

Town of River Bend

Public Hearing Policy

Overview- To comply with North Carolina law, the Council is required to conduct a public hearing prior to taking action on some matters. The Council, at its discretion, may also conduct a public hearing to gather input on a matter. These are discretionary public hearings and are not required as a matter of law. The purpose of any public hearing is to give the public an opportunity to express their views, comments or opinions to the Council on the subject matter of the public hearing. It is a time for the Council to listen to the public. It is not a time for debate or a “question and answer session”. The following rules have been established to maintain order and decorum during a public hearing. Furthermore, these rules are designed to ensure fairness to each speaker by establishing rules in advance that will be applied equally to each speaker in all public hearings.

I. Public Hearing

Public hearings are typically reserved as an item of business on the agenda for the Council’s regular session, which is currently held on the 3rd Thursday of each month. However, the Council may conduct a public hearing on any day in accordance with the advertising requirements of this policy. All public hearings shall be subject to the following guidelines:

1. Prior to the start of the hearing, persons wishing to address the Council will register on a sign-up sheet stationed by the meeting room door. Prior to beginning the hearing, the Mayor will collect the sign-up sheet and recognize speakers in the order that they registered. Once the list has been collected by the Mayor, no names will be added to it. Speakers will address the Council from the lectern and will be asked to state their name and physical address for the record prior to speaking.
2. Each speaker shall be limited to a maximum time of three (3) minutes. Each speaker will only be allowed to speak once during the hearing. A staff member shall serve as timekeeper and will promptly announce when the speaker’s time has expired.
3. No time may be yielded or transferred from one speaker to another. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.
4. The hearing is not intended to require the Council and/or any staff to answer any impromptu questions. The Council will not take action on a new item originally presented during the hearing, which is not related to the subject matter of the public hearing. Upon completion of the hearing and when appropriate, the Council may refer inquires made during the hearing to the Town Manager or an appropriate staff member. 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 the Council for consideration and review.

5. Speakers are asked to address comments to the entire Council as a whole and not one individual member. Discussions between speakers and members of the audience will not be permitted during the hearing.

6. Speakers who have prepared written remarks are encouraged to leave a copy of such remarks with the Town Clerk. Speakers who have materials that they want distributed to the Council related to the item they plan to discuss during the hearing, shall provide eight (8) copies of those documents to the Town Clerk prior to the start of the hearing. The Clerk shall distribute the copies to the Council, Attorney, and Town Manager and retain one copy for the record.

7. Speakers shall be courteous in their language and presentation. Profanity or other inappropriate language or gestures will not be tolerated. The audience shall be courteous and quiet during the public hearing. Only one person at a time will be allowed to speak and that person will be the speaker who has been invited to the lectern.

8. In order to provide for the maintenance of order and decorum in the conduct of the hearing, the Mayor or presiding member may declare "out-of-order" any person(s) who fails to comply with this policy. The Mayor or presiding member shall caution any such person(s) to abide by the provisions of this policy. Refusal to do so shall be grounds for removal of the person(s) from the meeting.

9. Any public hearing required by NCGS shall be advertised in accordance with all applicable requirements. Discretionary public hearings shall be advertised on the town's bulletin board and on the town's web page with the first notice being no less than 10 days and no more than 25 days prior to the date of the hearing. The day of the public hearing shall be counted as a day in the calculation of days.

10. Public Hearings may generate widespread interests and participation. The North Carolina Building Code sets maximum occupancy limits for all public buildings. Additionally, during a state of emergency or a public health crisis, such as a pandemic, room occupancy may be even more limited. These occupancy limits shall be strictly adhered to. This may prohibit all interested parties from participating in the public hearing. On occasions when the occupancy of the room is at its maximum, those people who have spoken will be encouraged to exit the room and allow other speakers to enter the room.

- Adopted December 14, 2017
- Amended April 14, 2022