



## TOWN OF RIVER BEND

45 Shoreline Drive  
River Bend, NC 28562

T 252.638.3870  
F 252.638.2580

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

### RIVER BEND TOWN COUNCIL AGENDA

Work Session Meeting

December 9, 2021

River Bend Town Hall

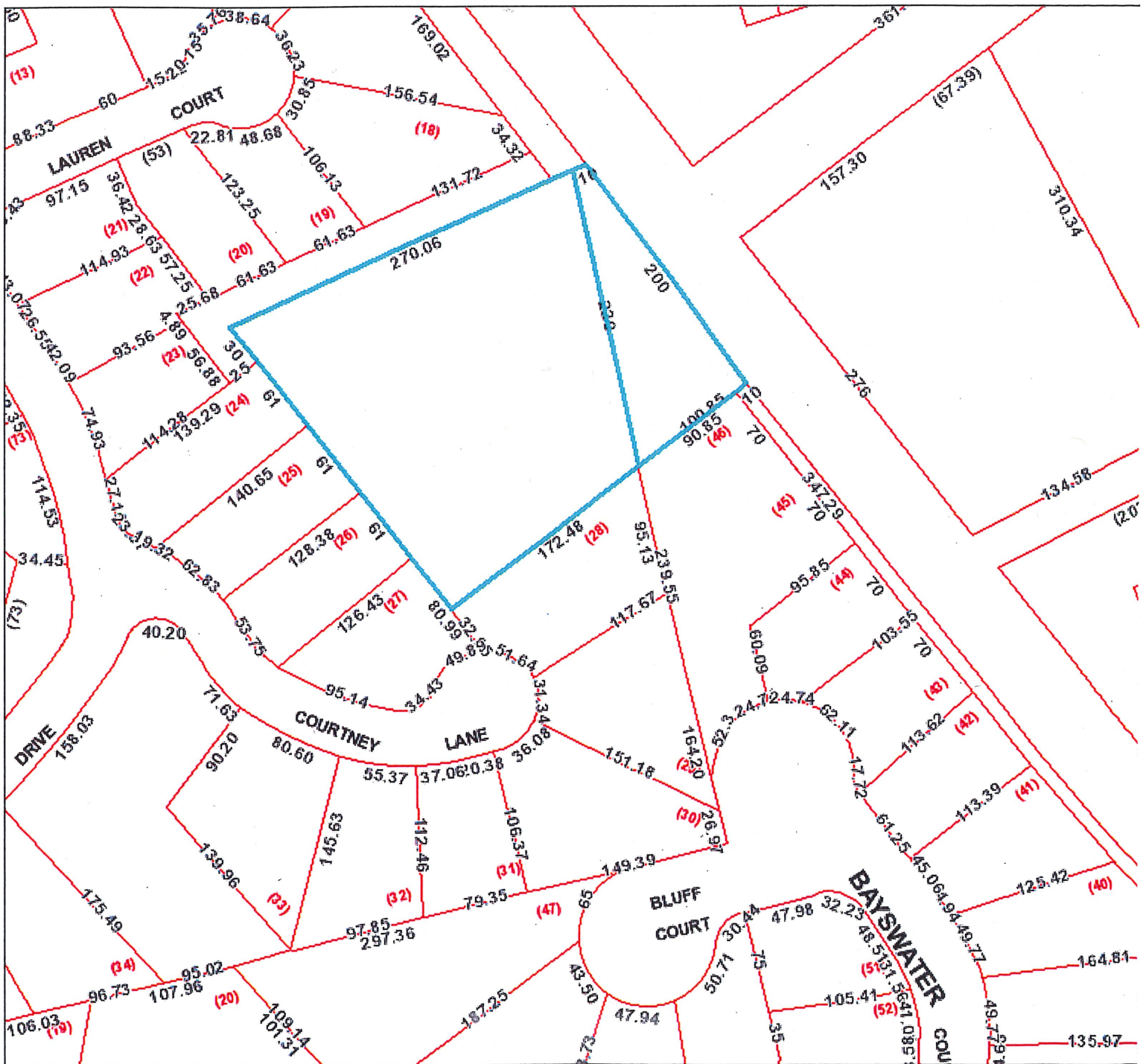
5:00 p.m.

1. **VOTE** – Approval of Agenda
2. DISCUSSION – Update on Public Hearing for 25 Shoreline Drive Use
3. **VOTE** – Record Retention Policy
4. DISCUSSION – Update on Wolfer Property Foreclosure
5. DISCUSSION – Update on NC Senate Bill 300 Requirements
6. DISCUSSION – Council Retreats as Requested by Councilman Van Slyke
7. DISCUSSION – Bid Opening Results for ASADRA Water Meter Grant Project
8. REVIEW AGENDA – Nobles
9. CLOSED SESSION – NCGS 143-318.11(a)(3)(6)

Pledge: Councilman Van Slyke

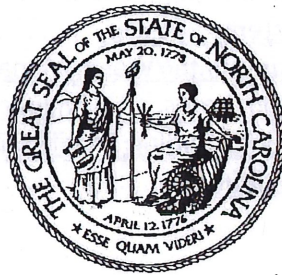
# NOTICE OF PUBLIC HEARING

The Town Council of the Town of River Bend will conduct a public hearing on December 16, 2021 to gather public comments on the future location of a new building to house the operations of the town's water, sewer and public works departments. Those operations are currently located at 115 Wildwood Drive. The new building is proposed to be located at 25 Shoreline Drive on the same lot as the existing Rhems Fire Substation. The public hearing will begin at 7 p.m. at Town Hall, located at 45 Shoreline Drive, River Bend, NC. The town's rules for conducting a public hearing will be followed.



# RECORDS RETENTION AND DISPOSITION SCHEDULE

## PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



Issued By:



NC DEPARTMENT OF  
NATURAL AND CULTURAL RESOURCES

North Carolina Department of Natural and Cultural Resources  
Division of Archives and Records  
Government Records Section

PUBLIC:

October 1, 2021

This is not the entire document. It is over 100 pages long. Contact Town Clerk if you wish to review it.



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## **Program Records Schedule: Local Government Agencies**

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 Program Records Schedule: Local Government Agencies**:

10. Airport Authority Records
11. Animal Services Records
12. Code Enforcement and Inspection Records
13. Emergency Medical Services and Fire Department Records
14. Parks and Recreation Records
15. Planning and Regulation of Development Records
16. Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records
17. Public Transportation Systems Records
18. Public Utilities and Environmental/Waste Management Records
19. Street Maintenance, Public Works, and Engineering Records
20. Law Enforcement Records (excluding Sheriff's Offices)
21. Tax Records (for municipalities)

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

### **Destructions**

N.C. Gen. Stat. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

"(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means."

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

***Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.***

#### **Audits and Litigation Actions**

Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

#### **Electronic Records**

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, N.C. Gen. Stat. § 132-6.1(a) specifies:

“Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software.”

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

#### **Reference Copies**

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when *“reference value ends.”* All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction *“destroy when reference value ends.”* If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction *“destroy when reference value ends.”*

#### **Record Copy**

A record copy is defined as “The single copy of a document, often the original, that is designated as the official copy for reference and preservation.”<sup>1</sup> The record copy is the one whose retention and disposition is mandated by these schedules; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social

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<sup>1</sup> Society of American Archivists, *Dictionary of Archives Terminology*.

media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

### **Transitory Records**

Transitory records are defined as “record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use.”<sup>2</sup>

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, “while you were out” slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary’s seal), they must be retained according to the disposition instructions for the records series encompassing the forms’ function.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. These schedules supersede previous versions of these schedules and any localized amendments; they are to remain in effect from the date of approval until they are reviewed and updated.

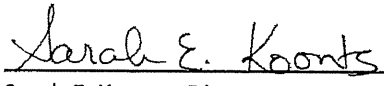
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<sup>2</sup> Ibid.




**APPROVAL RECOMMENDED**

\_\_\_\_\_  
Municipal/County Clerk or Manager  
Title: \_\_\_\_\_

  
\_\_\_\_\_  
Sarah E. Koonts, Director  
Division of Archives and Records

**APPROVED**

\_\_\_\_\_  
Head of Governing Body  
Title: \_\_\_\_\_

  
\_\_\_\_\_  
D. Reid Wilson, Secretary  
Department of Natural and Cultural  
Resources

County/Municipality: \_\_\_\_\_

Effective: October 1, 2021

## EXECUTIVE SUMMARY

- ✓ Some records are covered by the *General Records Schedule: Local Government Agencies* and, therefore, are not listed separately here.
- ✓ According to N.C. Gen. Stat. § 121-5(b) and N.C. Gen. Stat. § 132-3, you may destroy public records only with the consent of the Department of Natural and Cultural Resources (DNCR). The State Archives of North Carolina is the division of DNCR charged with administering a records management program. This schedule is the primary way the State Archives of North Carolina gives its consent. Without approving this schedule, your agency is obligated to obtain the State Archives of North Carolina's permission to destroy *any* record, no matter how insignificant.
- ✓ Each records series listed on this schedule has specific disposition instructions that will indicate how long the series must be kept in your office. In some cases, the disposition instructions are simply "retain in office permanently," which means that those records must be kept in your office forever. In other cases, the retention period may be "destroy in office when reference value ends." An agency may have reference copies of materials, meaning "a copy of a record distributed to make recipients aware of the content but not directing the recipient to take any action on the matter" (from Society of American Archivists, *Dictionary of Archives Terminology*). Your agency must establish and enforce internal policies by setting minimum retention periods for the records that the State Archives of North Carolina has scheduled with the disposition instructions, "destroy when reference value ends."
- ✓ E-mail is a record as defined by N.C. Gen. Stat. § 121-5 and N.C. Gen. Stat. § 132. It is the content of the e-mail that is critical when determining the retention period of a particular e-mail, including attachments, not the media in which the record was created. It is important for all agency employees and officials to determine the appropriate records series for specific e-mails and retain them according to the disposition instructions listed with the identified record series.
- ✓ The State Archives of North Carolina recommends that all agency employees and officials view the tutorials that are available online through the State Archives website in order to familiarize themselves with records management principles and practices. The State Archives of North Carolina's online tutorials include topics such as records management and scanning guidelines.
- ✓ The State Archives of North Carolina creates security preservation record copies for minutes and selected other records of governing bodies and commissions, adoption records, and maps and plats. Agencies can request copies of the digital images made during this process. Contact the appropriate Records Management Analyst to begin this process.
- ✓ If you have records that are not listed in this schedule, contact a Records Management Analyst. An analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do not have historical value, we will ask you to complete a [Request for Disposal of Unscheduled Records](#) (page A-19) for records that are no longer being created.

## LEGEND FOR RECORDS SCHEDULE

This records retention and disposition schedule applies to records in all media, unless otherwise specified.



– symbol designating that one or more records in this series may be confidential or Includes confidential information.

**Item #** – an identifying number assigned to each records series for ease of reference.

**Series** – “a group of similar records that are . . . related as the result of being created, received, or used in the same activity.” (From Society of American Archivists, *Dictionary of Archives Terminology*). Series in this schedule are based on common functions in government offices.

**Records Series Title** – a short identification of the records in a series, based on their common function.

**Series Description** – a longer description of the records in a series, often including the types of records that can frequently be found in that series. This information is included underneath the Records Series Title.

**Disposition Instructions** – instructions dictating the length of time a series must be retained and how the office should dispose of those records after that time.

**Citation** – a listing of references to statutes, laws, and codes related to the records series. Citations can include:

- Authority: governing the creation of records
- Confidentiality: limiting access to public records
- Retention: setting a retention period

Throughout this schedule, items that cross-reference other items within this schedule are indicated with a SEE ALSO reference. If you hover your cursor over one of these items, you will see the hand tool that will enable you to click on the item to follow the link to that location.

### AUDITS: PERFORMANCE

Records concerning internal and external audits conducted to assess the function of government programs. Includes reports, working papers, corrective measures, and other related records.

SEE ALSO: Audits: Financial (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS).

*Sample records series title and description with cross-reference included*

**No destruction of records may take place if litigation or audits are pending or reasonably anticipated. See also AUDITS, LITIGATION, AND OTHER OFFICIAL ACTIONS, page A-5.**



**STANDARD 10: PROGRAM OPERATIONAL RECORDS – AIRPORT AUTHORITY RECORDS**

Official records and materials created and accumulated incidental to the operation of a county or municipal airport.

ITEM #	STANDARD 10: AIRPORT AUTHORITY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
10.01	<b>ACCESS CONTROL RECORDS</b> Records concerning employee or contractor access to facilities or resources.	Destroy in office 1 year after expiration.	
10.02	<b>AIR SPACE CONSTRUCTION</b> Applications to construct structures which may obstruct flight space. Includes correspondence and related records.	Destroy in office after 5 years.	
10.03	<b>AIRFIELD INSPECTION</b> Records concerning airfield inspections on runway conditions, fueling agents, fire and rescue facilities, ground vehicle control and other airport condition information.	Destroy in office after 1 year.	Authority/Retention: 14 CFR 139.301
10.04	<b>AIRPORT MASTER RECORD</b> Federal Aviation Administration (FAA) form 5010 documenting basic information concerning airports.	Destroy in office when superseded or obsolete.	

10: Airport Authority

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

2021 PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES



ITEM #	STANDARD 10: AIRPORT AUTHORITY RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
10.05	<b>LAND DEVELOPMENT AND PLANNING STUDIES AND REPORTS</b> Records documenting local government and airport authority land use and development planning.	Retain in office permanently.	
10.06	<b>RADIO LOGS</b> Records of radio calls received and placed.	Destroy in office after 1 year.	

10: Airport Authority

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

**STANDARD 11: PROGRAM OPERATIONAL RECORDS – ANIMAL SERVICES RECORDS**

Records created and received during the conduct of animal services programs.



NOTE: Some records are covered by General Records Schedule: Local Government Agencies and, therefore, are not listed separately here. See Reference (Reading) File and Reports and Studies (Administration and Management Records).

ITEM #	STANDARD 11: ANIMAL SERVICES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
11.01	<b>ANIMAL ABUSE AND CRUELTY RECORDS</b> Includes complaints, citations and/or compliance orders, and other related records.	Destroy in office after 5 years.*	See G.S. 14-360 for definition of animal cruelty.
11.02	<b>ANIMAL COMPLAINT RECORDS</b> Includes complaints of animal nuisances.	Destroy in office after 3 years.*	
11.03	<b>ANIMAL CONTROL RECORDS</b> Records of animal control calls. Includes information regarding animal bites, animals received from residents, strays caught, animals taken to shelter or returned to owner, use of tranquilizer guns, and other related records. Also includes citations and/or compliance orders issued to animal owners for violations of government ordinances.	a) Destroy in office records concerning dangerous animals when known dead or after 10 years. b) Destroy in office animal control citations and compliance orders after 3 years.* c) Destroy in office remaining records after 1 year.	

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.



ITEM #	STANDARD 11: ANIMAL SERVICES RECORDS		
	RECORDS SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
11.04 	<b>ANIMAL LICENSING RECORDS</b> Records concerning the licensing of dogs, cats, and other animals. Includes owner and animal information and record of fees paid.	Destroy in office after 3 years.*	Confidentiality: G.S. 132-1.2 (2)
11.05 	<b>ANIMAL SHELTER RECORDS</b> Records of animals impounded at the shelter, including date of impoundment, length of impoundment, disposition of animal, and any other information required by rules adopted by the State Board of Agriculture. Also includes certificates of animal release (e.g., adoption, reclaim, transfer, return to field) and owner contact records.	Destroy in office 3 years after date of impoundment.	Authority/Retention: G.S. 19A-32.1(j)  Confidentiality (for specific counties): G.S. 132-1.15
11.06	<b>CONTROLLED SUBSTANCE EUTHANASIA LOG</b> Includes amount of controlled substances used.	Destroy in office after 2 years.	Retention: 21 CFR 1304.04
11.07	<b>HISTORIES OF PET OWNERS</b> Records concerning information for each animal owner who violates government ordinances. Includes complaint forms and other related records.	Destroy in office after 3 years.*	
11.08	<b>RABIES VACCINATION RECORDS</b> Includes rabies vaccination certificates submitted to agency by area veterinarians.	Destroy in office after 3 years.	Authority: G.S. 130A-189

\* No destruction of records may take place if audits or litigation are pending or reasonably anticipated. See AUDITS, LITIGATION, AND OTHER OFFICIAL ACTION, page A-5.

± The agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction "destroy when reference value ends." Please use the space provided.

## Craven County Geographic Information System

Craven County does NOT warrant the information shown on this page and should be used ONLY for tax assessment purposes.

This report was created by Craven County GIS reporting services on 12/6/2021 2:47:31 PM

**Parcel ID :** 8-073-D -162  
**Owner :** WOLFER, LISA B  
**Mailing Address :** 111 STARBOARD DR NEW BERN NC 28562  
**Property Address :** 111 STARBOARD DR  
**Description :** LT 162 CHANNEL RUN\$  
**Lot Description :**



**Subdivision :** RIVER BEND

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**Assessed Acreage :** 0.351      **Calculated Acreage :** 0.350  
**Deed Reference :** 1341-0636      **Recorded Date :** 10 30 1992  
**Recorded Survey :** B-30-  
**Estate Number :**  
**Land Value :** \$30,000      **Tax Exempt :** No  
**Improvement Value :** \$0      **# of Improvements :** 0  
**Total Value :** \$30,000  
**City Name :** RIVER BEND      **Fire tax District :**  
**Drainage District :**      **Special District :**  
**Land use :** RESIDENTIAL - ONE FAMILY UNIT

### Recent Sales Information

SALE DATE	Sellers Name	Buyers Name	Sale Type	Sale Price
10/30/1992	WOLFER, KARL H & LISA B	WOLFER, LISA B	STRAIGHT TRANSFER	\$0
10/30/1992	AVERY, JOHN C & FAYE C	WOLFER, KARL H & LISA B	STRAIGHT TRANSFER	\$81,000

### List of Improvements to Site

No improvements listed for this parcel

## Craven County Geographic Information System

Craven County does NOT warrant the information shown on this page and should be used ONLY for tax assessment purposes.

This report was created by Craven County GIS reporting services on 12/6/2021 2:48:07 PM

**Parcel ID :** 8-073-D -162  
**Current Owner :** WOLFER, LISA B  
**Mailing Address :** 111 STARBOARD DR  
 NEW BERN NC 28562  
**Property Address :** 111 STARBOARD DR  
**Description :** LT 162 CHANNEL RUN  
**Lot Description :**



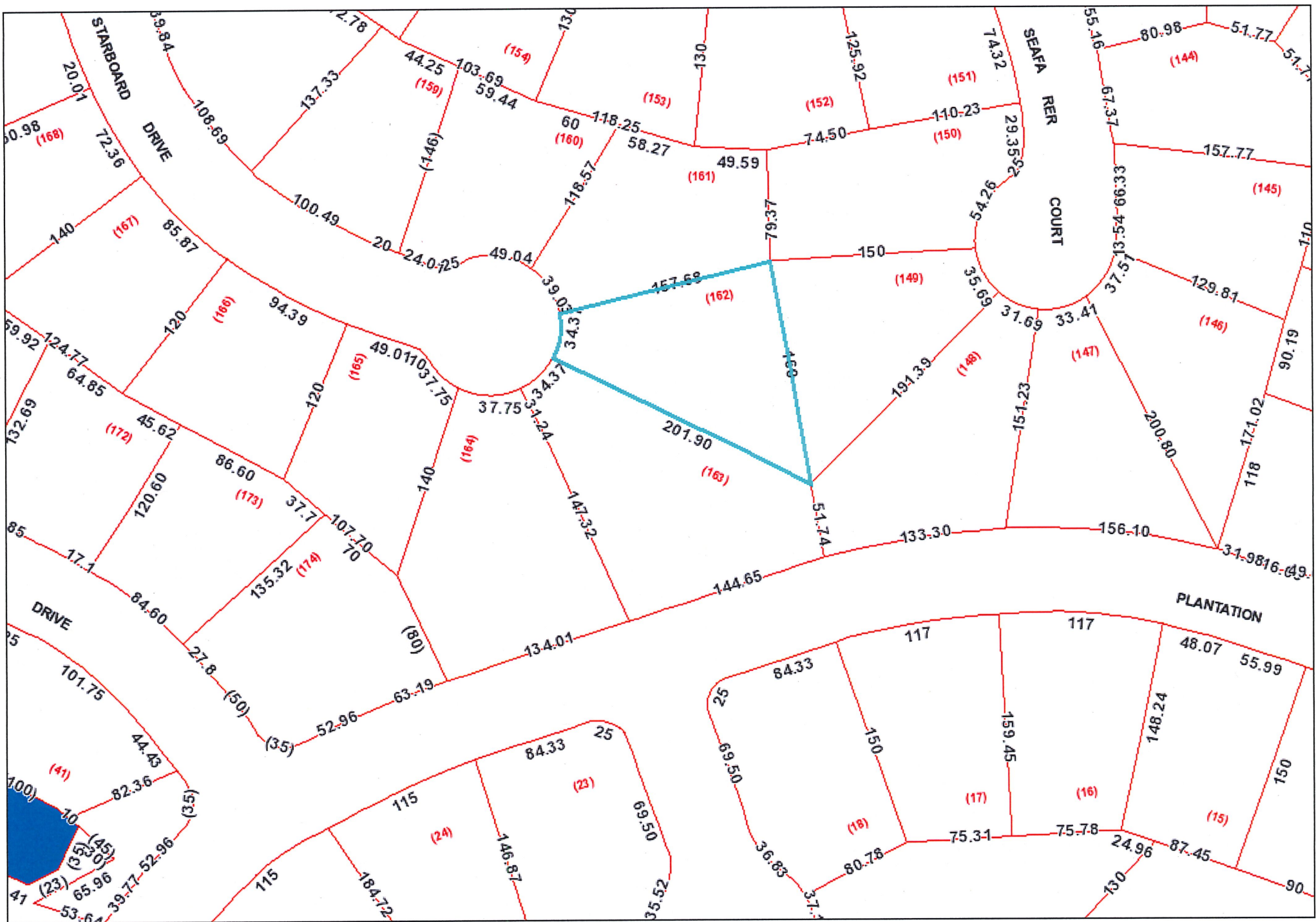
Call the Craven County Tax Collections Office to verify the following information at (252) 636-6605

\* Billing Type Blank = First Original Bill, D = Discovery, S and a letter = Supplemental

\*\* The values shown under Personal Value may not included all personal property OWNED by this tax payer.

Tax Year Billing Type *	County Tax Billed	City Tax Billed	Real Value	Personal Value **
	<b>Due</b>	<b>Due</b>	<b>Exclusion</b>	<b>Exclusion</b>
2012	\$770.83	\$380.78	\$143,690	\$0
	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0</b>	<b>\$0</b>
2013	\$763.65	\$380.78	\$143,690	\$0
	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0</b>	<b>\$0</b>
2014	\$763.65	\$380.78	\$143,690	\$0
	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0</b>	<b>\$0</b>
2015	\$763.65	\$380.78	\$143,690	\$0
	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0</b>	<b>\$0</b>
2016	\$704.88	\$354.96	\$114,320	\$0
	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0</b>	<b>\$0</b>
2017	\$704.88	\$331.53	\$114,320	\$0
	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0</b>	<b>\$0</b>
2018	\$698.37	\$274.37	\$114,320	\$0
	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0</b>	<b>\$0</b>
2019	\$491.74	\$190.45	\$73,250	\$0
	<b>\$2,674.40</b>	<b>\$11,702.28</b>	<b>\$0</b>	<b>\$0</b>
2020	\$176.82	\$78.00	\$30,000	\$0
	<b>\$199.46</b>	<b>\$86.00</b>	<b>\$0</b>	<b>\$0</b>
2021	\$180.00	\$78.00	\$30,000	\$0
	<b>\$180.00</b>	<b>\$78.00</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Real Taxes Due</b>	<b>\$3,053.86</b>	<b>\$11,866.28</b>	<b>TOTAL</b>	<b>\$14,920.14</b>





# Craven County GIS

Craven County does NOT warrant the information shown on this map and should be used ONLY for tax assessment purposes. Printed on December 6, 2021 at 2:38:18 PM

1 inch = 88 feet



# PREPARING TO IMPLEMENT CRIMINAL JUSTICE REFORM LEGISLATION IN TOWNS AND CITIES

October 2021

Gov. Roy Cooper on September 2, 2021 signed into law a wide-ranging piece of legislation that creates new databases, requires additional background checks and decriminalizes certain local government ordinances. This document is designed to highlight a few provisions in Senate Bill 300 (S.L. 2021-138) Criminal Justice Reform that deserve particular attention from local government attorneys, law enforcement agencies and administrators. Some of the changes may require town councils to adopt or amend ordinances; some provisions may require local governments to create new databases; and other provisions may require that new practices and processes be established. This guidance document highlights the main changes in the legislation. However, this is not legal advice and towns and cities are encouraged to read the entire bill and consult their staff attorneys or contract attorneys to determine the changes they need to implement.

## **A. DECRIMINALIZATION OF CERTAIN ORDINANCES (PART XIII):**

PART XIII of S.L. 2021-138, titled Decriminalization of Certain Ordinances, removes the current presumption that all local ordinances may be enforced criminally (G.S.160A-175) and states that ordinances may be enforced criminally as provided in G.S. 14-4 "only if the city specifies such in the ordinance." It further states: "Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced." It also includes a list of statutory sections in which cities cannot adopt ordinances with criminal enforcement. That list of topic areas are as follows: planning and regulation of development; stream clearing programs; regulating businesses and trades; outdoor advertising; solar collectors; cisterns and rain barrels; taxis; setback lines; curb cut regulations and ordinances regulating trees. The legislation specifies that these changes *go into effect Dec. 1, 2021*, so towns and cities have a limited time frame in which to respond to these changes.



To prepare for the change in the law, towns and cities should consider taking the following steps:

- i. Determine if you have ordinances which impose potential criminal penalties.
- ii. Make a list of ordinances for which you wish to retain criminal enforcement authority.
- iii. Check to make sure the list does not include ordinances that fall under the topic areas disallowed by the legislation.
- iv. Check to make sure the ordinance language includes clear criminal authority.
- v. If these ordinances do not have clear criminal authority, have town council adopt a new ordinance or a statement that comprises specific language in the ordinances that state they can be criminally enforced.
- vi. For ordinances that will not be enforced criminally, establish administrative capabilities to issue and collect civil citations or fines for violations and provide for an appeals process. **PRACTITIONER'S TIP:** For arrestable offenses, judicial officials have the authority to obtain personal identification information for an alleged violator. In civil matters, where only a citation or fine can be issued, obtaining the identity of the alleged violator may be difficult or practically impossible.
- vii. If town councils need to, adopt any new ordinances or changes to ordinances by Dec. 1, 2021, the date Part XIII of S.L. 2021-138 goes into effect. **PRACTITIONER'S TIP:** Since the legislation requires the criminal authority to be specified in "the ordinance," towns and cities should carefully specify criminal enforcement in each applicable ordinance.
- viii. Note that ordinances with criminal enforcement authority cannot be adopted in the first meeting that it is introduced.

## **B. CREATING POLICIES, DATABASES AND FOLLOW UP PLANS**

Certain provisions require the creation of processes whereby law enforcement agencies must track specific types of incidents and report those to a statewide database. Practitioners say it is important that once this information is collected, it be properly retained so that confidentiality requirements are maintained, and that law enforcement officers (LEOs) be given the opportunity to challenge their inclusion if required by law. Once the data has been collected, practitioners also recommend that supervisors keep track of these

incidents, perhaps through an automated alert system, and supervisors create Action Plans to help individual officers avoid repeated occurrences. Setting up the database and tracking the data may be required by the new law but acting on the information may be a best practice to avoid being seen as having failed to follow through on early warning signs.

Under this legislation at least three sets of data must be collected:

1. Critical Incident Database – A new statewide database of critical incidents is established by this legislation. Critical incident is defined as “an incident involving any use of force by a law enforcement officer that results in death or serious bodily injury to a person.” The information collected in this database stays confidential. While the legislation requires law enforcement agencies to report “critical incidents,” involving police officers, it also provides the officer a right, prior to being placed in the database, to request a hearing in Superior Court for a determination of “whether the officer’s involvement was properly placed in the database.” Agencies may want to create a process whereby an officer is informed prior to their names being submitted to this database, and the officer be informed of an opportunity to exercise a right to request a hearing in Superior Court. **PRACTITIONER’s TIP:** It should be noted that the right to a hearing is limited to whether the officer’s involvement was properly placed in the database, not the appropriateness of the officer’s actions during the incident. Also, if the incident results in disciplinary action there may also be a need for a name clearing hearing so these two processes may overlap and possibly conflict. **PRACTITIONER’s TIP:** When advising an officer regarding a hearing, consider the risks of the process in the event of future litigation.
2. Early warning system - Every agency that employs law enforcement is required to develop a confidential early warning system for law enforcement including at minimum instances of use of force, discharge of firearm, vehicle collisions and citizen complaints (Part VIII). The system’s essential purpose is to identify possible problem officers, not to collect data. Many small agencies could implement an early warning system manually. But for some agencies, this could be a time-



consuming effort, requiring the creation of a computerized system that collects the information, creates an alert at a particular threshold of reports and ultimately triggers a supervisor to place the officer on a remedial plan. Some system to monitor the data collected and alert a supervisor to repeated offences may be needed to avoid future claims that the agency failed to properly supervise such officers. The “use of force” information to be collected can be individualized to each agency, possibly including instances where handcuffs were placed on an individual and the number of minor vehicle accidents. The data collected under this database stays confidential. This section is effective Dec. 1, 2021 and applies to actions and behaviors on or after that date.

3. Duty to intervene and report excessive use of force

Part XVI of the legislation creates a duty for LEOs to intervene and report an excessive use of force by a LEO. This may require agencies that do not have such a policy to adopt one. In addition, agencies should also create a reporting system like ones for critical incidents and the early warnings system. Agencies that do not evaluate their officers’ use of force open themselves up for negligent retention and supervision claims. Agencies should evaluate the performance of their officers who consistently trigger alerts to determine what measures should be taken to correct any noted deficiencies in the officer’s performance, including but not limited to, education, additional training, and disciplinary action.

**C. RETAINING AND USING THE DATA**

Even while they collect additional data required by this legislation, personnel departments should remember that G.S. 160A-168 requires personnel data to be kept confidential unless it is exempt under a specific exemption. In particular, consider: “section (c4). Even if considered part of an employee’s personnel file, the following information regarding any sworn law enforcement officer shall not be disclosed: (3) Any identifying information as defined in G.S. 14-113.20.”



**D. OTHER PROVISIONS OF INTEREST THAT MAY REQUIRE AGENCIES TO PREPARE PROCESSES INCLUDE THE FOLLOWING:**

- Decertification - Part I of the bill creates a public database of LEO certification suspensions and revocations to be established by the N.C. Criminal Justice Education and Training Standards Commission.
- Applicants for law enforcement positions and current law enforcement will be required to provide fingerprints, and agencies will have to submit those to the SBI for a federal and state background check by June 23, 2023. (Part II)
- Applicants for law enforcement positions will have to undergo psychological screening and local governments will have to foot the bill for the screening. (Part VI).  
**PRACTITIONER'S TIP:** Consider the costs of such screenings and include those costs when preparing budget estimates.
- Law enforcement will need to report Giglio notifications in writing to the statewide Criminal Justice Standards Division. Those required to report these letters include the individual LEO, the agency head and a judge that issues the notification. (Part IV)
- Changes to the body cam recording viewing statute (Part XXI): No later than three business days from receipt of the notarized form - provided by the law enforcement agency - requesting immediate disclosure of footage in a case involving death or serious bodily injury, a law enforcement agency shall file a petition in the Superior Court in any county where any portion of the recording was made for issuance of a court order regarding disclosure of the recording. Any person who willfully records any recording disclosed pursuant to this subsection shall be guilty of a Class 1 misdemeanor. Any person who knowingly disseminates a recording disclosed pursuant to this subsection shall be guilty of a Class I felony. **PRACTITIONER'S TIP:** Check to ensure the law enforcement agency has a supply of high-capacity thumb drives where hours of footage can be downloaded for quick transmittal to the Superior Court judge.
- Part X of the legislation now adds the Governor to the list of individuals who may ask the SBI to investigate deaths due to use of force by a law enforcement officer.



**NCLM**  
NC LEAGUE OF MUNICIPALITIES

*The N.C. League of Municipalities thanks the following city attorneys who provided valuable input into creating this document:*

*Jeffrey C. Sugg, City of Asheboro*

*Brian Meyer, Town of Apex*

*Toni Russ, City of Durham*

*Tiffanie Sneed, Town of Chapel Hill*

*In addition, we would like to thank Fred Baggett of the Police Chiefs Association for reviewing the document.*

For questions or comments, please contact:

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## River Bend Town Council

### Retreat Minutes

May 12, 2016

Present Council Members: Mayor John Kirkland  
Luci Avery  
Bill Camp  
Buddy Sheffield  
Irving J. Van Slyke  
Pat Yocum  
Town Manager: Delane Jackson  
Town Clerk: Ann Katsuyoshi

### CALL TO ORDER

The meeting was called to order by Mayor Kirkland at 6:00 p.m. on Thursday, May 12, 2016 in the Town Hall Meeting Room.

### FINANCIAL POLICY

Councilman Van Slyke told the Council that it has been the Town's practice to review its Financial Policy every three years. He and the Town Manager have discussed the current policy and found a few minor wording changes they would like to make. The Council members discussed the Policy briefly. Mr. Van Slyke asked the Council members to let him or the Manager know if they had any questions or suggestions prior to the May 19<sup>th</sup> meeting. He will ask the Council to approve the revised Policy at that time.

### THE VALUE OF RETREATS

Mayor Kirkland told the Council that the original intent of Retreats was to allow the Council members an opportunity for open discussions about long-term planning. However, more recently the number of citizens attending Retreats has increased dramatically. This fact appears to have changed the format of Retreats to just another Council meeting. Mr. Kirkland suggested that the Council consider forgoing Retreats in the future and reminded them that, should the need arise, a Special Meeting could be called to discuss items requiring immediate attention. After brief discussion, the Council agreed with the Mayor. Councilman Sheffield moved to discontinue the practice of Council Retreats and to cancel the two Retreats scheduled for August 2, 2016 and November 1, 2016. The motion carried unanimously.

### ADJOURNMENT

There being no further business, Councilman Sheffield moved to adjourn. The meeting adjourned at 6:40 p.m.

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Ann H. Katsuyoshi  
Town Clerk

**Re-Advertisement for Bids**  
**Water Meter Replacement Project**  
**NCDEQ Division of Water Infrastructure ASADRA Project No. WIF 2008**  
  
**for the**  
  
**Town of River Bend**  
**North Carolina**

**RECEIPT OF PROPOSALS**

Sealed bids for the furnishing of labor, materials, tools, and equipment for the following:

- 1,460 Remote Read Water Meters
- Two (2) Radio Repeaters
- One (1) Portable Receiver
- One (1) Base Station Receiver
- Compatible Software & Support

All Bids will be received by the **Town of River Bend, North Carolina**, in the **Town Hall** located at **45 Shoreline Drive, River Bend, NC**, on or before, but no later than **11:00 AM, local time, on the 14th day of December 2021**. Immediately thereafter, all bids received will be publicly opened and read aloud.

Bids must be made on the blank form provided in the Project Manual and must be enclosed in a sealed envelope and addressed to **Mr. Delane Jackson, Manager, Town of River Bend, 45 Shoreline Drive, River Bend, North Carolina 28562**. The name, address, and license number of the Bidder must be plainly marked on the outside of each envelope. Acceptable classifications for this Project shall be "Public Utilities (PU)" or "Unclassified." Bids shall be based upon the lump sum and unit price basis, as indicated on the Bid Form.

All bidders must follow the Guidelines for Recruitment and Selection of Minority Business for Participation in Construction Contracts as Revised November 1, 2002.

All bidders must include with their bids an Affidavit (1) attesting to the Contractor's compliance with E-Verify (or if the Contractor employs less than 25 employees in this state, attesting to that fact), and (2) attesting to the Contractor's subcontractors' compliance with E-Verify (or, if any subcontractors employ less than 25 employees in this state, attesting to that fact).

Bids will be received for a single prime Contract. Bids shall be on a lump sum and unit price basis, with additive alternate bid items indicated in the Bid Form.

**EQUAL OPPORTUNITY** -- Minority and Women Business Enterprises (MBE/WBE's) are invited and encouraged to bid. **The Town of River Bend** does not discriminate against any person/business because of race, color, religion, sex, or national origin.

The Issuing Office for the Bidding Documents is **Municipal Engineering Services Company, P. A., 68 Shipwash Drive, Garner, NC 27529**; Contact Person: **Mr. Michael McAllister, M-ASCE** phone **919-772-5393**; email **mmcallister@mesco.com**. Prospective Bidders may examine the Bidding Documents at the Issuing Office on Mondays through Fridays between the hours of 8:00 AM to 5:00 PM and may obtain copies of the Bidding Documents from the Issuing Office as described below. Bidding Documents also may be examined at **Town of River Bend Town Hall at 45 Shoreline Drive, River Bend, NC**, and online at **Construct Connect, Dodge Data Analytics, and Construction Journal**. All questions regarding this Project shall be addressed to the Engineer in writing. Prospective Bidders shall not contact the Owner directly.



Printed copies of the Bidding Documents may be obtained from the Issuing Office, during the hours indicated above, upon payment of \$50.00 for an electronic version only, and \$100.00 for an electronic and printed version, which is non-refundable. **No bids will be accepted from prospective bidders who did not obtain a complete set of plans and specifications (printed or electronic) from the Issuing Office.** Checks for Bidding Documents shall be payable to Municipal Engineering Services Company, P.A. Upon request and receipt of the document payment indicated above, the Issuing Office will transmit the Bidding Documents via electronic means and/or via land shipment as appropriate. Additional charges for expedited shipping will depend on the shipping method selected by the prospective Bidder. The date that the Bidding Documents are transmitted by the Issuing Office will be considered the Bidder's date of receipt of the Bidding Documents. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including Addenda, if any, obtained from sources other than the Issuing Office. Prospective Bidders shall not contact the Owner Directly!

#### **BID SECURITY**

Each Proposal must be accompanied by a certified or cashier's check payable to the **Town of River Bend North Carolina**, or a satisfactory bid bond executed by the Bidder and corporate surety licensed under the laws of the State of North Carolina to execute such bond in an amount not less than 5% of the bid as a guarantee that the Bidder will within ten (10) days after the date of the Bidder's receipt of the NOTICE OF AWARD of a contract, execute an agreement and file same as required by the Contract Documents if his/her Proposal is accepted.

If a Bidder fails to execute and file an agreement, the amount of his security shall be forfeited. **No Bidder may withdraw his/her bid within 61-days after opening thereof.**

#### **AWARD OF CONTRACT**

The Owner will award a contract to the lowest responsive, responsible Bidder in accordance with the General Statutes of North Carolina, Article 8, Chapter 143-129. The Owner reserves the right to reject all Proposals of Bidders. The Owner further reserves the right to reject the Proposal of any Bidder submitting a proposal that is not responsive to the bid document or the Proposal of and Bidder, which is found not responsible for carrying out the scope and intent of the bid document.

The Owner reserves the right to reject any Proposal for failure to comply with all requirements of this notice or the Contract Document; however, the Owner may waive any minor defects or informalities at their discretion. The Owner further reserves the right to reject any and all Proposals or award the contract in their best interest.

**This 1st day of December 2021.**

**Delane Jackson, Town Manager**  
**Town of River Bend, NC**



**RIVER BEND TOWN COUNCIL AGENDA**  
**Regular Meeting**  
**December 16, 2021**  
**River Bend Town Hall**  
**7:00 p.m.**

Pledge: Councilman Van Slyke

1. CALL TO ORDER (Mayor Kirkland Presiding)
2. RECOGNITION OF NEW RESIDENTS
3. ADDITIONS/DELETIONS TO AGENDA
4. ADDRESSES TO THE COUNCIL
5. PUBLIC HEARINGS
6. CONSENT AGENDA

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

A. Approve:

*Minutes of the November 10, 2021 Work Session  
Minutes of the November 18, 2021 Regular Council Meeting  
Minutes of the November 22, 2021 Special 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. Planning Board – Councilman Buddy Sheffield
  - A. Planning Board Report
9. Public Safety – Councilman Don Fogle
  - A. Community Watch
  - B. CERT
10. Parks & Recreation/CAC – Councilwoman Barbara Maurer
  - A. Parks and Rec Report
  - B. CAC Report
  - C. Organic Garden Report
  - D. Library Report

11. Finance – Councilman Irving Van Slyke, Jr.
  - A. Financial Report - Finance Director
12. Environment and Waterways – Councilman Brian Leonard
  - A. EWAB Report
13. MAYOR'S REPORT – Mayor Kirkland
14. 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.*

15. ADJOURNMENT

**§ 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.)