



AUGUST REGULAR MEETING

Tuesday, August 04, 2020 at 6:00 PM

RUTH TOWN HALL

AGENDA

CALL TO ORDER

INVOCATION

ROLL CALL

AGENDA ADOPTION

COMMUNITY FORUM

APPROVAL OF LAST MEETING'S MINUTES

OLD BUSINESS

COMMITTEE REPORTS

1. Budget vs Actual Report circulated prior to meeting with note(s).
It is also attached here, along with the Month End Cash Balances Spreadsheet.
Discussion of CARES act potential expenditures will take place during Finance committee reporting.
2. Reports from any meetings or webinars attended will be heard.

NEW BUSINESS

3. David would like to discuss an Ordinance for guidelines permitting protests.
Rutherfordton's Ordinance for said discussion is attached.

Guests will be excused so a closed session can begin.

G.S. 143-318-11

4. Attendees will be excused so a closed session may begin.
G.S. 143-318.11 Which is attached for perusal.

EnterTextHere

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact Town Hall at (828) 287-7943 within 48 hours prior to the meeting to request such assistance.

Type	Disp Acct	Budget	QTD	YTD	Variance	Enc Amt	Item 1.
Type: Revenues							
Revenues	10-282-13 Late List Penalty	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-282-14 Late List Penalty	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-282-15 Late List Penalty	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-282-16 Late List Penalty	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-282-17 Late List Penalty	\$0.00	\$0.00	\$1.79	\$1.79	\$0.00	0.00%
Revenues	10-282-18 Late List Penalty 2018	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-282-19 Late List Penalty 2019	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-300-00 Revenues	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-301-00 Current Taxes	\$76,681.78	\$0.00	\$0.42	(\$76,681.36)	\$0.00	0.00%
Revenues	10-301-01 Taxes - Prior Years	\$0.00	\$0.00	\$639.41	\$639.41	\$0.00	0.00%
Revenues	10-302-00 Interest and Penalties	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-305-01 Releases & Write Offs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-306-01 Discounts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-310-01 Interest On Taxes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-311-00 Tax Discounts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-315-01 Refunds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-317-00 Tax Penalties & Interest	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-318-00 Transfer Capitol Reserve	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-329-00 Interest Earned on Invest	\$1,600.00	\$0.00	\$154.53	(\$1,445.47)	\$0.00	9.66%
Revenues	10-329-01 Interest Earned Powell Bill	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-335-00 Miscellaneous Revenues	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-335-01 Water Project Deposits	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-336-00 Current Personal Auto Taxes	\$6,916.00	\$0.00	\$0.00	(\$6,916.00)	\$0.00	0.00%
Revenues	10-336-01 Personal Auto Prior Years	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-337-00 NC Franchise Tax	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-339-00 NC Intangibles	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-343-00 Powell Bill Allocation	\$15,000.00	\$0.00	\$0.00	(\$15,000.00)	\$0.00	0.00%
Revenues	10-367-02 Sales & Use Tax Dist	\$29,998.01	\$0.00	\$2,849.96	(\$27,148.05)	\$0.00	9.50%
Revenues	10-367-03 NC Franchise & Utility TD	\$7,051.88	\$0.00	\$0.00	(\$7,051.88)	\$0.00	0.00%
Revenues	10-367-04 Solid Waste Disposal Tax Dist.	\$221.75	\$0.00	\$0.00	(\$221.75)	\$0.00	0.00%
Revenues	10-399-00 Appro.Fund Balance	\$21,083.18	\$0.00	\$0.00	(\$21,083.18)	\$0.00	0.00%
Revenues	10-399-01 Current Landfill Fees	\$26,010.00	\$0.00	\$0.00	(\$26,010.00)	\$0.00	0.00%
Revenues	10-399-02 Landfill Fees Prior	\$0.00	\$0.00	\$84.96	\$84.96	\$0.00	0.00%
Revenues	10-399-50 Gain on Sale of Assets	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Revenues	10-700-00 Gain on Sale of Assets	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		\$184,562.60	\$0.00	\$3,731.07	(\$180,831.53)	\$0.00	0.00%
Type: Expenses							
							2

Type	Disp Acct	Budget	QTD	YTD	Variance	Enc Amt	Item 1.
Expenses	10-400-00 Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-409-00 NC Sales Tax	\$47.00	\$0.00	\$0.00	\$47.00	\$0.00	0.00%
Expenses	10-409-01 Sales Tax Other	\$72.00	\$0.00	\$12.47	\$59.53	\$0.00	17.32%
Expenses	10-409-02 S/H Freight	\$66.00	\$0.00	\$0.00	\$66.00	\$0.00	0.00%
Expenses	10-410-00 Mayor's Salary	\$775.00	\$0.00	\$129.18	\$645.82	\$0.00	16.67%
Expenses	10-410-01 Commissioner's Salary	\$1,292.00	\$0.00	\$215.32	\$1,076.68	\$0.00	16.67%
Expenses	10-410-02 Tax Collection & Clerk Ex	\$23,000.00	\$0.00	\$3,933.34	\$19,066.66	\$0.00	17.10%
Expenses	10-410-03 Legal	\$5,000.00	\$0.00	\$0.00	\$5,000.00	\$0.00	0.00%
Expenses	10-410-04 Professional Services	\$12,000.00	\$0.00	\$15.50	\$11,984.50	\$0.00	0.13%
Expenses	10-410-06 FICA Expense	\$2,508.12	\$0.00	\$0.00	\$2,508.12	\$0.00	0.00%
Expenses	10-410-10 Election Expense	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-410-11 Town Employee Education	\$500.00	\$0.00	\$0.00	\$500.00	\$0.00	0.00%
Expenses	10-410-13 Utilities/CityHall/Mall	\$5,000.00	\$0.00	\$182.30	\$4,817.70	\$0.00	3.65%
Expenses	10-410-15 Maint/Repairs-Bldg&Ground	\$5,000.00	\$0.00	\$0.00	\$5,000.00	\$0.00	0.00%
Expenses	10-410-16 Maint/Repair-Equipment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-410-26 Advertising	\$500.00	\$0.00	\$82.50	\$417.50	\$0.00	16.50%
Expenses	10-410-33 Dept.Materials & Supplies	\$1,500.00	\$0.00	\$0.00	\$1,500.00	\$0.00	0.00%
Expenses	10-410-53 Dues & Subscriptions	\$20,000.00	\$0.00	\$483.74	\$19,516.26	\$0.00	2.42%
Expenses	10-410-54 Insurance & Bonds	\$4,000.00	\$0.00	\$0.00	\$4,000.00	\$0.00	0.00%
Expenses	10-410-57 Miscellaneous Expense	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-410-58 Christmas Decorations	\$7,400.00	\$0.00	\$0.00	\$7,400.00	\$0.00	0.00%
Expenses	10-410-59 Downtown Beautification	\$1,500.00	\$0.00	\$0.00	\$1,500.00	\$0.00	0.00%
Expenses	10-410-60 Town Hall Furnishings	\$500.00	\$0.00	\$178.20	\$321.80	\$0.00	35.64%
Expenses	10-410-70 Town Grounds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-410-71 Capital Outlay-Land	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-410-72 Capital Outlay-Building	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-410-73 Capital Outlay-OtherImpro	\$3,000.00	\$0.00	\$0.00	\$3,000.00	\$0.00	0.00%
Expenses	10-410-74 Capital Outlay-Equipment	\$500.00	\$0.00	\$0.00	\$500.00	\$0.00	0.00%
Expenses	10-410-76 Captial Outlay-Technology	\$1,000.00	\$0.00	\$0.00	\$1,000.00	\$0.00	0.00%
Expenses	10-420-01 CARES Expenditure account	\$0.00	\$0.00	\$535.00	(\$535.00)	\$0.00	0.00%
Expenses	10-530-00 Fire Department	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-530-45 FireDept.Contr.Serv-Calls	\$36,000.00	\$0.00	\$0.00	\$36,000.00	\$0.00	0.00%
Expenses	10-530-46 Tree Removal	\$2,000.00	\$0.00	\$0.00	\$2,000.00	\$0.00	0.00%
Expenses	10-560-00 Street Department	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-560-13 Utilities-Street Lights	\$7,000.00	\$0.00	\$601.01	\$6,398.99	\$0.00	8.59%
Expenses	10-560-14 Utilities-Signal Lights	\$170.00	\$0.00	\$12.14	\$157.86	\$0.00	7.14%
Expenses	10-560-15 Maint/Rep-Existing Street	\$8,000.00	\$0.00	\$4,980.00	\$3,020.00	\$0.00	61.25%
Expenses	10-560-16 Snow & Ice Removal	\$1,000.00	\$0.00	\$0.00	\$1,000.00	\$0.00	0.00%

Type	Disp Acct	Budget	QTD	YTD	Variance	Enc Amt	Item 1.
Expenses	10-560-17 Traffic Control	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-560-18 Drainage & Storm Sewer	\$0.00	\$0.00	\$60.00	(\$60.00)	\$0.00	0.00%
Expenses	10-560-19 Curb & Gutter	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-560-20 Bikeways	\$2,000.00	\$0.00	\$700.00	\$1,300.00	\$0.00	35.00%
Expenses	10-560-21 Sidewalks	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-560-22 Greenways	\$700.00	\$0.00	\$135.00	\$565.00	\$0.00	19.29%
Expenses	10-560-23 Ruthridge right of ways	\$500.00	\$0.00	\$0.00	\$500.00	\$0.00	0.00%
Expenses	10-560-24 Ruthridge beautification	\$500.00	\$0.00	\$0.00	\$500.00	\$0.00	0.00%
Expenses	10-560-25 Town Hall Mowing & beautification	\$1,500.00	\$0.00	\$355.00	\$1,145.00	\$0.00	23.67%
Expenses	10-560-33 Dept. Materials & Supplie	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-560-45 Contr.Serv.-FireHydrants	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-580-00 Sanitation Department	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-580-33 Sanitation-Dept.Mat.&Supp	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
Expenses	10-580-44 Recycle Contracted Servic	\$6,079.92	\$0.00	\$495.88	\$5,584.04	\$0.00	8.16%
Expenses	10-580-45 Garbage Contracted Serciv	\$15,652.56	\$0.00	\$1,276.66	\$14,375.90	\$0.00	8.16%
Expenses	10-580-46 RCSW Landfill Fees	\$8,300.00	\$0.00	\$734.84	\$7,565.16	\$0.00	8.85%
Expenses	10-800-01 Tax Penalty	\$0.00	\$0.00	\$12.00	(\$12.00)	\$0.00	0.00%
Expenses	10-800-02 Tax Interest	\$0.00	\$0.00	\$6.00	(\$6.00)	\$0.00	0.00%
Expenses	10-800-03 Tax Expense	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
		\$184,562.60	\$0.00	\$15,136.08	\$169,426.52	\$0.00	8%

Banking Balances

<u>Bank</u>	<u>Type</u>	<u>Balance</u>
BB&T	Checking	\$70,973.36
BB&T	Savings	\$192,700.16
OZK	Street Savings	\$50,402.30
OZK	CD	\$102,954.25
OZK	MM	\$24,212.29
OZK	Checking	\$23,527.28
PNC	CD	\$157,226.28
<u>Total</u>		<u>\$621,995.92</u>

BB&T Total **PNC Total**
\$263,673.52 **\$157,226.28**

\$621,995.92

Non Liquid COH Total

\$452,880.69

Restricted COH Total

\$50,402.30

Liquid COH Total

\$118,712.93

Town Council of the Town of Rutherfordton

Rutherford County, North Carolina

Ordinance No. 11-17

**An Ordinance amending, Chapter 26, Article VII (“Parades & Demonstrations”)
of the General Code of Ordinances of the Town of Rutherfordton.**

BE IT ORDAINED by the Town Council of the Town of Rutherfordton, that the General Code of Ordinances be amended as follows:

Part I. Chapter 26 Article VII be replaced with the following amended text:

Sec. 26-208. Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Parade means any assemblage or gathering of two (2) or more persons for any march, ceremony, show, exhibition, or procession of any kind on a public street, for which the Permit Applicant, as hereinafter defined, has received approval for a street closure from the Town Council and/or the North Carolina Department of Transportation pursuant to its then applicable Special Event Guidelines. For purposes of this Article, Street Closure shall mean the temporary blocking or prohibiting of vehicular traffic on any public street.

Demonstration means any assemblage, gathering, picket, or rally of ten (10) or more persons for the purpose of protesting, opposing, supporting, promoting, or publicizing any issue, matter, or event, or who otherwise gather to publicly express any position, viewpoint, belief, or opinion, and occurring in a public place other than on a public street.

Counter-Demonstration means any assemblage, gathering, picket, or rally of ten (10) or more persons which is conducted in direct response or opposition to a Parade or Demonstration for which a permit has been properly issued.

Permit Applicant means the individual person who submits and signs, whether individually or in a representative capacity, an application for a permit for a parade or demonstration, as set forth in this Article, and who shall be conclusively presumed to be the person in charge of and responsible for the conduct of the parade or demonstration.

Public Place means any street, sidewalk, lawn, alley, park, building, or any other space which is publically or governmentally owned or controlled.

Sec. 26-209. Permit Required.

It shall be unlawful for any persons to organize, conduct, or participate in any manner in any parade or demonstration upon any public place within the town, including, without limitation, public streets, sidewalks, alleys, or parks, unless a permit therefor has been issued by the Chief of Police pursuant to this Article, and, upon the issuance of such permit as set forth in this Article, the Permit Applicant must at all times be present at the parade or demonstration with such permit in his/her possession.

Sec. 26-210. Permit – Application

Any person, group, entity, or organization desiring a permit for a parade or demonstration shall submit a written application for same to the office of the Chief of Police, which written application must be received by the Chief of Police no less than twenty-four (24) hours prior to the time for such parade or demonstration, and shall include the following information:

- (1) The name, address, telephone number, and e-mail address of the Permit Applicant;
- (2) The time and place for the commencement of the parade or demonstration;
- (3) The estimated duration of the of the parade or demonstration;
- (4) A detailed and specific listing of any and all public places which may be affected by the parade or demonstration, to include the place or places in which it is to be held, as well as the specific route(s) to be used if the parade or demonstration is to move at any time from its place of commencement to another location; and
- (5) An estimated number of participants for the parade or demonstration, including a statement of whether minors below the age of eighteen (18) will be permitted to participate.

Sec. 26-211. Permit – Issuance

Upon the timely receipt from a Permit Applicant of an application for a permit for a parade or demonstration, which satisfies the requirements of Section 26-210, the Chief of Police shall issue such permit *unless* he/she finds any of the following:

- (1) The parade or demonstration is to commence before sunrise or terminate after sunset;

(2) The parade or demonstration is to be conducted at the same time and place as another parade or demonstration for which a permit has been previously issued, or is to be conducted at the same time and place as any town-sponsored or town-supported event or festival, or any other event specifically approved by the Town Council, or would otherwise conflict or interfere with such events;

(3) The parade or demonstration will cause an unreasonable interruption of or interference with the safe movement of pedestrian or vehicular traffic in the Town, or will, in the sole discretion of the Chief of Police, otherwise create any condition which constitutes a threat to the public safety or welfare, which conditions may include but are not limited to the following:

a. The parade or demonstration is reasonably likely to incite, encourage, cause, or result in violence or damage to property, or is reasonably likely to result in any riot or similar public disturbance;

b. The parade or demonstration will require an unreasonable and unsafe diversion of the Town's law enforcement and emergency resources such that adequate police, fire, and/or other emergency protection for the Town may be compromised; or

c. The parade or demonstration will interfere with the movement of police, fire, and/or other emergency vehicles, or will otherwise cause or contribute to the interruption or unreasonable delay of any services provided by the Town to its residents.

(4) The parade or demonstration is for the purpose of promoting or advertising any business, product, service, or other commercial enterprise, or is otherwise intended to generate private profit; or

(5) The Permit Applicant has on prior occasions made material misrepresentations regarding the nature or scope of an event, has previously permitted a violation or has violated the terms of a parade or demonstration permit issued to or on behalf of the Permit Applicant, or has on prior occasions damaged town property or private property and has not paid in full for such damage;

Sec. 26-212. Permit – Revocation

At any time after the issuance of a permit for a Parade or Demonstration pursuant to Section 26-211, the Chief of Police may revoke the permit on the following grounds:

(1) If he/she finds that the information supplied in the permit application was incorrect or incomplete;

(2) If the Parade or Demonstration exceeds the scope of the permit as to time or place, or there is any failure to otherwise comply with the terms and conditions of the permit;

- (3) If the Permit Applicant is not present at the Parade or Demonstration, or, though present, does not have the permit in his/her possession;
- (3) If the Parade or Demonstration results in or creates any of the conditions upon which the Chief of Police could have denied the permit under Section 26-211; or
- (4) If any of the prohibited activities set forth in Section 26-213 are found to have occurred.

Sec. 26-213. Prohibited Activities

The following acts or activities, when occurring in conjunction with or as a part of any Parade or Demonstration, or engaged in by any participant in a Parade or Demonstration, are expressly prohibited and are a violation of this Article:

- (1) The carrying on or about the person of any firearm or other weapon of any kind, and any other items which might be used as deadly weapons, including but not limited to bows, knives, blackjacks, night sticks, or similar objects, as well as pepper spray, tear gas, or any similar spray, gas, or irritant, unless expressly authorized or exempted by North Carolina General Statutes;
- (2) The presence of any vicious dog or other vicious animal, whether leashed or unleashed;
- (3) The use of megaphones, bullhorns, microphones, speakers, or other means of voice amplification, as well as any other horns, sirens, or noisemakers, which create noise of a level that violates the Town's noise ordinance;
- (4) Any activity which constitutes a breach of the peace;
- (5) Any activity which results in or creates any of the conditions which would have been grounds for the denial of the permit for the Parade or Demonstration under Section 26-211;
- (6) Interfering with, or in any way blocking or impeding entry of any person into a business, commercial enterprise, privately-owned property, or public/government property or building;
- (7) Interfering with, impeding, or blocking the free passage of pedestrian or vehicular traffic on any street, public area, or sidewalk; and
- (8) Violation of any Town ordinance, or state or federal law.

Sec. 26-214. Counter-Demonstrations.

This Article applies in all respects to Counter-Demonstrations, and a permit shall be required for such Counter-Demonstrations. The Chief of Police may, in his/her sole discretion, deny a permit for a Counter-Demonstration under Section 26-211(2), or choose to issue a permit notwithstanding the provisions of Section 26-211(2). Non-permitted and/or spontaneously occurring Counter-Demonstrations may be dispersed at any time at the discretion and direction of the Chief of Police.

Sec. 26-215. Interference with Parades or Demonstrations.

No person or group of persons shall hamper, obstruct, impede, or interfere in any way with a properly permitted Parade or Demonstration, or a properly permitted Counter-Demonstration. No person involved with or participating in any Counter-Demonstration, whether permitted or non-permitted, shall hamper, obstruct, impede, or interfere in any way with the Parade or Demonstration which the Counter-Demonstration is opposing or to which the Counter-Demonstration is responding.

Sec. 26-216. Exceptions.

This Article shall have no application to the following:

- (1) Festivals and events sponsored or supported by the Town, or any other event or gathering which takes place with the express approval of the Town Council;
- (2) Funeral processions; and
- (3) Any governmental agency or department acting within the scope of its functions.

Sec. 26-217. Penalties.

Any person found to be in violation of this Article shall be guilty of a Class 3 misdemeanor, punishable by a fine of at least \$50.00, but not more than \$500.00, and/or imprisonment of not more than 30 days, or such other penalties as may be consistent with N.C.G.S. 160A-175.

Part II. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part III. This Ordinance shall become effective upon its adoption.

ADOPTED this 7th day of December, 2016 by the Town Council of the Town of Rutherfordton, North Carolina.

ATTEST:



MAYOR Jimmy Dancy

Pat Hardage, Town Clerk

APPROVED AS TO FORM:

David Lloyd, Town Attorney

§ 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.)