

Rule 36. Public Hearings

- (a) **Calling Public Hearings.** In addition to holding public hearings required by law, the Board may hold any public hearing it deems advisable. The Board may schedule hearings or delegate that responsibility to Town employees, as appropriate, except when state law directs the Board itself to call the hearing. If the Board delegates scheduling authority, it must provide adequate guidance to assist Town employees in exercising that authority.¹
- (b) **Public Hearing Locations.** Public hearings may be held anywhere within the Town of Waynesville or within Haywood County.²
- (c) **Rules for Public Hearings.** The Board hereby adopts the following reasonable rules for the conduct of public hearings³:
- (1) Public Hearings shall be conducted by the Presiding Officer.⁴
 - (2) The Presiding Officer shall determine first whether any individuals with standing to offer evidence or to contest or appeal the decision of the Board wish to make a presentation during the public hearing.
 - (3) Prior to opening any public hearing, the Presiding Officer shall advise those in attendance of the rules to be followed if there are any individuals other than Town employees who will offer evidence or comment.
 - (4) The Presiding Officer or another person authorized by law to administer oaths shall then administer oaths to any individuals offering testimony or evidence during the public hearing.
 - (5) The Presiding Officer may delegate the task of monitoring the time allotted for the hearing or for each speaker to the Town Attorney or the Town Clerk.
 - (6) The total time for a public hearing shall be limited to one (1) hour. The Board may, in its discretion, extend the time allotted for a public hearing by a majority vote of the members actually in attendance and not excused from voting.
 - (7) After opening the public hearing, the Presiding Officer shall first recognize any Town employees to provide information concerning the subject matter of the public hearing.
 - (8) Following the presentation of any Town employees, the Presiding Officer shall next recognize the applicant or petitioner, if any. The time allotted for the applicant or petitioner shall be limited to ten (10) minutes. The

¹ See N.C. Gen. Stat §§ 160A-30(c); 160A-58.2; 160A-102; 160A-364(a).

² N.C. Gen. Stat. § 160A-81.

³ N.C. Gen. Stat. § 160A-81.

⁴ See fn. 90, *infra*.

Board may, in its discretion, extend the time allotted for public comment by a majority vote of the members actually in attendance and not excused from voting.

- (9) Following the applicant or petitioner, if any, the Presiding Officer shall next recognize any other individuals with standing. The time allotted for each individual with standing shall be limited to five (5) minutes. The Board may, in its discretion, extend the time allotted for individuals with standing by a majority vote of the members actually in attendance and not excused from voting.
- (10) Next, the Presiding Officer shall recognize members of the general public who wish to make a comment during the public comment portion of the hearing.
- (11) Public comment during a public hearing shall be limited to thirty (30) minutes. Before making their remarks, individuals making a comment during this period shall provide their full name and their permanent residential address. Each individual shall be allowed no more than three (3) minutes to make their comments, and no person may speak more than once. The Board may, in its discretion, extend the time allotted for public comment, extend the time allotted for any individual, or allow an individual to speak more than once by a majority vote of the members actually in attendance and not excused from voting.
- (12) The Board may, in its discretion and by a majority vote of the members actually in attendance and not excused from voting, allow groups of aligned individuals who have retained a Licensed Professional to speak on their behalf during the public comment period to combine their allotted time to permit the professional to exceed the three (3) minute limit. No such professional, however, shall be permitted to speak longer than ten (10) minutes, regardless of the number of individuals represented. For the purposes of this section, a Licensed Professional shall mean an individual licensed in a learned profession (including, but not limited to, engineering, law, medicine, etc.) by the appropriate licensing body and authorized to practice within that profession in the State of North Carolina.
- (13) Individuals providing comment during the public comment period are permitted to express their concerns or opinions about the issues under discussion or share facts, data, or other information which may assist the Board in its deliberation, but they may not ask questions of the Mayor, Town Board, or Town officers or employees; make personal attacks on the applicant, petitioner, members of the Board or mayor, or any other persons which are not pertinent to the subject matter of the public hearing; or generally expound on matters which are wholly unrelated and irrelevant to the subject matter of the public hearing.

- (14) Following the conclusion of the public comment period, the Town Attorney may recognize a Town employee to provide additional information to address any concerns raised during public comment. The Town Attorney may then recognize the applicant or petitioner, if any, to provide a rebuttal to address concerns raised during public comment.
- (15) At the conclusion of the public hearing, the Presiding Officer shall close the public hearing.
- (d) **Notice of Public Hearings.** Any public hearing at which a majority of the Board is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.
- (e) **Continuing Public Hearings.** The Board may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to subparagraph (g) below, if a quorum of the Board is not present for a properly scheduled public hearing, the hearing must be continued until the Board's next regular meeting without further advertisement.⁵
- (f) **Conduct of Public Hearings.** At the time appointed for the hearing, the mayor shall designate the Town Attorney as the presiding officer who shall conduct the public hearing according to the rules adopted in subparagraph (c) above. Unless the Board extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the Presiding Officer shall declare the hearing closed, and the Board shall resume the regular order of business.
- (g) **Public Hearings by Less Than a Majority of Board Members.** Nothing in this rule prevents the Board from appointing a member or members to hold a public hearing on the Board's behalf, except when state law requires that the Board itself conduct the hearing.

⁵ N.C. Gen. Stat. § 160A-81.