



## CITY OF HENDERSONVILLE

### Policy Information

Category & Subcategory:	<b>City Council, Public Comment Policy</b>	Original Effective Date:	12/3/2020	12/3/2020	[Revision Effective Date]
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Persons Affected:	<b>Persons submitting public comments to City Council</b>
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	Name, Title	Date Approved:	Signature
Approvals:	Barbara G. Volk, Mayor	12/3/2020	Signature:

### Revision History

Effective	Version	Section	Summary of Changes	Author
			<b>This information is updated once the policy is revised.</b>	

## 1. OVERVIEW

In 2005, the North Carolina General Assembly, through the passage of § 160A-81.1. **Public comment period during regular meetings.**, required that each municipality in North Carolina provide a period for general public comments at least once per month at a regular meeting of the council. In addition to this general comment period, there are many other opportunities for the Council to receive comments from the public including public hearings and presentations. The City of Hendersonville recognizes the importance of receiving comments from the public.

- 1.1 The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for any City Council or Board or Commission meetings please contact the City Clerk.

## 2. PURPOSE

- 2.1 The City of Hendersonville Public Comment Policy is designed to give the public an opportunity to express their views, comments or opinions to the City Council. It is a time for City Council members to listen to the public. The following rules have been established to maintain order and decorum when council is receiving public comments.

Furthermore, these rules are designed to ensure fairness to each speaker by establishing rules in advance that will be applied equally.

### **3. DECORUM AT COUNCIL MEETINGS**

- 3.1** In order to provide for the maintenance of order and decorum in the conduct of the meeting, the presiding officer may declare “out-of-order” any person who fails to comply with this policy. The presiding officer shall caution any such person to abide by the provisions of this policy. Refusal to do so shall be grounds for removal of the speaker(s) from the meeting.
- 3.2** Speakers will address comments to the entire City Council as a whole and not one individual member. Discussions between speakers and members of the audience will not be permitted during the public comment period.
- 3.3** Speakers shall be civil and courteous in their language and presentation. Insults, personal attacks, accusations, profanity, vulgar language, inappropriate gestures, or other inappropriate behavior will not be tolerated. Any person, making impertinent, or slanderous remarks, or who shall become boisterous, while addressing the City Council may be considered disorderly by the City Council and may be expelled at the discretion of the presiding officer.

### **4. RULES GOVERNING THE TIME, PLACE AND MANNER FOR RECEIVING GENERAL PUBLIC COMMENT PERIOD AT COUNCIL MEETINGS (N.C.G.S. § 160A-81.1) This section is intended for Public Comment Period Only**

- 4.1** The general public comment period shall be reserved as an item of business on the agenda for the City Council regular meeting, which is currently held on the first Thursday of each month at 5:45 p.m. in the Assembly Room of the City Operations Building located at 305 Williams St. Hendersonville NC, 28792. Speaker comments during the general public comment period may be on any agenda item or topic of public interest other than public hearings.
- 4.2** The public comment period is not intended to require the City Council and/or any staff to answer any impromptu questions. Council members may ask a speaker to clarify information in order to better understand the speaker’s comments. The city council will not take action on an item presented during the public comment period. Upon completion of the public comment period and when appropriate, the city council may summarize the comments heard from citizens and the city council members may refer inquires made during the public comment period to the City Manager to address as appropriate. If necessary, the item may be added to the agenda of a future meeting, thereby providing the staff an opportunity to research the item and provide data to city council for consideration and review.
- 4.3** The presiding officer reserves the right to alter comment period time limits. A total of fifteen (15) minutes will be set aside at the beginning of each meeting for general comments on a first come, first served basis according to the sign-up sheet and order of any digital meeting participation. Speakers will be limited to four (4) minutes each. No time may be yielded or transferred from one speaker to another. Speakers will be asked to identify

themselves and will address the City Council from the podium or virtually. Speakers appearing in person will be given first opportunity to speak. Speakers commenting via a digital platform such as Zoom will be given instructions at the appropriate time. Each speaker will be concise and avoid repetition. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.

- 4.4 The City of Hendersonville City Council shall have a "Council Comment" period for follow up or addressing issues that arise from the public comment section. This shall be a point of response from Council Members to respond to comments that have been made, not to debate with the public.
- 4.5 No digital photos or media will be accepted for general comments. Citizens may submit general written comments or materials for consideration which comply with guidelines outlined in **Section 8| Security** through the City's website or by emailing them to the Clerk no later than noon on the meeting day.
- 4.6 Speakers who have prepared written materials that they want distributed to the council related to the item they plan to discuss during the general public comment period, shall provide nine (9) copies of those documents to the City Clerk prior to the start of the meeting. The Clerk shall distribute the copies to the Mayor and City Council Members, Attorney, and City Managers and retain one copy for the record. All materials submitted are considered public records as defined in **§ 132-1**

## 5. PUBLIC HEARING COMMENT PERIOD

- 5.1 Comments for public hearings during City Council meetings will be accepted at the appropriate time on the meeting agenda as well as through the City's website. Comments must pertain to the subject matter of the public hearing.
- 5.2 Public comments may be submitted electronically ("digital comments") in advance for public hearings and may include short handouts and up to five (5) photos or one (1) 90 second video. Digital materials will be provided to City Council in the same format as received. Materials received will not be printed. All digital comments and must comply with guidelines outlined in **Section 8| Security**. Digital Materials complying with security requirements such as PowerPoint presentations, handouts, photos and videos should be provided to city staff by 8:00 AM the day before the scheduled meeting as outlined in **Section 8| Security**.
- 5.3 Speakers who have prepared written materials that they want distributed to the council related to the item they plan to discuss during the public hearing comment period, shall provide nine (9) copies of those documents to the City Clerk prior to the start of the meeting. The Clerk shall distribute the copies to the Mayor and City Council Members, Attorney, and City Managers and retain one copy for the record. All materials submitted are considered public records as defined in **§ 132-1**



## **6. PUBLIC COMMENTS DURING SPECIAL CALLED AND EMERGENCY MEETING**

- 6.1** Because subjects of Special and Emergency meetings are often regulated by law, there will be no Public Comment Period reserved on agendas of Special and Emergency meetings; however, like regular monthly meetings, these meetings are open for public attendance except as otherwise prohibited by law. The public are welcome to send comments to the City Clerk in advance that will be distributed to council members.

## **7. REQUESTING PRESENTATIONS TO CITY COUNCIL**

- 7.1** The Mayor and City Manager will review all presentation requests for consideration by Council. Some requests may be resolved administratively without council action. The ability to request to make a presentation to City Council shall not be considered as a general, limited or designated public forum. The decision of whether or not to receive a public presentation shall be in the sole discretion of the Mayor and City Manager and the City Council.
- 7.2** Persons requesting to make a presentation to the City Council must contact the City Clerk no later than 10 days prior to the Council meeting in which the presentation request is being made. Approved presentations will be placed on the earliest meeting agenda. All presentation materials must comply **Section 8| Security** and are considered public records as defined in **§ 132-1**

## **8. SECURITY**

- 8.1** To preserve the integrity of the City's computer databases, networks and operations, no USB devices or links to materials will be accepted. Digital presentation requests & materials may be emailed to the City Clerk in Microsoft Word, Power Point, or other attachment format such as PDF or JPG no later than 8:00 AM the day before the meeting.
- 8.2** Digital photo or video submissions that are expected to be shown in the speaker's presentation will be limited to five (5) pictures and/or one video of two minutes. Pictures and videos must be submitted according to the requirements in 8.1. If the format of the pictures or videos is not compatible with the City's computer system, the speaker will be requested to re-format their submissions prior to the presentation. These submissions must be properly labeled in a manner that is easily identifiable and become the property of the City upon submission.
- 8.3** Speakers who have prepared written materials that they want distributed to the council related to the item they plan to discuss during the general or public hearing comment period, shall provide nine (9) copies to the Clerk prior to the start of the meeting.
- 8.4** The City of Hendersonville staff will control digital public presentations and electronic participation at all times during City Council meetings and may, without notice, end any electronic presentation or electronic participation that has become compromised.

## 9. REMOTE MEETINGS

- 9.1 Defined** § 166A-19.24 authorizes any public body to conduct remote meetings in accordance with the rules set out in the act, as well as with the provisions of the open meetings law. “Remote meeting” is defined as: An official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication. “Simultaneous communication” is defined as: Any communication by conference telephone, conference video, or other electronic means. “Official meeting” and “public body” are defined as set out in the open meetings law.
- 9.2** Public comment at remote meeting must adhere to the guidelines as permitted in North Carolina General Statutes Article 33C-Meetings of Public Bodies and as adopted by Resolution #20-0432 of the City Council of the City of Hendersonville in addition to the requirements of this Policy.