



**RIVER BEND TOWN COUNCIL  
AGENDA  
Regular Meeting  
March 16, 2023  
River Bend Town Hall – 45 Shoreline Drive  
7:00 p.m.**

**Pledge: Maurer**

1. Call to Order (Mayor Kirkland Presiding)
2. Recognition of New Residents
3. Additions/Deletions to Agenda
4. Addresses to the Council
  - A. Craven County Crime Stoppers – Jeffrey Haddock & Cpl. Kelly Cox
  - B. Kathleen Fleming
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 February 9, 2023 Work Council Meeting  
Minutes of the February 16, 2023 Regular Council Meeting  
Minutes of the January 19, 2023 Closed Session  
Minutes of the March 9, 2023 Closed Session*

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. CAC – Councilwoman Maurer
  - A. Plantation Drive Median Study Presentation – Tom Glasgow
  - B. CAC Report
9. Finance – Councilman Leonard
  - A. Metronet Presentation
  - B. **VOTE** – Encroachment Agreement with Metronet
  - C. Financial Report - Finance Director

10. Planning Board – Councilman Sheffield
  - A. Planning Board Report
  - B. **VOTE** – Attorney’s Recommendation on Conditional Zoning Proposal
  - C. **VOTE** – Set Date of Public Hearing for Conditional Zoning Recommendation
  
11. Parks & Recreation – Councilman Weaver
  - A. Parks and Rec Report
    - I. **VOTE** – Change Sponsorship Policy
    - II. **VOTE** – Funding for July 4<sup>th</sup> Celebration
  - B. Organic Garden Report
  - C. Library Report
  
12. Mayor’s Report – Mayor Kirkland
  
13. 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.*

14. Adjournment



Town of River Bend

RECEIVED

MAR 02 2023

TOWN OF RIVER BEND

Request Type - Select One

Request to Address the Town Council at Regular Meeting

Request to Appear on Town Council Meeting Agenda

Meeting Date 03/16/2023		Date of Request 03/01/2023
<b>SPEAKER'S INFORMATION</b>		
Name Jeffrey Haddock & Cpl Kelly Cox (CCSO)		Phone Number 252-474-5470
Address 5111 White Oak Drive, Trent Woods, NC 28562		
Organization (if any) Craven County Crime Stoppers		
Subject Introduction to Crime Stoppers and what we do.		
<b>TIME LIMITED TO FIVE (5) MINUTES UNLESS OTHERWISE APPROVED</b>		
Requestor's Signature Jeffrey B. Haddock		Time Requested Any
Approval <i>Delane Jackson</i>	Date 3-2-23	Time (Minutes)* 5

\*If more than three (3) people sign up to speak at the meeting, the Council reserves the right to reduce time allowed. Form must be returned to the Clerk by 9:00 am on the Tuesday prior to the meeting. TRB Form # 54 (Rev. 3/22)

ITEM 4



Town of River Bend

RECEIVED

MAR 14 2023

TOWN OF RIVER BEND

Request Type - Select One

- Request to Address the Town Council at Regular Meeting
- Request to Appear on Town Council Meeting Agenda

8:49 AM  
KJ

Meeting Date 3-16 '23		Date of Request 3-14 '23 8:46 AM
<b>SPEAKER'S INFORMATION</b>		
Name Kathleen Fleming	Phone Number 252-671-0456	
Address 270- Shoreline Dr		
Organization (if any)		
Subject Council Appreciation		
<b>TIME LIMITED TO FIVE (5) MINUTES UNLESS OTHERWISE APPROVED</b>		
Requestor's Signature Kathleen Fleming	Time Requested	
Approval Delane Jackson	Date 3-14 '23	Time (Minutes)* 5 max.

\*If more than three (3) people sign up to speak at the meeting, the Council reserves the right to reduce time allowed. Form must be returned to the Clerk by 9:00 am on the Tuesday prior to the meeting. TRB Form # 54 (Rev. 3/22)

ITEM 4

**River Bend Town Council  
Work Session Minutes  
February 9, 2023  
Town Hall  
6:00 p.m.**

Present Council Members: Mayor John Kirkland  
James Castranova  
Barbara Maurer  
Buddy Sheffield  
Jeff Weaver

Absent Council Member: Brian Leonard

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

Members of the Public Present: 11

**CALL TO ORDER**

Mayor Kirkland called the meeting to order at 6:00 p.m. on Thursday, February 9, 2023 at the River Bend Town Hall with a quorum present.

**VOTE – Approval of Agenda**

Councilman Sheffield motioned to accept the agenda as presented. The motion carried unanimously.

**Discussion – Water Resources Policy Manual Amendment**

Town Manager Jackson stated that the town utilizes a third party system, Official Payments – ACI Online, for processing credit card payments for utility services. He stated that the provider charges a fee to the payer to use this service and this fee has changed over the past few months. He stated that the current Water Resources Policy Manual states the fees and with those fees changing, the policy would need to be amended every time the fees change. He presented a proposed amended policy with a general statement stating fees are charged to the payer.

**Discussion – Parks and Recreation Advisory Board Appointments**

Councilman Castranova stated that the Parks and Recreation Advisory Board has received three applications for appointment to the advisory board. He stated that the Parks and Recreation Advisory Board has met and recommends all three of the applicants for appointment to the Parks and Recreation Advisory Board. Councilman Castranova stated that one of the applicants is Don Fogle, and states there is some history between some councilmembers and Mr. Fogle, but asked that the Council put aside their differences. He stated that the Parks and Recreation Advisory Board is currently lacking experience and the Fogle's would bring that to the current board. He stated that these three applicants would complete the board. Councilman Sheffield stated that normally anyone who is recommended to Council for appointment he would vote to approve, but he couldn't in good conscience approve Don Fogle. He stated he felt he would be rewarding Mr. Fogle by turning a new board over to him. Councilman Weaver asked Councilman Castranova if he meant turning the new board over to Mr. Fogle or did the Parks and Recreation Advisory Board unanimously approve the applications for membership. Councilman Castranova agreed that the board only recommended the applicants for appointment to the board. Councilman Sheffield stated that if he is a board member he can be appointed as chairperson and he does not want him on a board that is supervised and funded by the town. Councilwoman Maurer stated that she

has tried putting her differences aside and thought it may be a good idea to allow Mr. Fogle the opportunity to show the town what he could do but she felt the election made it clear that the voters do not want Mr. Fogle as a councilperson or involved in the advisory boards. She stated that she attended the Parks and Recreation Advisory Board meeting last week and understood that the advisory board would appoint Mr. Fogle as the chairperson to the advisory board because he has the most experience with Parks and Recreation, and she would disagree that his experience qualifies him to be a member or the chairperson of the advisory board. She stated that she opposes appointing him to the Parks and Recreation Advisory Board. Councilman Weaver asked if the Council could remove someone from an Advisory Board since the Council approves appointments and Councilman Sheffield stated that the Council could not remove someone. Councilman Castranova stated that the term for the three recommended applicants ends on June 30, 2023, and if the Council feels someone doesn't need to be reappointed then the Council can decline to reappoint them at that time. He stated that he respects the opposing Council people's opinion and is not there to change their minds. The Mayor stated that the Parks and Recreation Advisory Board is very important to the Town and hopes that the Council keeps that in mind when making their decision. The Town Attorney stated that the Town's Ordinance does allow the removal of an Advisory Board member as long as it is taken by a vote in an open meeting by the Council. Councilman Weaver stated that the Council could appoint the three applicants to complete the advisory board and if they feel it was needed they could remove anyone. Councilman Sheffield stated that he isn't sure that the past issues would happen again in the future with Mr. Fogle but it would be as if he has gotten his way. He stated that he does feel there is room for new blood and new ideas on the board but he feels it could have been accomplished in a different way.

#### **Discussion – Request for Parks and Recreation to Review Potential Parks Upgrades**

Councilman Weaver stated that he would like for the Parks and Recreation Advisory Board to review the current playground or a new playground that included new play equipment that is focused on children older than toddler age. The Mayor stated that the project he is requesting is a very expensive project and now is the time that the Manager is preparing the budget so it would be a good time to review this request. Councilman Sheffield stated that he is very interested in reviewing this project and Councilwoman Maurer agreed. Councilwoman Maurer stated that there may be grants available that could offset the cost of a new playground area. The Town Attorney stated that most of the grants require specifications and schematics before you can apply, which would require funds out of the general account. Councilman Castranova stated that the current Parks and Recreation Advisory Board is considering applying for grants for a similar project and Councilwoman Maurer stated that the advisory board does not have the authority to apply for grants themselves, but they can research the availability of grants.

#### **Discussion –Update on Planning Board Recommendation**

Councilman Sheffield stated that the Council voted to send the conditional zoning ordinance back to the Planning Board for the board to be more specific about their concerns. He stated the Planning Board has revised and addressed their concerns. He stated that the Planning Board voted and recommended the Conditional Zoning Ordinance to the Council for review. The Manager suggested that the Council needs to review the language within the ordinance and address any concerns before sending the ordinance to the Town Attorney for review and once the Council's concerns are discussed and reviewed, the Council will need to schedule a public hearing before it can be adopted.

#### **Discussion – Ellis Development's Community Meeting**

The Manager stated that Ellis Development is holding a public meeting on February 20, 2023. The Manager stated that he has consulted with the Town Attorney and the School of Government (SOG) to determine if a legal notice is required if a quorum of the Council is present to observe at this meeting. He stated that he was advised by the SOG to advertise it just to be cautious. He stated that he has spoken to CTV-10 and they have agreed to record the meeting. The Manager stated that the meeting won't be available to view LIVE but will be able to be viewed within a few

days of the meeting. The Manager stated that if a quorum of the Council decides to go to the meeting, he would need to advertise it as a Special Council Meeting. The Mayor stated that if they advertise the meeting they would need to meet prior to the presentation to call the meeting to order and reconvene at the end of the presentation to adjourn. Councilman Castranova stated he was concerned that the perception is that the Town is advertising the meeting for Ellis Development. He asked what is the penalty of violating the Open Meetings Law and the Town Attorney stated that there is no penalty but any actions taken at the non-noticed meeting would be null and void, that it is simply a public policy. Councilwoman Maurer stated that since it has been discussed she felt that it needed to be advertised. Councilman Weaver stated that even if there is no penalty to violating the Open Meetings Law, he felt it would be violating the trust of the constituents. Councilman Sheffield, Councilman Weaver and Councilman Castranova all agreed to not attend the meeting, thus avoiding the need to advertise it.

Councilman Castranova stated that he would like to make a motion to open the floor for Public Comment for anyone who would like to speak. Councilwoman Maurer stated that the work session is for the Council to discuss issues and not an open forum. She stated that if the Council allows this at this meeting it would violate two of the Town's policies, Public Comment Policy and the Rules and Procedures of the Town Council. Councilman Weaver asked Councilman Castranova if there was someone specific he knew would like to speak and Councilman Castranova responded that he did not know of anyone. Councilman Sheffield stated if anyone wants to address the Council, they could sign up next week like the policy states. Councilman Castranova disagrees and he stated he interprets the policy differently and does not see any harm of opening the floor for comments.

#### **VOTE – Public Comment Period**

Councilman Castranova motioned to open the floor for Public Comments. The vote was tied with two ayes (Weaver, Castranova) and two nays (Maurer, Sheffield). The Mayor voted nay and the motion failed.

#### **REVIEW – Agenda for the February 16, 2023 Council Meeting**

The Council reviewed the agenda for the February 16, 2023, Council Meeting.

#### **ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 6:44 p.m.

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Kristie J. Nobles, CMC  
Town Clerk

**River Bend Town Council  
Regular Meeting Minutes  
February 16, 2023  
Town Hall  
7:00 p.m.**

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

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

Members of the Public Present: 43

**CALL TO ORDER**

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, February 16, 2023, at the River Bend Town Hall with a quorum present.

**ADDITIONS/DELETIONS TO AGENDA**

**Vote – Addition to Agenda** – Councilman Sheffield motioned to add item 9C, change time of the Work Session Meetings to the agenda. The motion carried unanimously.

**VOTE – Approval of Agenda**

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

**ADDRESSES THE COUNCIL**

Donna Ross, 327 Plantation Drive, addressed the Council in support of the Parks and Recreation Advisory Board recommendation of Don Fogle for appointment to the Parks and Recreation Advisory Board.

**CONSENT AGENDA**

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

- A. Approve:
  - Minutes of the January 12, 2023 Work Council Meeting*
  - Minutes of the January 19, 2023 Regular Council Meeting*
  - Minutes of the March 10, 2022 Work Council Meeting – Amended*



## **TOWN MANAGER'S REPORT**

The Manager stated that on January 25, 2023, there was a celebration for Mr. Bud Van Slyke Jr. for his dedication to the Town. During the celebration Councilman Sheffield read a poem that he had written for Mr. Van Slyke. At this time, Councilman Sheffield presented the poem to the audience.

The Manager gave the following update on Town projects:

- The annual audit report will be presented at the March work session.
- The Water Meter Replacement Project is nearly complete with 1,479 meters replaced out of 1,500 meters.
- The plumbing has been installed at the site of the new Public Works Building and the concrete will be poured soon.
- The Channel Run Drainage project is nearly complete.

## **ADMINISTRATIVE REPORTS**

### **ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD- COUNCILMAN LEONARD**

Councilman Leonard presented the following report.

EWAB met at 7 PM on Monday, 6 February 2023 in the small conference room in the Municipal Building. Chairman Ackiss called the meeting to order, there was a quorum. There were two visitors. The minutes from the November 2022 meeting were approved. Councilman Leonard gave a council update. Old business: discussion about bulkhead inspections, EWAB has the GIS maps and will start the inspections soon. New business: No new business. There will **not** be a EWAB meeting in March 2023. Next meeting will be on April 3rd, 2023, at 7 PM in the small conference room in the Municipal Building. The meeting adjourned at 7:37 PM.

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

Councilman Sheffield presented the following report.

The regular meeting of the River Bend Planning Board was held on Feb 2nd at 6:00pm in the Municipal Building. A quorum was present, as were several interested citizens. Chairman Lippert called the meeting to order. He then invited guests to speak. Two people spoke in opposition to conditional zoning, mostly citing potential legal vulnerabilities. The usual reports were given and the last meeting's minutes approved. Under old business the board took up changes to the conditional zoning ordinance as directed by the town council. Portions of the text were examined. There was much discussion. Changes were agreed upon. The board voted to approve the amended ordinance and send it to the town council. Under new business, local developer, Jay Amman addressed the board with a potential development in the area between The Howell Center and Riverstone. The approximately 20 acre plot is currently zoned for institutional use. Mr. Amman would like to rezone the property PDR-MF to allow him to build approximately 45 duplex homes. He passed around a rough design of the project. He explained that older people are in need of places to downsize from their larger homes in River Bend. He used his mother as an example. The board discussed the idea and asked questions. Mr. Amman was sufficiently encouraged to return at a later date with a much more detailed plan. The meeting was adjourned. The next regular meeting is set for March 2nd at 6:00pm. The meeting is open to anyone interested.

### **DISCUSSION – Draft Conditional Zoning Ordinance Review**

Councilman Sheffield stated that the Planning Board has addressed their concerns regarding the draft conditional zoning ordinance and recommends the draft ordinance to the Council. Councilman Sheffield stated that the Town Manager had sent the draft ordinance to the Council

for review and asked for any comments prior to this meeting. Councilman Castranova stated that he would like the Town Attorney to address the burden shifting if the Town will be engaging in “spot-zoning”. Councilman Leonard asked for the definition of “spot-zoning” and the Town Attorney stated that “spot-zoning” would be zoning smaller tracks of land different from the surrounding land with similar characteristics. Councilman Castranova asked the Town Attorney if he thought the Northwest Quadrant would be considered “spot-zoning” and the attorney stated he did not feel it would be considered that. Councilman Castranova stated he is concerned with the area in the draft ordinance that gives the Zoning Administrator the discretion to move the location of buildings to an approved site plan and he feels that section 8B can be eliminated. The Town Attorney stated he would address this in his review of the draft ordinance, once the Council directs him to review the ordinance. Councilman Leonard asked that the attorney also state what language is required by the state of North Carolina and what does the town have discretion to alter. He also stated if anyone has any proposed changes to provide those, as this is not the final ordinance. He also stated that this Conditional Zoning Ordinance is not affiliated with any developer or any tract of land, that this is about the town’s ordinances that are outdated and the town does not have adequate control. Councilman Castranova stated that he disagrees and feels that this Conditional Zoning Ordinance is directly for Ellis Development. Councilman Weaver stated that he has inquired about how conditional zoning was presented to River Bend and it was explained to him that Ellis Development is a group that develops property all over the state and Ellis stated that the Town of River Bend does not have conditional zoning and it’s a tool that other municipalities use that allow the municipality and the development group to negotiate items that are mutually beneficial. He stated that Ellis Development is the one who mentioned it because the town is outdated on our ordinances as compared to other municipalities. He stated that this conditional zoning ordinance is a separate issue. Councilwoman Maurer stated that this ordinance would apply to any developer that intends to develop property in River Bend, not just Ellis Development. Councilman Weaver stated that a conditional zoning ordinance does not mean that anyone who applies for rezoning will be approved. Councilman Castranova stated that he has many concerns with the conditional zoning ordinance and one of the concerns is that Ellis Development wants conditional zoning and the Town is considering it. He asked about additional property in River Bend that may need to be developed and the Mayor stated that the Town of River Bend has never developed land previously and this is the very first venture since the Town was incorporated. Councilman Sheffield stated that he understands the differences of conditional zoning and no conditional zoning and there will still be a vote. He stated that his problem with Ellis Development is density and he feels their plans have not changed. Councilman Castranova stated that he does not want to go into budget season negotiating conditions with a developer he does not trust. Councilman Sheffield stated that this conditional zoning ordinance is about the zoning. Councilman Castranova stated that if they intend on keeping the property in the Northwest Quadrant zoned as it is currently, why does the Town need conditional zoning. Councilman Leonard stated that anything that comes before the Council will need a majority vote and at the time, there is nothing for Ellis Development presented to the Council. He stated that anyone can purchase the property and apply for rezoning and he does not think the town has the needed tools. The Mayor stated the Manager asked the Council to present their concerns in writing and no one responded.

**Vote – Draft Conditional Zoning Ordinance Review** – Councilman Sheffield motioned to direct the Town Attorney to review the Conditional Zoning Ordinance recommendation and report any areas of concern to the Town Council. The motion carried unanimously.

**DISCUSSION – Work Session Meeting Time**

Councilman Sheffield stated that the Council had voted to change the time of the work session meetings on December 15, 2023, from 5:00 p.m. to 6:00 p.m. He stated that he feels 7:00 p.m.

would be a more convenient time for town employees and working residents to attend the meetings.

**Vote – Work Session Meeting Time** – Councilman Sheffield motioned to change the time of the Work Session Meetings to 7:00 p.m. The motion carried unanimously.

**PUBLIC SAFETY – COUNCILMAN WEAVER**

Councilman Weaver presented the following reports on Community Watch.

**Community Watch**

Community Watch met on February 15, 2023 and the recent breaking and entering were discussed. It was also discussed that Community Watch and the Police Department want to start working closer together. The next meeting is scheduled for June 21, 2023.

**DISCUSSION – Request Parks and Recreation Facilities Assessment**

Councilman Weaver stated that he requests the Parks and Recreation Advisory Board to complete an analysis on the park areas. He stated that he would like to see an upgrade to the current equipment and possible new areas for older children. Councilman Leonard asked if Councilman Weaver was recommending a particular area or expanding to new areas and Councilman Weaver stated that initially he was referring to the current parks, but Councilman Sheffield has suggested an additional area. Councilman Sheffield stated that he would like to have a riverfront park for the community to enjoy, but has not felt the timing is right with the current ongoing projects in town.

**Vote – Request Parks and Recreation Facilities Assessment** – Councilman Weaver motioned to direct the Parks and Recreation Advisory Board to assess the town's current park facilities and provide a recommendation for Council's consideration on improvements to and expansion of the town's park facilities. The motion carried unanimously.

**PARKS & RECREATION – COUNCILMAN CASTRANOVA**

Councilman Castranova presented the following reports.

**Red Caboose Library (RCL)**

Councilman Castranova stated that the Red Caboose Library met on February 9, 2023, and he was unable to attend. He stated there was an annual volunteer luncheon and they have finalized their annual report. He also stated that there was discussion about finding the library a permanent location. He stated there was discussions about the Craven-Pamlico Book Mobile visiting River Bend.

**River Bend Community Organic Garden (RBCOG)**

Councilman Castranova stated the garden met on February 6, 2023, and he was not able to attend. He stated that there are some vegetables ready to harvest and the garden is in need of some manure, straw and hay. The Green Team met on February 15, 2023, and the RBCOG has partnered with a school for composting program.

**Parks & Recreation**

Councilman Castranova stated that Parks and Recreations Advisory Board is scheduling the Easter Egg Hunt and the July 4 event. He stated that the Parks and Recreation Advisory Board has recommended the three applications that were submitted for appointment. He stated that he felt Donna Ross's speech regarding the recommendation of Mr. Fogle was good. He stated that the Parks and Recreation Advisory Board understands the controversy regarding Mr. Fogle and

the Parks and Recreation Advisory Board wants to work with the Fogles. He stated that he believes that the board could really use Mr. Fogle's experience.

**Vote – Parks & Recreation Advisory Board Appointment** – Councilman Castranova moved to appoint Nancy Fogle to the Parks & Recreation Advisory Board for a term beginning February 16, 2023, and expiring June 30, 2023. The motion carried unanimously.

**Vote – Parks & Recreation Advisory Board Appointment** – Councilman Castranova moved to appoint Rebekah Royston to the Parks & Recreation Advisory Board for a term beginning February 16, 2023, and expiring June 30, 2023. The motion carried unanimously.

At this time, Councilman Castranova asked if there was anyone who signed up for public comments regarding Mr. Fogle. River Bend resident, Mary Holihan stated that she did. Councilman Weaver stated that the Parks and Recreation Advisory Board has approved Mr. Fogle's application and that board would be the board working with him and he feels that should be taken into consideration. He also stated that the ordinance allows the Council to remove anyone from an advisory board if they should need to. Councilman Castranova stated that he has received many emails in support of Mr. Fogle and very few against Mr. Fogle's appointment. He stated that he thought more citizens would be speaking in regards to Mr. Fogle.

**Vote – Parks & Recreation Advisory Board Appointment** – Councilman Castranova moved to appoint Don Fogle to the Parks & Recreation Advisory Board for a term beginning February 16, 2023, and expiring June 30, 2023. The motion failed (Castranova and Weaver voting aye and Leonard, Maurer and Sheffield voting nay).

#### **AC – Councilwoman Maurer**

Councilwoman Maurer presented the following report.

#### **Community Appearance Commission (CAC)**

The CAC did not meet in February. The next award event, Yard of the Month, takes place in April. Craven County Cooperative Extension Director Dr. Tom Glasgow is scheduled to meet with CAC Chair Brenda Hall and Town Manager Jackson to discuss the condition of trees and plants along Plantation median. There currently are three vacancies on the Community Appearance Commission. This is an active group. Current projects and programs include the holiday and festive homes awards, the Plantation Drive update, which includes an evaluation of all the vegetation on the Plantation median, making Christmas light globes, and more. Members may get involved in one or all of the projects. If you are interested, attend the next meeting and find out more about joining the board or just volunteering for a project. The next meeting is scheduled for March 15 at 4 pm.

#### **FINANCE – Councilman Leonard**

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of January. She stated the total of the Town's Cash and Investments as of January 31, 2023, were \$4,450,963 and Ad valorem tax collections for FY22-23 were \$615,829 and Vehicle Ad valorem tax collections were \$48,919.

#### **MAYOR'S REPORT**

The Mayor presented the following report.

*The article below was shared with the River Bend Community in December, 2020 when we began to come to grips with the COVID-19 pandemic. As we begin Town Operations in the year 2023 it is appropriate to look at how we have managed to adjust and move forward.*

As 2020 began it was easy to predict that the happenings during the New Year would closely track what had occurred in 2019. Then came COVID-19 and the term “normal” was largely abandoned. By March it was obvious to most that the normal for operations at all levels and in all organizations was no longer an option. The Town Staff, under Manager Jackson’s leadership, has adapted to the changing conditions and mandates and most services provided by the Town have continued without interruption. We have accepted the inconvenience that the new norm has eliminated large assemblies, required “social distancing” and recommended the wearing of face masks. Complying with these requirements resulted in the cancelling of the long running River Bend July Fourth celebration, the normal celebration of Halloween night for children and now the annual Christmas Tree Lighting.

These inconvenient departures from the comfortable River Bend normal have been a change that the entire nation and most of the world has in, the same fashion, been forced to follow. We have all witnessed that some nations have been more successful in reducing deaths from the virus while others have failed to make the needed adjustments. Statistics demonstrate the folly of denying scientific practice.

We shall continue to follow the appropriate guidance that is promulgated by health officials of the County and State. The residents will be kept informed of the current required safety practices. Our collective prayer should be that an effective vaccine is developed that will keep the population immune to the COVID-19 virus and lessen the suffering of thousands. We must not grow tired of the precautions that must be followed for our individual and community safety during these unusual times.

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### **2023 IN RIVER BEND**

We all have reason to express thanks to Town Manager Jackson, and the Town Staff that he leads, for the remarkable accomplishments that they have made during these “uncharted” times. The Congress has, in a refreshing nonpartisan way, passed legislation that appropriated significant funding for infrastructure construction. These funds were to be granted to municipalities by state agencies. Manager Jackson worked with the appropriate state agencies and secured grants to fund a number of projects. Those projects involve (1) \$ 732,310 to replace all the water meters with new meters that will allow remote radio read. (2) \$ 9,108,500 to upgrade the Town’s wastewater treatment plant. This project will upgrade the existing plant that is nearing the end of its useful life span. (3) \$ 964,378 To replace the Town’s Public Works building. The present building is in the floodplain and received damage during Hurricane Florence. This grant supports the construction of a new Public Works Building on Plantation Drive in the area adjacent to the 300,000 gallon water tank at a cost of \$ 1,996,136.

As the Manager worked through the details of obtaining these grants he also made state regulatory staff members comfortable that River Bend personnel were knowledgeable of the regulatory demands associated with our permitted water and wastewater systems. This positive contact will serve the Town well in the future.

The development of the effective COVID-19 vaccine has blessed River Bend and all of mankind. That vaccine has allowed the United States to relax most of the precautionary restrictions discussed in the 2021 report, which is reprinted above. Clearly the Manager and Staff have survived the emergency well and have continued to serve our population without compromising health and safety. It is safe to say that River Bend is in a stronger position than existed at the beginning of Covid-19. That strength came from the day-by-day efforts of the Manager and Staff to address the details as external demands dictated.

Thanks to all who have read this assessment of events that have been accomplished in River Bend over the last two years of unprecedented change.

**PUBLIC COMMENT**

Linda Klopf, 103 Randomwood, stated that the Red Caboose Library has partnered with the Craven-Pamlico Book/Tech Mobile and it will be visiting River Bend in the near future.

Patty Leonard, 106 Knotline, stated that there will be a Dementia Live event at the Municipal Building on March 17, 2023, and the event is sponsored by the ECCOG (Eastern Carolina Council of Government).

Sandra Barta, 404 Gatewood, stated that she would like to recognize the Friends of Craven County Sheriff's Office for donating a doghouse to the town for the dog pen that was previously donated by a family in River Bend for holding stray / lost animals.

Nancy Fogle, 107 Anchor Way, thanked the Council for appointing her to the Parks and Recreation Advisory Board but is disappointed with the votes regarding Don Fogle's appointment and she resigned from her newly appointed position on the Parks and Recreation Advisory Board.

**ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 8:27 p.m.

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Kristie J. Nobles, CMC  
Town Clerk

**River Bend Town Council  
Closed Session Minutes  
January 19, 2023  
Town Hall  
6:00 p.m.**

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

Town Manager: Delane Jackson  
Town Attorney: Dave Baxter

**CLOSED SESSION**

The Mayor called on Town Attorney David Baxter to explain the rules concerning confidential discussions conducted in closed session. The Town Attorney explained that outside discussion of some closed session topics could result in being charged with a misdemeanor.

Because Councilman Leonard requested the closed session, the Mayor called on Councilman Leonard to address the Council. He stated that he was concerned that not all Council members were operating within the guidelines of the town's ethics policy. He stated that some recent social media posts by a Council member were questionable and unproductive, in his opinion. He stated that all Council members had voted in support of and agreed to adhere to the Ethics Policy at the last Council meeting.

The Mayor then asked the Town Attorney to explain the legal requirements of the Ethics Policy as it pertains to Council members. The Town Attorney explained that the Code of Ethics is an agreed-upon set of guidelines regarding how the Council will conduct its affairs. Mr. Baxter further explained that the Code of Ethics does not have any legal implications unless a violation of the Code of Ethics is also a violation of the law. There were some questions raised about the draft Conditional Zoning Ordinance. The Town Attorney explained the process for conditional zoning challenges briefly as well as various aspects of conditional zoning as compared to standard zoning. The Town Attorney also explained how social media posts could be used against Council members and the Town in the future if an issue resulted in a law suit being filed against the Town.

---

Delane Jackson  
Town Manager

**River Bend Town Council  
Closed Session Minutes  
March 9, 2023  
Town Hall  
6:00 p.m.**

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

Absent Council Members: James Castranova

Town Manager: Delane Jackson  
Town Attorney: Dave Baxter

**CLOSED SESSION**

The Attorney presented his legal opinion regarding the Planning Board's recommendation on Conditional Zoning. There was a short discussion among the Council. No one expressed any objections to the changes. The Manager pointed out that the Attorney's opinion stated that the law allows for the Town to negotiate conditions that are more or less restrictive than those found in general zoning districts, but the Planning Board's recommendation only allows for conditions that are equal to or more restrictive than those contained in the general zoning districts. The Manager pointed out that this language would not allow a developer to get special treatment with less restrictive conditions.

Councilman Sheffield suggested releasing the Attorney's legal opinion to the public. All agreed.

---

Delane Jackson  
Town Manager





# RIVER BEND POLICE DEPARTMENT



## MONTHLY ACTIVITY REPORT

2023

	ACTIVITIES	2022	2023	2023	% of Total Calls	% Change Last 2 Mos.
		December	January	February		
1	ALARMS / 911 UNKNOWN / DISTURBANCE / SHOTS FIRED	8	8	9	0.40%	13.00%
2	ANIMAL COMPLAINTS	8	9	5	0.22%	-44.00%
3	ARRESTS	1	1	2	0.09%	100.00%
4	ASSAULTS / ALL OTHER VIOLENT CRIME	4	4	6	0.27%	50.00%
5	ASSIST CITIZENS / LOCK OUT / QUALITY OF LIFE ISSUES	21	17	12	0.54%	-29.00%
6	ASSIST EMS / FD / FIRST RESPONDERS / MED ASSIST	34	44	23	1.03%	-48.00%
7	ASSIST MOTORISTS / FOOT PATROLS / ALL OTHER	180	156	150	6.74%	-4.00%
8	ASSIST OTHER AGENCIES	4	1	3	0.13%	200.00%
9	B & E BUSINESS / RESIDENCE / VEHICLE	17	1	0	0.00%	-100.00%
10	CRIM. SUMM. / SUBPOENAS / WARRANTS / CIVIL COMPLAINT	2	5	1	0.04%	-80.00%
11	DOMESTICS	3	0	0	0.00%	0.00%
12	FIRES / ALARM	2	0	1	0.04%	0.00%
13	IDENTITY THEFT / FRAUD	3	2	1	0.04%	-50.00%
14	INVOLUNTARY COMMITMENTS	2	0	0	0.00%	0.00%
15	JUVENILE COMPLAINTS	0	0	0	0.00%	0.00%
16	LARCENIES	2	3	2	0.09%	-33.00%
17	LITTERING	0	0	0	0.00%	0.00%
18	LOUD MUSIC / NOISE COMPLAINTS	0	0	0	0.00%	0.00%
19	DEATH / MISSING PERSON / RUNAWAY / SUICIDE(A)	1	1	2	0.09%	100.00%
20	PROPERTY DAMAGE / VANDALISM	3	1	2	0.09%	100.00%
21	RESIDENTIAL / BUSINESS CHECKS / COMMUNITY WATCH	2868	2448	1,872	84.13%	-24.00%
22	ROADWAY DEBRIS / OBSTRUCTIONS	0	1	0	0.00%	-100.00%
23	ROBBERIES	0	0	0	0.00%	0.00%
24	SOLICITING VIOLATIONS	0	0	0	0.00%	0.00%
25	SUSPICIOUS PERSONS / VEHICLES / FIELD INTERVIEW	4	9	13	0.58%	44.00%
26	TOWN ORDINANCE CITATIONS	0	0	0	0.00%	0.00%
27	TOWN ORDINANCE VIOLATIONS	2	1	2	0.09%	100.00%
28	TRAFFIC ACCIDENTS	1	3	1	0.04%	-67.00%
29	TRAFFIC STOPS	80	76	82	3.69%	8.00%
30	TRAFFIC COMPLAINTS-RADAR	10	15	3	0.13%	-80.00%
31	DWI	0	0	0	0.00%	0.00%
32	CHECKPOINTS	0	2	2	0.09%	0.00%
33	DRUG VIOLATIONS	0	0	2	0.09%	0.00%
34	WELFARE CHECKS	9	7	2	0.09%	-71.00%
35	CASE ASSIST / PW / VEHICLE MAINTENANCE / MEETING	3	2	4	0.18%	100.00%
36	CASE FOLLOW UPS / SPECIAL OPERATION / TRAINING	4	4	21	0.94%	425.00%
37	TRESPASSING	0	0	0	0.00%	0.00%
38	OVERDOSE	0	1	2	0.09%	100.00%
39	<b>TOTAL</b>	<b>3276</b>	<b>2822</b>	<b>2225</b>	<b>100.00%</b>	<b>-21.00%</b>

Traffic Violations

- 45 State Citations
- 45 Total State Charges
- State Warnings
- Town Citations
- Town Warnings

Community Watch Checks

- 106 100 Pirates
- 119 100 Plantation
- 95 200 Lakemere
- 117 200 Rockledge
- 68 Piner Estates

Phone Calls Answered (638-1108)

- 232 Incoming Calls



**TOWN OF RIVER BEND**

45 Shoreline Drive  
River Bend, NC 28562

T 252.638.3870  
F 252.638.2580

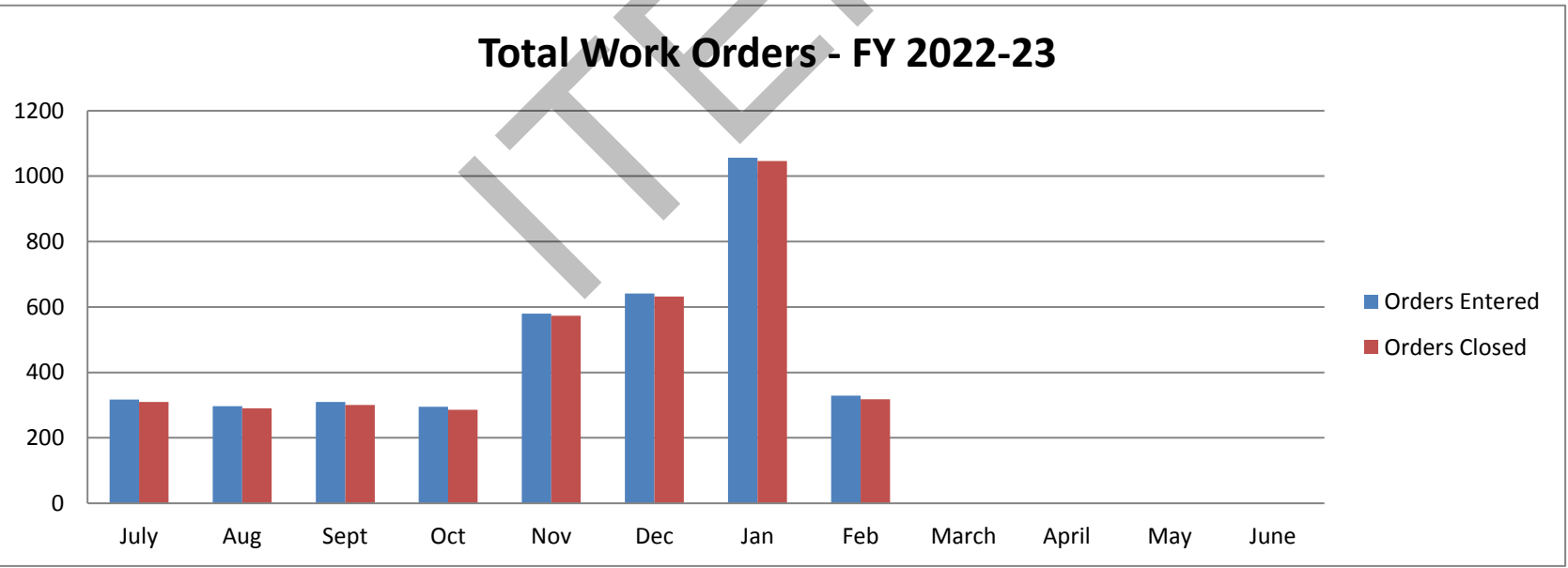
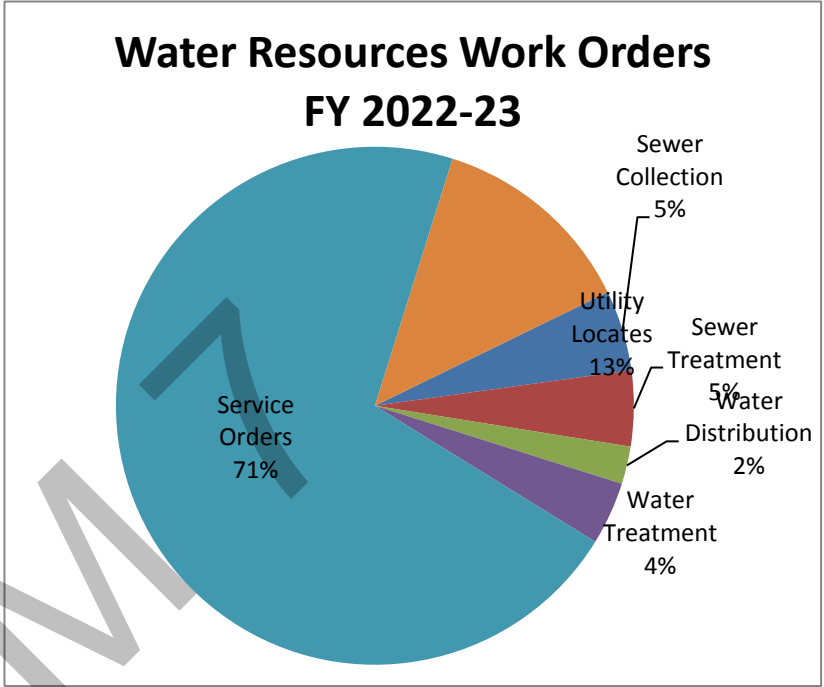
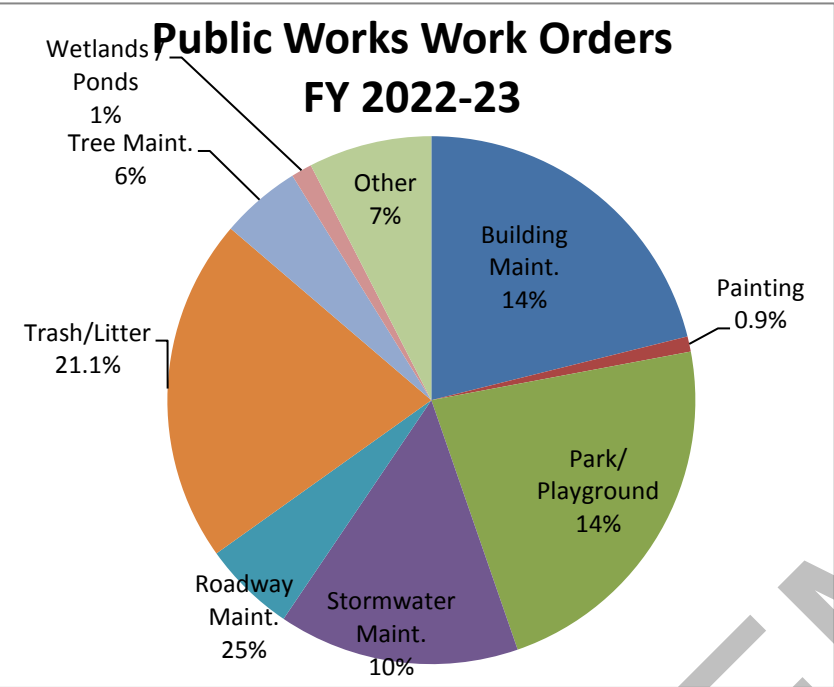
[www.riverbendnc.org](http://www.riverbendnc.org)

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

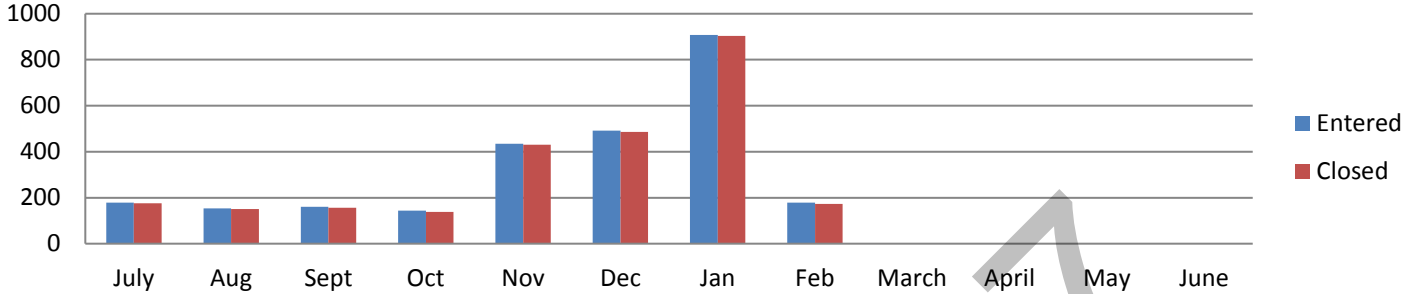
Public Works sprayed several areas in our parks to remove unwanted vegetative growth. We typically do this throughout the year. With the warm weather, it was a perfect time to stay ahead and control these weeds. It is on our schedule to add more mulch to the playground area, and swing set area of the park. We add mulch not just for looks but also as a cushion in case someone falls while playing. This is normally done twice a year, but more is added as needed throughout the year. Several stops signs also were replaced that had become faded. Public works also jetted out a couple clogged storm water pipes. They had become partially clogged with debris and were slow draining.

Water Resources repaired two water main leaks this month. The first one was located at the cross section of Bowline/Channel Run Drive. This leak was at a six-inch tee, and water had to be shutoff to the Channel Run area for repair. Any time water lines have to be depressurized, a boil water advisory is recommended until testing confirms no contamination. The testing came back negative, and the advisory was rescinded. A new valve was installed during repair to limit the number of customers that would be effected if a leak occurred in this general area again. The second leak was on a 2 inch main on Boatswain Drive. Water did not have to be turned off to repair this leak. We were able to repair it under pressure with a repair band. I would like to think the Public Works employees for a job well done.

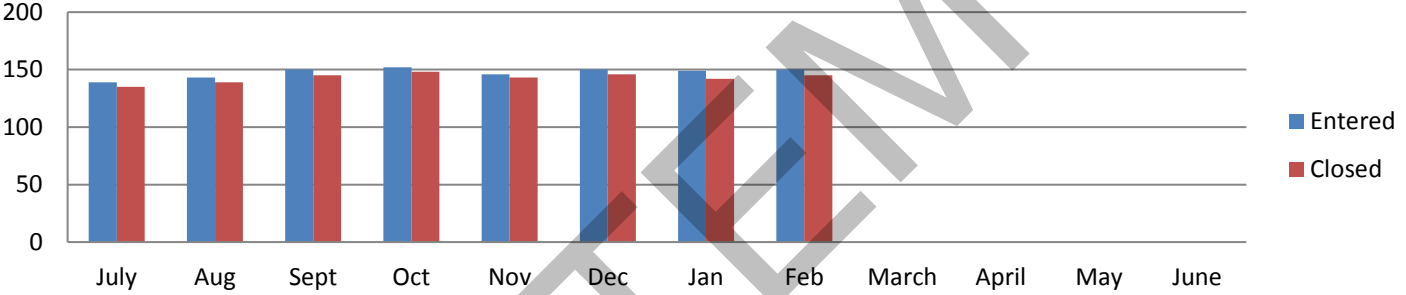
If you have any questions concerning the Water Resources/Public Works Department, please call us at 638-3540, Monday-Friday, 8am-4pm. After hour's water and sewer, emergencies can be reported by dialing the Town Hall at 638-3870. You will be instructed to dial "9" and follow the directions to contact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



### Water Resources - Work Orders



### Public Works - Work Orders



Town of River Bend  
 FY 2022-2023  
 Work Order Report



**Public Works**

Orders Entered													YTD	Pending
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June		
Building Maintenance	31	30	29	30	31	34	33	31					249	1
Painting	2	1	0	1	2	3	2	0					11	0
Park/Playground	32	34	36	34	32	31	33	35					267	1
Roadway Maintenance	17	19	22	24	22	25	21	24					174	0
Stormwater Maintenance	8	7	9	12	10	8	7	6					67	1
Trash/Litter	30	33	31	30	31	31	32	31					249	0
Tree Maintenance	8	6	8	7	5	7	9	8					58	0
Wetlands / Ponds	2	2	1	2	3	2	1	2					15	1
Other	9	11	14	12	10	9	11	13					89	1
<b>TOTAL</b>	139	143	150	152	146	150	149	150	0	0	0	0	1179	5
Orders Closed	135	139	145	148	143	146	142	145					1143	

**Water Resources**

Orders Entered													YTD	Pending
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June		
Sewer Collection	13	15	16	18	17	19	18	17					133	1
Sewer Treatment	16	17	15	14	15	17	16	15					125	0
Water Distribution	9	8	7	6	8	9	7	8					62	4
Water Treatment	10	12	13	14	13	15	13	14					104	1
Service Orders	84	62	67	47	341	387	811	81					1880	0
Utility Locates	46	40	42	44	40	44	42	44					342	0
<b>TOTAL</b>	178	154	160	143	434	491	907	179	0	0	0	0	2646	6
Orders Closed	175	151	156	138	430	486	904	173					2613	

<b>TOTAL</b>	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD
Orders Entered	317	297	310	295	580	641	1056	329	0	0	0	0	3825
Orders Closed	310	290	301	286	573	632	1046	318	0	0	0	0	3756



# MONTHLY ZONING REPORT

MONTH  YEAR

Activity	Monthly	YTD Total
Permit Applications Received	1	49
Permits Issued	1	49
Fees Collected	123.20	5506.00
Violations Noted During Weekly Patrol	4	51
Complaints Received From Citizens	1	9
Notice Of Violations Initiated *see details below	4	53
Remedial Actions Taken By Town	0	0

Detail Summary		
Address	Violation	Date Cited
311 Willowbrook Court	Junk vehicle	14-Feb
208 Channel Run	Boat	15-Feb
76 Shoreline	Trailer	15-Feb
401 Rockledge	Boat	15-Feb

# River Bend Tree Medians

Tom Glasgow, Craven County Extension, Spring 2023

Presented to Town Council March 16, 2023

# Landscape Plants

[Landscape Plants Home](#) [Environmental Horticulture](#) [Contact Us](#) [Copyright Information](#)

## ▶ Trees

[Urban design](#) | [Site Selection](#) | [Nursery](#) | [Planting](#) | [Pruning](#) | [Health](#) | [Species](#) | [Roots](#) | [Structure](#) | [Wood](#) | [Storms](#) | [Arborists](#) | [Plan](#) | **See:** [Power lines](#)

## ▶ Shrubs

[Selection](#) | [Production](#) | [Maintenance](#) | [Species](#) | **See:** [Planting](#)

## ▶ Groundcover

[Selection](#) | [Production](#) | [Maintenance](#)

## ▶ Palms

## ▶ PowerPoints

## ▶ Fact sheets

## ▶ Research papers

## ▶ Landscape designs

## ▶ Other resources

## ▶ Topic index

[Home](#) > [Urban/suburban design](#)

## Urban/suburban design to support trees

Trees grow poorly in urban areas unless the soil beneath and adjacent to hard surfaces supports root growth. Root growth is THE critical factor for successful design execution! The system has to be specially designed to accommodate tree root growth. This does not happen without careful planning, and execution. Occasionally, portions of cities get lucky and trees grow despite poor planning. These examples should not be used as models for future design because these are usually anomalies.



### Minimum soil volume for trees

ultimate trunk diameter	soil volume
16 inches	1000 cu. ft.
24 inches	1700 cu. ft.

### Minimum soil volume required to support reasonably healthy

trees can be summarized in the table to the left. This soil should be at least three feet deep and must have a bulk density below the [critical value](#) for the soil type. Rooting space needs to be wider if it can not be three feet deep. Place trees as far from hardscape as possible.

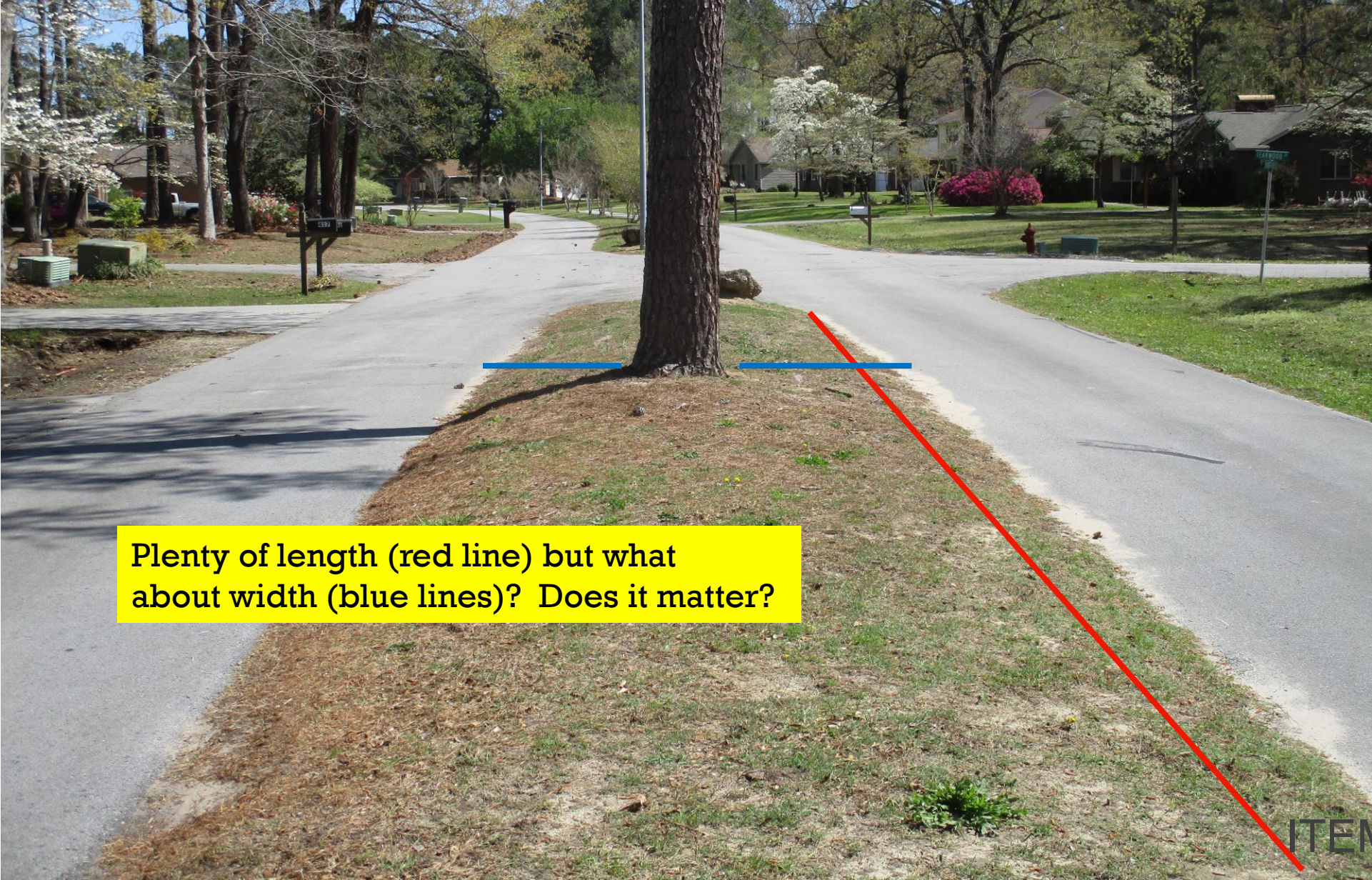
**Tip:** Plant the easy places first because it costs less.

[Good examples](#) | [Site modifications](#) | [Root conflicts](#) | [Sidewalks](#) | [Parking lots](#) | [Street trees](#) | [Special planting situations](#) | [Tree spacing](#) | [Tree selection](#) | [Tree preservation](#)

**Fact sheet:** [Urban design to support trees \(pdf\)](#)

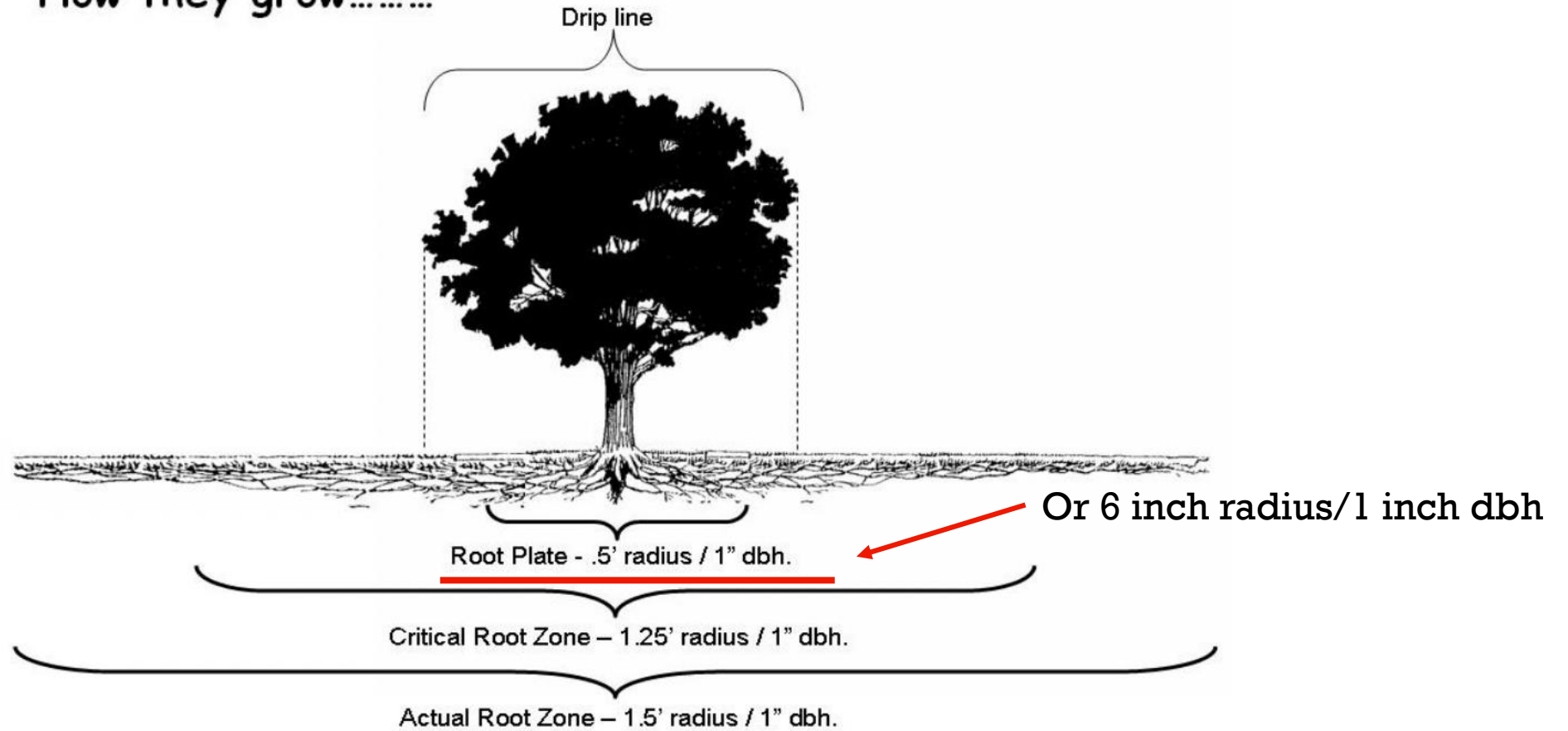


Assume ultimate trunk diameter of 24" for loblolly pine, and an existing soil depth of three feet. Minimum soil volume of 1,700 cubic feet would require a surface area of about 24' by 24'. ( $3 \times 24 \times 24 = 1,728$  cubic feet.)



Plenty of length (red line) but what about width (blue lines)? Does it matter?

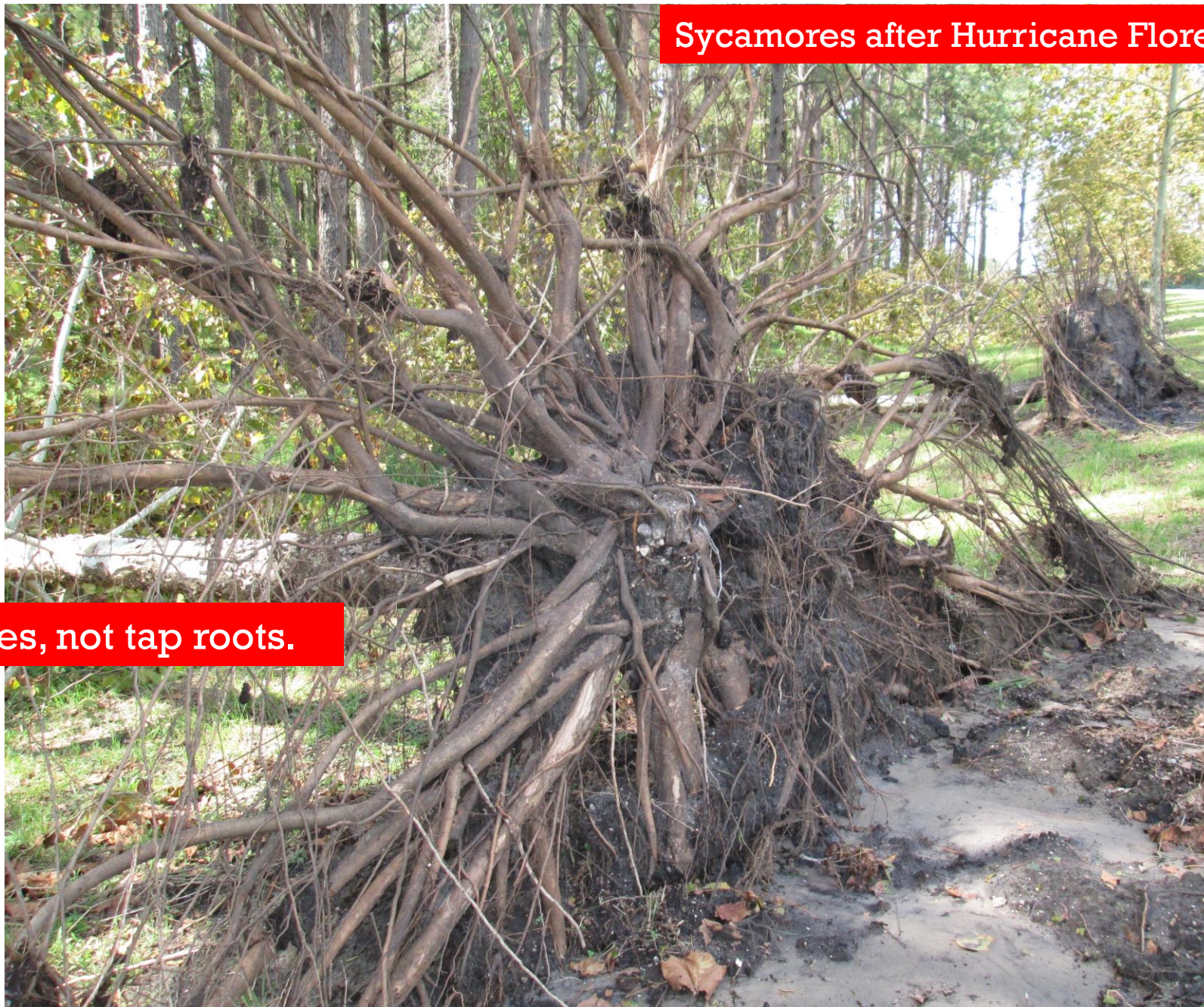
How they grow.....



Source: Georgia Forestry Commission

ITEM 8A

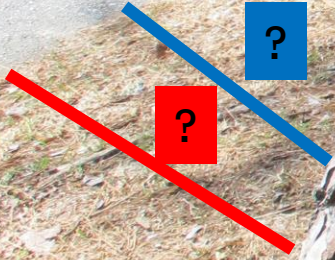
Sycamores after Hurricane Florence



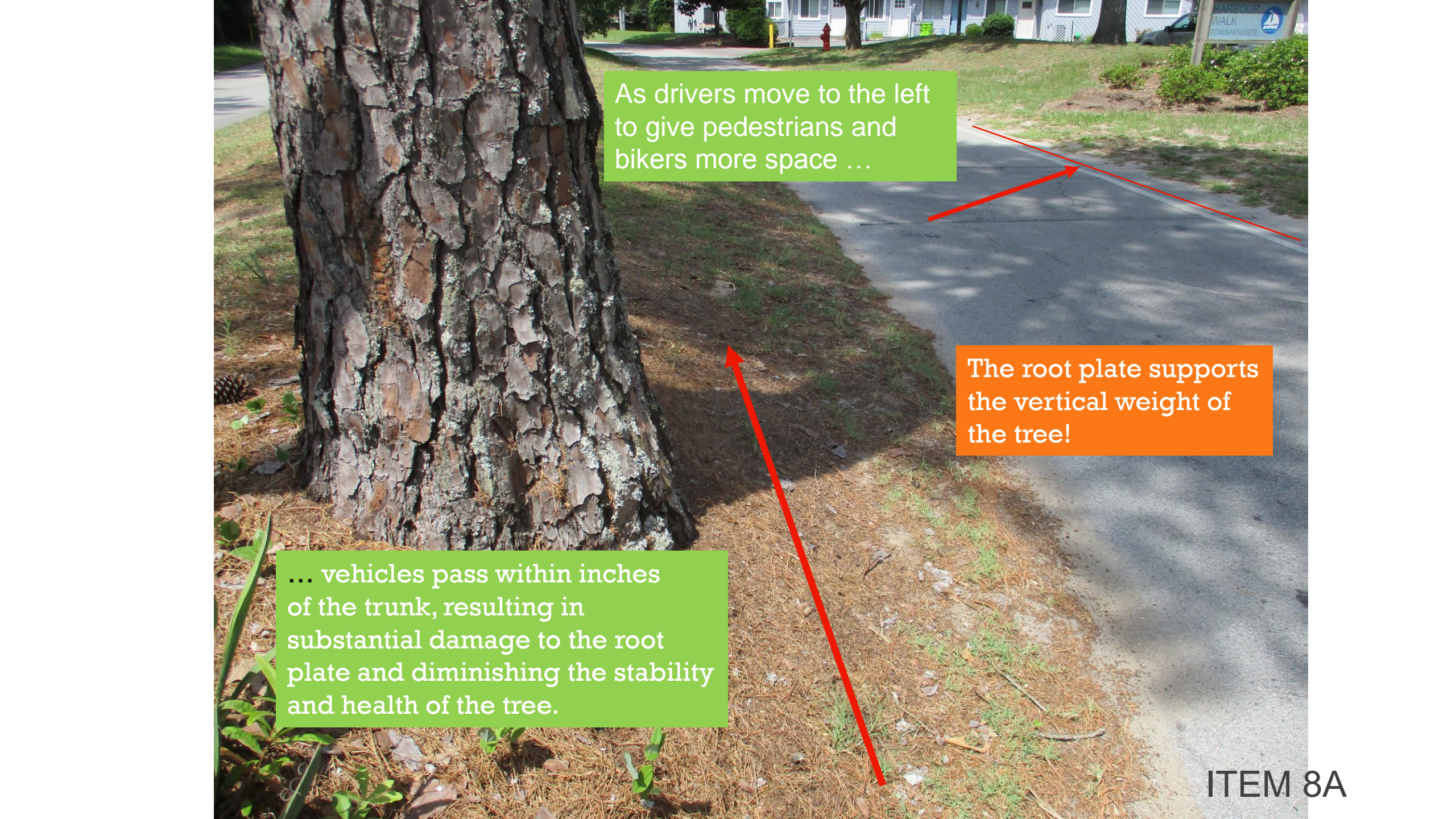
Root plates, not tap roots.

Assume DBH of 1.5' or 18".  
Root plate radius should be  
 $6'' \times 18'' = 108''$  or 9'

Critical root zone radius  
should be  $15'' \times 18'' = 270''$   
or 22.5'



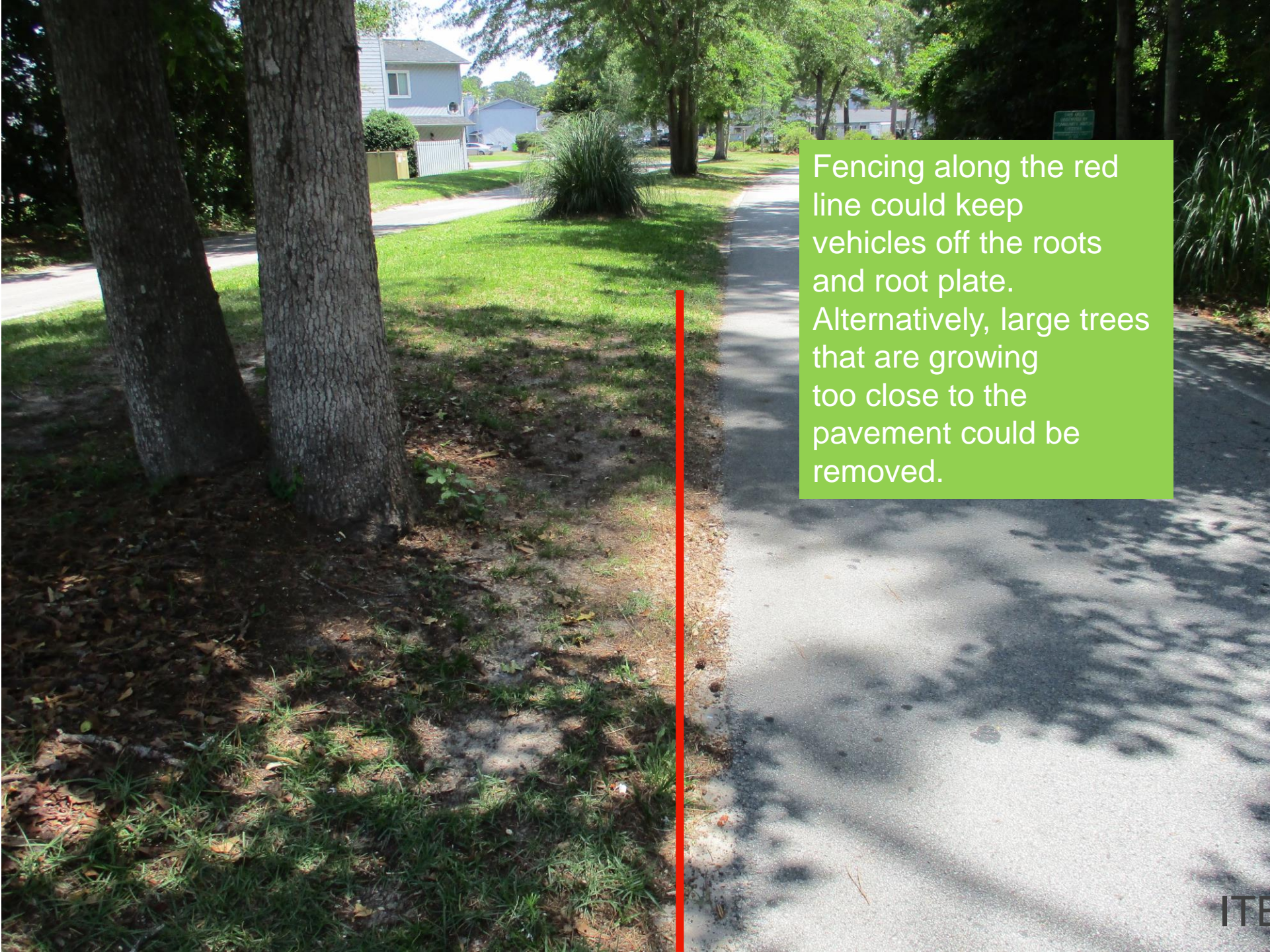
An additional concern:  
What is the extent of decay  
in the lower trunk?

A photograph of a tree trunk on a street. The tree trunk is on the left side of the frame, with a rough, textured bark. A red arrow points from the trunk towards the road. Another red arrow points from the road towards the trunk. In the background, there is a paved road, a grassy area, and a building with a sign that says 'HARBOUR WALK TOWNHOUSES'.

As drivers move to the left to give pedestrians and bikers more space ...

The root plate supports the vertical weight of the tree!

... vehicles pass within inches of the trunk, resulting in substantial damage to the root plate and diminishing the stability and health of the tree.



Fencing along the red line could keep vehicles off the roots and root plate. Alternatively, large trees that are growing too close to the pavement could be removed.

# Landscape Plants

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## ▶ Trees

[Urban design](#) | [Site Selection](#) | [Nursery](#) | [Planting](#) | [Pruning](#) | [Health](#) | [Species](#) | [Roots](#) | [Structure](#) | [Wood](#) | [Storms](#) | [Arborists](#) | [Plan](#) | **See:** [Power lines](#)

## ▶ Shrubs

[Selection](#) | [Production](#) | [Maintenance](#) | [Species](#) | **See:** [Planting](#)

## ▶ Groundcover

[Selection](#) | [Production](#) | [Maintenance](#)

## ▶ Palms

## ▶ PowerPoints

[Home](#) > [Urban/suburban design](#) > [Place trees far from hardscape](#)

## Place trees far from hardscape

Trees that can grow to a large size such as oaks should be positioned ten feet or more from curbs (see photo), pavement, and other root barriers. This allows them enough space to develop a root system that will hold trees firmly compared to trees positioned closer. Trees placed too close to curbs blew over by the thousands in recent storms and hurricanes.



# Provide enough space!

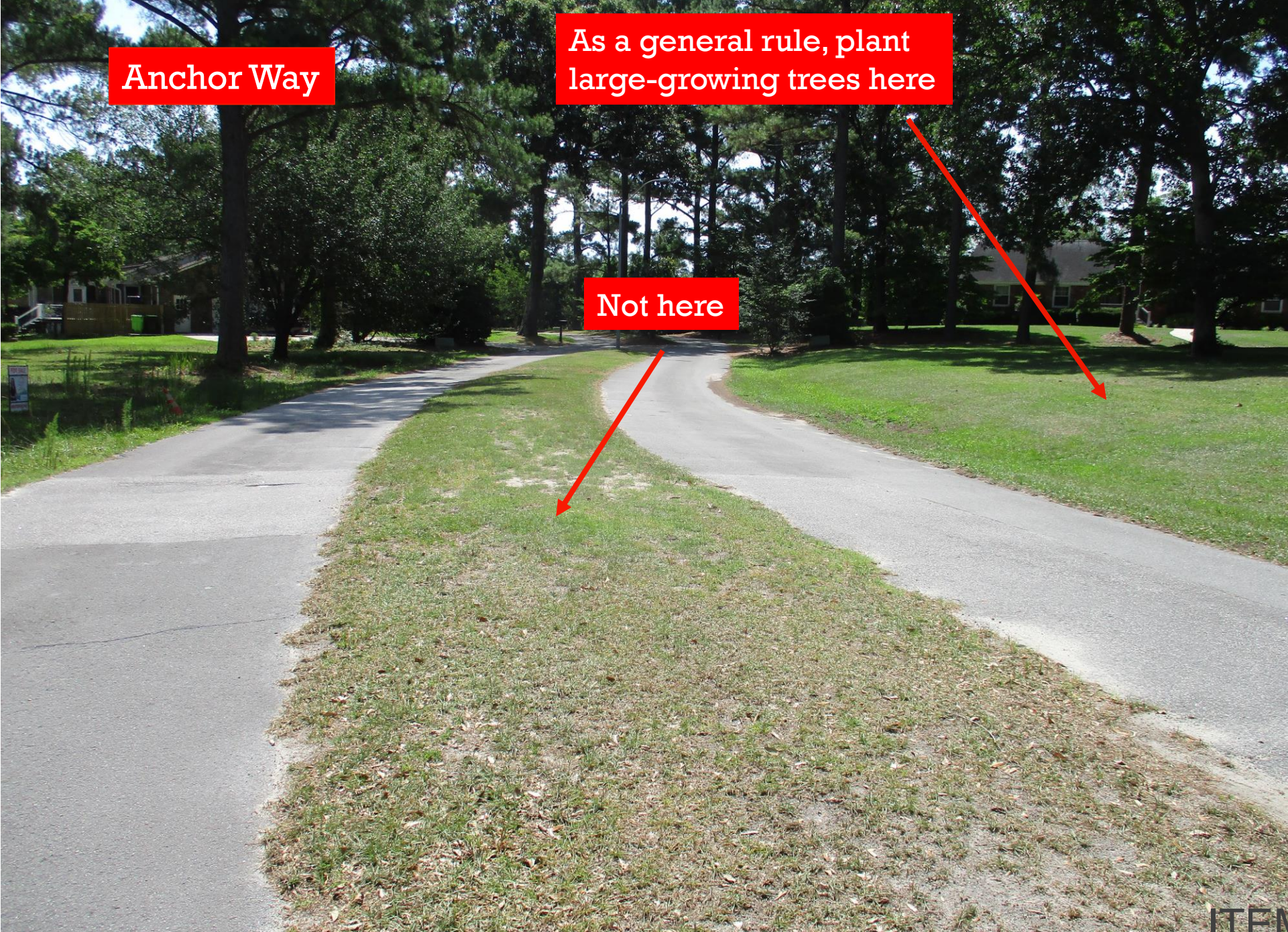
Barb Fair, NCSU



Full screen (f)

ITEM 8A





Anchor Way

As a general rule, plant large-growing trees here

Not here



Good placement for a large-maturing tree

Bad placement



ITEM 8A

Location at corner of Shoreline and Plantation  
Strangling roots, co-dominant tree trunks, fungal reproductive structure;  
Likely Inonotus



# Landscape Plants

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[Home](#) > [Tree structure basics](#) > [Structural defects](#) > [Codominant stems](#)

## ▶ Trees

[Urban design](#) | [Site Selection](#) | [Nursery](#) | [Planting](#) | [Pruning](#) | [Health](#) | [Species](#) | [Roots](#) | [Structure](#) | [Wood](#) | [Storms](#) | [Arborists](#) | [Plan](#) | **See:** [Power lines](#)

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## ▶ PowerPoint

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## ▶ Landscape designs

## ▶ Other resources

## ▶ Topic index

## Codominant stems, trunk and branch structure

Trunks need enough wood tissue arranged appropriately to hold the tree up in stormy weather. Branches well attached to the trunk can remain secured for a long time (left and center photos). Weakly attached branches (right photo) can split from the tree. Trees with weakly attached branches fail more often than trees without these defects.

The two codominant stems on the right are weakly attached because they are the same size and because of the bark inclusion between them. The codominant stems below are better attached because there is no bark inclusion. Cabling and bracing can be used to help hold certain trees together (**See:** [cabling and bracing](#)). Trees can also be structurally pruned to either prevent or modify the impact of this defect.



Codominant trunks. As the trunks expand in diameter, they push against each other, becoming more prone to splitting and falling apart every year.



ITEM 8A



ITEM 8A

No good outcome!

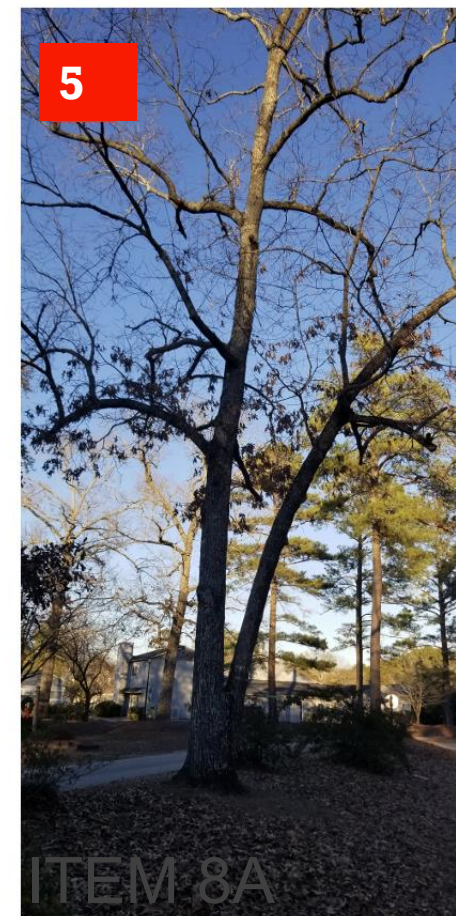


ITEM 8A



# Location at corner of Shoreline and Plantation

1. Tape left on trunk; 2. & 4. Volcano-mulching, harmful to lower trunks; 3. Trees too close to each other and the road; 5. Codominant trunks





Identified as *Laetiporus cincinnatus*, a wood-decay pathogen,  
by NC State. Summer 2022, Plantation Drive.

ITEM 8A

# Decay is most common cause of tree failure!

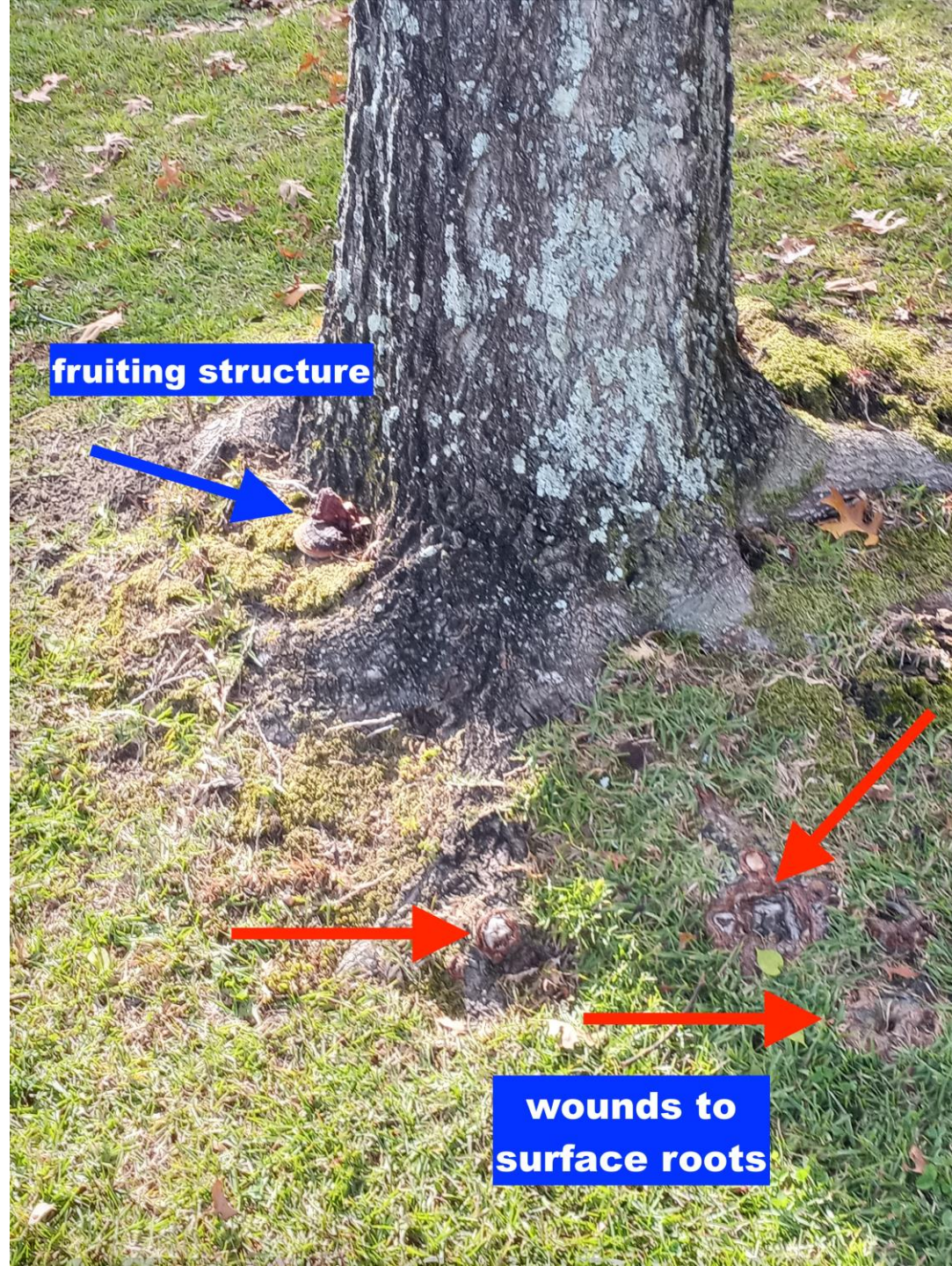


Barb Fair, NCSU

Ganoderma and armillaria root rots



ITEM 8A



**fruiting structure**

**wounds to  
surface roots**

Wounds to surface roots and trunks provide easy access for wood decay pathogens.



Intersection Anchor Way and Plantation Drive



*Nandina domestica*  
Invasive species in NC

*Ligustrum japonicum*  
Invasive species in NC



**Not wide enough to support anything other than small to medium trees with fastigate growth habit. And that's not even considering potential rooting depth issues.**

ITEM 8A

*Callicarpa americana*



ITEM 8A



*Ilex vomitoria* weeping form



ITEM 8A

'Tokyo Tower' Chinese fringetree



ITEM 8A

*Juniperus virginiana* 'Taylor'



ITEM 8A

*Buddleja* 'Miss Molly'  
Photo by Dennis Werner/NCSU



ITEM 8A

*Cenchrus setaceus*



*Muhlenbergia capillaris*  
pink muhly grass



ITEM 8A

*Cenchrus alopecuroides*, Tryon Palace



ITEM 8A

*Sabal palmetto*

As monocots, palms do not require the same rooting space (surface area) as dicot trees.





Windmill palm –  
more cold-hardy  
than  
*Sabal palmetto*



Photo by Robert Hauver

ITEM 8A

## In Summary:

1. Available rooting space should guide decisions regarding retention or removal of existing trees, as well as selection of new trees
2. Avoid damage to trunks, roots, stems, root plates and critical root zones
3. Scout for disease and structural problems
4. Minimize presence of non-native invasive plant species
5. Contract with a certified arborist for routine inspections  
*Inspect, Remediate, Document*



# Encroachment/Construction Permit

Date Submitted: 3-2-2023

Contractor/Permittee (herein after referred to as "Contractor"); Metronet LLC

Address: 163 W Pine St New Bern, N.C. 28560

Contact Name: John Cimorelli Contact#: (845) 901-7014 Email: john.cimorelli@metronet.com

Work Description (provide additional pages or plans if necessary); Underground pipe in LCP RB-005 on Fawn Ln, Deerfield Dr, Antler Ln, Doe Ln, Dobbs Spaight Rd, East Church Rd, Culpepper Rd, Drummond Pl, Hyde Ct, Barbara Dr, Woodbrook Dr, Forest Oaks Dr.

Proposed Dates of Work: Start 4/17/2023 Finish 6/30/2023

The Town of River Bend, hereinafter referred to as "Town" allows the work described above to be performed with the following conditions:

- The Contractor binds and obligates themselves to install the encroaching facility within the Town's rights-of-way/town owned property in such safe and proper condition that it will not interfere with or endanger travel within the town.
- The Contractor agrees to provide during construction: proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets & Highways and Amendments or Supplements, which may be obtained by visiting www.mutcd.fhwa.dot.gov.
- The Contractor is solely responsible for all damages and claims for damage that may arise resulting from the installation and maintenance of this encroachment and agrees to indemnify and save harmless the Town from any such damages and claims. This includes caused by the Contractor to Town facilities, regardless of whether or not such facilities are located in a place inconsistent with plans, permits, plats or any other development approval or document.
- The Contractor is to follow any construction specifications required by the Town.
- It is clearly understood by the Contractor that the Town will assume no responsibility for any damage that may be caused to any facilities/property within the Town's rights-of-ways limits or otherwise, as a result of any Contractor's activities.
- The Contractor agrees to restore all areas disturbed during construction to the satisfaction of the Town's Public Works Director or an appointee. The Contractor agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any construction operation disturbs the ground surface and existing ground cover, the Contractor agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Town's Public Works Director or an appointee.
- The Contractor agrees to assume the actual cost of any inspection of the work considered to be necessary by the Town's Public Works Director or an appointee.
- The Contractor agrees to have available at the encroaching site, at all times during construction, a copy of this permit showing evidence of approval by the Town. The Town reserves the right to stop all work unless evidence of approval can be shown.
- That in the case of noncompliance with the terms of this agreement by the Contractor, the Town reserves the right to stop all work until the facility has been brought into compliance or removed from the rights-of-ways at no cost to the Town.
- That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization shown below.
- The Contractor must provide Certificate of Liability Insurance naming the Town as additional insured.
- The Contractor is solely responsible for ensuring that its sub-contractors comply with the terms of this permit.

Contractor / Permittee Representative: \_\_\_\_\_

Signature

John J. Cimorelli

Print

Town of River Bend Public Works Department: \_\_\_\_\_

Signature

Date of Authorization

# Town of River Bend



## Monthly Financial Report

Printed 3/11/2023

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

## Notes

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

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

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

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

**Town of River Bend  
Financial Dashboard**



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



Fund Cash Balances

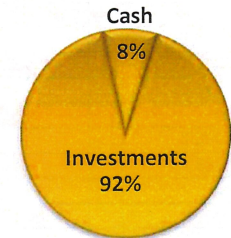
Cash Balances		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1	General Fund*	1,106,249	975,227	982,837	1,011,384	959,557	1,200,673	1,260,006	1,283,217				
2	Powell Bill	-	-	45,742	45,742	45,743	91,485	91,486	91,486				
3	General Capital Reserve	120,893	121,112	121,354	100,154	100,444	100,778	101,139	101,486				
4	ARPA Grant Fund*	482,297	108	108	108	109	109	109	110				
5	ASADRA Capital Projects*	-	-	-	-	3,600	-	-	-				
6	Public Works Capital Projects Fund*	407,086	851,709	1,885,324	1,890,030	1,889,464	1,709,194	1,713,090	1,718,964				
7	Law Enforcement Separation Allowance*	35,526	35,590	35,661	35,750	35,854	35,973	36,102	36,225				
8	Water Fund*	711,452	757,072	491,466	531,521	521,614	551,190	554,050	584,761				
9	Water Capital Reserve Fund (CIF)	245,404	245,849	1,213	1,216	1,220	1,224	1,228	1,233				
10	Sewer Fund*	1,092,813	1,125,729	631,562	655,272	646,276	685,864	695,895	726,471				
11	Sewer Capital Reserve Fund (CIF)	11,280	11,301	57	57	57	57	57	58				
12	WWTP Capital Projects Fund*	-	-	-	-	-	-	(2,200)	(15,000)				
<b>Total Cash and Investments</b>		<b>4,212,999</b>	<b>4,123,697</b>	<b>4,195,324</b>	<b>4,271,235</b>	<b>4,203,937</b>	<b>4,376,546</b>	<b>4,450,963</b>	<b>4,529,010</b>				
<b>Truist Cash Accounts</b>		<b>798,787</b>	<b>259,065</b>	<b>322,564</b>	<b>410,311</b>	<b>387,874</b>	<b>487,135</b>	<b>449,841</b>	<b>382,892</b>				

\*These operating funds have equity in the Truist pooled accounts.

In order to obtain more favorable interest rates, the Town deposits funds in the North Carolina Capital Management Trust. We move funds between our cash accounts and these investment accounts to accommodate cash flow for our payables and as revenues are received in order to maintain an adequate amount of cash for operational needs while attempting to minimize bank fees and maximize interest revenue. Based upon historical cash flow and current encumbrances, our staff anticipates the level of cash needed to meet our obligations without having to make an inordinate number of transfers between accounts.

On the table above, the term cash includes those funds we hold in accounts in our designated banking institution (currently Truist). We have two accounts with Truist, a Money Market account that pays a competitive rate of interest, and an operating (checking) account from and to which we make all regular payments and deposits.

The table below shows the balances of each fund account we have in NCCMT at the end of the month. The chart to the right shows how our funds are apportioned between operating cash and investments.



Investments in NCCMT		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1	General Fund	964,712	884,840	886,603	888,816	841,260	1,000,148	1,103,734	1,174,659				
2	Powell Bill	-	-	-	-	-	-	-	-				
3	Capital Reserve (General Fund)	120,893	121,112	121,354	100,154	100,444	100,778	101,139	101,486				
4	ARPA Grant Fund	108	108	108	108	109	109	109	110				
5	Public Works Capital Projects Fund	407,213	851,709	1,885,324	1,890,030	1,889,464	1,709,194	1,713,090	1,718,964				
6	Law Enforcement Separation Allowance	35,526	35,590	35,661	35,750	35,854	35,973	36,102	36,226				
7	Water Fund	623,857	672,517	403,449	404,456	405,754	447,156	448,759	476,861				
8	Water Capital Reserve Fund (CIF)	245,404	245,849	1,213	1,216	1,220	1,224	1,228	1,233				
9	Sewer Fund	1,005,219	1,041,606	538,990	540,335	541,901	594,771	596,903	636,523				
10	Sewer Capital Reserve Fund (CIF)	11,280	11,301	57	57	57	57	57	58				
<b>Total Investments</b>		<b>3,414,212</b>	<b>3,864,632</b>	<b>3,872,760</b>	<b>3,860,924</b>	<b>3,816,063</b>	<b>3,889,411</b>	<b>4,001,122</b>	<b>4,146,118</b>				



General Fund

	Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current														
1	Ad Valorem Taxes	721,710	721,710	-	97	34,611	54,058	29,509	376,763	120,792	87,518					703,346.73	97.5%
2	Ad Valorem Taxes - Vehicle	92,300	92,300	-	8,812	18	10,076	15,560	-	14,454	-					48,919.66	53.0%
3	Animal Licenses	2,000	2,000	100	70	100	177	20	30	420	360					1,277.00	63.9%
4	Local Gov't Sales Tax	380,222	380,222	37,988	35,382	37,856	36,018	35,997	36,353	33,133	30,807					283,532.96	74.6%
5	Hold Harmless Distribution	99,000	99,000	9,266	9,205	10,114	9,809	10,006	9,559	9,605	9,592					77,157.13	77.9%
6	Solid Waste Disposal Tax	2,200	2,200	-	505	-	-	545	-	-	654					1,704.90	77.5%
7	Powell Bill Fund Appropriation	-	-	-	-	-	-	-	-	-	-					-	0.0%
8	Powell Bill Allocation	91,000	91,000	-	-	45,742	-	-	45,742	-	-					91,483.61	100.5%
9	Beer & Wine Tax	13,225	13,225	-	-	-	-	-	-	-	-					-	0.0%
10	Video Programming Tax	50,743	50,743	-	-	12,883	-	-	12,369	-	-					25,252.55	49.8%
11	Utilities Franchise Tax	108,963	108,963	-	-	23,003	-	-	30,320	-	-					53,323.68	48.9%
12	Telecommunications Tax	8,140	8,140	-	-	1,844	-	-	2,113	-	-					3,957.55	48.6%
13	Court Cost Fees	500	500	23	45	14	23	77	36	32	27					274.50	54.9%
14	Zoning Permits	5,000	5,000	343	1,420	1,840	460	1,017	232	272	348					5,930.80	118.6%
15	Federal Grants*	-	22,170	-	-	-	6,885	13,244	-	-	-					20,129.42	90.8%
16	State Grants*	-	250,000	-	-	-	-	-	-	-	75,000					75,000.00	30.0%
17	Federal Disaster Assistance	-	-	-	-	-	-	-	-	-	-					-	0.0%
18	State Disaster Assistance	-	-	-	-	-	-	-	-	-	-					-	0.0%
19	Miscellaneous	10,000	10,000	1,010	1,866	1,500	1,027	1,534	6,075	1,477	380					14,868.78	148.7%
20	Insurance Settlements	-	-	-	1,693	-	664	-	-	-	-					2,356.81	#DIV/0!
21	Interest - Powell Bill	50	50	-	-	0	0	0	0	1	1					2.72	5.4%
22	Interest - Investments	500	500	1,336	1,628	1,764	2,213	2,444	2,889	3,587	3,926					19,785.36	3957.1%
23	Contributions	421	421	1,035	0	-	-	4	4	0	-					1,043.32	247.8%
24	Wildwood Storage Rents	18,144	18,144	1,577	1,680	1,684	1,699	1,651	1,525	1,645	1,583					13,044.57	71.9%
25	Rents & Concessions	18,000	18,000	1,860	1,840	2,020	1,240	1,500	1,800	1,500	1,720					13,480.00	74.9%
26	Sale of Capital Assets	15,000	15,000	-	-	-	-	-	-	-	-					-	0.0%
27	Sales Tax Refund Revenue	-	-	-	-	-	-	-	-	-	-					-	0.0%
28	Trans. from Capital Reserve*	33,000	72,787	33,000	-	-	21,492	-	-	-	-					54,492.00	74.9%
29	Trans. from ARPA Fund	-	-	-	482,189	-	-	-	-	-	-					482,189.23	#DIV/0!
30	Trans. from L.E.S.A. Fund	-	-	-	-	-	-	-	-	-	-					-	0.0%
31	Appropriated Fund Balance*	200,813	291,394	-	-	-	-	-	-	-	-					-	0.0%
	<b>Total</b>	<b>1,870,931</b>	<b>2,273,469</b>	<b>87,537</b>	<b>546,432</b>	<b>174,993</b>	<b>145,840</b>	<b>113,107</b>	<b>525,811</b>	<b>186,918</b>	<b>211,915</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,992,553.28</b>	<b>87.6%</b>

\*Astericked lines represent those budget items that have been amended since Original Budget adoption.  
#DIV/0! indicates revenue was received, but not budgeted for this line item.

Town of River Bend  
Financial Report  
Fiscal Year 2022 - 2023



General Fund

Expenditures	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	% Exp
	Original	Current														
	Total															
1 Governing Body	30,400	30,400	7,666	-783	4,505	-768	404	5,349	935	839					18,146	59.7%
2 Administration*	279,600	296,800	35,532	25,566	23,908	19,282	38,435	25,366	16,991	18,464					203,545	68.6%
3 Finance*	119,000	133,800	10,647	8,468	8,340	8,497	15,654	12,791	8,000	10,474					82,871	61.9%
4 Tax Listing	11,600	11,600	-	306	346	844	856	3,032	2,502	875					8,762	75.5%
5 Legal Services	24,000	24,000	1,624	3,293	3,198	1,359	1,794	655	836	2,129					14,887	62.0%
6 Elections	1,000	1,000	-	-	-	-	-	-	-	477					477	47.7%
7 Public Buildings	102,300	102,300	7,882	10,383	6,711	5,694	4,128	2,236	3,009	2,367					42,409	41.5%
8 Police*	587,200	664,443	66,342	48,694	43,074	84,023	72,791	43,428	46,956	55,499					460,806	69.4%
9 Emergency Management	3,700	3,700	365	1,954	15	72	15	15	254	15					2,705	73.1%
10 Animal Control	14,600	14,600	1,662	921	929	940	1,313	1,071	956	1,132					8,923	61.1%
11 Street Maintenance	193,000	193,000	4,202	7,023	2,342	2,464	3,631	2,429	2,522	149,154					173,767	90.0%
12 Public Works	177,500	177,500	17,299	8,631	11,553	15,703	13,593	12,464	12,644	13,089					104,976	59.1%
13 Leaf & Limb, Solid Waste	51,000	51,000	4,034	332	4,066	619	8,602	3,721	7,562	7,840					36,776	72.1%
14 Stormwater Management*	43,100	311,395	2,444	3,576	3,778	1,450	76,997	9,237	1,366	91,425					190,274	61.1%
15 Waterways & Wetlands	2,900	2,900	-	-	33	-	-	-	-	-					33	1.1%
16 Planning & Zoning*	51,300	54,800	5,812	3,882	3,537	3,703	6,896	3,562	4,582	4,022					35,997	65.7%
17 Recreation & Special Events	7,600	7,600	1,121	179	262	-	304	-	-	-					1,865	24.5%
18 Parks*	79,700	101,200	2,930	25,332	2,943	3,151	29,637	3,551	3,032	2,860					73,437	72.6%
19 Transfers	73,500	73,500	73,500	482,189	-	-	-	-	-	-					555,689	756.0%
20 Contingency	17,931	17,931	-	-	-	-	-	-	-	-					-	0.0%
<b>Total</b>	<b>1,870,931</b>	<b>2,273,469</b>	<b>243,064</b>	<b>629,945</b>	<b>119,540</b>	<b>147,031</b>	<b>275,050</b>	<b>128,908</b>	<b>112,147</b>	<b>360,660</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,016,345</b>	<b>88.7%</b>

Capital / Debt (included above)	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	% Exp
	Original	Current														
	Total															
1 Capital Outlay*	172,500	249,535	-	22,975	-	38,760	26,371	7,890	2,207	151,501					249,703	100.1%
2 Debt Service - Principle	-	-	-	-	-	-	-	-	-	-					-	0.0%
3 Debt Service - Interest	-	-	-	-	-	-	-	-	-	-					-	0.0%

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





**Water Fund**

Revenue		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	Total	% Col
		Original	Current															
1	Base Charge	277,253	277,253	45,982	334	46,082	338	46,068	266	46,135	256						185,462	66.9%
2	Consumption	236,560	236,560	47,061	232	46,810	136	47,070	230	37,816	59						179,413	75.8%
3	Other, incl. transfers	19,892	19,892	849	4,437	1,316	3,248	765	4,023	1,642	4,824						21,103	106.1%
4	Hydrant Fee	20,130	20,130	20,130	-	-	-	-	-	(98)	0						20,032	99.5%
5	Appropriated Fund Bal.*	40,665	330,197	-	-	-	-	-	-	-	0						-	0.0%
<b>Total</b>		<b>594,500</b>	<b>884,032</b>	<b>114,022</b>	<b>5,003</b>	<b>94,208</b>	<b>3,722</b>	<b>93,902</b>	<b>4,519</b>	<b>85,495</b>	<b>5,139</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>406,010</b>	<b>45.9%</b>

Expenses		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	Total	% Exp
		Original	Current															
1	Admin & Finance*	467,000	485,741	46,918	22,831	21,859	21,592	45,242	29,729	22,323	21,503						231,997	47.8%
2	Supply & Treatment	75,000	75,000	868	2,691	4,662	2,950	5,301	2,172	5,614	2,211						26,470	35.3%
3	Distribution	49,000	49,000	30,702	671	784	221	381	31	1,135	2,458						36,383	74.3%
4	Transfers / Contingency*	3,500	274,291	-	-	270,791	-	-	-	-	-						270,791	98.7%
<b>Total</b>		<b>594,500</b>	<b>884,032</b>	<b>78,488</b>	<b>26,193</b>	<b>298,095</b>	<b>24,763</b>	<b>50,924</b>	<b>31,933</b>	<b>29,073</b>	<b>26,172</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>565,641</b>	<b>64.0%</b>

Capital (included above)		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	Total	% Exp
		Original	Current															
1	Capital Outlay*	13,000	16,825	-	-	-	-	2,325	-	-	-						2,325.00	13.8%

Cash Balances		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1	Water Fund	711,452	757,072	491,466	531,521	521,614	551,190	554,050	584,761				
2	Water Capital Reserve Fund (CIF)	245,404	245,849	1,213	1,216	1,220	1,224	1,228	1,233				

Water Produced		FY20-21	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date
1	Total Gallons	Limit	8,488,000	8,573,000	8,445,000	9,070,000	7,554,000	8,705,000	9,010,000	8,348,000					68,193,000
2	Average daily gallons	925,000*	273,806	276,548	281,500	292,581	251,800	280,806	290,645	298,143					280,729

\* This is the permitted daily limit.



**Sewer Fund**

	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current														
1 Base Charge	294,601	294,601	48,732	397	48,853	467	48,826	365	48,938	365					196,943	66.9%
2 Consumption	316,810	316,810	61,798	634	64,039	298	63,280	49	52,203	130					242,432	76.5%
3 Other, incl. transfers	9,901	9,901	1,314	3,079	1,998	2,932	1,532	3,200	2,124	3,623					19,802	200.0%
4 Appropriated Fund Bal.*	48,188	565,827	-	-	-	-	-	-	-	0					-	0.0%
<b>Total</b>	<b>669,500</b>	<b>1,187,139</b>	<b>111,844</b>	<b>4,109</b>	<b>114,890</b>	<b>3,697</b>	<b>113,638</b>	<b>3,614</b>	<b>103,265</b>	<b>4,118.38</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>459,177</b>	<b>38.7%</b>

	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current														
1 Admin & Finance*	455,000	468,025	44,707	23,332	23,225	23,050	47,995	28,371	22,243	23,367					236,290	50.5%
2 Collection	75,000	75,000	5,399	1,055	15,499	811	2,246	696	3,154	942					29,801	39.7%
3 Treatment	136,000	136,000	10,840	7,305	4,251	15,545	4,005	6,081	16,237	5,711					69,976	51.5%
4 Transfers / Contingency*	3,500	508,114	-	-	504,614	-	-	-	-	-					504,614	99.3%
<b>Total</b>	<b>669,500</b>	<b>1,187,139</b>	<b>60,946</b>	<b>31,693</b>	<b>547,589</b>	<b>39,405</b>	<b>54,246</b>	<b>35,148</b>	<b>41,635</b>	<b>30,019</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>840,681</b>	<b>70.8%</b>

	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current														
1 Capital Outlay*	42,000	45,825	-	-	13,870	-	2,325	-	-	-					16,195	35.3%

**Cash Balances**

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1 Sewer Fund	1,092,813	1,125,729	631,562	655,272	646,276	685,864	695,895	726,471				
2 Sewer Capital Reserve Fund (CIF)	11,280	11,301	57	57	57	57	57	58				

**Wastewater Treated**

	Limit	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date
1 Total Gallons		3,694,000	3,156,000	3,180,000	3,418,000	3,667,000	3,101,000	3,265,000	3,107,000					26,588,000
2 Average daily gallons	330,000*	119,161	101,806	106,000	110,258	122,233	100,032	105,323	110,964					109,472

\* This is the permitted daily limit.

March 7, 2023

**PRIVILEGED AND CONFIDENTIAL  
ATTORNEY/CLIENT COMMUNICATION**

River Bend Town Council  
c/o Mayor John Kirkland

**VIA: E-MAIL**

Re: Draft Ordinance Amendment – Conditional Zoning  
Our File: 67667.02

Dear Town Council:

I have been asked to review the most recent draft of the Town of River Bend's (hereinafter "the Town") proposed conditional zoning amendments to its Code of Ordinances. Specifically, I have been asked to review the proposed ordinance amendments for suggested changes, comment on enforceability of the proposed ordinance, and discuss various issues concerning the draft ordinance, including an analysis of litigation risk.

Below please find my written legal opinion based on my review and analysis of the Town's proposed draft amendments to include conditional zoning in its Code of Ordinances.

**I. General Enforceability of Conditional Zoning in North Carolina**

**A. History and General Framework**

Conditional zoning is a tool that has been used in local government zoning practices since the 1990s. The concept was tested and approved by North Carolina courts in 2001.<sup>1</sup> The result of the 2001 court decision was then codified into statutes in 2005.<sup>2</sup>

The use of conditional zoning allows greater flexibility in development of certain areas within a local government's jurisdictional limits by adding site-specific conditions to address any concerns expressed by the local government and the public. Conditional zoning would allow the Town to adopt a conditional zoning district that is parallel to a general zoning district previously established by the Town. This conditional district contains additional site-specific conditions that

<sup>1</sup> See *Massey v. Charlotte*, 145 N.C. App. 345, 550 S.E.2d 838, *review denied*, 345 N.C. 219, 554 S.E.2d 342 (2001).

<sup>2</sup> See N.C. Gen. Stat. § 160A-382(a) (2016).

are not contained in the general zoning districts. These conditions may be more or less restrictive than those restrictions found in the corresponding general zoning district.<sup>3</sup>

### **B. Conditions**

Generally, those impermissible conditions that would be considered illegal under a traditional rezoning are also considered illegal in conditional rezoning. One obvious illegal condition or denial is any decision based on race, religion, ethnicity, or other protected class of individuals. The same would be true in a conditional rezoning. The proposed draft ordinance amendments clarify that decisions or conditions based on these protected classes would be impermissible. Another illegal condition would be the condition that government subsidized housing be prohibited in the conditional zone. The North Carolina Fair Housing Act makes it illegal to base any land use decision or permitting decision on the fact that a proposed development contains affordable housing units for families or individuals with incomes below 80% of the area median income.<sup>4</sup>

There are also two additional statutory limits for conditional zoning placed on the potential conditions. The first is that the landowner and the Town have to mutually agree to the specific conditions imposed in the proposed conditional district. The second is that the conditions imposed in a conditional district are limited to those that (1) address conformance of the development and use of the site to local government ordinances and adopted plans and (2) those conditions that address “impacts reasonably expected to be generated by the development or use of the site.”<sup>5</sup> Some of the allowed conditions would be things like use restrictions, the inclusion of site plans, and the addition of certain infrastructure as agreed between the landowner and the town. As stated above, the conditions contained in the conditional zoning district may be more or less restrictive than those found in the corresponding general zoning district.

Therefore, if a developer does not agree to a condition, the rezoning petition likely would not be considered complete since all conditions placed in the petition must be agreed upon by both the Town and the developer. If a condition is illegal, a developer can certainly challenge the fact that the Town insisted on an illegal condition. The best way to guard against this is to analyze each condition at the preliminary stage to ensure that each condition promotes those goals listed in N.C. Gen. Stat. §160D-703(b).

### **C. Judicial Review**

I have been asked to give my opinion regarding various issues regarding conditional zoning if a conditional zoning is ever appealed through the judicial review process. Typically,

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<sup>3</sup> See *Rakestraw v. Knightdale*, 188 N.C. App. 129, 136, 654 S.E.2d 825, 830, *review denied*, 362 N.C. 237, 659 S.E.2d 739 (2008).

<sup>4</sup> N.C. Gen. Stat. § 41A-4(g) (2020).

<sup>5</sup> N.C. Gen. Stat. § 160D-703(b) (2020).

general rezonings are considered legislative decisions and enjoy the presumption of validity if ever challenged in a court proceeding. In that situation, the government's decision is presumed to be valid, and the individual seeking review of the local government's decision must rebut the presumption of validity by showing that the local government acted arbitrarily or capriciously. Conditional zoning enjoys the same presumption of validity as a general matter. However, the presumption of validity no longer exists in situations involving spot zoning. A rezoning is considered spot zoning when it involves a relatively small area of land that is rezoned inconsistently with the surrounding areas.<sup>6</sup>

In the case of spot zoning, the Town would not have a presumption of validity, and the Town has the initial burden of proving that its zoning decision was reasonable.<sup>7</sup> If a zoning amendment is considered spot zoning, and the presumption of validity no longer exists, this does put the Town in a less advantageous litigation position as compared to an instance that does not involve spot zoning. However, proving that the Town made its zoning decision based on reasonable considerations is a relatively low standard in comparison to other heightened standards, such as strict scrutiny constitutional context. Additionally, chapter 160D of the North Carolina General Statutes requires a determination of reasonableness be made by the Town Council prior to the adoption of any zoning map amendment.<sup>8</sup> Specifically, the Town Council is required to adopt a reasonableness statement as follows:

- b) Additional Reasonableness Statement for Rezonings. - When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.<sup>9</sup>

This reasonableness statement would be essential in proving that the Town acted in a reasonable manner in the case of spot zoning.

I have been asked to give an opinion as to whether the prior proposed traditional rezoning would have been considered spot zoning. Based on the proposal made by Ellis Development in its last rezoning petition, it is my opinion that a North Carolina court would likely find that the proposed changes to the zoning map would not be considered spot zoning due to the relatively large area and the relative consistency to other areas of the Town zoned in a similar fashion.<sup>10</sup>

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<sup>6</sup> See *Blades v. Raleigh*, 280 N.C. 531, 549, 187 S.E. 2d 35, 45 (1972).

<sup>7</sup> See *Zopfi v. Wilmington*, 273 N.C. 430, 160 S.E.2d 325 (1968).

<sup>8</sup> N.C. Gen. Stat. §160D-605(b) (2021).

<sup>9</sup> *Id.*

<sup>10</sup> See *Zopfi*, 273 N.C. 430, 160 S.E.2d 325 (case involving a forty-acre tract rezoned as commercial bordered by twenty acres zoned single-family residential); see also *Friends of Mt. Vernon Springs, Inc. v. Siler City*, 190 N.C.

However, each instance is unique and I do not presume to predict the outcome of any court challenge with absolute certainty.

## **II. Analysis of Minor Modification Provisions**

The North Carolina General Statutes allow minor modifications to the conditional district so long as the modifications do not change the use or uses listed in the conditional district or change the development density. The current draft proposed in the Town of River Bend allows for minor modification of no more than 5% of any feature. The proposed draft does contain the proper restriction that a minor modification may not be made that changes the uses or the density of the conditional district. The only requirement in the statutes for minor modification are that what is a minor modification must be defined and, as stated above, the modifications can not change the uses allowed or the overall density of the development.<sup>11</sup> Well-drafted ordinances include the specific features that may be altered and puts limits on those alterations. The draft ordinance amendments that the Town is proposing contain such restrictions in division (B)(8)(a)(1)-(4). The use of minor modifications by administrative staff is not required by statute and is optional. As I have previously stated, smaller local governments with relatively little development often do not have provisions allowing minor modification because minor modification is a method for promoting efficiency for the local government. If there is relatively little development, there are not a lot of requests to modify an approved project, which would otherwise require the local government to go through the entire ordinance amendment process each time there is a minor change. In a jurisdiction with multiple development projects, such frequent modification would consume a large amount of the governing body's time and resources.

## **III. Statutory Requirements and Ordinance Review**

I have been asked to give my opinion as to what portions of the proposed draft ordinance amendments are required by statute if the Town allows conditional zoning within its planning jurisdiction. The only required provisions that must be in the conditional zoning regulations are (1) that the landowner must petition to have the property rezoned into a conditional district, (2) the conditions must be mutually agreed upon by the landowner and the Town and reduced to writing, and (3) that the approval process be the same as traditional rezonings pursuant to the legislative rezoning process. Additionally, the types of conditions are regulated generally by various language in 160D regarding what the conditions should be aimed at accomplishing as well as certain limits on minor administrative modification as discussed above.

When reviewing the ordinance, I have made the following comments and recommended changes:

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App. 663, 660 S.E.2d 657 (2008) (case involving the rezoning of 1,079 acres from agricultural-residential to industrial) (“Here, the tract in question is approximately 1,076 acres. This tract is not ‘a relatively small tract’ as contemplated in *Blades* and the zoning activity did not ‘constitute spot zoning as our courts have defined that term[.]’).

<sup>11</sup> N.C. Gen. Stat. 160D-703(b) (2021).

1. In section (A)(3), the ordinance only allows for uses to be equal to or more restrictive than those contained in the general zoning district that parallels the conditional zoning district. This is fully permissible, but I did want to note that for the Council.
2. In section (B)(5)(b), the ordinance states “conditional zoning district decisions are subject to judicial review using the same procedures and standards of review applicable to general use district zoning decisions.” I would change general use district to legislative such that provision states “conditional zoning district decisions are subject to judicial review using the same procedures and standards of review applicable to legislative zoning decisions.”
3. In section (B)(6)(h), it appears that the Planning Department can approve more restrictive or additional conditions added to the application; however, I believe these additional conditions would be a significant enough change such that the Planning Board would be required to comment on them and provide a resolution of plan consistency prior to consideration by the Town Council. I recommend that that language be stricken.
4. In section (B)(8)(4), the proposed amendments allow minor modification of landscaping requirements up to 10%. I believe this is inconsistent with the 5% limit found in the proposed amendments. I recommend changing this limitation to 5%.

#### IV. Conclusion

It is my opinion that as proposed, the draft ordinance amendments to include the use of conditional zoning is legally-permissible and enforceable. I have made my suggested modifications in the attached version in redline format. This legal opinion is rendered in the name of Sumrell Sugg, P.A. and may be relied upon by you as an opinion of counsel before any Court or any state or federal administrative agency.

Please review this opinion and let me know if you have any questions.

Sincerely,



David B. Baxter, Jr.  
*Town Attorney*

**§ 15.02.140 CONDITIONAL ZONING DISTRICTS**

A. Purpose.

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

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

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

B. Process required.

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

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



## PLANNING BOARD RECOMMENDATION

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

- a) A master site plan prepared in accordance with § 15.02.137 of the Code of Ordinances for a Master Land Use Plan for a Planned Development;
- b) Written supporting documentation that specifies the actual use or uses proposed for the property;
- c) Proposed rules, regulations, and conditions that, in addition to all predetermined requirements of this Code of Ordinances, will govern the development and use of the property; and
- d) A statement analyzing the reasonableness of the proposed rezoning.

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

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

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

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

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

(1) Provide specific information and maps regarding the proposed development including but not limited to a description of the proposed zoning change, proposed use(s)

## PLANNING BOARD RECOMMENDATION

of the property, the proposed density and intensity of land uses, the location and arrangement of the proposed land use(s) on the property, the proposed development schedule, and proposed regulations or conditions, in addition to those required by this Ordinance, that will govern the development and use of the property; and

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

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

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

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

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

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

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

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

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

a) The conditional district rezoning application shall specify the use or uses that are intended for the property, as well as any additional conditions on the use of the property

## PLANNING BOARD RECOMMENDATION

that the applicant may propose be conditions of the rezoning. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to:

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

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

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

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

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

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

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

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

h) After the town has delivered to the newspaper the notice of public hearing for the application, the applicant shall make no changes in the conditions ~~that are less restrictive than those~~ stated in the application, ~~including, but not limited to, smaller setbacks; more dwelling or rooming units; greater height; more access points; new uses; and fewer improvements. However, more restrictive conditions or additional conditions may be added to the application if the conditions are received by the Planning Department in writing and signed by all owners of the property at least ten working days before the date scheduled for final Town Council action on the application.~~

## PLANNING BOARD RECOMMENDATION

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

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

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

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

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

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

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

1. Change the gross square footage of nonresidential development by more than 5%;
2. Change the lot coverage by more than 5%;
3. Change any use or density;
4. Adjust the landscaping requirements by more than ~~510~~%; or
5. Adjust the required parking more than 5%.

b) The Zoning Administrator, however, shall always have the discretion to decline to exercise the delegated authority either because he or she is uncertain about approval of the change pursuant to the standard or because a rezoning petition for a legislative hearing and Town Council consideration is deemed appropriate under the circumstances. If the

## PLANNING BOARD RECOMMENDATION

Zoning Administrator declines to exercise this authority, the applicant may file a rezoning petition for a legislative hearing and Town Council decision in accordance with the provisions delineated in this ordinance.

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

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

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

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

b) If, upon written request of the developer or petitioner, the Planning Board determines that substantial progress has been made to develop the property, the Planning Board may recommend that an extension of time be granted. The Town Council, after reviewing the recommendation of the Planning Board, may approve an extension of time not to exceed an additional 12 months. Approval of such a time extension by the Town Council may be made without conducting a formal public hearing.

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

d) For purposes of this section, examples of substantial progress may include: the approval of construction plans for streets, utilities and other infrastructure; the initiation of land preparation activities such as clearing and grading; the initiation of the construction of

## PLANNING BOARD RECOMMENDATION

the principal building(s); and the initiation of the construction of streets, utilities, other infrastructure or required site amenities.

### **Significant Dates:**

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

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

November 3, 2022-Planning Board discusses draft ordinance

January 5, 2023-Planning Board discusses draft ordinance

January 12, 2023- Town Council discusses draft ordinance

February 2, 2023- Planning Board discusses and approves recommendation

February 9, 2023- Town Council discusses recommendation

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

# Official Recommendation

To: River Bend Town Council

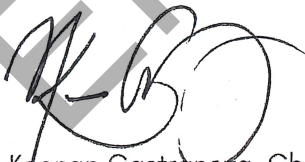
From: River Bend Parks and Recreation Advisory Board

Date: March 6, 2023

Subject: Recommendation to change sponsorship policy

The Parks & Recreation Advisory Board held a general meeting on March 1, 2023. A quorum of four (4) board members were present and a motion was made to change the town's policy to allow the Parks & Recreation Advisory Board to enter into sponsorship agreements with local businesses so that businesses can donate goods and supplies for town events in exchange for sponsorship recognition.

After much discussion and consideration, three out of four board members (3/4) voted to recommend changing the town policy so that the Parks & Recreation Advisory Board can enter into sponsorship agreements with local businesses.



Keenan Castroneva, Chair  
Parks & Recreation Advisory Board

45 Shoreline Drive., New Bern, NC 28562 252-638-3870

[riverbendpnr@gmail.com](mailto:riverbendpnr@gmail.com)

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

Parks  
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Rec

# Official Recommendation

To: River Bend Town Council

From: River Bend Parks and Recreation Advisory Board

Date: March 6, 2023

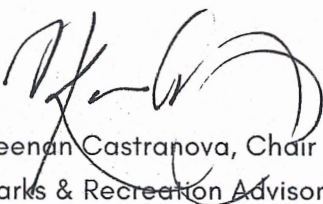
Subject: Recommendation for Funding for July 4th Celebration

The Parks & Recreation Advisory Board held a general meeting on March 1, 2023. A quorum of four (4) board members were present and a motion was made to recommend additional funding in the amount of \$20,000 for the 2023 July 4th Celebration to include fireworks and live music.

There was discussion regarding the cancellation of the 2020 July 4th Celebration due to COVID and the subsequent cancellation of the 2021 July 4th Celebration for which the Town Council had allocated \$15,000 for fireworks and live music.

In consideration of their request, the Board was informed that the town never spent the \$4,100 allocated for the 2020 July 4th Celebration nor the \$15,000 for the 2021 July 4th Celebration.

The motion passed unanimously.



Keenan Castranova, Chair  
Parks & Recreation Advisory Board

45 Shoreline Drive., New Bern, NC 28562 252-638-3870



## **CIVILITY IN PUBLIC FORUM**

We live in a time when children now witness adults in local public meetings and in national television programming using expressions that can only be described as (crude, vulgar, profane, and uncivil and an even longer list of negative expressions could be listed.)

Children are growing up with this seemingly public acceptance of such language. This acceptance sets an extremely poor model for young persons to imitate. Yes, they do imitate how we adults act. A sad side effect of the common use of such profane language is to engage in bullying and this trait is very common during the published proceedings of many elected bodies starting with the U S Congress, the State Legislative Government and local formal meetings.

Is it any wonder that there is a significant rise in teen age bullying? I believe that the teens have examples to follow and they do. So my plea is PLEASE act in a civil fashion in both written and face to face verbal communication. And perhaps the most important PLEASE abandon bullying dialogue on the social media. Remember "little ears are listening" all the time.

# Town of River Bend

## Public Comment Policy

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

### I. Public Comment Period

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

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

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

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

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

- Adopted June 18, 2015

ITEM 13