



## TOWN OF RIVER BEND

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### RIVER BEND TOWN COUNCIL AGENDA

Work Session Meeting

July 14, 2022

River Bend Town Hall

6:00 p.m.

1. **VOTE** – Approval of Agenda
2. **DISCUSSION** – Proposed Development with Ellis Development
3. **CLOSED SESSION** – 143.318.11(a)(3)(6)

Pledge: Leonard

## **Special Information about the July 14 and July 28 Council Meetings**

The River Bend Town Council will be discussing a rezoning request over the course of two meetings in July. The first meeting will take place on July 14, 2022 and the second will be on July 28.

The meeting on July 14 will start at 6 p.m. This is the usual date and place for Council's monthly work session. The only change is the start time. One agenda item for this meeting will be a question and answer session between the Town Council and Ellis Development concerning a proposed rezoning request. The doors will be open to the public at 5:30 p.m. There is a seating capacity for the room and once that has been reached, admittance will be stopped. Reserving of seats is not allowed. The Council will not take any action on the rezoning request at this meeting.

Recently, there has been much discussion about the venue for the meetings not being large enough to accommodate all River Bend residents. That is correct. There is no indoor venue in River Bend or the surrounding area that will accommodate all 3,000 residents. The seating capacity in the room is 99. Obviously, some of those seats will be taken by Council members, staff, camera crew and the developer. The remaining seats will be available for the public to use. The town has taken extra steps to make the meetings available to as many residents as possible.

**Step 1.** CTV-10 has agreed to record both meetings and both will be available for viewing on the town's web page the following day. They will also be aired on the local CTV-10 Channel.

**Step 2.** If you do not want to wait to watch, the town has arranged to have both meetings available to be viewed via live stream as they occur. You will simply go to the town's webpage on the day/time of the event and click on a link. The stream will not be live until the date and time of the event. As long as you have a device with a screen and internet service, you will be able to watch the meeting from anywhere in the world live. Each meeting will have its own link. The link for the July 28 meeting will not be posted until after the July 14 meeting.

**Step 3.** The town's rules for conducting a public hearing require everyone to sign up in order to speak. Please carefully read the overview of the policy. Obviously, if the room is at maximum capacity people who are outside of the room will not be able to sign up to speak. For the July 28 public hearing the town will have a second signup sheet posted outside of the room. We will refer to it as the "will-call" list. We will maintain 1 vacant seat in town hall. That vacant seat will allow anyone who is on the "will-call" list to enter the room and make their comments. However, anyone who signs the "will-call" list will be doing so with the condition that they must leave the room after speaking, thus creating a space for the next person on the "will-call" list to enter and speak. This will allow everyone who has signed up to speak an opportunity to be heard.

The Town realizes that these steps are not the perfect solution and in reality there is no perfect solution. Any option has its drawbacks. For example, we could have the public hearing on the soccer field. That would probably accommodate every resident but what if it rains or is really hot that day? We could move the venue to an out-of-town location but then people would have to drive farther to attend it. Also, the Council meeting room is already prewired with a public

address system and prewired for recording. If we use another venue, we would lose those capabilities. The town strives to be transparent. Lots of information about this issue and about these meetings has been made available to the public for some time. The “will-call”, live streaming and recording options are just more examples of how we are doing more than is required by law to make your government more transparent and more accessible. For some of you, these options will make it even easier for you to view and/or participate in the process. You can watch the meetings from a hotel room while on vacation if you like. While maybe not perfect, they do offer everyone an opportunity to view the meetings from the comfort of your own home and an opportunity for everyone who physically attends the public hearing to be heard.

Finally, be advised that the public hearing is not the only platform for the public to share comments with Council. You do not need to be physically present at the public hearing to be heard. Citizens who want to avoid the crowds, can’t come to the meeting due to scheduling, are not physically able to attend, do not want to wait a long time to speak, etc. can share their comments/opinions with the Council via emails, phone calls, letters or face-to-face exchanges. The Council is in no way obligated to only consider the comments expressed during the public hearing. Sharing comments before the meeting is similar to “early voting”. The Council’s email addresses are published on our web page. Anyone can drop off notes in our overnight payment box at town hall or in person with one of the staff by 4 p.m. on July 27, 2022. They need to be labeled as “RE: Rezoning.” Any received by us by the deadline will be distributed to the Council prior to the public hearing.

Some have asked about the Councils options after the public hearing. The options are simple. The Council may deny the request. The Council may approve the request. The Council may reject the request as presented and offer another option for the developer to consider. If the developer agrees with another option, they will submit a new rezoning request and start the process over again. The Council is not obligated to vote on the request at the conclusion of the public hearing on July 28 but they can if they want to. They may want to take time to digest citizen input and wait until a later date to vote. That is at their discretion.

**Much more information about the rezoning is available on the town’s web page.**

**§ 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.)