



## TOWN OF RIVER BEND

45 Shoreline Drive  
River Bend, NC 28562

T 252.638.3870  
F 252.638.2580

[www.riverbendnc.org](http://www.riverbendnc.org)

## RIVER BEND TOWN COUNCIL AGENDA

Work Session Meeting  
September 14, 2023  
River Bend Town Hall – 45 Shoreline Drive  
7:00 p.m.

1. **VOTE** – Approval of Agenda
2. **VOTE** – Fill Council Vacancy – Mayor  
**\*\*\*Administer Oath of Office to New Council Member\*\*\***
3. **VOTE** – Code of Ethics - Mayor
4. **VOTE** – Ammon Rezoning - Sheffield
5. DISCUSSION – Advisory Board Appointments - Jackson
6. DISCUSSION – Human Resources Policy Amendment - Jackson
7. DISCUSSION – Water Resources Policy Amendment - Jackson
8. DISCUSSION – Budget Amendment - Jackson
9. DISCUSSION – Norbury Speed Limit - Weaver
10. DISCUSSION – Davis / Dow Rezoning Request - Jackson
11. REVIEW AGENDA – Nobles
12. CLOSED SESSION – NCGS § 143-318.11(a)(3)

Pledge: Maurer

### Procedure for Voting on Replacement

The River Bend Town Council will vote on applicants for the position of Town Council member on September 14, 2023. The following procedures will be observed:

1. When this item is reached on the agenda, the Mayor will open the floor for nominations, whereupon each Council member may put forward a single nominee. Council members are not required to put forth a nominee. Since each Council member may nominate different applicants, during this process, multiple nominees may be presented and debated. Also, different Council members may nominate the same person. Each Council member may nominate the applicant they consider to be the preferred nominee and explain why they consider any applicant to be the preferred or not preferred nominee.

2. When debate ends the Mayor shall call the roll of each member and each member shall cast a vote of his preferred nominee by stating the name of the nominee. Note- this is not a vote on a motion that has been put forward, therefore this is not an "aye" or "no" vote. This is when a Council member states the name of the person they wish to select. This will be known as Ballot #1.

3. Voting shall continue until a nominee receives a majority of the votes cast (by members present) during a single round of balloting. For example: A majority among River Bend's currently 4-member Council equals 3. Therefore, if all 4 members are present the first nominee to receive 3 votes during a single round of balloting shall be determined as the winner. Other combinations of members present may result in fewer than 3 votes constituting a majority.

4. If a winner is not determined on Ballot #1, any nominee that did not receive a vote and the nominee that received the lowest number of votes will be removed from consideration. Then Ballot #2, with only the remaining nominees, will be considered in the same process as described in Rule #2 above. If during Ballot #1 multiple nominees receive the same number of votes and that vote total constitutes the lowest number of votes received, other than zero, then all nominees receiving that vote total will be eliminated from the next ballot, unless that would eliminate all nominees, in that case, then only those receiving zero votes will be eliminated. If during Ballot #2 all nominees, receiving votes, receive the same number of votes and that vote total represents the lowest number of votes received, then only those receiving zero votes will be eliminated from Ballot #3. If during Ballot #2, no person receives zero votes, then all nominees receiving the same number of votes will be included in Ballot #3. Any nominee receiving zero votes during any ballot will be eliminated from consideration on future ballots. Step # 4 will only be used if there are 3 or more nominees put forth during Step 2.

5. This process shall continue until a nominee receives a majority of votes from Council.

6. After conducting Ballot # 2, if the Council conducts 3 additional ballots in a row wherein no nominee receives a majority of votes among Council, then the Council will utilize the "motion" process, whereby a Council member will put forth a motion to appoint a particular applicant as the appointee. After debate on that motion has ended, the Council will vote on that motion. If that motion ends in a tie, the Mayor shall be allowed to vote on the motion, otherwise the Mayor shall not vote on an appointment.

7. If for any reason, a nominee is not selected during this process, the Town will re-advertise the vacancy and conduct another set of interviews and another vote.

Code of Ethics for the  
Town Council of  
The Town of River Bend, North Carolina

PREAMBLE

WHEREAS, the Constitution of North Carolina, Article 1, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,” and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s state motto, *Esse quam videri*, “To be rather than to seem,” and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards and councils to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this town, and with obeying the law, and

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Town of River Bend, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Town Council do hereby adopt the following General Principles of Code of Ethics to guide the Town Council in its lawful decision-making.

**GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS**

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Council members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Council members must always remain aware that at various times they play different roles:
  - As advocates, who strive to advance the legitimate needs of their citizens.
  - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions.

- As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

## **CODE OF ETHICS**

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Town Council and to help to determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a council member's best judgment.

Section 1. Council members should obey all laws applicable to their official actions as members of the Council. Council members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, council members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a council member is behaving unethically because of disagreeing with that council member on a question of policy (and not because of the council member's behavior) is unfair, irresponsible, and itself unethical.

Council members should endeavor to keep up to date, through the council's attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the council may receive concerning specific situations that arise.

Section 2. Council members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values.
- Behaving consistently and with respect toward everyone with whom they interact.
- Exhibiting trustworthiness.
- Living as if they are on duty as elected officials regardless of where they are or what they are doing.
- Using their best independent judgment to pursue the common good as they see it, presenting their opinion to all in a reasonable, forthright, consistent manner.
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others.

- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
- Treating other council members and the public with respect and honoring the opinions of others even while the council members disagree with those opinions.
- Not reaching conclusions on issues until all sides have been heard.
- Showing respect for their offices and not behaving in ways that reflect poorly on those offices.
- Recognizing that they are a part of a larger group and acting accordingly.
- Recognizing that individual council members are not generally allowed to act on behalf of the council but may only do so if the council specifically authorizes it, and that the council must take official action as a body.
- Avoiding conflicts of interest.

Section 3.a. Council members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the council member's action would conclude that the action was inappropriate.

Section 3.b. If a council member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the council's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

Section 4. Council members should faithfully perform the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Council members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the council has authority.

Council members should be willing to bear their fair share of the council's workload. To the extent appropriate, they should be willing to put the council's interests ahead of their own.

Section 5. Council members should conduct the affairs of the council in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should also remember that local government records belong to the public and not to council members or their employees.

In order to ensure strict compliance with the laws concerning openness, council members should make clear that an environment of transparency and candor is to be maintained at all times in the government unit. They should prohibit unjustified delay in fulfilling public record requests. They should take deliberate steps to make certain that any closed sessions held by the council are lawfully conducted and that such sessions do not stray from the purpose for which they are called.

The Mayor and members of this Council do hereby accept and pledge to conduct themselves in accordance with this Code.

This document is to be reviewed by and presented to the Council for adoption following any change in the membership of the Council.

Adopted this 14<sup>th</sup> day of September, 2023 by the River Bend Town Council.

\_\_\_\_\_  
John R. Kirkland, Mayor

ATTEST:

\_\_\_\_\_  
Kristie Nobles, Town Clerk

Originally adopted 8-12-2010  
Re-adopted 12-15-2022  
Re-adopted 9-14-2023

## TOWN OF RIVER BEND

### **RESOLUTION STATING THAT PROPOSED MAP AMENDMENT TO THE TOWN ZONING MAMP IS IN ACCORDANCE WITH ALL OFFICIALLY ADOPTED PLANS, INCLUDING THE COMPREHENSIVE LAND USE PLAN; IS REASONABLE; AND IS IN THE PUBLIC INTEREST.**

WHEREAS, the North Carolina General Assembly has given the Town of River Bend (“Town”) the authority to adopt and amend zoning and development regulation ordinances and maps for the purpose of promoting health, safety, morals, or the general welfare of its citizens; and,

WHEREAS, prior to consideration by the governing board of a proposed zoning or development ordinance amendment, N.C.G.S. § 160D-605 requires the Town Council to state whether a proposed zoning map amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable, and N.C.G.S. § 160D-605 further provides that the Town Council shall provide a statement analyzing the reasonableness of a proposed rezoning; and,

WHEREAS, the Town Council has met to consider and evaluate the proposed ordinance amendment, which is the proposal to rezoning parcel # 8-206-083 from ID to PDR-MF (“Proposed Amendment”); and

WHEREAS, the Town Council considers the Proposed Amendment to be consistent with the Town’s officially adopted plans, including any comprehensive land use plan, because it is in harmony with the above referenced land use plans and provides for the development and growth that is characteristic of Town’s existing residential development, which development and growth will provide for an increased tax base; and,

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Town Council finds that the Proposed Amendment is in accordance with all officially adopted Town plans, including any comprehensive land use plan; that the proposed amendment is reasonable and in the public interest; and is reasonable based on the size, physical conditions, and other attributes of the area proposed to be rezoned and will provide for more affordable housing options in the Town.

This Resolution is effective upon its adoption this 14<sup>th</sup> day of September, 2023

**TOWN OF RIVER BEND**

\_\_\_\_\_  
John R. Kirkland, Mayor

ATTEST:

\_\_\_\_\_  
Kristie Nobles, Clerk

LSS:131228

ITEM 4



The public hearing for this rezoning was conducted on May 18. All that remains is for Council to approve or deny the request. Below is the public notice that was posted for the hearing.

## NOTICE OF PUBLIC HEARING

The Town Council of the Town of River Bend will conduct a public hearing to gather public comments on a proposed re-zoning request. The subject property, shown in blue below, is located on Efirld Blvd. and is identified by Craven County PIN 8-206-083. The property is currently zoned Institutional and has been recommended by the River Bend Planning Board to be re-zoned to Planned Residential- Multifamily. The public hearing will be held on May 18, 2023 at 7 p.m. at Town Hall, located at 45 Shoreline Drive, River Bend, NC. More information about the proposed re-zoning can be found on the town's web page at [www.riverbendnc.org](http://www.riverbendnc.org) by clicking on the "Proposed Re-Zoning" tab. The public is invited to attend. The town's rules for conducting a public hearing will be followed.



RECEIVED

CAC

JUL 06 2023

TOWN OF RIVER BEND



TOWN OF RIVER BEND

45 Shoreline Drive  
River Bend, NC 28562

T 252.638.3870  
F 252.638.2580

www.riverbendnc.org

**REQUEST FOR APPOINTMENT TO BOARDS OR COMMISSIONS**

any of the openings

BOARD/COMMISSION FOR WHICH YOU ARE APPLYING

Carina Wordham

wordhamc@gmail.com

NAME

E-MAIL ADDRESS

225 Pinewood Drive

703-595-6873

STREET ADDRESS

PHONE #

If you listed a post office box, do you live in the Town of River Bend?  Yes  No

PLEASE LIST ANY EDUCATION, SPECIAL SKILLS, OR EXPERIENCE YOU HAVE THAT WOULD BE OF USE TO THE TOWN COUNCIL IN CONSIDERING YOUR APPLICATION (Please include any committees you have belonged to and offices held that would be helpful in considering your application):

I have worked in property management for the past 5 years. My main focus was the ARC/ARB

board applications for all of the communities we worked for. This job entailed, receiving the application

from the homeowner, making sure all pertinent information was listed and in line with the community guidelines, submitting applications, answering board and homeowner question regarding the

application informing homeowner of the decision and facilitated appeals with the property

manager and board, and sometimes legal.

all applications were logged under the community as well as under the property address so that

if the property sells, these records would be transferred as well.

IF YOU NOW SERVE OR HAVE SERVED ON ANY TOWN COMMITTEES, PLEASE LIST DATES:

\_\_\_\_\_  
\_\_\_\_\_

This information will be used by the Town Council in making appointments to Boards and Commissions, and in the event you are appointed, it may be used as a news release to identify you to the community. This form will be retained by the Town for two years after its submission. If after two years, you have not been appointed and wish to be considered for future appointments, you must resubmit your application.

Carina Wordham

07/05/2023

SIGNATURE

DATE

Please submit application to  
townclerk@riverbendnc.org



P&R



RECEIVED

TOWN OF RIVER BEND

JUN 29 2023

TOWN OF RIVER BEND

45 Shoreline Drive  
River Bend, NC 28562

T 252.638.3870  
F 252.638.2580

www.riverbendnc.org

REQUEST FOR APPOINTMENT TO BOARDS OR COMMISSIONS

Parks & Recreation  
BOARD/COMMISSION FOR WHICH YOU ARE APPLYING

Elizabeth Stokes beach2day4me@gmail.com  
NAME E-MAIL ADDRESS

109 Portside Lane 704-305-3010  
STREET ADDRESS PHONE #

If you listed a post office box, do you live in the Town of River Bend?  Yes  No

PLEASE LIST ANY EDUCATION, SPECIAL SKILLS, OR EXPERIENCE YOU HAVE THAT WOULD BE OF USE TO THE TOWN COUNCIL IN CONSIDERING YOUR APPLICATION (Please include any committees you have belonged to and offices held that would be helpful in considering your application):

I was a member of CERT from 2018-2023. I attended all the events that CERT was involved in, including training sessions. The skills learned during these sessions will be helpful with Parks & Rec. - Organizing events, setting up for events, directing traffic and communication. I want to be involved in my community.

IF YOU NOW SERVE OR HAVE SERVED ON ANY TOWN COMMITTEES, PLEASE LIST DATES:

CERT 2018-2023

This information will be used by the Town Council in making appointments to Boards and Commissions, and in the event you are appointed, it may be used as a news release to identify you to the community. This form will be retained by the Town for two years after its submission. If after two years, you have not been appointed and wish to be considered for future appointments, you must resubmit your application.

Elizabeth Stokes 6/28/23  
SIGNATURE DATE

Please submit application to townclerk@riverbendnc.org

Blue=delete    Yellow=add

## Section 11. Overtime Pay Provisions

Employees of the Town may be required to work overtime hours as necessary to meet the needs of the Town and as determined and pre-approved by the supervisor.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act ("FLSA") and the North Carolina Wage and Hour Act ("NCWHA"). The Town Manager shall determine, using federal guidelines, which jobs are "non-exempt" and are therefore subject to the FLSA in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 171 hours in a 28-day cycle for sworn police personnel). For non-exempt employees, hours worked beyond the FLSA established limit will be compensated in either compensatory time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will either be paid in accordance with the FLSA or as compensatory time at a rate of one and one-half hours for each hour of overtime worked. Compensatory time off must be taken during the next full pay period unless a special exception is granted by the Town Manager. If it is not taken, the time shall be paid as overtime in accordance with FLSA.

In emergency situations, where employees are required to work long and continuous hours, the Town Manager may grant time off with pay for rest and recuperation to ensure safe working conditions.

To protect the health and safety of staff and ensure efficient and effective rapid response efforts in emergency situations, staff required to work extended continuous hours on site will be permitted to rest and recuperate on site while on duty.

Employees in positions determined to be "exempt" from the FLSA will not receive pay or compensatory time off for hours worked in excess of their normal work periods (a normal work period is defined as 40 hours per week) except when an emergency, as defined by N.C.G.S. 166A-19.3, has been declared by the Mayor or Town Council. During such times, exempt employees will be paid overtime in the same manner as non-exempt employees.

## Current Language

### A. Swimming Pool Filling

Swimming pools may be filled once a year without the customer having to pay a sewer usage charge on the water used to fill the pool. This does not include routine maintenance and season opening fills. The forgiven sewer usage charge (if a subscriber to this service) will appear as a credit on a subsequent billing. How much sewer usage will be forgiven will be calculated in either of two ways: (1) Where calculations showing the pool's normal functional water capacity are available from a pool construction contractor (in 1,000 gallons) the customer shall bring or mail such documentation with the request for abatement of the sewer charge, or (2) Where the customer utilizes a department-owned meter to record the total usage for filling the pool. A limited number of meters, equipped with "garden hose" fittings are available by contacting the Department. Customers who use these meters will be asked to sign a form accepting responsibility for damage to the meter or other appurtenant equipment and relieving the Town of any liability resulting from the customer's use of the meter. No request for abatement will be approved, under this method, until the meter is returned in working order and the Department verifies the usage. Abated sewer charges will be applied to the next bill cycle after the request for abatement is received and approved.

### Proposed Changes

Yellow=add

Blue =delete

Upon request, swimming pools may be filled once per fiscal year (July 1-June 30) without the customer having to pay a sewer usage charge on the water used to fill the pool. This is known as a "pool adjustment" and is only available for River Bend sewer customers. This Pool adjustments do not include routine maintenance and season-opening fills. Pool adjustments are for the initial filling of new pools or for re-filling a pool after it has been drained for maintenance/repair. The forgiven sewer usage charge (if a subscriber to this service) will appear as a credit on a subsequent billing. How much sewer usage will be forgiven The amount of a pool adjustment will be calculated in either of two three ways: (1) Where calculations showing the pool's normal functional water capacity are available from a pool construction/maintenance contractor (in 1,000 gallons) the customer shall bring or mail provide such documentation with the request for a pool adjustment abatement of the sewer charge, or (2) Where the customer utilizes a department-owned meter to record the total usage gallons used for filling the pool, or (3) When the customer agrees to accept a gallons used amount as determined by Town staff. In the absence of a mutually-agreed upon amount, between the town and the customer, no pool adjustment will be made under this method. For option 2, a limited number of meters, equipped with "garden hose" fittings are available by contacting the Department. Customers who use these meters will be asked to sign a form accepting responsibility for damage to the meter or other appurtenant equipment and relieving the Town of any liability resulting from the customer's use of the meter. No request for a pool adjustment abatement will be approved, under this method until the meter is returned in working order and the Department verifies the usage. Abated sewer charges Pool adjustments will be applied to the next bill cycle after the request for abatement is received and approved. The sewer

use rate in effect at the time of the filling will be used to calculate the pool adjustment. To be considered, a request for a pool adjustments must be submitted to the Department within 15 days of the pool filling. The Town reserves the right to reject any request for a pool adjustment when the amount of gallons claimed to be used is determined to be unreasonable by Town staff.

### **Recommended New Language**

Upon request, swimming pools may be filled once per fiscal year (July1-June 30) without the customer having to pay a sewer usage charge on the water used to fill the pool. This is known as a “pool adjustment” and is only available for River Bend sewer customers. Pool adjustments do not include routine maintenance and season-opening fills. Pool adjustments are for the initial filling of new pools or for re-filling a pool after it has been drained for maintenance/repair. The amount of a pool adjustment will be calculated in either of three ways: (1) Where calculations showing the pool’s normal functional water capacity are available from a pool construction/maintenance contractor (in 1,000 gallons) the customer shall provide such documentation with the request for a pool adjustment, or (2) Where the customer utilizes a department-owned meter to record the total gallons used for filling the pool, or (3) When the customer agrees to accept a gallons used amount as determined by Town staff. In the absence of a mutually-agreed upon amount, between the town and the customer, no pool adjustment will be made under this method. For option 2, a limited number of meters, equipped with “garden hose” fittings are available by contacting the Department. Customers who use these meters will be asked to sign a form accepting responsibility for damage to the meter or other appurtenant equipment and relieving the Town of any liability resulting from the customer’s use of the meter. No request for a pool adjustment will be approved, under this method until the meter is returned in working order and the Department verifies the usage. Pool adjustments will be applied to the next bill cycle after the request is approved. The sewer use rate in effect at the time of the filling will be used to calculate the pool adjustment. To be considered, a request for a pool adjustments must be submitted to the Department within 15 days of the pool filling. The Town reserves the right to reject any request for a pool adjustment when the amount of gallons claimed to be used is determined to be unreasonable by Town staff.



**TOWN OF RIVER BEND  
BUDGET ORDINANCE AMENDMENT 23-B-02  
FISCAL YEAR 2023 - 2024**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2023-2024 Budget Ordinance as last amended on July 20, 2023, be amended as follows:

**Summary**

General Fund	2,209,051
General Capital Reserve Fund	56,900
Law Enforcement Separation Allowance Fund	12,685
Water Fund	655,804
Water Capital Reserve Fund	10
Sewer Fund	679,504
Sewer Capital Reserve Fund	1
Total	3,613,955

**Section 1.**

**General Fund**

**23-B-02  
PROPOSED  
CHANGES**

Anticipated Revenues

AD VALOREM Taxes 2023-2024	935,566
AD VALOREM Tax-Motor Vehicle	90,000
Animal Licenses	1,500
Sales Tax 1% Article 39	195,868
Sales Tax 1/2% Article 40	114,635
Sales Tax 1/2% Article 42	97,901
Sales Tax Article 44	13,090
Sales Tax Hold Harmless Distribution	108,195
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	91,000
Beer and Wine Tax	13,225
Video Programming Sales Tax	49,621
Utilities Franchise Tax	112,169
Telecommunications Sales Tax	6,725
Court Refunds	500
Zoning Permits	7,000
Miscellaneous	15,000
Interest- Powell Bill Investments	50
Interest-General Fund Investments	20,000
Contributions	901
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Sale of Fixed Assets	3,000
Transfer From Capital Reserve Fund	43,504
Appropriated Fund Balance	251,257
Total	2,209,051

**0**



<u>Section 1.</u>	<u>General Fund (continued)</u>	<i>23-B-02</i>
		<b>PROPOSED</b>
		<b>CHANGES</b>
Authorized Expenditures		
	<b>Governing Body</b> (transfer to Police for safety equipment)	<b>50,000</b>
	Administration	304,500
	Finance	138,625
	Tax Listing	13,700
	Legal Services	24,000
	Elections	0
	<b>Police</b> (purchase of safety equipment)	<b>768,735</b>
	Public Buildings	104,500
	Emergency Services	5,700
	Animal Control	17,100
	Street Maintenance	272,950
	Public Works	189,000
	Leaf & Limb and Solid Waste	52,384
	Stormwater Management	47,000
	Wetlands and Waterways	2,900
	Planning & Zoning	57,000
	Recreation & Special Events	10,500
	Parks & Community Appearance	62,450
	Contingency	20,807
	Transfer To General Capital Reserve Fund	55,000
	Transfer To L.E.S.A. Fund	12,200
	Total	2,209,051
		<b>0</b>

<u>Section 2.</u>	<u>General Capital Reserve Fund</u>	
Anticipated Revenues		
	Contributions from General Fund	55,000
	Interest Revenue	1,900
	Total	56,900
Authorized Expenditures		
	Transfer to General Fund	43,504
	Future Procurement	13,396
		56,900

<u>Section 3.</u>	<u>Law Enforcement Separation Allowance Fund</u>	
Anticipated Revenues:		
	Contributions from General Fund	12,200
	Interest Revenue	485
	Total	12,685
Authorized Expenditures:		
	Separation Allowance	0
	Future LEOSA Payments	12,685
	Total	12,685

**Section 4.**

**Water Fund**

**23-B-02  
PROPOSED  
CHANGES**

Anticipated Revenues

Utility Usage Charges, Classes 1 & 2	210,591	
Utility Usage Charges, Classes 3 & 4	12,428	
Utility Usage Charges, Class 5	15,002	
Utility Usage Charges, Class 8	4,644	
Utility Customer Base Charges	278,811	
Hydrant Availability Fee	19,764	
Taps & Connections Fees	1,250	
Nonpayment Fees	10,500	
Late payment Fees	7,822	
Interest Revenue	3,488	
Sale of Capital Asset	0	
Appropriated Fund Balance	91,504	
Total	655,804	0

Authorized Expenditures

Administration & Finance [1]	491,804	
Operations and Maintenance	140,500	
Transfer To Fund Balance for Capital Outlay	23,500	
Transfer To Water Capital Reserve Fund	0	
Total	655,804	0

*[1] Portion of department for bond debt service: 141,157*

**Section 5.**

**Water Capital Reserve Fund**

Anticipated Revenues

Contributions From Water Operations Fund	0	
Interest Revenue	10	
Total	10	

Authorized Expenditures

Future Expansion & Debt Service	10	
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**Section 6.**

**Sewer Fund**

**23-B-02  
PROPOSED  
CHANGES**

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	267,170	
Utility Usage Charges, Classes 3 & 4	36,679	
Utility Usage Charges, Class 5	28,142	
Utility Usage Charges, Class 8	16,833	
Utility Customer Base Charges	296,108	
Taps & Connection Fees	1,250	
Late payment Fees	8,384	
Interest Revenue	5,836	
Sale of Capital Asset	0	
Appropriated Fund Balance	19,102	
Total	679,504	0

Authorized Expenditures:

Administration & Finance [2]	483,204	
Operations and Maintenance	192,800	
Transfer to Fund Balance for Capital Outlay	3,500	
Transfer to Sewer Capital Reserve Fund	0	
Total	679,504	0

*[2] Portion of department for bond debt service:*

121,893

**Section 7.**

**Sewer Capital Reserve**

Anticipated Revenues:

Contributions From Sewer Operations Fund	0	
Interest Revenue	1	
Total	1	

Authorized Expenditures:

Future Expansion & Debt Service	1	
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**Section 8.**            **Levy of Taxes**

There is hereby levied a tax at the rate of twenty-four cents (\$0.24) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2023, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2023-2024" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$393,280,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.12%. The estimated collection rate is based on the fiscal year 2021-2022 collection rate of 99.12% by Craven County who has been contracted to collect real and personal property taxes for the Town of River Bend. Also included is a valuation of \$37,500,000 for purposes of taxation of motor vehicles with a collection rate of 100% by the North Carolina Vehicle Tax System.

**Section 9.**            **Fees and Charges**

There is hereby established, for Fiscal Year 2023-2024, various fees and charges as contained in Attachment A of this document.

**Section 10.**           **Special Authorization of the Budget Officer**

- A. The Budget Officer shall be authorized to reallocate any appropriations within departments.
- B. The Budget Officer shall be authorized to execute interfund and interdepartmental transfers in emergency situations. Notification of all such transfers shall be made to the Town Council at its next meeting following the transfer.
- C. The Budget Officer shall be authorized to execute interdepartmental transfers in the same fund, including contingency appropriations, not to exceed \$5,000. Notification of all such transfers shall be made to the Town Council at its next meeting following the transfer.

**Section 11.**           **Classification and Pay Plan**

Cost of Living Adjustment (COLA) for all Town employees shall be 4.4% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

**Section 12.**           **Utilization of the Budget Ordinance**

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2023-2024 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall ensure the operating staff and officials are provided with guidance and sufficient details to implement their appropriate portion of the budget.

**Section 13.**           **Copies of this Budget Ordinance**

Copies of this Budget Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 14th day of September, 2023.

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John R. Kirkland, Mayor

Attest:

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Kristie J. Nobles, Town Clerk, CMC, NCCMC

0518-2023



**Craig's Firearm Supply Inc.**  
**Police Distributor**

5620 Concord Pkwy S., Concord, NC 28027  
Phone 980-258-0444/0445 ~ Fax 980-258-0453

8761 Chapman Highway, Knoxville, TN 37920  
Phone 865-573-4567 ~ Fax 865-573-0820

[tonyl@craigfirearms.com](mailto:tonyl@craigfirearms.com)

TO: CHIEF SEAN JOLL  
AGENCY: RIVER BEND PD  
DATE: 08/18/23

PHONE: 252-838-2195  
EMAIL: [sjoll@riverbendnc.org](mailto:sjoll@riverbendnc.org)

Quote will be honored for 90 days.

**A copy of this quote must accompany your purchase order.  
EACH MANUFACTURER MUST HAVE A SEPARATE PURCHASE ORDER.**

**ALL REMINGTON PRODUCTS REQUIRE A SEPARATE PURCHASE ORDER FOR EACH LINE ITEM.**

AGENCIES ARE RESPONSIBLE FOR ALL TAXES

PLEASE INCLUDE ORI NUMBER WITH ORDER.

PART #	ITEM DESCRIPTION	PRICE	QTY.	EXT.
PCZ600BV0J	FRK-360 CARRIER (BODY AND MOLLE CUMMERBUND), NO BALLISTICS-CARRIER ONLY	\$194.13	7	\$1,358.91
	NC SALES TAX AT THE 6.75% CRAVEN COUNTY RATE	\$13.10	7	\$91.70
SHLS40FVPN	PARACLETE HOPLITE IIIA 20X30 SHIELD W/ VIEWPORT, NO LIGHT	\$1,470.60	1	\$1,470.60
	NC SALES TAX AT THE 6.75% CRAVEN COUNTY RATE	\$99.27	1	\$99.27
40260SA-LG-CD	POINT BLANK 40260 STAND ALONE LEVEL III PLATE, LARGE 10X12 SHOOTER'S CUT, LIGHT WEIGHT, 2.1 LB,	\$881.21	14	\$12,336.94
	NC SALES TAX AT THE 6.75% CRAVEN COUNTY RATE	\$59.48	14	\$832.72

**TOTAL**

**\$16,190.14**

Please call with any questions about this quote.

Thank you,

**Tony Lardo**

- \* Govt. agency prices do not include FET where applicable
- \* Prices are due and payable NET 30 days for each invoice
- \* Trade-In pistols must be in good, serviceable working order
- \* Deductions made if trade-ins are damaged or not as specified

# 402605A



## THREAT LEVEL: SPECIAL RIFLE THREATS STAND ALONE

We offer several types of Hard Armor Plates capable of defeating high-powered Level III & IV rifle rounds either in combination with soft body armor systems or as a stand-alone. These plates are available in a choice of two shapes (full-size or shooter's cut), designed to meet your individual needs for comfort and function. Additional options include the choice of ultra-light polyethylene or ceramic plates which will affect weight and thinness.



**Protection Type / Level: Special (Rifle)**

**Configuration: Stand-Alone**

**Thickness: 0.70"**

**Curvature: Multi-Curve**

**Construction: Composite**

### ////// BALLISTIC PERFORMANCE ////

#### Rounds defeated:

- 7.62mm x 54R (LPS)
- 7.62mm x 51mm (M80)
- 7.62mm x 39mm PS Ball (MSC)
- 5.56 x 45mm (M193)

SIZE	SHAPE	WEIGHT
8" x 10"	Shooter's Cut	1.7 lbs
10" x 12"	Shooter's Cut	2.1 lbs
6" x 8"	Full-Size (single curve)	0.8 lbs
8.75" x 11.75"	Shooter's Cut	2.1 lbs
9.5" x 12.5"	Shooter's Cut	2.3 lbs
10.25" x 13.25"	Shooter's Cut	2.5 lbs
11" x 14"	Shooter's Cut	2.9 lbs

\*All weights are approximate

## Traffic Data for Norbury Drive

From September 4-10, 2023 (7 full days) the Chief gathered traffic data in stealth mode on Norbury Drive. He set up 2 traffic monitors. One captured data of traffic headed towards Hwy. 17 (North Data). The other captured data of traffic headed towards Pirates Road (South Data). The monitors were positioned on Norbury Drive about halfway between Hwy.17 and Pirates Road.

During that 7-day period 1,505 vehicles (or anything that triggered the device) traveled North and 1,230 traveled South. Combined a total of 2,735 data points were collected. The speed limit on Norbury is 25 mph.

The North Data shows that 94.3% of vehicles recorded (1,420) were traveling at 30 mph or less and 4.4% of vehicles recorded (67) were traveling between 31 and 35 mph.

The South Data shows that 93.5% of vehicles recorded (1,151) were traveling at 30 mph or less and 5.0% of vehicles recorded (62) were traveling between 31 and 35 mph.

Combined (North and South Data) 35 vehicles or 1.2% of all vehicles recorded, were traveling above 35 mph. Combined 80.3% of all vehicles recorded (2,198) were traveling at or below 25 mph and 94% (2,571) at or below 35 mph.





# NORTH

## Volume by Speed Norbury Drive, NB

Start: 2023-09-04

End: 2023-09-10

Times: 0:00:00-23:59:59

Speed Bins: Size 5, Range 1 to 150

Time View: By Hour (Total Volumes)

id-  
light

oon

Time	1 to 5	6 to 10	11 to 15	16 to 20	21 to 25	26 to 30	31 to 35	36 to 40	41 to 45	46 to 50	51 to 55	56 to 60	61 to 65	66 to 70	71 to 75	76 to 80	81 to 85	86 to 90	91 to 95	96 to 100	101 to 150	Avg Speed	Total
0:00	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18.7	3
1:00	0	1	1	1	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18.4	5
2:00	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8.0	1
3:00	0	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11.0	4
4:00	0	1	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	23.8	4
5:00	0	2	5	2	3	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19.4	17
6:00	4	12	6	8	10	7	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17.0	50
7:00	0	4	5	27	50	7	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	21.2	96
8:00	2	10	14	20	17	15	6	0	0	0	0	0	0	1	0	0	0	0	0	0	0	20.2	85
9:00	0	19	12	21	20	8	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17.5	82
10:00	4	18	22	23	28	12	4	3	1	1	0	0	0	0	0	0	0	0	0	0	0	18.8	116
11:00	2	24	22	14	19	4	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0	16.6	92
12:00	2	20	13	17	33	16	9	1	0	0	0	0	0	0	0	0	0	0	0	0	0	19.7	111
13:00	3	8	14	22	23	17	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	20.0	92
14:00	7	27	12	22	33	26	10	3	0	0	0	0	0	0	0	0	0	0	0	0	0	19.6	140
15:00	6	31	24	27	33	10	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	16.7	136
16:00	10	18	17	24	41	21	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	18.7	135
17:00	1	22	18	18	21	10	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17.2	92
18:00	2	12	11	18	12	15	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18.7	73
19:00	2	17	13	27	21	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	16.8	84
20:00	0	8	10	5	14	10	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0	20.5	54
21:00	0	1	3	2	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18.7	10
22:00	2	3	0	7	2	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18.8	19
23:00	0	1	0	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18.3	4
<b>Total</b>	<b>47</b>	<b>262</b>	<b>225</b>	<b>307</b>	<b>383</b>	<b>196</b>	<b>67</b>	<b>15</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18.6</b>	<b>1505</b>

1,224  
at 25mph  
or lower

1,420  
at 30  
mph or  
lower

1

Total  
vehicles

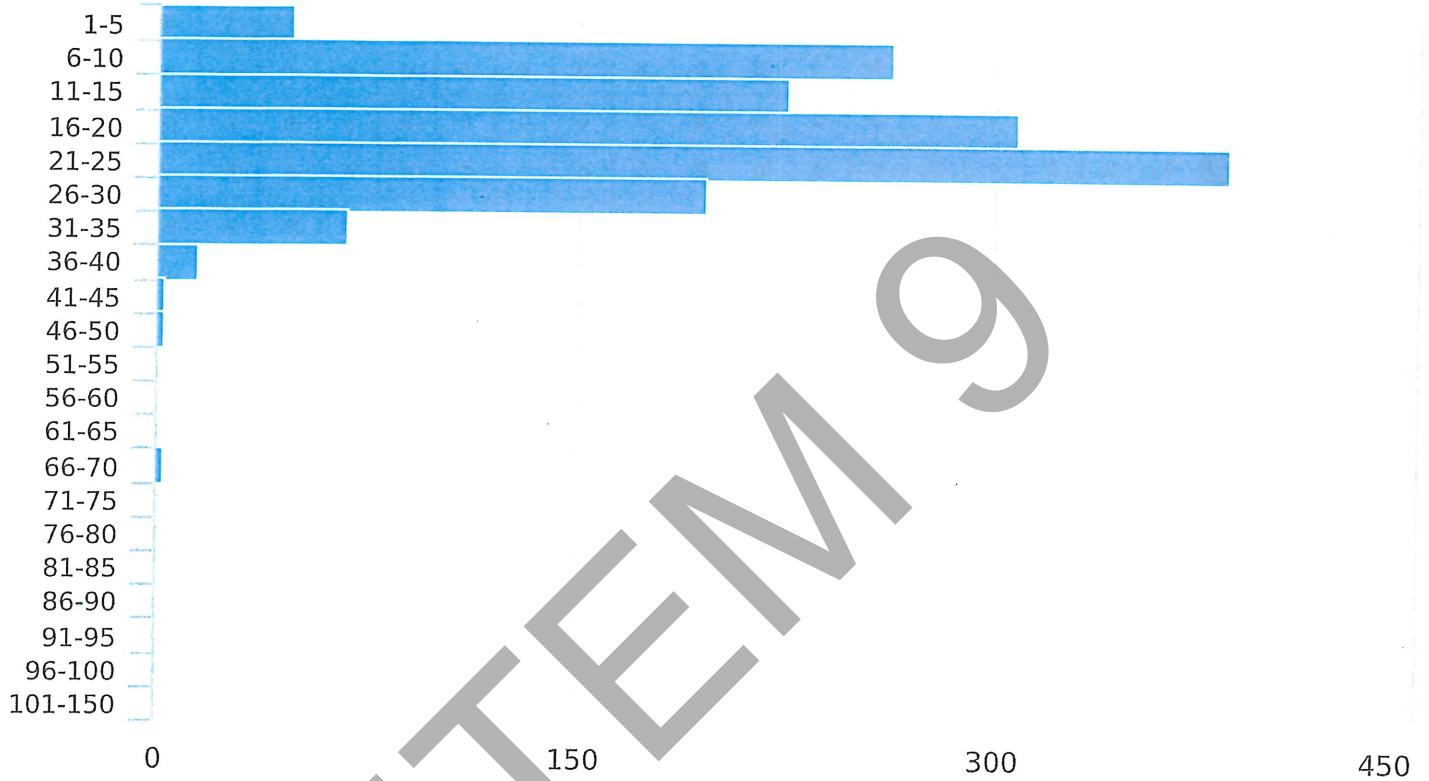




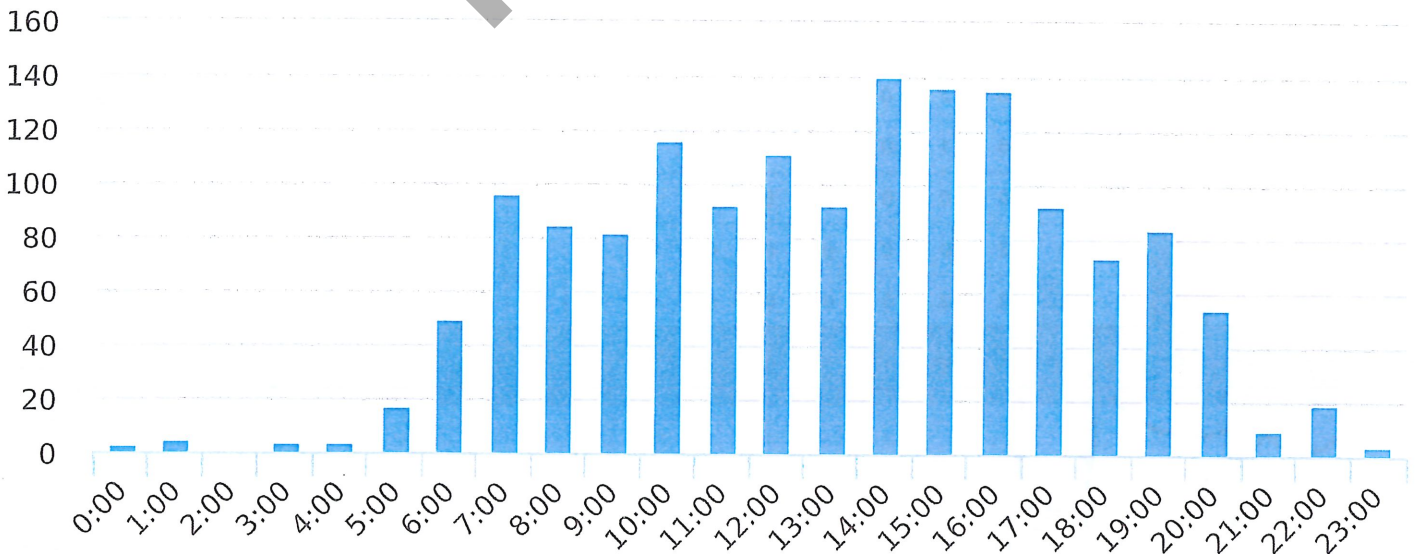
Start: 2023-09-04  
End: 2023-09-10  
Times: 0:00:00-23:59:59

Speed Bins: Size 5, Range 1 to 150  
Time View: By Hour (Total Volumes)

**Total Volume by Speed Distribution**



**Volume over Time**



2



# SOUTH

## Volume by Speed Norbury Drive, NB

Start: 2023-09-04

End: 2023-09-10

Times: 0:00:00-23:59:59

Speed Bins: Size 5, Range 1 to 150

Time View: By Hour (Total Volumes)

night

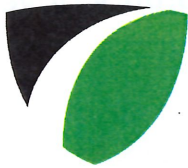
noon

Time	1 to 5	6 to 10	11 to 15	16 to 20	21 to 25	26 to 30	31 to 35	36 to 40	41 to 45	46 to 50	51 to 55	56 to 60	61 to 65	66 to 70	71 to 75	76 to 80	81 to 85	86 to 90	91 to 95	96 to 100	101 to 150	Avg Speed	Total
0:00	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18.7	3
1:00	0	1	1	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19.0	4
2:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0	0
3:00	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13.0	2
4:00	0	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	28.3	3
5:00	0	2	5	2	3	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19.4	17
6:00	2	4	6	8	10	7	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19.5	40
7:00	0	3	5	17	44	7	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	21.5	79
8:00	2	4	11	17	16	14	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20.7	70
9:00	0	12	9	18	18	7	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18.5	66
10:00	3	7	9	19	25	8	4	3	1	1	0	0	0	0	0	0	0	0	0	0	0	20.9	80
11:00	2	13	15	10	16	4	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0	17.8	67
12:00	1	14	12	12	32	16	7	1	0	0	0	0	0	0	0	0	0	0	0	0	0	20.5	95
13:00	3	8	9	20	22	16	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	20.4	83
14:00	5	14	9	18	30	24	10	3	0	0	0	0	0	0	0	0	0	0	0	0	0	21.2	113
15:00	6	24	16	24	31	10	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	17.2	115
16:00	7	12	12	20	36	21	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	19.5	110
17:00	1	19	14	15	15	7	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17.0	73
18:00	2	9	9	17	9	13	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18.9	62
19:00	2	16	12	21	18	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	16.6	73
20:00	0	7	8	4	13	6	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0	20.6	45
21:00	0	1	3	1	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17.5	8
22:00	2	2	0	7	2	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19.5	18
23:00	0	1	0	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18.3	4
<b>Total</b>	<b>38</b>	<b>174</b>	<b>167</b>	<b>252</b>	<b>343</b>	<b>177</b>	<b>62</b>	<b>15</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>19.4</b>	<b>1230</b>

974 at 25 mph or lower  
 1,151 at 30 mph or lower

Total Vehicles

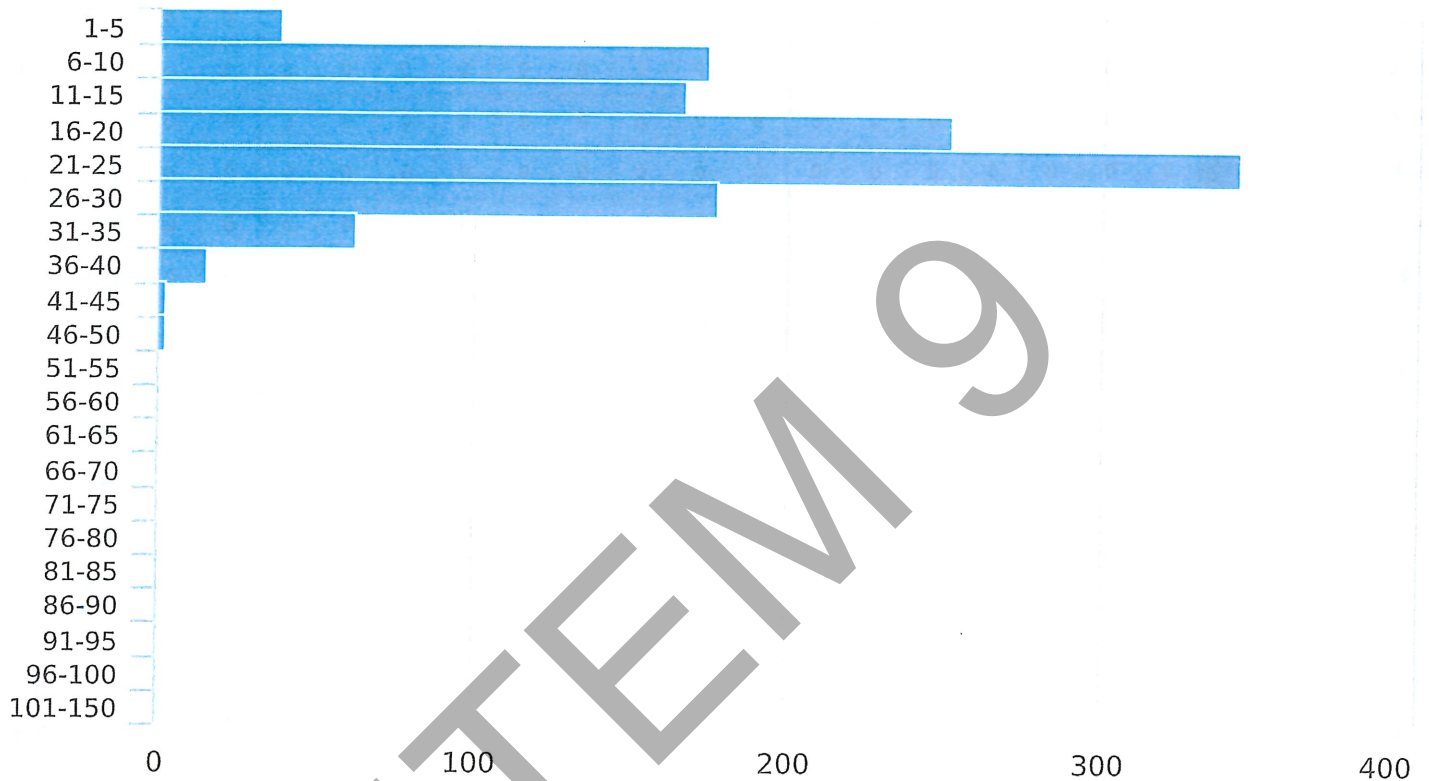
3



Start: 2023-09-04  
End: 2023-09-10  
Times: 0:00:00-23:59:59

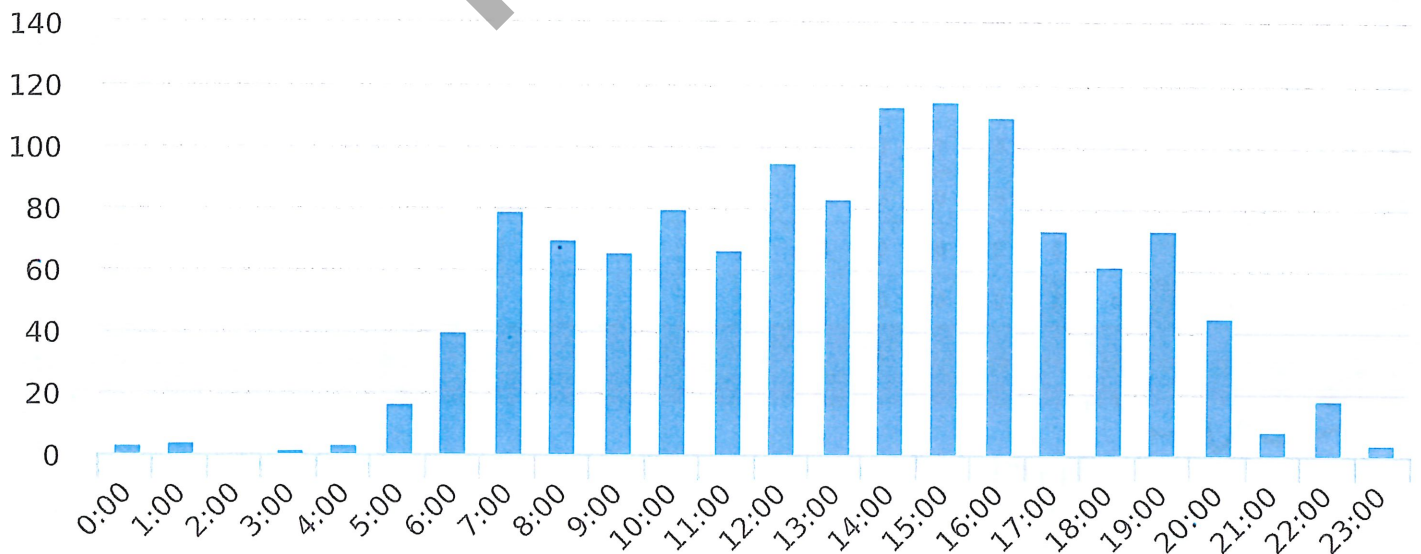
Speed Bins: Size 5, Range 1 to 150  
Time View: By Hour (Total Volumes)

**Total Volume by Speed Distribution**



ITEM 9

**Volume over Time**

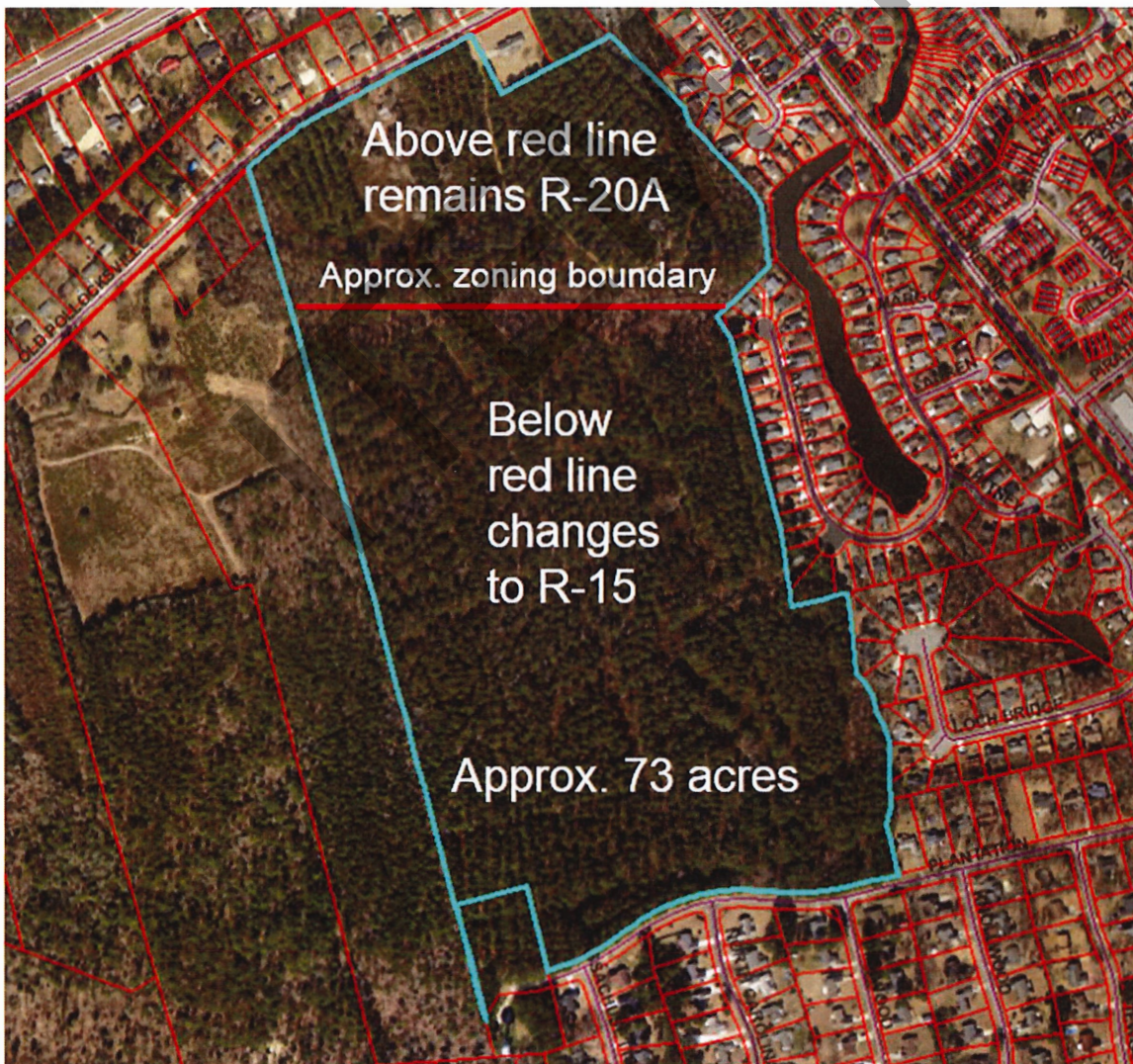


4

This hearing will be conducted next week. The Council can vote to approve or deny the request after the hearing.

## NOTICE OF PUBLIC HEARING

The Town Council of the Town of River Bend will conduct a public hearing to gather public comments on a proposed re-zoning request. The subject property, shown in blue below, is located at 403 Old Pollocksville Road and is identified by Craven County PIN 8-200-029. The property is currently zoned Residential 20-Agriculture (R20-A) and has been recommended by the River Bend Planning Board to have approximately 73 acres re-zoned to Residential 15 (R-15). The remaining acres will stay zoned R-20A. The public hearing will be held on September 21, 2023 at 7 p.m. at Town Hall, located at 45 Shoreline Drive, River Bend, NC. More information about the proposed re-zoning can be found on the town's web page at [www.riverbendnc.org](http://www.riverbendnc.org) by clicking on the "Proposed Re-Zoning" tab. The public is invited to attend. The town's rules for conducting a public hearing will be followed.





**RIVER BEND TOWN COUNCIL  
DRAFT AGENDA  
Regular Meeting  
September 21, 2023  
River Bend Town Hall – 45 Shoreline Drive  
7:00 p.m.**

**Pledge: Maurer**

1. Call to Order (Mayor Kirkland Presiding)
2. Recognition of New Residents
3. Additions/Deletions to Agenda
4. Addresses to the Council
5. Public Hearings
6. Consent Agenda

*All items listed under this section are considered routine by the Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

**A. Approve:**

*Minutes of the August 10, 2023 Work Session Meeting  
Minutes of the August 17, 2023 Regular Council Meeting*

**7. Town Manager's Report – Delane Jackson**

*Activity Reports*

- A. *Monthly Police Report* by Chief Joll
- B. *Monthly Water Resources Report* by Director of Public Works Mills
- C. *Monthly Work Order Report* by Director of Public Works Mills
- D. *Monthly Zoning Report* by Assistant Zoning Administrator McCollum

**Administrative Reports:**

8. Parks & Recreation – Councilman Weaver
  - A. Parks and Rec Report
  - B. Organic Garden Report
  - C. Library Report
9. CAC – Councilwoman Maurer
  - A. CAC Report
10. Finance – Councilman Leonard
  - A. Financial Report - Finance Director
11. Environment And Waterways – Councilman Leonard
  - A. EWAB Report

12. Planning Board – Councilman Sheffield
  - A. Planning Board Report
13. Public Safety – Councilman Weaver
  - A. Community Watch
14. Mayor's Report – Mayor Kirkland
15. Public Comment

*The public comment period is set aside for members of the public to offer comments to the Council. It is the time for the Council to listen to the public. It is not a Question & Answer session between the public and the Council or Staff. All comments will be directed to the Council. Each speaker may speak for up to 3 minutes. A member of staff will serve as timekeeper. A sign-up sheet is posted by the meeting room door and will be collected prior to the start of the Public Comment Period. Speakers will be called on by the Mayor in the order that they signed up. In order to provide for the maintenance of order and decorum, the Council has adopted a policy for this section of the meeting. A copy of the policy is posted by the door for your review. Please follow the policy. If you have a specific question for staff, you are encouraged to contact the Town Manager or the appropriate Department Head at another time.*

16. Adjournment

North Carolina law allows public bodies, such as the River Bend Town Council, to meet in closed session to discuss certain topics. However, prior to going into closed session, the Council must announce the closed session and the topic for which the closed session is being called and that must be done while the Council is in open session. This requirement allows the public to know in general what the closed session is concerning. The closed session must also be adjourned in open session. For the purpose of this guide, open session simply means in view of the public and closed session simply means it private. The topics that may be discussed in closed session are listed below and are numbered 1 through 10. Most of the time, the Council knows in advance that a closed session is needed and the General Statute citation which identifies the purpose of the closed session is included on the agenda. However, that is not always the case. The need for a closed session may arise without enough warning to publish the citation on the agenda. The law does not require advanced notice of a closed session. In any case, planned or not, the Council will state the appropriate citation. The citation will always begin with 143-318.11(a). The numbers that follow in parenthesis will identify the particular closed session topic. For example: The citation 143-318.11(a)(3)(5) will allow the Council to consult with an attorney (#3) and to discuss the acquisition of real property (#5).

**§ 143-318.11. Closed sessions.**

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents

concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.
- (10) To view a recording released pursuant to G.S. 132-1.4A.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) **Calling a Closed Session.** – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b); 2014-79, s. 9(a); 2016-88, s. 3.)