

RESOLUTION A

(Amending the Council Procedures Manual)

A RESOLUTION AMENDING THE COUNCIL PROCEDURES MANUAL TO COMPLY WITH NORTH CAROLINA GENERAL STATUTE 160D (2021-10-13/R-3)

WHEREAS, in July 2019 the North Carolina General Assembly enacted Session Law 2019-111, an act to clarify, consolidate, and reorganize the land-use regulatory laws of the State; and

WHEREAS, in June 2020 the North Carolina General Assembly enacted Session Law 2020-25, an act to complete the consolidation of land-use provisions into one chapter of the General Statutes as directed by S.L. 2019-111; and

WHEREAS, Session Laws 2019-111 and 2020-25 together establish a new section of the North Carolina General Statutes titled Chapter 160D: Local Planning and Development Regulation, intended to supersede Article 18 of Chapter 153A and Article 19 of Chapter 160A and to serve as the enabling legislation applicable to local government development regulation decisions; and

WHEREAS, the Town Council amended the Land Use Management Ordinance and other sections of the Town Code of Ordinances on May 19, 2021 to bring development regulations of the Town into compliance with Chapter 160D; and

WHEREAS, the Town Manager hereby requests that the Town Council amend Council and Advisory Board policies and procedures to comply with Chapter 160D.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council amends the Council Procedures Manual as follows:

SECTION 1

Section I. Meetings, Subsection E. Voting, subsection 2 is hereby amended to read as follows:

"*Ordinance*. General law provides that no ordinance (except for budget, bond order, and franchise ordinance, **and legislative decision for development regulation**) may be enacted at the meeting it is introduced unless it receives two-thirds vote. An ordinance failing to receive the requisite vote merely goes over to the next regular meeting of the Council for a second vote before becoming final. At second reading, an ordinance requires only five votes to be enacted.

1. *Budget Ordinances*. A budget ordinance may be adopted by simple majority at any regular or special meeting of the Council. This provision is designed to expedite the fiscal operations of the Town.
2. *Bond Order*. The certificate must indicate the split. A five-four split on adoption of a bond ordinance could raise serious questions with bond counsel.
3. *Franchise Ordinances*. To adopt an ordinance granting a franchise, the ordinance must be approved at two regular meetings of the Council. Such meetings need not be consecutive, but approval must be by a five vote majority vote at both such meetings.

4. **Legislative Decisions for Development Regulation. An ordinance amending development regulations and/or amending the Zoning Atlas may be adopted by simple majority at the same regular or special meeting of the Council where the legislative hearing is closed. The Town must permit adoption on first reading in accordance with G.S. 160A-75.**

SECTION 2

Section I. Meetings, Subsection E. Voting, subsection 3 is hereby amended to read as follows:

"Citizen Comments. In matters involving amendments to the Zoning Ordinance, state law provides that if any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the Clerk at least two business days prior to the proposed vote on such change, the Clerk must provide Council with the written statement. If the proposed change is the subject of a quasi-judicial proceeding under G.S. ~~160A-388~~ **160D-406**, the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all Council Members shall not disqualify any Council Member from voting."

SECTION 3

This resolution shall be effective upon adoption.

This the 13th day of October, 2021.