually large number”
- Changing wording to say up to two people can yield to a third speaker, so it is explicitly laid out (but it doesn’t change the number of people signed up to speak even if they yield time)
- Removed references to citizen and changed to “person”

Council member Kinsey asked if the City Attorney had an opportunity to review these suggestions and he has not. The Committee discussed the confusion with public hearings.

Mayor Foxx recapped that he was hearing two themes from the discussion – the first being the current rule seems to say something different than what actually happens and secondly there are some issues that are frequently encountered by citizens. He asked if a Q&A might be a good solution to give citizens another avenue to get clarity.

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Council member Howard asked for clarification on the actual Committee referral to which Mr. Walton responded was the yielding of time. The Mayor added that this was not intended to constrain speakers, but to optimize their ability to speak. The Committee continued to review Council member Cooksey's suggested changes while agreeing the rules do not need to be changed, but possibly clarified. The Mayor thanked Council member Cooksey for the time he took to thoroughly review Section 5 and make suggested changes.

The Committee spent some time discussing the State laws related to citizens' forums and asked the Attorney's office to clarify the following:

- Can you have citizens' address Council at the end of the meeting?
- Does the State restrict the time and number of speakers?
- Timing – does it have to be the First Monday? If you cancel a meeting, do you still have a forum?

Terrie Hagler-Gray advised that Council adopted the current rules in 1980. They have not had an intensive review in some time.

As the Committee continued the discussion, the Mayor said he felt they were digging into solutions without agreeing on the problems. He suggested it would be better to have an analysis from the City Attorney, a redline version of Council member Cooksey's suggestions and recapped the issues:

- Limiting the scope on the two minute rule
- Reducing the time allowed
- Timing of the Citizens Forum
- Number allowed to speak

The Committee had some discussion about prioritizing speakers and registering speakers. Council member Mitchell expressed concern about speakers who solicit from the podium. Mayor Foxx suggested that was an example of something that could be "discouraged" in a Q&A document. But, the Committee agreed citizens have the right to petition their elected officials. They did revisit the possibility of moving the forum to the end of the meeting.

Mayor Foxx again recapped the discussion of analyzing Council member Cooksey's rewrite of Section 5 and the need to review the number of people allowed to speak, the amount of time, yielding to other speakers and registration of speakers.

Council member Cooksey reiterated that he was trying to take what already existed and make it easier to follow. Mayor Foxx said that we also needed to look at those revisions in the spirit of State law. And, reiterated his request to have the City Attorney review the changes.

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Mr. Walton reminded the Committee they might want to look at their Rules of Procedure in its entirety as they are over 30 years old.

Council member Mitchell suggested that in the short-term looking to revise the rules to prepare Council for upcoming protests (DNC), but in the long-term to help them as well. Mayor Foxx said to confirm that would be short-term look at speakers and long-term look at rules. This conversation will be continued at the next meeting.

II. Next Meeting

Tuesday, May 29 at 11:45 a.m. in Room 280

Council-Manager Relations Committee
Monday, April 23, 2012 – 11:45 a.m. – 1:00 p.m.
Room 280

Committee Members: Anthony Foxx, Chair
Warren Cooksey, Vice Chair
James Mitchell
David Howard
Patsy Kinsey

AGENDA

I. City Council Rules of Procedure

Staff Resource: Curt Walton, City Manager

The Committee will discuss the proposed amendments to Section 5 of Council's Rules of Procedures. (Attachments)

II. Next Meeting

Tuesday, May 29 at 11:45 a.m. in Room 280

5. Addressing Council

(a) General Procedure

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 Citizens Forum preceding designated Council meetings. If there is no scheduled Citizens Forum, those persons desiring to speak may 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) Agenda Items

No person in addressing the City Council, except as otherwise provided herein, shall be allowed to speak more than three (3) minutes unless the Mayor allows and extension of time. The Mayor, as the presiding officer, may in his discretion, subject to appeal, shorten the time for speaking when an unusually large number of persons have registered to speak. Citizens may yield their time to another person or to a spokesperson for a group when addressing a scheduled agenda item, except during public hearings which are subject to Section (c) below. When four or more citizens wish to address the Council about the same scheduled agenda item, the time allotted to that presentation will be ten (10) minutes. The Council may allow an extension of this time as they deem appropriate.

(c) Public Hearings

(1) Zoning. At hearings involving amendments to the zoning ordinance, proponents of the amendment shall be heard first and shall be provided a total of three (3) minutes or ten (10) minutes according to subsections B and C below. Opponents of the amendment 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 (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.

- A. 1. If petitioner does not wish to speak, and
2. If Council has no questions, and
3. If no one wishes to speak in opposition:

- (a) Dispense with staff presentation.
- (b) Dispense with petitioner's presentation.
- (c) Let rezoning hearing stand on written material.

- B. 1. If there is opposition, or
- 2. If Council feels written material by petitioner and staff does not answer all questions:

- (a) Full hearing will be held.
- (b) Proponents and opponents will be allowed 10 minutes each; proponents will be allowed 2 minutes rebuttal.

- C. 1. If there is no opposition, but petitioner wishes to speak:

- (a) There will be a staff presentation
- (b) Petitioner will be allowed 3 minutes.

(2) Other hearings. At public hearings other than zoning hearings, each person addressing Council is limited to three (3) minutes. The Mayor may, at his discretion, extend the time for speaking. Citizens may not yield any of their time allotment to another person or to a spokesperson for a group when addressing Council at hearings subject to this subsection.

(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. Citizens may respond to questions or inquiries for information from Council members or the Mayor after the close of a public hearing.

(d) Scheduling Citizens Forum:

The Citizens Forum shall be held on the first Monday of each month beginning at 7 p.m. pursuant to the procedures herein. To enable all citizens an opportunity to speak, a citizen may only speak at the Citizens Forum once each month. At any Citizens Forum where the number of speakers is limited, citizens who have not spoken at Citizens Forums in the preceding twelve (12) months shall be given preference over citizens who have spoken within the preceding twelve (12) months.

5. Addressing Council

(a) General Procedures

(1) Persons desiring to address the City Council shall register with the office of the City Clerk and provide 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 before the Council begins consideration of the subject matter. No person shall address the Council for more than three (3) minutes on any subject matter except as otherwise provided herein. Opportunities for persons to address the Council consist of public hearings, requests for Council action appearing on the agenda, and Citizens Forums.

(2) Once a matter has been the subject of a public hearing, no person shall address the Council on the matter after the public hearing has been closed unless the Council schedules a new public hearing as allowed by law.

(b) Public hearings

(1) Zoning. Each public hearing involving a proposed amendment to the zoning ordinance shall be conducted according to the following conditions:

- (A) 1. If the petitioner does not wish to speak, and
2. If neither the Mayor nor any Council member has any questions, and
3. If no one wishes to speak in opposition:

The Council shall dispense with any presentation by staff and with the petitioner's presentation and shall let the rezoning hearing stand on written material.

- (B) 1. If the petitioner wishes to speak, and
2. If no one wishes to speak in opposition:

There will be a staff presentation and the petitioner shall be recognized to speak to the Council.

- (C) If there is opposition, including opposition by staff:

There will be ten (10) minutes allotted to proponents of the petition to speak to the Council; proponents may divide the time among themselves as they wish, but in no case will proponents receive more than (10) minutes to present their support. Opponents of the petition shall then receive ten (10) minutes to speak to the Council; opponents may divide the time among themselves as they wish, but in no case will opponents receive more than ten (10) minutes to present their opposition. Proponents may then speak up to two (2) minutes in rebuttal.

(2) Other public hearings. The Council may conduct such other public hearings as it directs or as are required by law. The Mayor, with the consent of the Council, may extend the time for each speaker during other public hearings, but in no case shall any speaker yield any time to another person.

(c) Requests for Council action appearing on the agenda

Persons who registered to speak on a request for Council action appearing on the agenda shall be recognized to speak when the request is reached and shall receive priority over any Council member's debate on the item. In the event that twenty (20) or more persons register to speak on a request for Council action, the Mayor, with the consent of the Council, may shorten the time for each speaker. Up to two (2) registered speakers may yield their time to another registered speaker, provided that the yielding of time shall not be considered a reduction in the number of persons registered to speak.

(d) Citizens Forums

(1) During one regular meeting each month, the Council shall schedule a Citizens Forum, which shall be placed on the agenda ahead of any requests for Council action. No more than fifteen (15) persons shall speak during the scheduled Citizens Forum. Persons who have not spoken at Citizens Forums in the preceding twelve (12) months shall be given preference over citizens who have spoken within the preceding twelve (12) months. Up to two (2) registered speakers may yield their time to another registered speaker, provided that the yielding of time shall not result in the addition of more speakers during the scheduled Citizens Forum.

(2) Citizens who registered to speak during the scheduled Citizens Forum but did not qualify to speak may be recognized upon completion of the agenda.

(e) Other speakers

Notwithstanding any other provision of this section, persons may address the City Council at the invitation of the Mayor, the Council, or the City Manager, or in response to questions from the Mayor or Council members.