



# MEMORANDUM

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**TO:** Mayor and City Councilors

**FROM:** Rich Olson, City Manager  
Vivian White, City Clerk

**DATE:** January 6, 2016

**REF:** Consideration – Amendment to Council Rules of Procedure

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***BACKGROUND:***

Currently, Rule 23(b) of the Council Rules of Procedure states the following:

- (a) **Zoning Protest Petitions.** An affirmative vote equal to three-fourths of all the members of the city council shall be required for an ordinance making a change in a zoning regulation, restriction or boundary to become effective, if a valid protest petition is received in accordance with the requirements set out in G.S. 160A-385(a) and G. S. 160A-386. This rule shall not apply in those cases excepted by G. S. 160A-385(a).

***ANALYSIS:***

During the 2015 session of the General Assembly, legislation was enacted (House Bill 201 [Session Law 2015-160]) amending the process by which City Councils receive citizen input on zoning ordinance amendments. As a result of this new law, any resident or property owner in the City may submit a written statement regarding the amendment, modification or repeal to a zoning ordinance to the City Clerk at least two business days prior to the proposed vote and the City Clerk shall deliver such written statement to the City Council. If the change is subject to a quasi-judicial proceeding, only the names and addresses of the individuals providing written comment are given to City Council. In addition to this change, this House Bill established the manner on which approval is given by a simple majority vote.

Rule 23(b) of the Council's rules states that a vote, which is equal to three-fourths of the members of Council, is required in zoning matters. This provision is now in conflict with state law.

It is staff's suggestion that Rule 23(b) be deleted in its entirety from the Council Rules of Procedure. Please note that the Rules also require that any adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the council, excluding vacant seats, and not including the mayor.

***STAFF RECOMMENDATION:***

By motion, delete Rule 23(b) in its entirety from the Council Rules of Procedure and instruct the City Clerk to publish the document to include this amendment.

/vdw