



# Town of Knightdale Council Meeting Policy

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**SUBJECT:** Council Meeting Policy

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**EFFECTIVE DATE:** October 18, 2023, amended November 20, 2024

**APPROVED BY:** Town Council

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**DISTRIBUTION:** Mayor and Council Members, Town Manager, Town Clerk, Town Attorney, and Department Directors.

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## SECTION I. PUBLIC COMMENTS

Per NCGS §160A-81.1, the Knightdale Town Council will provide at least one period for public comment per month at a regular meeting. This public comment period provides members of the Knightdale community and general public the opportunity to address the Town Council.

Per authority granted by NCGS §160A-81.1, the Knightdale Town Council has implemented the following rules governing the conduct of the general public comment period:

1. All persons wishing to speak shall sign in before the meeting begins.
2. All persons wishing to speak shall do so from the podium. No one is permitted to speak from the audience.
3. Each speaker shall state their name and address for the record.
4. Each speaker shall have one opportunity to speak for a period not to exceed 3 minutes in duration. The speaker will not be permitted to speak again once they leave the podium or their 3 minutes expire.
5. Speakers should direct their comments to the Town Council, not the audience or staff. In addition, speakers will not be permitted to direct or answer questions from the audience.
6. The Council requests that groups of three or more designate a spokesperson.
7. Speakers should not expect action or deliberation on subject matter brought up during the Public Comment Period.

8. Speakers shall be civil and courteous in their language and presentation. Insults, profanity, use of vulgar, racist, or sexist language or gestures or other inappropriate behavior are not allowed.

~~8.9.~~ Those who cannot attend in person can submit written comments via the town website 24 hours prior to the meeting. Written comments will be sent to the Town Council and entered into the official record of the meeting.

## SECTION II. LEGISLATIVE PUBLIC HEARINGS

Meetings of the Knightdale Town Council typically include a segment dedicated to public hearings as required by state statute and the Unified Development Ordinance. The purpose of each Public Hearing is for members of the Knightdale community and general public to make their views known to the Town Council on the subject matter of the hearing. After staff introduces the case, all speakers should address their comments to the Town Council, who, after the Public Hearing is closed, can use the information in their deliberations on the case.

To ensure a fair proceeding for all who wish to speak, the following rules will be observed during public hearings:

1. All persons wishing to speak shall do so from the podium to ensure an accurate record of testimony. No one is permitted to speak from the audience.
2. Each person who has signed up to speak shall have one opportunity to speak for a period not to exceed 3 minutes in duration. The speaker will not be permitted to speak again once they leave the podium or their 3 minutes expire.
3. The Council requests that ~~a~~ groups be represented by a spokesperson in order to keep repetitive testimony at a minimum.
4. Comments must be limited to the subject matter of the hearing. Testimony that is unrelated to the case cannot be considered by the Council in making their decision.
5. Inflammatory or immaterial testimony will not be allowed. Use of vulgar, racist, or sexist language is grounds to immediately terminate the speaker's turn.
6. Those who cannot attend in person can submit written comments via the town website 24 hours prior to the meeting. Written comments will be sent to the Town Council and entered into the official record of the meeting. ~~In addition to the comment period during the public hearing, individuals can provide written comments via the town website 24 hours prior to the meeting. Written comments will be sent to the Town Council and entered into the official record of the meeting. to the Council by submitting them to the Town Clerk.~~

## SECTION III. ELECTRONIC MEETINGS

This policy defines an Electronic Meeting, describes the conditions under which an official meeting of the Council or a board, panel, or committee that constitutes a “public body” may be held via electronic means, and sets out the procedures for conducting electronic meetings.

N.C.G.S. §143-318.10(d) defines an official meeting as a “meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body.”

N.C.G.S. §143-318.13(a) states that if a public body “holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location.”

N.C.G.S. §166A-19.24(a) states that “Notwithstanding any other provision of law, upon issuance of a declaration of emergency under G.S. 166A-19.20, any public body within the emergency area may conduct remote meetings in accordance with this section and Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of emergency. Compliance with this statute establishes a presumption that a remote meeting is open to the public.”

#### Definition of an Electronic Meeting

An Electronic Meeting is any duly advertised meeting where a quorum of the public body participates through electronic means that allow simultaneous communication by multiple parties, or other similar means that allow members of the public body to hold a meeting without being physically present in the same room.

The Electronic Meeting shall use any available technology necessary to ensure: (i) unrestricted communication between all members of the public body; (ii) the ability to record the audio of the proceedings; and (iii) viewing or telephonic listen-only access to members of the general public.

#### Conditions for an Electronic Meeting

There are two conditions under which an Electronic Meeting can be held.

1. An Electronic Meeting can be held when both (i) a State of Emergency has been declared by at least one of the following: President of the United States, Governor of North Carolina, Chairman of the Wake County Board of Commissioners, or Mayor of the Town of Knightdale and (ii) it is prudent and advisable for the public body to avoid holding in-person meetings. (Example: Natural Disaster).
2. An Electronic Meeting shall ~~can~~ be held when both (i) a State of Emergency has been declared by either the Governor of North Carolina or the North Carolina General Assembly and (ii) it is prudent and advisable for the public body to avoid holding in-person meetings. (Example: A crisis associated with a highly contagious viral illness).

Electronic Meeting Rules and Procedures

1. The meeting will be properly advertised according to N.C.G.S. §143-318.12.
2. The agenda will be published online on the Town's official website.
3. If ~~an the~~ Electronic Meeting is held ~~according to Condition #1, then~~ town staff must provide ~~a location and~~ means whereby members of the public may listen to the meeting unless an exception applies pursuant to N.C.G.S. §143-318.11. ~~(N.C.G.S. §143-318.13). If the Electronic Meeting is held according to Condition #2, then town staff will provide a means for the public to view or listen to the meeting unless an exception applies pursuant to N.C.G.S. §143-318.11. (N.C.G.S. §166A-19.24).~~
4. All discussions, deliberations, and actions must be clear to the listening public; board members must not refer to a matter merely by letter, number, or other designation.
5. Per N.C.G.S 166A-19.24, all votes must be conducted by roll call during a remote meeting.
6. The Town Attorney will participate in ~~the Electronic Meeting~~ all remote meetings.
7. Anyone wishing to provide comments during a General Public Comment Period or Public Hearing will be allowed to do so by using the Cognito Form on the town's website or submitting written comments in the Town Hall drop box. All written comments submitted 24 hours in advance of the meeting will be provided to Council prior to the meeting, summarized during the meeting, and included as part of the official record.
8. All quorum rules will remain applicable. A board member only counts as present during the period when he or she maintains communication; if the connection is dropped, the member is no longer present for quorum. Similarly, votes by board members are counted as if the member were physically present only while simultaneous communication is maintained. If a member attending through electronic means becomes disconnected from the meeting, the Mayor or presiding officer shall pause the meeting for a reasonable amount of time to allow for the member to reconnect.
9. The Town Clerk will record minutes as required by N.C.G.S §143-318.10(e). The minutes of the meeting shall designate the name of each Council Member who participated electronically, the nature of electronic communication, and the duration of the Council member's participation. Minutes shall also record the number of votes on each matter voted upon (i.e. 6-1 in favor or opposed).
10. At the start of the meeting, the Mayor or presiding official will take a roll call to determine which members are participating electronically and such designation shall be recorded in the minutes.

## SECTION IV. MINUTES

Per N.C.G.S §143-318.10, a public body is any elected or appointed authority, board, commission, committee, council, or other body of the town that exercises a legislative, policymaking, quasi-judicial, administrative, or advisory function. It is the public policy of this State and Town that discussion, motions, debate, and deliberation of a public body be heard openly and that minutes recording the same be published. Minutes may be in written form, video, or audio recording and shall be considered public records as outlined in the Public Records Law §132-1. With limited exceptions, a public body is permitted to enter closed session.

Upon such cases in which a closed session would appear to be in the public interest, N.C.G.C §143-318.10 and §143-318.11 list permitted reasons to hold a closed session meeting and outline the appropriate procedures to be followed. Written minutes providing a general account of the closed session discussion and deliberation shall be kept sufficient to provide a person not in attendance with a reasonable understanding of what transpired. The closed session minutes shall be maintained in a binder or in another manner separate from other general meeting minutes preventing public access.

Once a set of regularly scheduled or special meeting minutes are finalized by the Town Clerk and ready for Town Council approval, they will be listed on the Consent agenda at the next regularly scheduled Town Council meeting. Once minutes of a regularly scheduled or special meeting have been approved, the Town Clerk shall file them digitally on the Town's server, in paper form in the Minute Book, and submit them to American Legal Publishing for online posting. Minutes are available for public inspection in paper form at Town Hall and online.

The Council will approve closed session minutes on the Consent agenda at the next regularly scheduled meeting. Closed session minutes will be distributed to all Council members prior to the meeting. Once approved by the Town Council, closed session minutes shall be kept in a separate, sealed binder from any public meeting minutes. Upon ~~joint~~ determination of the Council that the matter for which the closed session was held has been resolved and that the minutes should be released for public review, the closed session minutes shall be placed on the next Town Council meeting consent agenda for action. Contingent upon Council approval of the recommendation, the closed session minutes shall be unsealed and thereafter maintained in the Town Clerk office in a binder accessible to the public.