



**RIVER BEND TOWN COUNCIL  
AGENDA  
Regular Meeting  
October 19, 2023  
River Bend Town Hall – 45 Shoreline Drive  
7:00 p.m.**

Pledge: Sheffield

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

Proposed Zoning Amendment – Conditional Zoning

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 September 14, 2023 Work Session Meeting  
Minutes of the September 21, 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. Public Safety – Councilwoman Benton
  - A. Community Watch
  - B. **VOTE** – Advisory Board Liaison Ordinance
9. Parks & Recreation – Councilman Weaver
  - A. Parks and Rec Report
  - B. Organic Garden Report
10. CAC – Councilwoman Maurer
  - A. CAC Report

11. Finance – Councilman Leonard
  - A. Financial Report - Finance Director
12. Environment And Waterways – Councilman Leonard
  - A. EWAB Report
13. Planning Board – Councilman Sheffield
  - A. **VOTE** – Mayor-Council Responsibility Chart
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. **CLOSED SESSION – NCGS § 143-318.11(a)(5)**  
To Discuss the Acquisition of Real Property located at 509 Old Pollocksville Road, Owned by Weldon Brown, Jr. and Naqueldon Brown for the Location of a New Water Treatment Facility.
17. Adjournment

## **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 amendment to the Town's zoning ordinance. The proposed amendment would establish conditional zoning within all of the town's zoning jurisdiction. The public hearing will be held on October 19, 2023 at 7 p.m. at Town Hall, located at 45 Shoreline Drive, River Bend, NC. More information about the proposed amendment can be found on the town's web page at [www.riverbendnc.org](http://www.riverbendnc.org) by clicking on the "Proposed Zoning Amendment" tab. The public is invited to attend. The town's rules for conducting a public hearing will be followed.

ITEM 5

INTRODUCTION

The following language is a proposed amendment to the town's zoning ordinance. If enacted, the amendment would establish conditional zoning (CZ) as an option for future development projects. Currently, the town has 9 zoning districts. They are what is known as "traditional" zoning districts. Any development within those districts must comply with all of the current zoning regulations. Under traditional development, the town cannot require a developer to provide additional features, except for uses that require a special use permit. If CZ is adopted, 9 new conditional zoning districts will be created and all of them will be complimentary to the existing traditional zoning districts. For example- We currently have an R-15 traditional zoning district. If conditional zoning is approved, we will also have a new R-15(CZ) zoning district. If a developer wishes to pursue rezoning for a development which may not be compatible with any traditional zoning districts, they may request rezoning to a complimentary CZ district. This may result in the developer providing additional features, which are negotiated with and approved by the Town Council prior to approving a CZ rezoning request. Any such negotiations will be a matter of public record and must be made available for public review prior to conducting the required public hearing for a CZ rezoning request.

**§ 15.02.140 CONDITIONAL ZONING DISTRICTS**

A. Purpose.

1. Conditional zoning districts are applicable if the regulations and restrictions of a general use zoning district are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of the Town's Code of Ordinances. In these circumstances, a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the Code of Ordinances and adopted land development plan, comprehensive plan, transportation and corridor plans, and other land use and transportation policy documents.

2. The rezoning process established in this section provides for the accommodation of the uses by a reclassification of property into a conditional zoning district, subject to additional conditions which ensure compatibility of the proposed use with the use and enjoyment of neighboring properties. A conditional zoning district bears the same designation as a general use zoning district but is a conditional zoning district subject to additional conditions in which limited uses are permitted and that are contained in the ordinance approving the conditional zoning district. A conditional zoning district allows a particular use or uses to be established only in accordance with specified standards and conditions tailored to each individual development project. This is a voluntary rezoning procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.

## PROPOSED ZONING ORDINANCE AMENDMENT

3. Conditional zoning districts parallel general use zoning districts. Only those land uses (including uses by right and special uses as identified as in the Schedule of District Use Regulations) permitted in a general use zoning district to which a conditional zoning district corresponds shall be allowed. All requirements of any corresponding general use district and all other requirements of the Code of Ordinances apply to a conditional zoning district except to the extent that the approved rules, regulations and conditions included in the petition for rezoning are more restrictive than the general use district requirements.

### B. Process required.

1. A person petitioning for rezoning of a tract of land may elect to request a conditional zoning district for that tract. The conditional zoning district application must specify the actual use or uses, and all other development regulations authorized by state law, which are intended for the property identified in the petition. The intended use or uses and development regulations must be permitted in the corresponding general use district.

2. The Town Council is to approve or disapprove the application on the basis of the specific use or uses and development regulations requested. Development in a conditional zoning district requires approval of a single application similar to a general use district rezoning application.

3. Property may be placed in a conditional zoning district only in response to a petition signed by the owners of all the property to be included or by an agent authorized by all of the owners to file the application. A petition for conditional zoning shall include:

a) A master site plan prepared in accordance with § 15.02.137 of the Code of Ordinances for a Master Land Use Plan for a Planned Development;

b) Written supporting documentation that specifies the actual use or uses proposed for the property;

c) Proposed rules, regulations, and conditions that, in addition to all predetermined requirements of this Code of Ordinances, will govern the development and use of the property; and

d) A statement analyzing the reasonableness of the proposed rezoning.

4. During its initial review of a conditional zoning petition, which will follow the process as prescribed in §15.02.190-15.02.194 of the Code of Ordinances for traditional rezoning, the Planning Board shall consider whether or not a community informational meeting, to be organized, advertised, conducted and documented by the petitioner, would be beneficial to making project information available to those most likely to be impacted by the proposed zoning change. If the Planning Board concludes that a community informational meeting should be held, the petitioner shall conduct such meeting in accordance with the following provisions.

a) The community informational meeting shall be held prior to the date of the next Planning Board meeting at which the petition will be reviewed. The meeting shall be held within seven miles of the Town of River Bend.

## PROPOSED ZONING ORDINANCE AMENDMENT

b) Written notice of such a meeting shall be given by the petitioner in the same schedule and manner as prescribed in §15.02.191 (D) and §15.02.193 (A) of the Code of Ordinances for a zoning amendment and public hearing respectively.

c) Within 10 days following the meeting, but prior to any further consideration by the town, the petitioner shall file a written report of the community informational meeting with the Zoning Administrator. The petitioner's report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact; the date; time and location of the meeting; a summary of issues discussed at the meeting; and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. Additionally, the petitioner shall make available at the meeting a roster for all attendees to voluntarily sign so that a record of attendees may be created. The roster shall include a location for attendees to provide their name, mailing addresses, and telephone number. A copy of the roster of attendees shall be included in the report of the meeting.

d) The purpose of the community informational meeting is for the petitioner to:

(1) Provide specific information and maps regarding the proposed development including but not limited to a description of the proposed zoning change, proposed use(s) of the property, the proposed density and intensity of land uses, the location and arrangement of the proposed land use(s) on the property, the proposed development schedule, and proposed regulations or conditions, in addition to those required by this Ordinance, that will govern the development and use of the property; and

(2) To receive comments and input from citizens likely to be impacted by the proposed zoning change and subsequent development of the property.

e) In the event the petitioner has not held at least one meeting pursuant to this section with 45 days of being notified that a meeting is required, the petitioner shall file a report with the Zoning Administrator documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The petitioner shall also notify the Zoning Administrator efforts to schedule a meeting. No further Planning Board action may be taken until the meeting has been conducted.

f) The adequacy of a meeting held or report filed pursuant to this section shall be considered by the Town Council but shall not be subject to judicial review.

5. Review and approval process. The review and approval process for conditional zoning district petitions involves a legislative hearing and legislative decision by the Town Council, following a recommendation by the Planning Board. The review of conditional zoning district petitions shall be undertaken in accordance with the provisions of this section.

a) In the course of evaluating the proposed use, the Town Council may request additional information deemed appropriate to provide a complete analysis of the proposal.

b) Conditional zoning district decisions are subject to judicial review using the same procedures and standard of review applicable to legislative zoning decisions.

## PROPOSED ZONING ORDINANCE AMENDMENT

c) Conditional zoning district decisions shall be made in consideration of identified relevant adopted land use plans for the area, including, but not limited to, land development plans, comprehensive plans, strategic plans, district plans, transportation and corridor plans and other land development policy documents.

d) If the conditional zoning district application is approved, the Town Council shall authorize the requested use with reasonable conditions as mutually agreed to in writing by the applicant and Town Council and determined to be desirable in promoting public health, safety and general welfare.

6. Specific conditions applicable to the conditional zoning districts may be proposed by the petitioner or the town or its agents, but only those conditions mutually agreed to in writing by the town and the petitioner may be incorporated into the zoning regulations or permit requirements.

a) The conditional district rezoning application shall specify the use or uses that are intended for the property, as well as any additional conditions on the use of the property that the applicant may propose be conditions of the rezoning. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to:

(1) Those that address conformance of the development and use of the site to ordinances and officially adopted plans and

(2) Those that address the impacts reasonably expected to be generated by the development or use of the site.

b) Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, the mitigation of environmental impacts, and other matters that the Town Council may find appropriate or the petitioner may propose.

c) Such conditions to approval of the petition may include dedication to the town or state, as appropriate, of any rights-of-way or easements for streets, water, sewer or other public utilities necessary to serve the proposed development.

d) No condition shall be less restrictive than the standards of the general use district or the standards of any overlay district that applies to the property.

e) No condition shall be made part of the application, or shall be attached to approval of the conditional zoning district, which specifies the ownership status, race, religion or character of the occupants of housing units, the minimum value of improvements, or any illegal exclusionary device; or which states that the use of the property will not be subject to regulations or restrictions set forth in the Code of Ordinances which would apply to the property in any event, such as the regulations for an overlay district which covers the property.

## PROPOSED ZONING ORDINANCE AMENDMENT

f) If for any reason any condition for approval is found to be illegal or invalid or if the petitioner should fail to carry out any condition in the written and signed agreement, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the town to rezone the property to its previous zoning classification or to another zoning district.

g) The conditions shall be agreed upon, put in writing, and signed by both the petitioner and Town upon final approval of the rezoning by the Town Council.

h) After the town has delivered to the newspaper the notice of public hearing for the application, the applicant shall make no changes in the conditions stated in the application;

7. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan or master plan for the district, and any additional approved rules, regulations and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to this Ordinance and to the zoning map.

a) If a petition is approved, only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to division (B)(8) below provided that the change in building layout does not result in an increase in the number of structures.

b) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional zoning district shall be identified by the same designation as the underlying general district followed by the letters "CD" (for example, "R-20 (CD)").

c) No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan for the district.

d) Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of the Code of Ordinances and shall be subject to the same remedies and penalties as any such violation.

8. Alterations to approval. Except as provided in division (B)(8)(a) below, changes to an approved petition or to the conditions attached to the approved petition shall be considered a change to the conditional zoning district and shall be processed as a new conditional zoning application in accordance with the procedures set forth in this section.

a) The Zoning Administrator shall have the delegated authority to approve administrative minor modifications – limited to no more than 5% total changes to the originally approved site plan. The Zoning Administrator shall have no authority to amend the conditions of approval of a petition. Any decision by the Zoning Administrator must be in writing stating the grounds for approval or denial. Minor modifications shall be limited to changes that the Zoning Administrator determines would not:



## PROPOSED ZONING ORDINANCE AMENDMENT

1. Change the gross square footage of nonresidential development by more than 5%;
2. Change the lot coverage by more than 5%;
3. Change any use or density;
4. Adjust the landscaping requirements by more than 5%; or
5. Adjust the required parking more than 5%.

b) The Zoning Administrator, however, shall always have the discretion to decline to exercise the delegated authority either because he or she is uncertain about approval of the change pursuant to the standard or because a rezoning petition for a legislative hearing and Town Council consideration is deemed appropriate under the circumstances. If the Zoning Administrator declines to exercise this authority, the applicant may file a rezoning petition for a legislative hearing and Town Council decision in accordance with the provisions delineated in this ordinance.

c) Any request for an administrative modification shall be pursuant to a written letter, signed by the owners of all of the property affected by the proposed change, detailing the requested change. Upon request, the applicant shall provide any additional information as deemed necessary by the Zoning Administrator. Upon an approval of an administrative modification, the applicant shall file a sufficient number of copies of the revised site plan as deemed necessary by the Zoning Administrator.

d) If the Zoning Administrator denies approval of the requested administrative modification, the applicant may file a rezoning petition for a legislative hearing and Town Council decision in accordance with the provisions delineated in this ordinance.

9. Review of approved Conditional Zoning Districts. It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than two years after the date of approval of the petition, the Zoning Administrator shall examine and report to the Planning Board the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval.

a) If, following such examination and report of progress, the Planning Board determines that substantial progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Town Council a report which may recommend that the property be rezoned to its previous zoning classification or to another zoning district. If the Town Council concurs with the Planning Board's recommendation, the Town Council may initiate the rezoning of the property in accordance with the procedures delineated in this ordinance.

b) If, upon written request of the developer or petitioner, the Planning Board determines that substantial progress has been made to develop the property, the Planning Board may recommend that an extension of time be granted. The Town Council, after reviewing the recommendation of the Planning Board, may approve an extension of time

## PROPOSED ZONING ORDINANCE AMENDMENT

not to exceed an additional 12 months. Approval of such a time extension by the Town Council may be made without conducting a formal public hearing.

c) If, after the expiration of the original or extended time period, the Planning Board determines that no substantial progress has been made and the Town Council concurs with that determination, the Town Council shall proceed to: conduct a legislative hearing on the matter to evaluate whether or not another extension of time is warranted; or initiate the rezoning of the property to its previous zoning classification or to another zoning classification using the procedures delineated in this ordinance.

d) For purposes of this section, examples of substantial progress may include: the approval of construction plans for streets, utilities and other infrastructure; the initiation of land preparation activities such as clearing and grading; the initiation of the construction of the principal building(s); and the initiation of the construction of streets, utilities, other infrastructure or required site amenities.

### **Significant Dates:**

August 11, 2022-Town Council directs Planning Board to begin work on ordinance

September 1, 2022-Planning Board selects Havelock ordinance as a template

November 3, 2022-Planning Board discusses draft ordinance

January 5, 2023-Planning Board discusses draft ordinance

January 12, 2023- Town Council discusses draft ordinance

February 2, 2023- Planning Board discusses and approves recommendation

February 9, 2023- Town Council discusses recommendation

February 16, 2023-Town Council discusses recommendation, directs Attorney to review

March 9, 2023- Town Council discusses Attorney's legal opinion on proposal

March 16, 2023- Town Council tables conditional zoning

June 8, 2023- Town Council discusses revisiting the recommendation

June 15, 2023- Town Council votes to restart discussions on August 10, 2023

August 10, 2023- Town Council discusses draft ordinance

August 17, 2023- Town Council discusses draft ordinance and sets date for public hearing

October 19, 2023- Town Council conducts public hearing

# **Town of River Bend**

## **Public Hearing Policy**

**Overview-** To comply with North Carolina law, the Council is required to conduct a public hearing prior to taking action on some matters. The Council, at its discretion, may also conduct a public hearing to gather input on a matter. These are discretionary public hearings and are not required as a matter of law. The purpose of any public hearing is to give the public an opportunity to express their views, comments or opinions to the Council on the subject matter of the public hearing. It is a time for the Council to listen to the public. It is not a time for debate or a “question and answer session”. The following rules have been established to maintain order and decorum during a public hearing. Furthermore, these rules are designed to ensure fairness to each speaker by establishing rules in advance that will be applied equally to each speaker in all public hearings.

### **I. Public Hearing**

Public hearings are typically reserved as an item of business on the agenda for the Council’s regular session, which is currently held on the 3<sup>rd</sup> Thursday of each month. However, the Council may conduct a public hearing on any day in accordance with the advertising requirements of this policy. All public hearings shall be subject to the following guidelines:

1. Prior to the start of the hearing, persons wishing to address the Council will register on a sign-up sheet stationed by the meeting room door. Prior to beginning the hearing, the Mayor will collect the sign-up sheet and recognize speakers in the order that they registered. Once the list has been collected by the Mayor, no names will be added to it. Speakers will address the Council from the lectern and will be asked to state their name and physical address for the record prior to speaking.
2. Each speaker shall be limited to a maximum time of three (3) minutes. Each speaker will only be allowed to speak once during the hearing. A staff member shall serve as timekeeper and will promptly announce when the speaker’s time has expired.
3. No time may be yielded or transferred from one speaker to another. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.
4. The hearing is not intended to require the Council and/or any staff to answer any impromptu questions. The Council will not take action on a new item originally presented during the hearing, which is not related to the subject matter of the public hearing. Upon completion of the hearing and when appropriate, the Council may refer inquiries made during the hearing to the Town Manager or an appropriate staff member. If necessary, the item may be added to the agenda of a future meeting, thereby providing the staff an opportunity to research the item and provide data to the Council for consideration and review.

5. Speakers are asked to address comments to the entire Council as a whole and not one individual member. Discussions between speakers and members of the audience will not be permitted during the hearing.

6. Speakers who have prepared written remarks are encouraged to leave a copy of such remarks with the Town Clerk. Speakers who have materials that they want distributed to the Council related to the item they plan to discuss during the hearing, shall provide eight (8) copies of those documents to the Town Clerk prior to the start of the hearing. The Clerk shall distribute the copies to the Council, Attorney, and Town Manager and retain one copy for the record.

7. Speakers shall be courteous in their language and presentation. Profanity or other inappropriate language or gestures will not be tolerated. The audience shall be courteous and quiet during the public hearing. Only one person at a time will be allowed to speak and that person will be the speaker who has been invited to the lectern.

8. In order to provide for the maintenance of order and decorum in the conduct of the hearing, the Mayor or presiding member may declare "out-of-order" any person(s) who fails to comply with this policy. The Mayor or presiding member shall caution any such person(s) to abide by the provisions of this policy. Refusal to do so shall be grounds for removal of the person(s) from the meeting.

9. Any public hearing required by NCGS shall be advertised in accordance with all applicable requirements. Discretionary public hearings shall be advertised on the town's bulletin board and on the town's web page with the first notice being no less than 10 days and no more than 25 days prior to the date of the hearing. The day of the public hearing shall be counted as a day in the calculation of days.

10. Public Hearings may generate widespread interests and participation. The North Carolina Building Code sets maximum occupancy limits for all public buildings. Additionally, during a state of emergency or a public health crisis, such as a pandemic, room occupancy may be even more limited. These occupancy limits shall be strictly adhered to. This may prohibit all interested parties from participating in the public hearing. On occasions when the occupancy of the room is at its maximum, those people who have spoken will be encouraged to exit the room and allow other speakers to enter the room.

- Adopted December 14, 2017
- Amended April 14, 2022

**River Bend Town Council  
Work Session Minutes  
September 14, 2023  
Town Hall  
7:00 p.m.**

Present Council Members: Mayor John Kirkland  
Brian Leonard  
Barbara Maurer  
Buddy Sheffield  
Jeff Weaver

Town Manager: Delane Jackson  
Town Clerk: Kristie Nobles  
Town Attorney: Trey Ferguson  
Police Chief: Sean Joll

Members of the Public Present: 20

**CALL TO ORDER**

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, September 14, 2023, at the River Bend Town Hall with a quorum present.

**VOTE – Amend the Agenda**

Councilwoman Maurer motioned to amend the agenda by removing Closed Session item # 12. The motion carried unanimously.

**VOTE – Approval of Agenda**

Councilwoman Maurer motioned to accept the agenda as amended. The motion carried unanimously.

At this time Manager Jackson made an announcement that he had applied for a grant for the Town for a brand-new, state-of-the-art water treatment plant with softener. He stated that the grant, in the amount of \$9,393,000, is included in the proposed state budget. He also stated that if the budget is passed this would be the largest grant that the Town has ever received. Councilman Weaver expressed gratitude to the Town Manager and the Council agreed.

**Nominations– Select Replacement for Council Vacancy**

The Mayor called upon the Town Manager to explain the appointment process. The Council members (in alphabetic order) were called upon to offer their nomination. Councilwoman Maurer nominated Lisa Benton, Councilman Leonard nominated Lisa Benton, Councilman Sheffield nominated Steve Bokor and Councilman Weaver nominated Lisa Benton.

**Vote- Replacement for Council Vacancy**

Councilman Leonard moved to temporarily appoint Lisa Benton to the River Bend Town Council with a term ending on December 19, 2024. The motion passed with 3 ayes and 1 nay with Councilman Sheffield voting nay.

**Administer Oath of Office to New Council Member**

The Town Clerk then administered the oath of office to Lisa Benton, and she took her place on the dais.

### **ADOPTION OF COUNCIL CODE OF ETHICS POLICY**

Councilwoman Benton moved to adopt the Council Code of Ethics Policy as presented. The motion carried unanimously. (see attached)

### **VOTE– Plan Consistency**

Councilman Sheffield motioned to approve the resolution on Plan Consistency and Statement of Reasonableness as presented. The motion carried unanimously.

### **VOTE– Ammon Rezoning Request**

Councilman Sheffield motioned to rezone the parcel identified by Craven County PIN 8-206-083 from Institutional to Planned Development Residential – Multifamily. The motion passed with 4 ayes and 1 nay with Councilman Weaver voting nay.

### **VOTE – CAC Appointment**

Councilwoman Maurer motioned to appoint Carina Wordham to the Community Appearance Commission for a term beginning September 14, 2023, and expiring June 30, 2025. The motion carried unanimously.

Councilman Sheffield stated that the Planning Board had previously met and recommended appointing Carolyn Gadwell to the Planning Board.

### **VOTE – Planning Board Appointment**

Councilman Sheffield motioned to appoint Carolyn Gadwell to the Planning Board for a term beginning September 14, 2023, and expiring June 30, 2025. The motion failed with 1 aye and 4 nays with Councilmen Weaver and Leonard, and Councilwomen Maurer and Benton voting nay.

Councilwoman Maurer motioned to appoint Jon Hall to the Planning Board for a term beginning September 14, 2023, and expiring June 30, 2025. The motion carried unanimously.

### **VOTE – Parks and Recreation Appointment**

Councilman Weaver motioned to appoint Elizabeth Stokes to the Parks and Recreation Advisory Board for a term beginning September 14, 2023, and expiring June 30, 2025. The motion carried unanimously.

### **Discussion – Human Resources Policy Amendment**

Manager Jackson stated the Town does not have a policy in place regarding overtime pay for exempt employees during a State of Emergency. He stated that he had spoken with the new Emergency Management Expert at the School of Government, and she recommended the proposed changes to make our policy FEMA compliant. He stated that the Town Attorney had also reviewed and approved her recommendations.

### **VOTE – Human Resources Policy Amendment**

Councilman Weaver motioned to amend Article III, Section II of the Human Resources Policies and Procedures Manual as presented. The motion carried unanimously. (see attached)

### **Discussion – Water Resources Policy Amendment**

Manager Jackson stated that the amended policy would give the Town staff direction on pool fills for water and sewer customers in the town.

### **VOTE – Water Resources Policy Amendment**

Councilwoman Maurer motioned to amend Section 7(G) of the Water Resources Department Policy Manual as presented. The motion carried unanimously. (see attached)

### **Discussion – Budget Amendment**

The Manager stated that during the Budget Workshops the Council had agreed to purchase safety equipment for the Police Department but did not provide funding. He stated that the Police Chief has received quotes, and this Budget Amendment would officially approve funds for the purchase.

### **VOTE – Budget Amendment**

Councilman Leonard motioned to approved Budget Amendment 23-B-02 as presented. The motion carried unanimously. (see attached)

### **Discussion – Norbury Speed Limit**

Councilman Weaver stated that there have been some complaints about speeding on Norbury. He stated that there was a study completed and it showed that there is a very small percentage of speeding. Councilman Leonard stated that speed bumps or signage might help discourage speeding, although there are speed limit signs. Councilman Weaver stated that engineered controlled measures are normally put in place to change human behavior. He stated that he felt permanent speed bumps aren't a good idea but there are temporary speed bumps that would change human behavior, and then these speed bumps can be used on other roads in town. The Council agreed to purchase temporary speed bumps and have those deployed on Norbury.

### **Discussion – Davis / Dow Rezoning Request**

The Manager stated that there is a scheduled Public Hearing for the rezoning request of the Davis / Dow Property located on Old Pollocksville on September 21, 2023. He stated that the property has had the signage displayed and the advertisement has run in the local newspaper to meet the requirements. He stated that once the Public Hearing is held the Council can vote on the rezoning.

### **REVIEW – Agenda for the September 21, 2023, Council Meeting**

The Council reviewed the agenda for the September 21, 2023, Council Meeting.

Councilman Sheffield asked if the liaison responsibilities could be added to the agenda next week and the Council agreed.

### **ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 7:55 p.m.

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Kristie J. Nobles, CMC, NCCMC  
Town Clerk

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 (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. 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.

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.

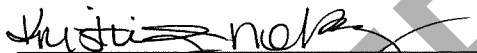
The Mayor and members of this Council do hereby accept and pledge to conduct themselves in accordance with this Code.

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 J. Nobles, Town Clerk

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



**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	<u>3,613,955</u>

**Section 1. General Fund**

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	<u>251,257</u>
Total	<u>2,209,051</u>

**Section 1. General Fund (continued)**

Authorized Expenditures

Governing Body	50,000
Administration	304,500
Finance	138,625
Tax Listing	13,700
Legal Services	24,000
Elections	0
Police	768,735
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	<u>2,209,051</u>

**Section 2. General Capital Reserve Fund**

Anticipated Revenues

Contributions from General Fund	55,000
Interest Revenue	1,900
Total	<u>56,900</u>

Authorized Expenditures

Transfer to General Fund	43,504
Future Procurement	13,396
Total	<u>56,900</u>

**Section 3. Law Enforcement Separation Allowance Fund**

Anticipated Revenues:

Contributions from General Fund	12,200
Interest Revenue	485
Total	<u>12,685</u>

Authorized Expenditures:

Separation Allowance	0
Future LEOSSA Payments	12,685
Total	<u>12,685</u>



**Section 4. Water Fund**

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	<u>655,804</u>

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	<u>655,804</u>

*[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	<u>10</u>

Authorized Expenditures

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

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
<b>Total</b>	<b>679,504</b>

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
<b>Total</b>	<b>679,504</b>

*[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
<b>Total</b>	<b>1</b>

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.

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

Attest:

  
\_\_\_\_\_  
Kristie J. Nobles, Town Clerk, CMC, NCCMC

**River Bend Town Council  
Regular Meeting Minutes  
September 21, 2023  
Town Hall  
7:00 p.m.**

Present Council Members: Mayor John Kirkland  
Lisa Benton  
Brian Leonard  
Barbara Maurer  
Buddy Sheffield  
Jeff Weaver

Town Manager: Delane Jackson  
Police Chief: Sean Joll  
Finance Director: Mandy Gilbert  
Town Clerk: Kristie Nobles  
Town Attorney: Trey Ferguson

Members of the Public Present: 30

**CALL TO ORDER**

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, September 21, 2023, at the River Bend Town Hall with a quorum present.

**VOTE – APPROVAL OF AGENDA**

Councilwoman Benton motioned to adopt the agenda as presented. The motion carried unanimously.

**RECOGNITION OF NEW RESIDENTS**

Terrence Lubsen – introduced himself and stated he is originally from New Jersey and interested in the upcoming zoning issues.

**PUBLIC HEARING – Proposed Rezoning Craven County PIN 8-200-029**

Councilman Sheffield moved to open the Public Hearing on the proposed rezoning of the parcel described by Craven County Parcel Identification Number 8-200-029 located at 403 Old Pollocksville Road. The motion carried unanimously.

With no one stepping forward, Councilman Sheffield moved to close the Public Hearing. The motion carried unanimously.

**CONSENT AGENDA**

The Mayor presented the Council with the Consent Agenda. Councilman Sheffield moved to approve the Consent Agenda as presented. The motion carried unanimously. Within this motion, the following items were approved:

**A. Approve:**

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

**TOWN MANAGER'S REPORT**

The Manager gave the following updates:

- The Town Clerk has received a scholarship for the Master Municipal Clerk Academy in November.

- The state budget, which includes \$9.3 million for the Town, will likely be passed tomorrow and then go to Governor for review. He stated this grant will allow the Town to build a brand-new Water Treatment Plant for the Town.

## **ADMINISTRATIVE REPORTS**

### **PLANNING BOARD – COUNCILMAN SHEFFIELD**

Councilman Sheffield stated that the Planning Board had recommended to the Council the approval of rezoning a portion of the property located at 403 Old Pollocksville Road. He stated that the Town had the required Public Hearing early in the meeting with no comments from the citizens.

### **VOTE– Plan Consistency**

Councilman Sheffield motioned to approve the resolution on Plan Consistency and Statement of Reasonableness as presented. The motion carried unanimously. (see attached)

### **VOTE– Davis / Dow Rezoning – 403 Old Pollocksville Road**

Councilman Sheffield motioned to rezone a portion of the parcel located at 403 Old Pollocksville Road identified by Craven County PIN 8-200-029 with said portion being further described by metes and bounds and shown on the map labeled as Exhibit 1, containing 73.22 acres to R15. The motion carried unanimously.

### **PARKS & RECREATION – COUNCILMAN WEAVER**

Councilman Weaver stated that Parks and Recreation is hosting the Community Yard Sale on September 30, 2023, and there is also a Fall Festival being planned.

### **CAC – COUNCILWOMAN MAURER**

Councilwoman Maurer presented the following report.

The CAC met on September 20, 2023. Agenda items included plans for festive home awards for fall and Christmas, a report on the Council discussion of the Plantation median project, ideas for Arbor Day celebration 2024, Christmas globe repairs and workshops, discussion about participating in National Night Out, and the start of plans for an Independence Day craft décor project. The Christmas globe workshops are scheduled for November 2<sup>nd</sup> and 4<sup>th</sup> from 9 am to noon in the Municipal Building. Pre-registration is required. More details will be published soon. The next meeting is scheduled for November 15, 2023, at 4 pm in the Municipal Building.

Councilwoman Maurer stated that the Council has asked the Town Manager to get quotes for a licensed arborist to do an assessment for the CAC Median Project.

### **VOTE– Median Assessment Project Funding**

Councilwoman Maurer motioned to approve funding up to \$2,500, to hire a certified arborist to conduct an assessment of the medians on Plantation Drive and Anchor Way as described in the scope of work dated September 13, 2023. The motion carried unanimously.

### **FINANCE – COUNCILMAN LEONARD**

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of August. She stated the total of the Town's Cash and Investments as of August 31, 2023, were \$3,244,542 and Ad valorem tax collections for FY23-24 were \$28,855 and Vehicle Ad valorem tax collections were \$9,368.

### **VOTE– NCLM Grants Memorandum of Agreement Resolution**

Councilman Leonard motioned to approve the NCLM Grants Memorandum of Agreement Resolution as presented. The motion carried unanimously. (see attached)

## **MAYOR'S REPORT**

The Mayor presented the following report.

The Towns and Cities in North Carolina are chartered by Act of the General Assembly. A Google search for "municipal government in North Carolina" results in the following: "In North Carolina, cities, towns and villages are incorporated municipalities which means that the North Carolina General Assembly (or, in a few cases, a former state agency known as the Municipal Board of Control) has granted a charter authorizing the establishment of a municipal corporation (government) and outlining the powers, authority and responsibilities of the municipal government. Some of these are specified in the charter and some are authorized by state statutes." (NCLM, *How NC Cities Work*)

The Town Charter is printed on the Town's web page and runs for nine pages. The charter is complete with the January 14, 1981, charter and the several amendments that the General Assembly has authorized in the years since 1981. (Rather than print the document here it is requested that citizens read the Charter on the web page.)

The Town Council, Manager and staff must comply with the direction of the Town's Charter, the laws of the State of North Carolina and the laws of the Federal Government. It is apparent that the day-to-day operation of municipal government in North Carolina does not operate by whim, but by direction from the General Assembly and the Federal Congress.

The River Bend Town Council, Manager and Staff has done very well in complying with these mandates. Source: *How NC Cities Work*. How NC cities work. (n.d.). <https://www.nclm.org/advocacy/how-nc-cities-work>

The Mayor then stated that the annual Constitution Week and Fire Prevention Week Proclamations were included in the agenda.

At this time the Mayor asked Janet Nawojski to come to the podium. The Town Clerk read a memorandum that the Mayor sent to Ms. Nawojski. He stated that the River Bend Garden Club has maintained the flower gardens around Town Hall, and he expressed gratitude and thankfulness for their work.

## **VOTE – CAC Recognition**

Councilwoman Maurer motioned to make a payment to the Memorial Garden in the amount of \$600 for recently completed improvements to the Memorial Garden. The motion carried unanimously.

## **PUBLIC COMMENT**

No Public Comments.

## **ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield moved to adjourn. The meeting adjourned at 7:59 p.m.

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Kristie J. Nobles, CMC, NCCMC  
Town Clerk

## **TOWN OF RIVER BEND**

### **RESOLUTION STATING THAT PROPOSED MAP AMENDMENT TO THE TOWN ZONING MAP 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 map amendment, which is the proposal to rezone a portion of parcel # 8-200-029 from R-20A to R-15 (“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,

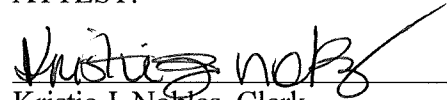
NOW THEREFORE, BE IT HEREBY RESOLVED, that the Town Council finds that the Proposed Amendment is in accordance with all officially adopted Town plans, including any comprehensive land use plan; that the proposed amendment is reasonable and in the public interest; and is reasonable based on the size, 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 21<sup>st</sup> day of September, 2023

**TOWN OF RIVER BEND**

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

ATTEST:

  
\_\_\_\_\_  
Kristie J. Nobles, Clerk

ITEM 6



**RESOLUTION TO APPROVE A MUNICIPAL ACCOUNTING SERVICES,  
CYBERSECURITY AND TECHNICAL ASSISTANCE MEMORANDUM OF  
AGREEMENT**

**WITNESSETH:**

**WHEREAS**, the North Carolina State Budget Act of 2021 (SL 2021-180, as amended by SL 2021-189, and SL 2022-6) provided to the NC League of Municipalities (League) grant funds provided to the State of North Carolina by the U.S. Treasury pursuant the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319, American Rescue Plan Act of 2021 (ARP); and

**WHEREAS**, the League received two Award Agreements (OSBM-NCLM-65) from the Office of State Budget and Management (OSBM) and the North Carolina Pandemic Recovery Office (NCPRO); and

**WHEREAS**, the first Award Agreement is identified as OSBM-NCLM-65. This grant enables the League to provide "financial software and assistance programs for units of local government for expenses related to the COVID-19 pandemic..." This grant is referred to as the Municipal Accounting Services and Cybersecurity Grant; and

**WHEREAS**, the second Award Agreement is identified as OSBM-NCLM-66. This grant enables the League "to provide guidance and technical assistance to units of local government in the administration of funds from the Local Fiscal Recovery Fund, as established in Section 2.6 of S.L. 2021-25, and in the administration of projects funded through the State Fiscal Recovery Fund, as established in Section 2.2 of S.L. 2021-25." This grant is referred to as the Guidance and Technical Assistance Grant; and

**WHEREAS**, the Municipal Accounting Services and Cybersecurity Grant and the Guidance and Technical Assistance Grant are collectively referred to herein as the "League Grants".

**WHEREAS**, the League Grants are deemed part of US Treasury Expenditure Category: 6, Revenue Replacement and shall only be spent on governmental services; and

**WHEREAS**, pursuant to US Treasury Guidance, units of local government that receive services that are funded by one or both of the League Grants are beneficiaries of one or both of the League Grants, respectively, and such services are provided at no cost to these local governments; and

**WHEREAS**, the League has established a Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement pursuant to the terms of the League's Municipal Accounting Systems and Cybersecurity Grant and the Guidance and Technical Assistance Grant; and

**WHEREAS**, this Municipal Accounting System, Cybersecurity and Technical Assistance Memorandum of Agreement will offer local municipalities:

(1) Services rendered by the League (League Services) including but not limited to capital expenditures for special purpose software and computer equipment as set forth in §2 C.F.R. 200.439; and

(2) Services rendered by one or more service providers (Contractor Services), retained by the League on behalf of the Municipality, who are members of a particular profession or possess a special skill as set forth in §2 C.F.R. 200.459; and

(3) Equipment, including information technology systems, and supplies, including computing devices, as set forth in §2 C.F.R. 200.439 and §2 C.F.R. 200.453; and

**WHEREAS**, the Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement, is attached hereto as Exhibit A; and


**NOW, THEREFORE BE IT RESOLVED BY THE CITY/TOWN COUNCIL/BOARD OF THE TOWN OF RIVER BEND:**

1. That, the Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement is hereby approved.
2. That the Manager/Clerk is authorized to execute the attached Memorandum of Agreement (or one substantially equivalent thereto) and such other agreements as necessary in accordance with the League's Municipal Accounting Services and Cybersecurity Grant and the Guidance and Technical Assistance Grant.

Adopted, this the 21st day of September, 2023

TOWN/CITY OF RIVER BEND

By:   
John R. Kirkland  
Mayor

ATTEST:  
  
Kristie J. Nobles  
Town Clerk

**Exhibit A**  
**MUNICIPAL ACCOUNTING SERVICES, CYBERSECURITY AND**  
**TECHNICAL ASSISTANCE MEMORANDUM OF AGREEMENT (MOA).**

ITEM 6

## **MUNICIPAL ACCOUNTING SERVICES, CYBERSECURITY AND TECHNICAL ASSISTANCE MEMORANDUM OF AGREEMENT**

This Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement (hereinafter the "Agreement") is entered into as of the Effective Date set out below, by and between the Town of River Bend (hereinafter the "Municipality") and the NC League of Municipalities (hereinafter the League), each additionally referred to as a "Party"; and collectively as the "Parties." This Agreement and the obligations hereunder shall be effective upon execution of this Agreement by all Parties ("Effective Date").

For good and valuable consideration, the adequacy of which is hereby acknowledged, the Parties agree as follows:

### **Article I. Overview.**

#### **1. Enabling Law and Regulation.**

The North Carolina State Budget Act of 2021 (SL 2021-180, as amended by SL 2021-189, and SL 2022-6) provided to the League grant funds provided to the State of North Carolina by the U.S. Treasury pursuant the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319, American Rescue Plan Act of 2021 (hereinafter ARP/CSLFRF). Pursuant to this legislation, the League received two Award Agreements from the Office of State Budget and Management (hereinafter OSBM) and the North Carolina Pandemic Recovery Office (hereinafter NCPRO).

The funds are deemed part of US Treasury Expenditure Category: 6, Revenue Replacement and shall only be spent on governmental services.

#### **2. Grants Awarded to the NC League of Municipalities.**

The first Award Agreement is identified as **OSBM-NCLM-65**. This grant enables the League to provide "financial software and assistance programs for units of local government for expenses related to the COVID-19 pandemic..." This grant is referred to as the **Municipal Accounting Services and Cybersecurity Grant**.

The second Award Agreement is identified as **OSBM-NCLM-66**. This grant enables the League "to provide guidance and technical assistance to units of local government in the administration of funds from the Local Fiscal Recovery Fund, as established in Section 2.6 of S.L. 2021-25, and in the administration of projects funded through the State Fiscal Recovery Fund, as established in Section 2.2 of S.L. 2021-25." This grant is referred to as the **Guidance and Technical Assistance Grant**.

The Municipal Accounting Services and Cybersecurity Grant and the Guidance and Technical Assistance Grant are collectively referred to herein as the "**League Grants**".

One or both of the League Grants fund this Agreement.

### **3. Status of the Parties.**

The undersigned Municipality is a beneficiary of the League Grants. The service providers retained by the League and funded by the League Grants for the benefit of the Municipality are contractors (“Contractors”).

### **4. Services Offered.**

Pursuant to this Agreement, the League hereby offers the following to the Municipality:

- Services rendered by the League (“League Services”). See Exhibit A.
- Services rendered by one or more service providers (“Contractor Services”) retained by the League on behalf of the Municipality, who are members of a particular profession or possess a special skill as set forth in §2 C.F.R. 200.459. See Exhibit B, as applicable (and subsequent Exhibits, as applicable).
- Equipment, including information technology systems, and supplies, including computing devices, as set forth in §2 C.F.R. 200.439 and §2 C.F.R. 200.453. The League shall fund League Services and Contractor Services pursuant to this Agreement.

The League shall fund League Services and Contractor Services pursuant to this Agreement. The Municipality accepts the League Grant(s) pursuant to this Agreement.

### **5. Additional Services.**

Additional Services (hereinafter “Additional Services”) may be offered to the Municipality by the League during the League’s Grant period pursuant to this Agreement. The Municipality’s official, who is designated in the Municipality’s adopting Resolution, may execute further agreements, modifications of this Agreement, and agree to Additional Services to be provided to the Municipality. These Additional Services shall be described in additional Exhibits to this Agreement (Exhibit C, D, E, etc.) that, when executed by the Parties, shall become part of this Agreement.

### **6. Term of Agreement.**

This Agreement shall begin on the Effective Date of this agreement and shall end when terminated at the discretion either party. All expenditures by the League under this Agreement must be obligated on or before December 31, 2024, and expended on or before December 31, 2026. Unless otherwise terminated, this Agreement shall expire on December, 31, 2026. Agreements executed by the Municipality and the Contractor, as may be reflected in Exhibit B, (and subsequent Exhibits attached hereto, as applicable) will survive termination of this Agreement, unless terminated early by the Municipality and the Contractor.

### **7. Termination of Agreement.**

The League may terminate this Agreement, in whole or in part, at any time upon written notice to the Municipality and the Contractor. The Contractor shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the League to be paid. If the Contractor has any property

in its possession belonging to the League, the Contractor will account for the same, and dispose of it in the manner the League directs.

#### **8. Duties of the Municipality.**

The Municipality will utilize League Services and Contractor Services in accordance with this Agreement. It agrees to submit quarterly performance reports for the League Services and Contractor Services received pursuant to this Agreement and to cooperate with the League in appropriate review of these League Services and Contractor Services. The nature and scope of the reports will depend on the project. Any deficiencies or other performance concerns will be addressed with the Municipality and the Contractor.

The Municipality shall obtain and provide to the League a unique entity identifier assigned by the System for Award Management (SAM), which is accessible at [www.sam.gov](http://www.sam.gov).

The Municipality shall provide the League with all relevant information requested by the League to enable the League to comply with the reporting requirements of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) or other federal or state requirements or audits, unless such information is otherwise confidential under applicable federal or state laws.

### **Article II. Scope of Funded Activities.**

#### **1. Scope of Services**

Services provided pursuant to this Agreement are set forth in the Exhibit A & B attached hereto (and subsequent Exhibits as applicable).

#### **2. Approved Budget.**

The League, in consultation with the Municipality and the Contractor, shall establish applicable rates and fees to align with the scope of services described in Exhibit B (and subsequent Exhibits as applicable) or amendments thereto as approved in writing by the League. Such charges and rates under this Agreement, once finalized and accepted by the League, are hereinafter referred to as the "Approved Budget". The League shall furnish the Municipality with a copy of the Approved Budget, which will include a detailed summary of charges and rates that the League will be obligated to expend for the benefit of the Municipality using applicable grant funding.

#### **3. Prior Approval for Changes.**

The Municipality shall not make any changes, directly or indirectly, to the Contractor Services, or the Approved Budget, without the prior written approval of the League.

#### **4. Allowable Costs for Services Rendered.**

All services provided pursuant to this Agreement must fall with the definitions of allowable cost and not be otherwise prohibited under State or Federal law.

Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost

Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance, Subpart E, defines those items of cost that are allowable, and which are unallowable. These allowable cost requirements are:

1. The costs must be reasonable;
2. The costs must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP);
3. The costs must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances;
4. The costs must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items.

#### **5. Prohibited Uses of Funding.**

The US Treasury's Final Rule prohibits certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Routine contributions which are part of a payroll obligation for an eligible project are allowed);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or to fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding;
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

### **Article III. Compensation.**

#### **1. Payment of Funds.**

The League will pay the Contractor identified in Exhibit B (and other Contractors/Consultants identified in subsequent Exhibits as applicable) for services rendered in accordance with the Approved Budget and for the performance of the Contractor Services. No Contractor Services shall be funded by the League outside the parameters of the League Grants. Fees and costs must be supported by evidence of bona fide services rendered.

The Municipality has no obligation to pay for any services identified in the Approved Budget that are the League's responsibility. Services not expressly agreed to by the League shall be the responsibility of the Municipality.

## **2. Invoices.**

Email invoices to [Accountspayablearp@ncfm.org](mailto:Accountspayablearp@ncfm.org). Expenses must be reasonable and necessary, documented, itemized, and incurred in accordance with this Agreement. All League expenditures under this Agreement must be obligated on or before December 31, 2024 and expended on or before December 31, 2026.

## **Article IV. Compliance with Grant Agreement and Applicable Laws.**

### **1. Expenditure Authority.**

This Agreement is subject to the laws, regulations, and guidance documents authorizing and implementing the ARP/CSLFRF grant, including, but not limited to, the following:

- **Authorizing Statute.** Section 603 of the Social Security Act (42 U.S.C. 803), as added by section 9901(a) of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2).
- **Implementing Regulations.** Subpart A of 31 CFR Part 35 (Coronavirus State and Local Fiscal Recovery Funds), as adopted in the Coronavirus State and Local Fiscal Recovery Funds interim final rule (86 FR 26786, applicable May 17, 2021 through March 31, 2022) and final rule (87 FR 4338, applicable January 27, 2022 through the end of the ARP/CSLFRF award term), and other subsequent regulations implementing Section 603 of the Social Security Act (42 U.S.C. 803).
- **Guidance Documents.** Applicable guidance documents issued from time-to-time by the US Department of Treasury, including the currently applicable version of the Compliance and Reporting Guidance: State and Local Fiscal Recovery Funds.

This Agreement is also subject to all applicable laws of the State of North Carolina.

### **2. Conflicts of Interest; Gifts & Favors.**

The Municipality understands that (1) it will use Fiscal Recovery Funds to pay for the cost of this Agreement, and (2) the expenditure of Fiscal Recovery Funds is governed by the League's Conflict of Interest Policy and the Federal and State regulatory requirements (including, without limitation, N.C. Gen. Stat. § 14- 234(a)(1) and N.C. Gen. Stat. § 14-234.3(a)).

The Municipality certifies that, as of the date hereof, to the best of its knowledge after reasonable inquiry, no employee, officer, or agent of the Municipality involved in the selection, award, or administration of this Agreement (each, a "Covered Individual"), nor any member of a Covered Individual's immediate family, nor a Covered Individual's partner, nor an organization which employs or is about to employ a Covered Individual, has a financial or other interest in or has received a tangible personal benefit from Fiscal Recovery Funds, except as to the funds legally expended in this Agreement. Should the Municipality obtain knowledge of any such interest, or any tangible personal benefit described in the preceding sentence after the date hereof, the Municipality shall promptly disclose the same to the League in writing.



The Municipality certifies to the League that it has not provided, nor offered to provide, any gratuities, favors, or anything of value to an officer, employee, or agent of the League. Should the Municipality obtain knowledge of the provision, or offer of a provision, of any gratuity, favor, or anything of value to an officer, employee, or agent described in the preceding sentence after the date hereof, the Municipality shall promptly disclose the same to the League in writing.

**3. Records Retention and Access.**

The Municipality shall maintain all records, books, papers and other documents related to its performance of Approved Activities under this Agreement (including without limitation personnel, property, financial and medical records) through at least December 31, 2031, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit, or other inquiry involving this Agreement. The Municipality shall make all records, books, papers and other documents that relate to this Agreement, unless otherwise privileged, available at all reasonable times for inspection, review or audit by the authorized representatives of the League, the North Carolina State Auditor, the US Department of Treasury, the US Government Accountability Office, and any other authorized state or federal oversight office.

**4. Suspension and Debarment.**

The Municipality shall comply with the Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR Part 180, as adopted by the U.S. Department of Treasury at 31 CFR Part 19. The Municipality represents that neither it, nor any of its principals has been debarred, suspended, or otherwise determined ineligible to participate in federal assistance awards or contracts. The Municipality further agrees that it will notify the League immediately if it, or any of its principals, is placed on the list of parties excluded from federal procurement or nonprocurement programs available at [www.sam.gov](http://www.sam.gov).

**5. Byrd Anti-Lobbying Amendment.**

The Municipality certifies to the League that it has not used and will not use Federally appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. § 1352. The Municipality shall disclose any lobbying with non-Federally appropriated funds that takes place in connection with obtaining any Federal award. This certification is a material representation of fact upon which the League has relied when entering this Agreement and all liability arising from an erroneous representation shall be borne solely by the Municipality.

**6. Publications.**

Any publications produced with funds from this Agreement shall display the following language: "This project is supported, in whole or in part, by federal award number SLFRP0129 awarded to NC League of Municipalities through the State of North Carolina by the U.S. Department of the Treasury."

## 7. **Equal Opportunity and Other Relevant Federal Laws**

The Municipality agrees during the performance of this Agreement the following:

### **Civil Rights Laws.**

The Municipality shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance.

### **Fair Housing Laws.**

The Municipality shall comply with the Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability.

### **Disability Protections.**

The Municipality shall comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance.

### **Age Discrimination.**

The Municipality shall comply with the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 CFR Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.

### **Americans with Disabilities Act.**

The Municipality shall comply with Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

### **Clean Air Act.**

The Municipality agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. The Municipality agrees to report each violation to Unit and understands and agrees that Unit will, in turn, report each violation as required to the U.S. Department of the Treasury, and the appropriate Environmental Protection Agency Regional Office.

### **Federal Water Pollution Control Act.**

The Municipality agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251 et seq. The Municipality agrees to report each violation to Unit and understands and agrees that Unit will, in turn, report each violation as required to assure notification to the U.S. Department of the Treasury, and the appropriate Environmental Protection Agency Regional Office.

**Hatch Act.**

The Municipality agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.

**Protections for Whistleblowers.**

In accordance with 41 U.S.C. § 4712, the Municipality may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

**Uniform Relocation Assistance and Real Property Acquisitions Act of 1970.**

(42 U.S.C. §§ 4601-4655) The Municipality will implement standards for predictable real property acquisition and relocation expenses for homeowners and tenants of land acquired through eminent domain.

**Governmentwide Requirements for Drug-Free Workplace.**

31 C.F.R. Part 20. The Municipality will implement required statements, policies and procedures.

**Increasing Seat Belt Use in the United States.**

Pursuant to Executive Order 13043, 62 Fed. Reg. 19216 (Apr. 18, 1997), The Municipality encourages its employees to adopt and enforce on-the-job seat belt policies and programs for its employees when operating company-owned, rented or personally owned vehicles.

**Reducing Text Messaging While Driving.**

Pursuant to Executive Order 13513, 74 Fed. Reg. 51225 (Oct. 6, 2009), The Municipality encourages its employees to adopt and enforce policies that ban text messaging while driving.

**Article V. Limitations of Liability**

**1. Limitations of Liability.**

In no event shall the League have any liability to the Municipality or any third party for damages resulting from Municipality's use of services provided through this Agreement or any separate agreement between the Municipality and the Contractor identified in Exhibit B (and other Contractors identified in subsequent Exhibits as applicable)

In no event shall the League be liable for any loss of profit or revenue, including but not limited to loss revenue caused by a cyber security breach, by the Municipality or any consequential, indirect, incidental, special, punitive, or exemplary damages incurred or suffered by the Municipality, even if the League has been advised of the possibility of such

loss or damage. Further, except for claims based on U.S. Patent or U.S. Copyright infringement or for personal injury or physical loss or damage to real or tangible personal property caused by the negligence of the League, Municipality agrees that the League's total liability for all claims of any kinds arising as a result of, or related to, this Agreement, whether based on contract, tort, (including but not limited to strict liability and negligence) warranty, or on other legal or equitable grounds, shall be limited to general money damages and shall not exceed the amounts actually received by Municipality under this Agreement.

THE REMEDIES PROVIDED HEREIN ARE EXCLUSIVE AND IN LIEU OF ALL OTHER REMEDIES, EXCEPT FOR THE WARRANTIES SET FORTH IN THIS AGREEMENT. THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, WHETHER ORAL OR WRITTEN, WITH RESPECT TO THE GOODS AND SERVICES COVERED BY OR FURNISHED PURSUANT TO THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES (I) OF MERCHANTABILITY, (II) OF FITNESS FOR A PRACTICAL PURPOSE, OR (III) ARISING FROM COURSE OF PERFORMANCE OR DEALING, OR FROM USAGE OF TRADE.

#### **Article VI. General Conditions.**

##### **2. Venue and Jurisdiction.**

This Agreement will be governed by and construed in accordance with the laws of North Carolina. The exclusive forum and venue for all actions arising out of this Agreement is the appropriate division of the North Carolina General Court of Justice in Wake County. Such actions may not be commenced in, nor removed to, federal court unless required by law.

##### **3. Nonwaiver.**

No action or failure to act by the League constitutes a waiver of any of its rights or remedies that arise out of this Agreement, nor shall such action or failure to act constitute approval of or acquiescence in a breach of this Agreement, except as specifically agreed in writing.

##### **4. Limitation of Authority.**

Nothing contained in this Agreement may be deemed or construed to in any way stop, limit, or impair the Municipality from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions.

##### **5. Assignment.**

The Municipality may not assign or delegate any of their rights or duties that arise out of this Agreement without the League's written consent.

##### **6. Integration.**

This Agreement contains the entire agreement between the parties pertaining to the subject matter of this Agreement. With respect to that subject matter, there are no promises, agreements, conditions, inducements, warranties, or understandings, written or oral, expressed, or implied, between the parties, other than as set forth or referenced in this Agreement.

**7. North Carolina Public Records Law**

Notwithstanding any other provisions of this Agreement, this Agreement and all materials submitted to the Municipality by the League are subject to the public records laws of the State of North Carolina and it is the responsibility of the League to properly designate materials that may be protected from disclosure as trade secrets under North Carolina law as such and in the form required by law prior to the submission of such materials to the Municipality. League understands and agrees that the Municipality may take any and all actions necessary to comply with federal, state, and local laws and/or judicial orders and such actions will not constitute a breach of the terms of this Agreement. To the extent that any other provisions of this Agreement conflict with this paragraph, the provisions of this section shall control.

**8. E-Verify**

League shall comply with E-Verify, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 et seq. In addition, to the best of League's knowledge, any subcontractor employed by League as a part of this contract shall be in compliance with the requirements of E-Verify and N.C.G.S. §64-25 et seq.

**9. Iran Divestment Act**

League certifies that, as of the date listed below, it is not on the Final Divestment List as created by the State Treasurer pursuant to N.C.G.S. § 147-86.55, et seq. In compliance with the requirements of the Iran Divestment Act and N.C.G.S. § 147-86.59, League shall not utilize in the performance of the contract any subcontractor that is identified on the Final Divestment List.

**10. Companies Boycotting Israel Divestment Act**

League certifies that it has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel pursuant to N.C.G.S. 147-86.81.

*[Remainder of page left blank intentionally. Signatures are on following page.]*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by digital signature on the respective dates below, and this Agreement shall be effective upon the date of the Municipality's signature.

**NC LEAGUE OF MUNICIPALITIES:**


**MUNICIPALITY:  
TOWN OF RIVER BEND**

\_\_\_\_\_ a North Carolina municipal corporation

By:

By:

\_\_\_\_\_  
Signature

  
Signature

\_\_\_\_\_  
Rose Vaughn Williams

John R. Kirkland  
Name

\_\_\_\_\_  
Executive Director

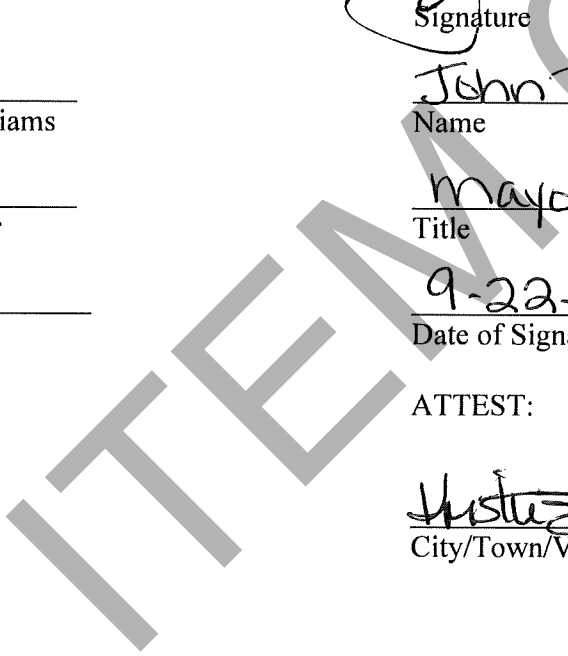
Mayor  
Title

\_\_\_\_\_  
Date of Signature

9-22-23  
Date of Signature

ATTEST:

  
City/Town/Village Clerk (or designee)



## **Exhibit A League Services**

**In addition to the Contractor Services set out in Exhibit B, the League may provide some or all of the services described below.**

### **1. Cyber Security Assessment**

The League's Cyber Security Advisor, or Cyber Field Technician ("Security Team"), will conduct a comprehensive assessment of the Municipality's overall cyber security posture ("Security Assessment") against the current standardized framework established by the Center for Internet Security ("CIS"). The Security Team will review approximately 155 security controls in coordination with the Municipality's management, and will provide IT support to establish a baseline security posture matrix. The Security Team will review the results and make appropriate hardware, software, policy, and procedure recommendations in accordance with industry best practices and the baseline standards set by the CIS assessment framework.

### **2. IT Evaluation**

Prior to the installation of accounting software, including Black Mountain software, the League's IT technicians ("Technical Team") will review and evaluate the IT System's environment ("IT Evaluation") of the Municipality to verify the system is adequate to operate the software. The Technical Team will review the computer system for minimum security controls such as password protection, firewall installation and operation, and up to date antivirus programs. The Technical Team will act as a liaison to assist with communications between the software Contractor, which may include Black Mountain Software, and the Municipality. The Technical Team will make appropriate hardware and software recommendations if any deficiencies are found during the IT Evaluation.

### **3. Hardware and Software Acquisition**

In the event that hardware or software deficiencies are found during the IT Evaluation, the League, utilizing funds from the **Municipal Accounting Services and Cybersecurity Grant**, will acquire and transfer title to the Municipality sufficient hardware and software to meet the "Minimum Requirements" as determined by the accounting software Contractor, which may include Black Mountain Software. As determined by the League's IT Director, Cyber Security Advisor, or Cyber Field Technician, computer hardware may be provided under this Agreement, which may include the following: 2 Computers, 1 Laser Printer, 1 Scanner, 2 Monitors, 2 Keyboards, 2 mouse devices, 2 UPS devices. Computer software to be provided under this Agreement may include a Microsoft Office license (if organization has no license).

In the event specific security hardware or software gaps are found during the Security Assessment, the League, utilizing funds from the Cybersecurity Grant, will acquire and transfer title to the Municipality sufficient hardware and software to meet the "Baseline Requirements" as determined by the Security Assessment. As determined by the League's Cyber Advisor, security hardware may be provided under this Agreement, which may include the following: ("NGFW") Next Generation Firewall, Layer 3 Network Switch. Security software may be provided under this agreement, which may include the following: Endpoint Detection & Response ("EDR"), Endpoint

Protection Platform (“EPP”), Extended Detection and Response (“XDR”), or Multi-Factor Authentication (“MFA”).

**All hardware and software shall be used only for governmental purposes and primarily used for MAS purposes. The Municipality is responsible for the security, operation, support and maintenance of the provided assets.**

#### **4. Hardware and Software Installation**

Hardware and software provided by the League will be installed by the Municipality’s IT professionals. If the Municipality has no IT service provider, the League, utilizing funds from the **Municipal Accounting Services and Cybersecurity Grant**, will contract for a third-party IT professional installer to set up and load the hardware and software provided pursuant to this Agreement.

#### **5. Finance Evaluation and Assistance During Implementation**

Prior to the installation of the accounting software, which may include Black Mountain software, the League’s Finance Team (“Finance Team”), in consultation with the Municipality and the software Contractor, which may include Black Mountain Software, will determine the appropriate accounting software to be installed. League MAS representatives will further work with accounting software Contractor during the pre-implementation period to prepare the Municipality for conversion actions and assist the Municipality in adopting best practice options for the new system.

#### **6. Ongoing Cyber Security Consulting**

Following the initial Security Assessment described in Section 1, the Security Team will consult with the Municipality on an ongoing basis to assist with meeting the recommendations set forth in the assessment and municipal-related cyber security concerns that would typically be addressed by a Chief Information Security Officer (“CISO”).

#### **7. Accounting Assistance Efforts**

During the term of this Agreement (as described in Article I, Paragraph 6 above), League Accounting Assistance personnel will provide the Municipality with ongoing assistance with accounting issues, review and assist with best practice accounting and finance processes, and generally assist the Municipality to be current with its bookkeeping and accounting. An emphasis will be placed on ensuring participating Municipalities are prepared for their annual audit. The implementation of best practices and timely preparation should improve the audit experience for both the Municipality and the firm performing the audit.

#### **8. Communication Services**

The League’s ARP Communications Specialist will provide the Municipality with communications services to help document and describe how the Municipality utilized ARP/CSLFRF grant funding and the impact of those efforts on the community. Communication activities include, but are not limited to, conducting interviews of municipal staff and officials, researching plans and investment strategies, verifying details of grant investments to deliver community outreach strategies and a press conference.



**6. Duties of the Municipality**

The Municipality further agrees to: (1) give the League access to data managed by the Municipality in order to facilitate implementation of the Municipal Accounting Services and Cybersecurity Grant; (2) provide on-line “read only” access into the Municipal Accounting System by the League’s Accounting Assistance personnel; (3) permit the League to contact applicable Contractor, including but not limited to Black Mountain Software, on behalf of the Municipality as needed to facilitate implementation of the League’s Grants; (4) make reasonable efforts to maintain industry standards for cybersecurity, which may include allowing the League to perform security audits in the League’s sole discretion; (5) if applicable, use the Standardized Chart of Accounts as provided in the accounting software installation; and (6) respond to all requests from the League or Contractor, as applicable, to verify accuracy of monthly invoices submitted to the League by Contractor for grant-funded services provided by Contractor on behalf of the Municipality.

**7. Duties of the League Related to Data Security**

The League agrees to: (1) access only the Municipality’s data that is necessary to implement the software; (2) restrict access to the Municipality’s data to designated League employees and agents; and (3) take reasonable measures to safeguard the Municipality’s data.

ITEM 6



# RIVER BEND POLICE DEPARTMENT



## MONTHLY ACTIVITY REPORT

2023

	ACTIVITIES	2023	2023	2023	% of Total Calls	% Change Last 2 Mos.
		July	August	September		
1	ALARMS / 911 UNKNOWN / DISTURBANCE / SHOTS FIRED (0)	6	16	10	0.40%	-38.00%
2	ANIMAL COMPLAINTS	3	13	13	0.53%	0.00%
3	ARRESTS	0	0	0	0.00%	0.00%
4	ASSAULTS / ALL OTHER VIOLENT CRIME	0	2	2	0.08%	0.00%
5	ASSIST CITIZENS / LOCK OUT / QUALITY OF LIFE ISSUES	7	8	12	0.49%	50.00%
6	ASSIST EMS / FD / FIRST RESPONDERS / MED ASSIST	16	33	40	1.62%	21.00%
7	ASSIST MOTORISTS / FOOT PATROLS / ALL OTHER	150	80	16	0.65%	-80.00%
8	ASSIST OTHER AGENCIES	3	3	3	0.12%	0.00%
9	B & E BUSINESS / RESIDENCE / VEHICLE	1	11	0	0.00%	-100.00%
10	CRIM. SUMM. / SUBPOENAS / WARRANTS / CIVIL COMPLAINT	5	0	0	0.00%	0.00%
11	DOMESTICS	2	3	1	0.04%	-67.00%
12	FIRES / ALARM	4	3	4	0.16%	33.00%
13	IDENTITY THEFT / FRAUD	2	2	1	0.04%	-50.00%
14	INVOLUNTARY COMMITMENTS	2	1	1	0.04%	0.00%
15	JUVENILE COMPLAINTS	0	0	1	0.04%	0.00%
16	LARCENIES	0	3	2	0.08%	-33.00%
17	LITTERING	0	0	0	0.00%	0.00%
18	LOUD MUSIC / NOISE COMPLAINTS	1	1	0	0.00%	-100.00%
19	DEATH / MISSING PERSON / RUNAWAY / SUICIDE(A)	1	3	2	0.08%	-33.00%
20	PROPERTY DAMAGE / VANDALISM	0	4	1	0.04%	-75.00%
21	RESIDENTIAL / BUSINESS CHECKS / COMMUNITY WATCH	2208	2736	2,293	92.83%	-16.00%
22	ROADWAY DEBRIS / OBSTRUCTIONS	0	0	0	0.00%	0.00%
23	ROBBERIES	0	0	0	0.00%	0.00%
24	SOLICITING VIOLATIONS	0	0	0	0.00%	0.00%
25	SUSPICIOUS PERSONS / VEHICLES / FIELD INTERVIEW	17	9	7	0.28%	-22.00%
26	TOWN ORDINANCE CITATIONS	1	1	0	0.00%	-100.00%
27	TOWN ORDINANCE VIOLATIONS	8	3	3	0.12%	0.00%
28	TRAFFIC ACCIDENTS	1	5	2	0.08%	-60.00%
29	TRAFFIC STOPS	23	26	35	1.42%	35.00%
30	TRAFFIC COMPLAINTS-RADAR	5	3	4	0.16%	33.00%
31	DWI	0	1	0	0.00%	-100.00%
32	CHECKPOINTS	0	0	1	0.04%	0.00%
33	DRUG VIOLATIONS	0	1	0	0.00%	-100.00%
34	WELFARE CHECKS	3	4	5	0.20%	25.00%
35	CASE ASSIST / PW / VEHICLE MAINTENANCE / MEETING	4	3	2	0.08%	-33.00%
36	CASE FOLLOW UPS / SPECIAL OPERATION / TRAINING	6	7	6	0.24%	-14.00%
37	TRESPASSING	1	1	3	0.12%	200.00%
38	OVERDOSE	1	0	0	0.00%	0.00%
39	TOTAL	2621	2986	2470	100.00%	-17.00%

### Traffic Violations

- 13 State Citations
- 15 Total State Charges
- State Warnings
- Town Citations
- Town Warnings

### Community Watch Checks

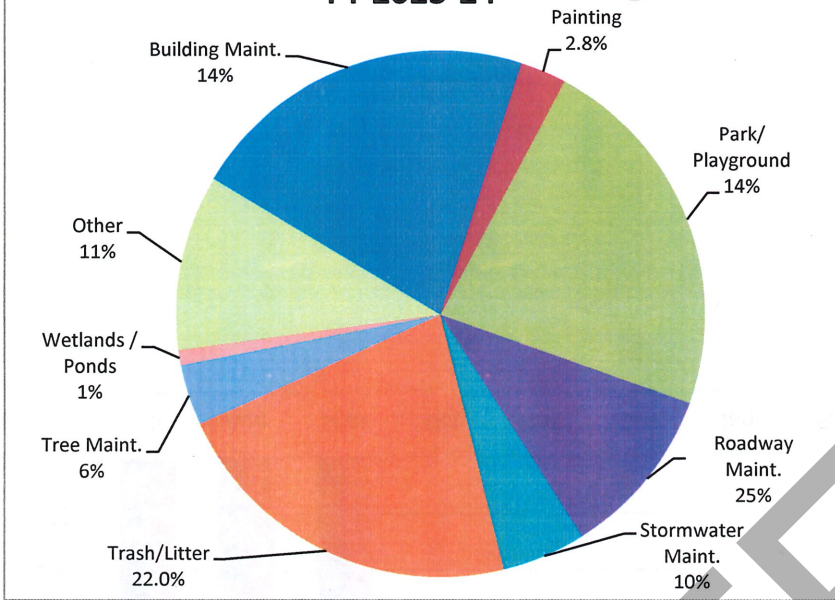
- 110 100 Pirates
- 121 100 Plantation
- 115 200 Lakemere
- 127 200 Rockledge
- 75 Piner Estates

### Phone Calls Answered (638-1108)

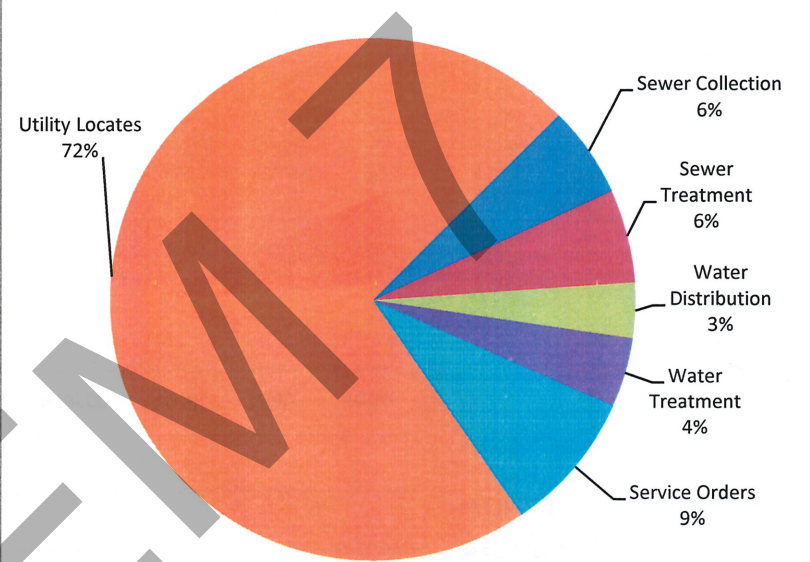
- 207 Incoming Calls

The data being presented in this report is a representation of the original call as it was dispatched.

### Public Works Work Orders FY 2023-24



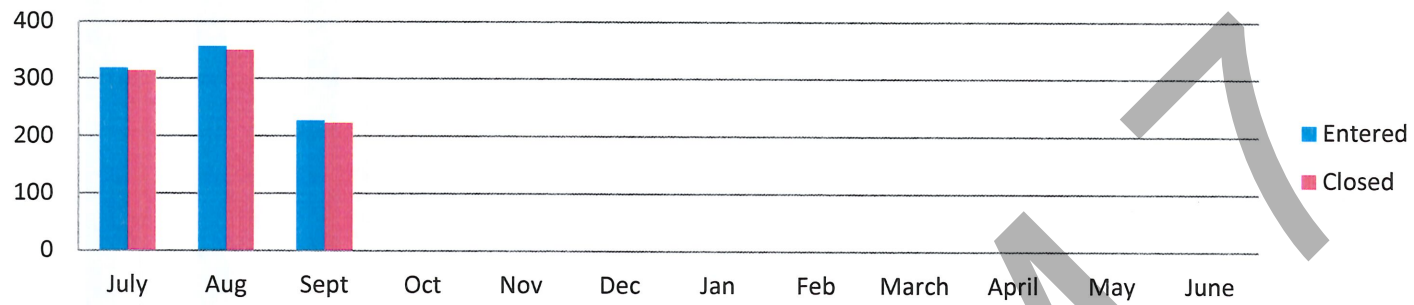
### Water Resources Work Orders FY 2023-24



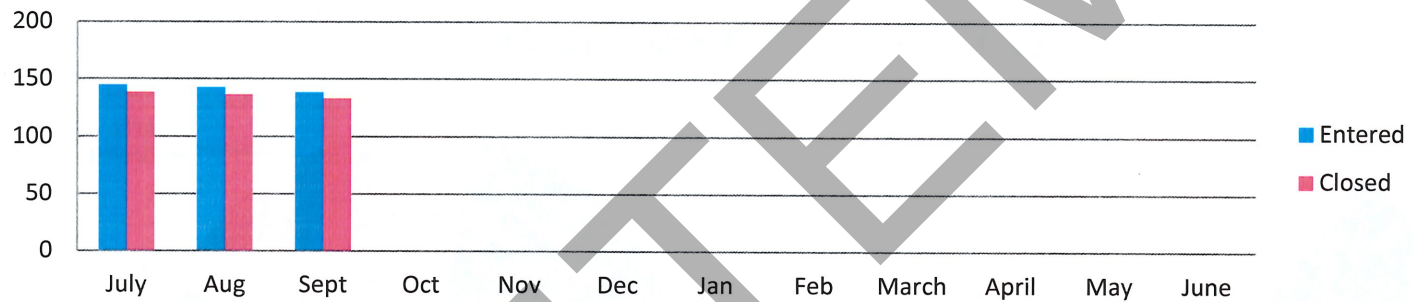
### Total Work Orders - FY 2023-24



### Water Resources - Work Orders



### Public Works - Work Orders







**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)

## **August 2023 Monthly Report Brandon Mills, Director of Public Works**

Public Works repaired a couple of storm water drains that had pipe joint issues. The repairs were executed efficiently to ensure proper functioning of the storm drainage system. Our team also kept up with our maintained areas we are responsible for by mowing the right of ways, and trimming overhanging limbs. This action not only improves the aesthetics of our community but also ensures the safe and unobstructed passage of pedestrians, and vehicles. There still are several areas where we need to trim, and we will do so as time allows.

Water Resources has also continued utilizing our smoke machine to conduct an inspection of our sewer system. We are trying to identify sources of inflow & infiltration. Several cleanouts were discovered broken during this process and were promptly repaired by our staff. We will also continue to do more smoke testing in areas around town as time allows. Our team also replaced two faulty backwash & rinse valves in our water treatment plant. This was part of routine maintenance, as these valves were not completely shutting off all the way and needed to be replaced. I would like to thank the staff for a job well done.

If you have any questions concerning the Water Resources/Public Works Department, please call us at 252-638-3540, Monday-Friday, 8am-4pm. After hour's water and sewer, emergencies can be reported by dialing the Town Hall at 252-638-3870. You will be instructed to dial "9" and follow the directions to contact the on-call duty operator. You will then be asked to enter your phone number at the sound of the tone. After entering your phone number, the automated system will inform you that your page has been sent. Please, be patient and our utility systems operator will return your call. If you do not receive a call back within ten minutes, please notify the Police Department at 252-638-1108, and they will get in contact with the on-call utility systems operator.



# MONTHLY ZONING REPORT

MONTH  YEAR

Activity	Monthly	YTD Total
Permit Applications Received	1	21
Permits Issued	1	21
Fees Collected	48.00	1515.60
Violations Noted During Weekly Patrol	5	27
Complaints Received From Citizens	2	3
Notice Of Violations Initiated *see details below	5	19
Remedial Actions Taken By Town	0	0

Detail Summary		
Address	Violation	Date Cited
103 Teakwood	Grass	6-Sep
104 Teakwood	Grass	6-Sep
293 Gatewood	Boat	20-Sep
295 Gatewood	Trailer	20-Sep
511 Plantation	Boat	20-Sep

**Yellow=** added after discussion at work session

## **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF RIVER BEND**

BE IT ORDAINED by the Town Council of the Town of River Bend that the Town Code of Ordinances, Title III, Administration, Chapter 3.05, Board and Commissions, be amended as follows:

### **ADVISORY BOARD LIAISON**

#### **§ 3.05.080 ESTABLISHMENT.**

An Advisory Board Liaison Section is hereby created and established.

#### **§ 3.05.081 PURPOSE**

As codified in Chapter 3.05 of the Town Code of Ordinances, the Town of River Bend has multiple Advisory Boards. In addition to the Advisory Boards listed therein, the town may also have other groups that function in roles similar to an Advisory Board (such as Community Watch, Board of Adjustment, etc.). Also, from time to time, the Town Council (Council) may create a special committee to address a particular topic. A member of Council may be appointed to serve as liaison for such groups (Board). Liaison appointments are only made by an official action of Council. The purpose of this section is to define the role of a liaison.

#### **§ 3.05.082 ROLE OF LIAISON**

- (A) A Council-appointed liaison is not a member of the Board. Rather, the liaison is a resource to support the Board in the completion of its assigned duties, subject to the following guidelines:
- (1) A liaison has no authority to supervise or manage the Board. The liaison shall not take part in any votes or decision making of the Board.
  - (2) Generally put, a liaison shall not attempt to influence the work or recommendations of the Board. More specifically, a liaison shall not take part in the Board's deliberations or discussions unless:
    - a) The Board requests the liaison's participation in a particular discussion. The liaison's input shall represent the position of Council, or the liaison shall identify their input as representing their personal opinion.
    - b) The liaison determines that he/she must speak up in order to remind the Board of Council's directives, town policies, the Open Meetings Law, public records requirements or other specific information which may be necessary to prevent the Board from taking inappropriate action.
- (B) The liaison shall be mindful that the Board is only taking action or doing work that is within the Board's Power and Duties as outlined herein or as otherwise prescribed by Council. If such a deviation occurs, the liaison shall notify the Board's Chairperson. If such deviations continue, the liaison shall notify the Council.



- (C) The liaison shall serve as the conduit between the Council and the Board. The liaison shall bring to the Council any requests from the Board, such as, but not limited to, the following:
- (1) Questions about the Board's scope of work.
  - (2) Requests from the Board to change the Board's scope of work.
  - (3) Requests of town resources to further the Board's work.
  - (4) Recommendations from the Board to the Council. All recommendations from a Board shall be provided in writing and signed by the Board's Chairperson. The liaison shall follow the town's agenda policy for placing the recommendation on the next Council agenda. Similarly, the liaison shall bring to the Board any directions, requests, or concerns from the Council.
- (D) The liaison should attend all regular meetings of the Advisory Board. When they cannot, they should notify their back-up and the back-up should attend. The liaison shall stay informed of Board activity/action by attending Board meetings or conferring with its members. The liaison shall update the Council at least quarterly (per fiscal year) on the work of the Board by submitting a written report of Board actions. The report shall be included in the Council's regular meeting agenda packet during the months of October, January, April and July. Such reports shall represent the Board's action during the previous quarter.

**§ 3.05.083 BOARD OVERSIGHT**

- (A) If a Board member or member of the public feels that there is an issue with the operations of the Board, they may speak to the liaison about their concern, in an effort to seek a remedy or clarification.
- (B) If the liaison is unable to resolve the issue, the liaison shall bring the issue to the Mayor, Mayor Pro-Tem and Town Manager for discussion and possible further action. If the issue requires Council action, the Mayor or Mayor Pro-Tem shall bring the issue to the Council by following the town's agenda policy.
- (C) If a liaison feels that there is an issue with the operations of the Board, they shall speak to Board's Chairperson. If the issue is not resolved, the liaison shall bring the issue to the Council for consideration by following the town's agenda policy.

This Ordinance shall be in full force and effect upon its adoption.

**Adopted this the 19th day of October, 2023**

\_\_\_\_\_  
John Kirkland, Mayor

ATTEST:

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

## **Liaison Report to Town Council – 10/19/23**

### **Community Appearance Commission**

The CAC did not meet in October but they were busy.

Their booth at National Night Out drew much attention for its attractive appearance.

The Fall Festive Home awards will be announced on October 26. Banners will be displayed on the lawns of the winners. Christmas festive home award dates will be announced following their November meeting.

Two Christmas globe workshops are scheduled, November 2<sup>nd</sup> and 4<sup>th</sup>, from 9 am to noon in the Municipal Building. Pre-registration is required. There will be a small fee for materials. Refreshments will be provided.

Additional activities are in the planning stages, including an Arbor Day event and a Fourth of July decoration project.

The next meeting is scheduled for November 15, 2023 at 4 pm in the Municipal Building. The meeting is open to everyone. Please attend if you are interested. There are openings if you would like to join this active advisory board.

# Town of River Bend



## Monthly Financial Report

*This monthly report is provided as an oversight/management tool for the Town Council of the Town of River Bend. For ease of reporting, and in order to be consistent with the categories used in the annual budget process, this report summarizes the revenue and expenses in each of the three operational areas of the Town. Anyone interested in more detail, or further explanation of the contents of this report, is encouraged to contact Finance Officer Mandy Gilbert.*

## Notes

The cash balances shown on page one are the amount of cash in each specific accounting fund. These funds are deposited in separate investment accounts. Pooled cash accounts used for operating funds but accounted for, in our internal systems, as individual accounts. Interest attributable to each account is allocated based upon the total rate of return of the account(s).

The FY Budget columns represents the original and current budget. As the fiscal year goes on and unforeseen expenses or revenues occur, we need to adjust the budget. The Council does this by formal amendment during a Council meeting. \*Asterisked lines represent those budget items that have been amended since adoption.

The acronym CIF used in this report is our Capital Improvement Fund(s) for water and wastewater. These funds are, by resolution of the Town Council, reserved for expenses related to expansion of these systems, or retirement of debt. The Water CIF receives revenue in the form of annual Hydrant Fee payments.

Because this is an annual budget, it is important to note that many lines shown in this report will vary, some significantly, from month to month, and in different times of the year. In many instances, capital payments for current fiscal year projects are made early in the fiscal year and the majority of our ad valorem tax receipts occur in the middle of the fiscal year. This is another reason to maintain an adequate fund balance.

**Town of River Bend  
Financial Dashboard**



Visit our web site <http://www.riverbendnc.org/finance.html> to view the Financial Dashboard. These dashboards are designed to give the user a quick overview of the status of revenues and expenditures in each of the Town's three major funds as reported in the Monthly Financial Report.



Town of River Bend  
Financial Report  
Fiscal Year 2023 - 2024



General Fund

Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	% Budget
	Original	Current														
1 Ad Valorem Taxes	935,566	935,566	-	28,855	71,341										100,195.97	10.7%
2 Ad Valorem Taxes - Vehicle	90,000	90,000	-	9,368	11,743										21,110.76	23.5%
3 Animal Licenses	1,500	1,500	80	60	50										190.00	12.7%
4 Local Gov't Sales Tax	421,494	421,494	36,413	36,490	38,496										111,399.28	26.4%
5 Hold Harmless Distribution	108,195	108,195	8,203	9,920	10,574										28,697.70	26.5%
6 Solid Waste Disposal Tax	2,200	2,200	-	580	-										580.44	26.4%
7 Powell Bill Fund Appropriation	-	-	-	-	-										-	0.0%
8 Powell Bill Allocation	91,000	91,000	-	-	45,050										45,049.69	49.5%
9 Beer & Wine Tax	13,225	13,225	-	-	-										-	0.0%
10 Video Programming Tax	49,621	49,621	-	-	12,138										12,138.02	24.5%
11 Utilities Franchise Tax	112,169	112,169	-	-	23,348										23,348.08	20.8%
12 Telecommunications Tax	6,725	6,725	-	-	1,811										1,810.70	26.9%
13 Court Cost Fees	500	500	91	41	97										228.00	45.6%
14 Zoning Permits	7,000	7,000	1,655	487	78										2,219.80	31.7%
15 Federal Grants	-	-	-	-	-										-	0.0%
16 State Grants	-	-	-	-	-										-	0.0%
17 Federal Disaster Assistance	-	-	-	525	-										524.97	#DIV/0!
18 State Disaster Assistance	-	-	-	-	-										-	0.0%
19 Miscellaneous	15,000	15,000	1,386	777	1,798										3,960.72	26.4%
20 Insurance Settlements	-	-	-	-	-										-	0.0%
21 Interest - Powell Bill	50	50	-	-	0										0.04	0.1%
22 Interest - Investments	20,000	20,000	4,275	3,851	3,623										11,749.08	58.7%
23 Contributions	901	901	640	-	-										640.00	71.0%
24 Wildwood Storage Rents	18,144	18,144	1,630	1,682	1,663										4,974.99	27.4%
25 Rents & Concessions	18,000	18,000	1,600	1,640	1,640										4,880.00	27.1%
26 Sale of Capital Assets	3,000	3,000	-	4,601	-										4,601.00	153.4%
27 Sales Tax Refund Revenue	-	-	-	-	-										-	0.0%
28 Trans. from Capital Reserve	43,504	43,504	43,504	-	-										43,504.00	100.0%
29 Trans. from L.E.S.A. Fund	-	-	-	-	-										-	0.0%
30 Appropriated Fund Balance*	198,597	251,257	-	-	-										-	0.0%
<b>Total</b>	<b>2,156,391</b>	<b>2,209,051</b>	<b>99,477</b>	<b>98,878</b>	<b>223,449</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>421,803.24</b>	<b>19.1%</b>

\*Astericked lines represent those budget items that have been amended since Original Budget adoption.

#DIV/0! indicates revenue was received, but not budgeted for this line item.



General Fund

Expenditures	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
	1 Governing Body*	65,000													50,000	7,373
2 Administration	304,500	304,500	40,714	18,438	23,611										82,763	27.2%
3 Finance*	138,000	138,625	15,480	8,359	7,114										30,953	22.3%
4 Tax Listing	13,700	13,700	-	596	1,076										1,672	12.2%
5 Legal Services	24,000	24,000	3,635	5,189	4,733										13,557	56.5%
6 Elections	-	-	-	-	-										-	0.0%
7 Public Buildings*	103,600	104,500	10,776	9,758	7,078										27,613	26.4%
8 Police*	744,800	768,735	64,100	46,496	41,585										152,180	19.8%
9 Emergency Management	5,700	5,700	1,954	16	740										2,710	47.5%
10 Animal Control	17,100	17,100	2,040	991	1,076										4,107	24.0%
11 Street Maintenance*	232,200	272,950	5,100	2,478	2,695										10,274	3.8%
12 Public Works	189,000	189,000	18,914	14,402	14,230										47,546	25.2%
13 Leaf & Limb, Solid Waste	52,384	52,384	6,453	199	8,554										15,206	29.0%
14 Stormwater Management	47,000	47,000	3,060	1,487	1,603										6,151	13.1%
15 Waterways & Wetlands	2,900	2,900	-	25	-										25	0.9%
16 Planning & Zoning	57,000	57,000	5,573	3,535	3,544										12,651	22.2%
17 Recreation & Special Events	10,500	10,500	1,242	-	-										1,242	11.8%
18 Parks*	61,000	62,450	4,471	2,712	4,896										12,080	19.3%
19 Transfers	67,200	67,200	67,200	-	-										67,200	100.0%
20 Contingency	20,807	20,807	-	-	-										-	0.0%
<b>Total</b>	<b>2,156,391</b>	<b>2,209,051</b>	<b>258,087</b>	<b>114,582</b>	<b>126,044</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>498,713</b>	<b>22.6%</b>

Capital / Debt (included above)	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
	1 Capital Outlay*	220,500													263,912	-
2 Debt Service - Principle	-	-	-	-	-										-	0.0%
3 Debt Service - Interest	-	-	-	-	-										-	0.0%

\*Astericked lines represent those budget departments that have been amended since Original Budget adoption.



**Water Fund**

	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current														
1 Base Charge	278,811	278,811	46,315	395	46,113										92,823	33.3%
2 Consumption	242,665	242,665	44,101	290	43,647										88,038	36.3%
3 Other, incl. transfers	23,060	23,060	1,806	5,373	3,673										10,853	47.1%
4 Hydrant Fee	19,764	19,764	19,947	-	-										19,947	100.9%
5 Appropriated Fund Bal.*	91,035	91,504	-	-	-										-	0.0%
<b>Total</b>	<b>655,335</b>	<b>655,804</b>	<b>112,170</b>	<b>6,057</b>	<b>93,434</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>211,661</b>	<b>32.3%</b>

	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current														
1 Admin & Finance*	491,335	491,804	47,075	23,624	21,769										92,468	18.8%
2 Supply & Treatment	86,800	86,800	6,039	1,341	7,035										14,415	16.6%
3 Distribution	53,700	53,700	31,109	5,813	99										37,021	68.9%
4 Transfers / Contingency	23,500	23,500	-	-	-										-	0.0%
<b>Total</b>	<b>655,335</b>	<b>655,804</b>	<b>84,223</b>	<b>30,778</b>	<b>28,903</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>143,904</b>	<b>21.9%</b>

	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current														
1 Capital Outlay*	23,000	23,469	-	-	-										-	0.0%

Cash Balances		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1 Water Fund		482,132	515,904	515,231	0	0	0	0	0	0	0	0	0
2 Water Capital Reserve Fund (CIF)		1,258	1,263	1,269	0	0	0	0	0	0	0	0	0

	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Limit															
1 Total Gallons			10,451,000	10,845,000	9,577,000										30,873,000	
2 Average daily gallons		925,000*	337,129	349,839	319,233	0	0	0	0	0	0	0	0	0	83,850	

\* This is the permitted daily limit.



Town of River Bend  
Financial Report  
Fiscal Year 2023 - 2024



**Sewer Fund**

	Revenue		Fiscal Year Budget	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date		
	Original	Current														Total	% Col	
	1 Base Charge	296,108														296,108	49,103	477
2 Consumption	348,824	348,824	60,453	(25)	59,775												120,202	34.5%
3 Other, incl. transfers	15,470	15,470	2,526	3,814	3,764												10,104	65.3%
4 Appropriated Fund Bal.*	18,633	19,102	-	-	-												-	0.0%
<b>Total</b>	<b>679,035</b>	<b>679,504</b>	<b>112,082</b>	<b>4,266</b>	<b>112,388</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>228,736</b>	<b>33.7%</b>

	Expenses		Fiscal Year Budget	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date		
	Original	Current														Total	% Exp	
	1 Admin & Finance*	482,735														483,204	50,772	24,159
2 Collection	64,500	64,500	5,009	10,131	4,634												19,773	30.7%
3 Treatment	128,300	128,300	14,751	5,575	7,149												27,475	21.4%
4 Transfers / Contingency	3,500	3,500	-	-	-												0	0.0%
<b>Total</b>	<b>679,035</b>	<b>679,504</b>	<b>70,531</b>	<b>39,865</b>	<b>34,311</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>144,707</b>	<b>21.3%</b>

	Capital		Fiscal Year Budget	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date		
	Original	Current														Total	% Exp	
	1 Capital Outlay*	11,000														11,469	-	9,000

Cash Balances		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1 Sewer Fund		659,453	683,713	690,235	0	0	0	0	0	0	0	0	0
2 Sewer Capital Reserve Fund (CIF)		59	59	59	0	0	0	0	0	0	0	0	0

	Wastewater Treated		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date
	Limit														
	1 Total Gallons														
2 Average daily gallons			330,000*	104,419	100,387	128,667	0	0	0	0	0	0	0	0	27,789

\* This is the permitted daily limit.

EWAB October 2, 2023

EWAB met on Monday October 2<sup>nd</sup>, 2023 at 7 PM in the small conference room in the municipal building.

Chairman Ackiss call the meeting to order at 7 PM, there was a quorum.

The minutes for the August 7<sup>th</sup>, 2023 meeting were read and approved.

Councilman Leonard gave a council report.

**Old business:**

300 Tar Landing trees on the side of property.

New sign for EWAB table at National Night Out and materials from the NC Department of Water Resources

**New business:** Drainage issues on Ashly Place.

Town owned bulkhead on Plantation Drive by Knotline Road needs repair/replacement.

**Volunteer hours:** 10

**Next meeting:** November 6, 2023 at 7 PM in the small conference room in the municipal building.

## Mayor and Town Council Responsibilities Last Updated 10/19/23

MAYOR	FINANCE & HUMAN RESOURCES	PUBLIC SAFETY	PARKS & RECREATION	ENVIRONMENT	PLANNING	CAC
Mayor: John R. Kirkland	Liaison: Brian Leonard	Liaison: Lisa Benton	Liaison: Jeff Weaver	Liaison: Brian Leonard	Liaison: Buddy Sheffield	Liaison Barbara Maurer
Pro Tem: Buddy Sheffield	Backup: Barbara Maurer	Backup: Buddy Sheffield	Backup: Lisa Benton	Backup: Jeff Weaver	Backup: Barbara Maurer	Backup: Brian Leonard
<p>Serves as official head of Town for purpose of serving civil process and receiving all Town correspondence. Signs official documents approved by Council. Liaison with municipal, county, state governments &amp; private sector.</p> <p>Presides over Town meetings.</p> <p>Town spokesman and media representative.</p> <p>Represents Town for ceremonial purposes.</p> <p>Representative to New Bern Metropolitan Planning Organization</p>	<p>Liaison for financial operations of the Town.</p> <p>Serves as Chair of Town's Audit Committee.</p> <p>Works with staff concerning technology and Human Resource Policy issues.</p>	<p>Liaison with the Community Watch group.</p> <p>Liaison with Coastal Environmental Partnership.</p>	<p>Liaison with Parks &amp; Recreation Advisory Board.</p> <p>Works with volunteers on Fourth of July and other special events.</p>	<p>Liaison with Environment and Waterways Advisory Board (EWAB)</p> <p>Works with staff concerning environmental issues.</p> <p>Liaison with ABC Board</p>	<p>Liaison with Planning Board.</p> <p>Liaison with Board of Adjustment.</p> <p>Alternate to New Bern Metropolitan Planning Organization.</p>	<p>Liaison with Community Appearance Commission (CAC)</p>

## REFLECTIONS ON "NIGHT OUT"

The opening line must be "What a Wonderful Event." The annual opportunity to express appreciation to the members of our police force for their 24/7 service to the Town was a picture-perfect event. The weather could not have been better, and the food vendors invited served their special menu to appreciating customers.

The Town residents, including children, had an opportunity to meet the individual police officers and relate to them as people that help make River Bend the community that we are pleased to call "home."

For this evening the police did not face the issue of making a hostile arrest or responding to a report of violence that could escalate to a dangerous situation. They, the (police officers), had the opportunity to see all of we residents as fellow humans enjoying time together.

I believe the annual "National NIGHT OUT" can be a very positive event for River Bend and for every other municipality in the nation. We need to remember to greet our police officers in the same manner as we did during the 3 October event.

Thank you, Chief Joll and all of your Officers. We salute you and support the duty that you perform for our safety every day.

## Town of River Bend

### Public Comment Policy

**Overview-** In 2005, the North Carolina General Assembly, through the passage of NCGS 160A-81.1, required that each municipality in North Carolina provide a period for public comment at least once per month at a regular meeting of the council. The General Assembly gave councils the authority to adopt rules governing the conduct of the public comment period. The Town of River Bend recognizes the importance of receiving comments from the public. The purpose of the public comment period is to give the public an opportunity to express their views, comments or opinions to the council. It is a time for the council to listen to the public. The following rules have been established to maintain order and decorum during the public comment period. Furthermore, these rules are designed to ensure fairness to each speaker by establishing rules in advance that will be applied equally to each speaker.

#### I. Public Comment Period

The public comment period shall be reserved as an item of business on the agenda for the council's regular session, which is currently held on the 3<sup>rd</sup> Thursday of each month. All comments to the council during the public comment period shall be subject to the following guidelines:

1. Prior to the start of the public comment period, persons wishing to address the council will register on a sign-up sheet stationed by the meeting room door. Prior to beginning the public comment period, the Mayor will collect the sign-up sheet and recognize speakers in the order that they registered. Speakers will address the council from the lectern and will be asked to provide their name and address for the record.
2. Each speaker shall be limited to a maximum time of three (3) minutes. Each speaker will only be allowed to speak once during the public comment period. A staff member shall serve as time keeper and will promptly announce when the speakers time has expired.
3. No time may be yielded or transferred from one speaker to another. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.
4. The public comment period is not intended to require the council and/or any staff to answer any impromptu questions. The council will not take action on an item presented during the public comment session. Upon completion of the public comment session and when appropriate, the council may refer inquires made during the public comment session to the Town Manager or an appropriate staff member. If necessary, the item may be added to the agenda of a future meeting, thereby providing the staff an opportunity to research the item and provide data to the council for consideration and review.
5. Speakers will address comments to the entire council as a whole and not one individual member. Discussions between speakers and members of the audience will not be permitted during the public comment period.

6. Speakers who have prepared written remarks are encouraged to leave a copy of such remarks with the Town Clerk. Speakers who have materials that they want distributed to the council related to the item they plan to discuss during the public comment period, shall provide eight (8) copies of those documents to the Town Clerk prior to the start of the meeting. The Clerk shall distribute the copies to the Council, Attorney, and Town Manager and retain one copy for the record.

7. Speakers shall be courteous in their language and presentation. Profanity or other inappropriate language or gestures will not be tolerated.

8. In order to provide for the maintenance of order and decorum in the conduct of the meeting, the Mayor may declare "out-of-order" any person who fails to comply with this policy. The Mayor shall caution any such person to abide by the provisions of this policy. Refusal to do so shall be grounds for removal of the speaker from the meeting.

- Adopted June 18, 2015

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.)