



**RIVER BEND TOWN COUNCIL
AGENDA
Regular Meeting
April 20, 2023
River Bend Town Hall – 45 Shoreline Drive
7:00 p.m.**

Pledge: Sheffield

1. Call to Order (Mayor Kirkland Presiding)
2. Recognition of New Residents
3. Additions/Deletions to Agenda
4. Addresses to the Council
 - A. Linda Klopf – Red Caboose Library
 - B. Brett Beddow - Chickens
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 March 9, 2023 Work Council Meeting
Minutes of the March 16, 2023 Regular Council Meeting*

7. Town Manager's Report – Delane Jackson

Activity Reports

- A. *Monthly Police Report* by Chief Joll
- B. *Monthly Water Resources Report* by Director of Public Works Mills
- C. *Monthly Work Order Report* by Director of Public Works Mills
- D. *Monthly Zoning Report* by Assistant Zoning Administrator McCollum

Administrative Reports:

8. CAC – Councilwoman Maurer
 - A. CAC Report
 - B. CAC Median Presentation – Brenda Hall, CAC Chair
9. Parks & Recreation – Councilman Weaver
 - A. Parks and Rec Report
 - B. Organic Garden Report
 - C. Library Report
 - D. **VOTE** – Building Use Policy Amendment
 - E. **VOTE** – Parks & Recreation July 4 Funding Request

10. Finance – Councilman Leonard
 - A. Financial Report - Finance Director
 - B. **VOTE** – Budget Amendment 22-B-06
11. Environment And Waterways – Councilman Leonard
 - A. EWAB Report
12. Planning Board – Councilman Sheffield
 - A. Planning Board Report
13. Animal Ordinance – The addition of a third exception to Section 9.01.017 “Prohibition of Certain Animals” to allow hens or pullets. – Councilman Castranova
14. Mayor’s Report – Mayor Kirkland
15. Public Comment

The public comment period is set aside for members of the public to offer comments to the Council. It is the time for the Council to listen to the public. It is not a Question & Answer session between the public and the Council or Staff. All comments will be directed to the Council. Each speaker may speak for up to 3 minutes. A member of staff will serve as timekeeper. A sign-up sheet is posted by the meeting room door and will be collected prior to the start of the Public Comment Period. Speakers will be called on by the Mayor in the order that they signed up. In order to provide for the maintenance of order and decorum, the Council has adopted a policy for this section of the meeting. A copy of the policy is posted by the door for your review. Please follow the policy. If you have a specific question for staff, you are encouraged to contact the Town Manager or the appropriate Department Head at another time.
16. Closed Session – NCGS § 143-318.11(a)(3)(6)
17. Adjournment



Town of River Bend

RECEIVED

APR 13 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 4/20/2023		Date of Request 4/13/2023
SPEAKER'S INFORMATION		
Name Linda Klopf		Phone Number 252-638-1124
Address 103 Randomwood Lane		
Organization (if any) Red Caboose Library		
Subject RCL Restriction + Request		
TIME LIMITED TO FIVE (5) MINUTES UNLESS OTHERWISE APPROVED		
Requestor's Signature Linda Klopf		Time Requested 5 minutes
Approval Delane Jackson	Date 4-17-23	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



**Town of
River Bend**

RECEIVED

APR 17 2023

Request Type - Select One

**Request to Address the
Town Council at Regular Meeting**

**Request to Appear on
Town Council Meeting Agenda**

TOWN OF RIVER BEND

Meeting Date 4-20-23	Date of Request
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SPEAKER'S INFORMATION

Name BRETT BEDDOW	Phone Number 252-638-8457
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Address 105 OAKLEAF CT

Organization (if any)

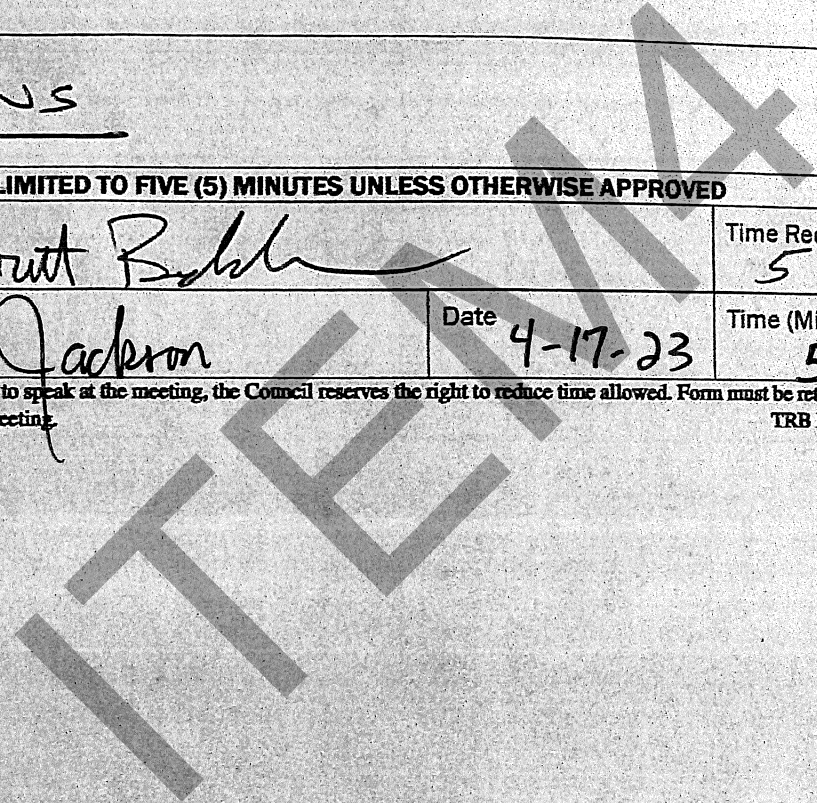
Subject <u>CHICKENS</u>

TIME LIMITED TO FIVE (5) MINUTES UNLESS OTHERWISE APPROVED

Requestor's Signature Brett Beddow	Time Requested 5 min
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Approval Delane Jackson	Date 4-17-23	Time (Minutes)* 5 max
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*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)



**River Bend Town Council
Work Session Minutes
March 9, 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
Town Clerk: Kristie Nobles
Police Chief: Sean Joll
Town Attorney: Dave Baxter

Members of the Public Present: 41

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, March 9, 2023 at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

VOTE – Addition to Agenda

Councilman Weaver motioned to add Remove Councilman Castranova’s Liaison Responsibilities as #8 and shift the agenda down. The motion carried unanimously.

VOTE – Approval of Agenda

Councilman Weaver motioned to accept the agenda as amended. The motion passed with four ayes and one nay with Councilman Castranova voting nay.

SPECIAL PRESENTATION – Audit Presentation for Fiscal Year 2021-2022

Ms. Phyllis Pearson, CPA with Pettway, Mills and Pearson presented the FY21-22 Audit Presentation. She said that her firm has issued an unqualified opinion on River Bend’s FY 2021-2022 audit, which is the best rating an auditor can give. There was no management letter and no findings of material weakness. During the presentation, she noted that the Town’s General Fund Balance had increased \$59,709 over the last year due in part to reduced expenditures and increased revenues. She noted that the percentage of available fund balance in the General Fund was 74% compared to 56% for last year.

VOTE – FY21-22 Audit Presentation

Councilman Leonard motioned to accept the audit as presented. The motion carried unanimously.

At this time, Councilman Sheffield thanked the Town’s staff for a clean audit.

Discussion – Parks and Recreation Advisory Board Recommendations

Councilman Castranova stated that the Parks and Recreation Advisory Board has submitted two recommendations to the Council (see attached). He stated that the advisory board asked the Town Council to allow the advisory board to ask for sponsorships for Parks and Recreation sponsored events. Councilman Leonard asked if the Town has a formal policy and the Manager

stated that the Town does not have a policy, but the Council could create one. Councilman Weaver asked the Town Attorney if there are any legal restrictions with asking for sponsorships and he stated that it could be addressed in the policy.

Councilman Castranova stated that the Parks and Recreation Advisory Board also requested \$20,000 in additional funding for the 4th of July Celebration. He stated that the celebration would have fireworks and several live bands, along with alcohol being served at the River Bend Country Club. Councilman Castranova stated that the money that was allocated for the 2020 and 2021 events was moved to the general fund account. Councilman Sheffield asked if the advisory board intends on having the normal parade and events the morning of and Councilman Castranova stated that they do, with live bands at the Country Club starting at 2:00 p.m. Councilman Sheffield stated that he felt that would be a long day. Councilwoman Maurer stated that she is concerned with the amount of funds that the advisory board has requested, stating that the advisory board is all new members and have not completed any events yet. She also stated that for the amount of funds requested she would like for those funds to be spent on something permanent in town, for example lighting the walking path, not a one day event. Councilman Castranova stated that one of the members of the advisory board organized the Community Picnic on her own last year. Councilman Leonard stated that he does not want to lose the normal traditional 4th of July event that the town has had in the past. Councilman Castranova stated that the traditional event would be in the morning but the advisory board wants to add more to the event. Councilman Weaver stated that he thinks the proposed event could be scaled back to the traditional morning event with fireworks in the evening and that the event suggested would require additional law enforcement. Councilman Leonard stated that this is a large event for an advisory board that has vacancies and it would require additional volunteers. Councilman Castranova asked Police Chief Joll to describe the map from the 2021 event that was canceled due to weather. Chief Joll stated that the map included parking, staging of EMS and First Responders, which have to be present during the entire event. Councilman Castranova asked the Police Chief if he has any security concerns that would need to be addressed, and the Police Chief stated that with alcohol being served all day there would be many concerns. Chief Joll stated that there were many local agencies that were set up to assist the 2021 event. The Town Manager stated that an all-day event would be a lot for a very small staff. Councilman Castranova stated that he would present the recommendations from the Council to the Parks and Recreation Advisory Board.

Discussion – Scheduling a Meeting with Ellis Development

Councilman Leonard stated that Ellis Development had a meeting with River Bend residents and would like to meet with the new Town Council to answer any questions and discuss any concerns the Council may have. The Town Manager reviewed a calendar provided to the Council. Councilman Maurer stated that she felt it might be a good idea to meet with Ellis and they can clear up any misinformation. There was no action taken to schedule a meeting.

Discussion – CAC’s Plantation Drive Median Study Presentation

Councilwoman Maurer stated that John Glasgow with the Craven County Cooperative Extension would present a study on Plantation Drive’s median at the Councils regular meeting on March 16, 2023.

Discussion –Public Comment Policy

Councilman Castranova stated that he would like the Public Comment Policy revised to allow public comments at the work session meetings. Councilman Weaver stated he supported having public comments at both of the Council meetings each month. Councilman Sheffield stated that there are people who speak during that time with incorrect information and the Council cannot respond. Councilman Castranova asked the attorney if it was illegal for the Council to have a conversation during the public comment section. The Attorney stated that it is not illegal, although it can be very time consuming and depending on where the public comment item is on the agenda, the agenda may not be completed. Councilman Castranova suggested not stopping the time when someone is commenting which would include the response of the Council. Councilman

Leonard suggested that Councilman Castranova draft the changes he would like the policy to include for the Council to review.

Discussion – Encroachment Agreement with Metronet

The Manager stated that Metronet representatives would be at the next meeting to give a presentation on what Metronet offers. The Manager stated that they would offer services on every public right-of-way in River Bend. He also stated that private right-of-ways, which are mostly owned by HOA's, would need to complete individual agreements with Metronet. Councilwoman Maurer asked the Manager, if Metronet is approved, would Optimum and Metronet be available and the Manager stated they would be.

Discussion – Remove Councilman Castranova's Liaison Responsibilities

Councilman Weaver stated that he has a letter signed by Councilman Sheffield, Maurer, Leonard and himself that he would like to read and he stated it would be added in the minutes. Councilman Weaver read the attached letter. (see attached)

Councilman Castranova stated that there has been an ongoing feud with Councilman Weaver, stating that he has been "bullying" him and "stalking" Councilman Castranova's social media since January. Councilman Castranova stated that Councilman Weaver has started a feud with the other council members in the past. Councilman Sheffield stated that he has received numerous emails and phone calls from residents stating that Councilman Castranova has posted on social media that Councilman Sheffield has changed his opinion on the development of property in the North West Quadrant. Councilman Sheffield stated that he has not changed his opinion on that development. Councilman Leonard stated that he has had differences of opinion with many councilmembers and they have never disrespected each other. He stated that Councilman Castranova has disrespected the Council and the Council's processes. Councilwoman Maurer stated that she feels she has been accused of taking bribes and lobbying for Ellis Development. Councilman Leonard stated that Councilman Castranova is linking anything he can to Ellis Development and the conditional zoning ordinance proposed is not specifically for Ellis. Councilman Leonard asked Councilman Castranova if he has met with any developers. Councilman Castranova stated that he has met with one developer and that it is perfectly legal. Councilman Leonard asked if it is perfectly legal why are you chastising us for doing something that you have already done and not told most people here or the Council. Council Leonard told Councilman Castranova that he was a hypocrite.

Councilman Castranova left the meeting at 8:17 p.m. Since Councilman Castranova left the meeting unexcused, he will be counted as voting aye on all future motions for the remainder of this meeting.

Councilman Sheffield stated that he has had a sense of dread before coming to this meeting tonight and he has been on the Council for over 9 years and has never felt this way. He stated there has been a toxic environment created and he is concerned it will spread to the staff, and during the election, the morale among the staff was very low. He stated that he feels it has gotten worse since the election and he thinks Councilman Castranova came to the Council looking for a fight and there is nothing to fight over. Councilman Weaver stated that Councilman Castranova left the meeting unexcused, which would result in an affirmative vote for himself. The Attorney agreed.

VOTE – Remove Councilman Castranova's Liaison Responsibilities

Councilman Weaver motioned to remove Councilman Castranova's liaison responsibilities. The motion carried unanimously.

VOTE – Parks and Recreation Advisory Board Liaison

Councilman Leonard motioned to appoint Councilman Weaver as the Parks and Recreation Advisory Board liaison. The motion carried unanimously.

CLOSED SESSION

Councilwoman Maurer moved to go into a Closed Session under NCSG §143-318.11(a)(3) to discuss legal opinion on conditional zoning with the Town Attorney. The motion carried unanimously. The Council entered Closed Session at 8:21p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:39 p.m. The motion carried unanimously.

VOTE – Legal Opinion on Conditional Zoning from the Town Attorney

Councilman Sheffield motioned to include the attorney's opinion on conditional zoning in the minutes for public record. The motion carried unanimously. (see attached)

REVIEW – Agenda for the March 16, 2023 Council Meeting

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

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 8:46 p.m.

Kristie J. Nobles, CMC
Town Clerk

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 Castranova, Chair
Parks & Recreation Advisory Board

Parks
&
Rec

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

riverbendpnr@gmail.com

www.riverbendnc.org

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

riverbendpnr@gmail.com

www.riverbendnc.org

Parks
&
Rec

March 09, 2023

To the Citizens of River Bend,

In light of recent events, members of this governing body feel it necessary to address the unacceptable conduct of one of our fellow members, that of Councilman James Castranova. As elected representatives of every citizen of the Town of River Bend (not just those who share our opinions and viewpoints) we have a duty to intervene when you feel your rights are being trampled on, especially when it's being done so by a member of this council.

Councilman Castranova has been cautioned in the past about his personal attacks against members of this body due to differing viewpoints and his inflammatory behavior that has caused unnecessary disruption between members of our community. This behavior is inconsistent with our adopted code of ethics and a direct threat to good governance.

On March 6, 2023, citizens of the Town of River Bend were engaging in a scheduled meeting with members of this Council when two members of the Parks and Recreation Advisory Board, which Councilman Castranova serves as liaison to, showed up and began inquiring as to the purpose of the meeting. Shortly after, Councilman Castranova let loose with a string of social media posts badgering and intimidating citizens that attended the meeting.

Furthermore, when a fellow councilman asked the town manager to look into the allegations of misconduct by members of the Parks and Recreation Advisory Board in an email, Councilman Castranova immediately forwarded the email to the two advisory board members in question. The forwarding of correspondence intended for the town manager and council members related to such a sensitive subject, while not illegal, serves as an illustration of impropriety. In addition to the above complaints, there have also been reports of Councilman Castranova overstepping his bounds as liaison to the Parks and Recreation Advisory Board and becoming directly involved in the conduct of their regular business.

The members of the Town Council of River Bend and its citizens should feel free to assert policy positions and opinions without fear of reprisal from anyone, especially from an elected member of the council. The members of this governing body will not tolerate the intimidation, badgering, bullying, or infringement of its citizens rights, nor will we stand silently by while we are accused of dishonesty and impropriety without cause.

Therefore, upholding our oaths to you, the citizens of River Bend, the remaining members of this council stand in solidarity and condemn the recent behavior of Councilman Castranova. The outlined events have led the members of council to reconsider Mr. Castranova's appointment as liaison to not only the Parks and Recreation Advisory Board, but as liaison to any advisory board, until such time these unacceptable behaviors cease. It is our hope, moving forward we can find common ground and learn to work together to accomplish our goals and serve as a beacon of leadership for those we serve, regardless of whether or not we hold different points of view.

Respectfully,

Councilman Buddy Sheffield


Councilwoman Barbara Maurer


Councilman Brian Leonard


Councilman Jeffrey Weaver



ITEM 6



David B. Baxter, Jr.
dbaxter@nclawyers.com

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 2001.¹ The result of the 2001 court decision was then codified into statutes in 2005.²

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

¹ 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).

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

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Mayor John Kirkland
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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.³

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.⁴

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.”⁵ 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,

³ 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).

⁴ N.C. Gen. Stat. § 41A-4(g) (2020).

⁵ N.C. Gen. Stat. § 160D-703(b) (2020).

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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.⁶

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.⁷ 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.⁸ Specifically, the Town Council is required to adopt a reasonableness statement as follows:

- b) Additional Reasonableness Statement for Rezoning. - 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.⁹

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.¹⁰

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

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

⁸ N.C. Gen. Stat. §160D-605(b) (2021).

⁹ *Id.*

¹⁰ 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.

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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.¹¹ 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:

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[.]').

¹¹ N.C. Gen. Stat. 160D-703(b) (2021).

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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,

A handwritten signature in blue ink, appearing to read "David B. Baxter, Jr.", with a long horizontal flourish extending to the right.

David B. Baxter, Jr.
Town Attorney

PLANNING BOARD RECOMMENDATION

§ 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.

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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)

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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

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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.~~

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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 ~~5~~10%; 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

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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

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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

**River Bend Town Council
Regular Meeting Minutes
March 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: 85

CALL TO ORDER

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

RECOGNITION OF NEW RESIDENTS

Barbara Burns introduced herself and stated she had recently moved here from Oregon.

ADDITIONS/DELETIONS TO AGENDA

Vote – Deletion to Agenda – Councilman Sheffield motioned to delete items 10B and 10C from the agenda. The motion carried unanimously.

VOTE – Approval of Agenda

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

ADDRESSES THE COUNCIL

Craven County Crime Stoppers – Jeffrey Haddock and Cpl. Kelly Cox – introduced the program and gave a brief description of the program.

Kathleen Fleming – expressed gratitude to the Town Staff and most of the council members. She addressed Councilman Castranova and asked him to practice respect.

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 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*

TOWN MANAGER'S REPORT

The Manager stated that the Departmental Reports would be skipped due to the interest of time.

Vote – Skip Manager's Report – Councilman Sheffield motioned to skip the Manager's Report. The motion carried unanimously.

ADMINISTRATIVE REPORTS

CAC – Councilwoman Maurer

Councilwoman Maurer presented the following report.

The CAC met on March 15, 2023. They have several exciting projects in progress. The next award event, Yard of the Month, will take place in April. Nominations will start on April 1st. You can obtain nomination forms from the town website, a QR code that will be printed in upcoming announcements, or by email, cac.riverbend@gmail.com. The Plantation Drive median project has started. Craven County Cooperative Extension Director Dr. Tom Glasgow is scheduled to present his report on the condition of trees and shrubs on the Plantation median at the March 16 Council meeting. In recognition of Arbor Day, a tree planting and small celebration will take place on Friday, March 17 at 2 pm at the Town Hall picnic area. All residents and friends are invited to attend. Light refreshments will follow the ceremony. Plans are underway to offer two Christmas globe making workshops in the fall. There currently are three vacancies on the Community Appearance Commission. This is an active group. Members may work on one or all of the projects. If you are interested, contact Chairwoman Brenda Hall or me to find out more about joining the board or volunteering for a project. The next meeting is scheduled for May 17, 2023 at 4 pm in the Municipal Building.

Councilwoman Maurer introduced Tom Glasgow from the Craven County Cooperative Extension and he gave a presentation on a study he completed at the request of the River Bend Community Appearance Commission on the Plantation Drive Median. Mr. Glasgow stated that the median on Plantation Drive was not a good location for big trees. His presentation included several pictures of trees in the median that were damaged, diseased or otherwise suffering.

FINANCE – Councilman Leonard

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of February. She stated the total of the Town's Cash and Investments as of February 28, 2023, were \$4,529,010 and Ad valorem tax collections for FY22-23 were \$703,347 and Vehicle Ad valorem tax collections were \$48,919.

The Manager introduced Telly Whitfield with Metronet. Mr. Whitfield gave a presentation on services that Metronet could offer the Town of River Bend. The Manager stated that Metronet had already reviewed and signed an Encroachment Agreement but the Town has not signed it. Councilman Leonard asked if the new materials would be 100% fiber and not coax and Mr. Whitfield stated that Metronet would extend true fiber to the homes on all town streets. The Manager stated that the encroachment agreement with the Town would only cover town streets and not private streets or property such as HOA areas.

Vote – Encroachment Agreement with Metronet – Councilman Leonard motioned to approve the encroachment agreement with Metronet and to authorize the Town Manager to sign on behalf of the Town of River Bend. The motion carried unanimously.

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield stated that the Planning Board did not meet and there is no report. He stated that he would like to clarify his position on the rezoning of the property at 403 Old Pollocksville Road. He stated that he has received numerous emails stating that he has changed his opinion on the rezoning of that property. He stated that he has always been against the rezoning of that

property and will always be against rezoning it. He stated that any property that would request to be rezoned would have to be approved by the Council and conditional zoning does not replace the rezoning process. Councilman Weaver stated that he agrees with Councilman Sheffield.

PARKS & RECREATION – COUNCILMAN WEAVER

Parks & Recreation

Councilman Weaver stated that the Parks and Recreation Advisory Board has requested that the Council develop a Town policy to allow Parks and Recreation to enter sponsorship agreements with local businesses. Councilman Sheffield stated that he suggests that the policy limit the sponsorships to businesses that do not supply anything to the Town. The Manager stated that the motion would allow the development of a policy that the Council would need to approve and discuss the particulars of the policy.

Vote – Change Sponsorship Policy – Councilman Weaver motioned to approve the Parks and Recreation recommendation on sponsorships and to develop a policy. The motion carried unanimously.

Councilman Weaver stated that the Parks and Recreation Advisory Board has requested \$20,000 additional funding for the 4th of July event this year. He stated he had spoken to the Parks and Recreation chairperson and it was decided that the advisory board would discuss the request further and re-present it to the Council at a later date.

Vote – Funding for 4th of July Celebration – Councilman Weaver motioned to table the Parks and Recreation recommendation for funding for the 4th of July celebration. The motion carried unanimously.

Red Caboose Library (RCL)

Councilman Weaver stated that the Book / Tech Mobile would be at the Municipal Building on Friday March 17, at 2:00 through 5:00 p.m.

MAYOR'S REPORT

The Mayor presented the following report.

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.

At this time, the Mayor stated that Councilman Castranova has requested by note to speak. Councilman Castranova stated that he came to the meeting prepared to discuss conditional zoning and he would like to make a motion to permanently stop the consideration of the Conditional Zoning Ordinance. Councilman Leonard stated that the motion is out of order. The Mayor stated that this item was removed from the agenda and there is a process for adding items to the agenda. Councilman Castranova stated that it was on the agenda and was removed. Councilman Sheffield stated that the motion that Councilman Castranova wants to put forth is not on the agenda. Councilman Castranova stated that at the August 11, 2022 Council meeting,

Councilman Sheffield presented a PowerPoint on his opposition of the rezoning after the item had been removed from the agenda. Councilman Sheffield stated that they voted to let you make a comment we did not vote to make a vote on conditional zoning. Councilman Leonard stated that there was no vote.

Vote – Councilman Castranova Motion – Councilman Castranova motioned to amend the agenda to add a motion. The motion failed with one aye and four nays with Councilmen Weaver, Leonard, Sheffield, and Councilwoman Maurer voting nay.

Councilman Weaver asked Councilman Castranova if he wants to add a discussion or a motion to the agenda and Councilman Castranova stated that he wants to add both but if he can't add the motion he would like to add the discussion. Councilman Sheffield asked the Town Attorney if the Council could vote on the Conditional Zoning Ordinance without having a Public Hearing and the attorney stated that the Council could not legally vote on the Conditional Zoning Ordinance without a Public Hearing. Councilman Weaver asked the Town Attorney if the Council can vote to table the Conditional Zoning Ordinance until further notice and the attorney stated that the Council could. The Town Attorney stated that the Council could not vote to table the Conditional Zoning Ordinance tonight because the item was removed from the agenda and technically the comments being discussed at this moment are being considered under the item "Mayors Report". He stated that if the Council would like to add a motion to table the Conditional Zoning Ordinance that the item would need to be added to the agenda.

Vote – Councilman Castranova Comments – Councilman Castranova motioned to allow himself to make comments during the Mayor's Report. The motion carried unanimously.

Councilman Castranova stated that he has reviewed the Town Attorney's opinion on the proposed Conditional Zoning Ordinance. He stated that he is concerned with potential litigation for the Council. He stated that at the Ellis Development presentation at Craven Community College, Mr. Ellis was asked if he would sue the Town over conditional zoning and Mr. Ellis stated that it is not likely that he would sue over one condition. Councilman Castranova stated that he is concerned because Mr. Ellis did not state that they would not sue the Town at all. Councilman Castranova stated that Ellis Development has already submitted their conditions before the Conditional Zoning Ordinance is approved. He stated that Ellis' first condition would limit 305 homes on the land, which would make the land 50% denser than what is currently allowed. He stated that he felt that if the Town did not agree with that condition, it would put the Town at risk for a lawsuit. Councilman Castranova stated that he is concerned with "spot-zoning". He stated that if the Town engages in "spot-zoning" the Town would lose the presumption of validity and the burden would shift to the Town. The Mayor asked Councilman Castranova if he could meet with the Town Attorney regarding his concerns. The Town Attorney stated that he is available to all council members. Councilman Castranova stated that he is concerned with how the Conditional Zoning Ordinance will give the Zoning Administrator the authority to move the location of buildings to an approved site plan. Councilman Weaver stated that this was addressed in the closed session at last week's meeting. He stated that this ordinance was drafted from larger town's that have far more projects going on and they choose to not meet for every change. He stated that the Town Attorney stated that this language is not required in the ordinance and can be removed. Councilman Weaver stated that the ordinance could be amended so that any changes to site plans would have to be approved by the Council. He also stated that this is also a small detail that a lot of the public is not hearing. Councilman Weaver stated that the items that Councilman Castranova is discussing have been addressed and that could be revised to address those concerns. Councilman Castranova asked who suggested those changes and when would it be completed and Councilman Weaver stated that, it would happen in the legal review process of the ordinance. Councilman Leonard stated that the Planning Board has created an ordinance and approved it, then the Town Attorney gives a legal opinion, which he has, now the Council has the

ability to make revisions and suggestions to the ordinance. Councilman Leonard stated that now is the time for the Council to review and make changes, as it would fit the Town of River Bend but the item was removed from tonight's agenda. Councilman Castranova stated that he is concerned that the Zoning Administrator can move buildings and it was not addressed in the attorney's opinion. Councilman Leonard stated that these concerns were addressed in the closed session at last week's meeting. The Town Attorney stated that he did address moving a specific building to a location in broader context in the minor modifications section. He stated that moving a building on a site plan is not a major modification in a development if the density or the use is not changed. Councilman Castranova stated that he felt moving the location of multi-family housing is not a minor change. The Town Manager stated that he addressed this concern during the Planning Board meeting and stated that multi-family homes can only be moved within property that is zoned for multi-family homes. He stated that if the property is zoned R-20, as it is currently, multi-family homes are not permitted. He stated that multi-family homes are restricted to property that is zoned for multi-family housing. He stated that he does not have the authority to allow multi-family homes in areas that are zoned for single-family homes. Councilman Castranova stated that he felt the language in the proposed Conditional Zoning Ordinance does not limit that and the Town Manager stated that he and the Town Attorney disagree with him. Councilman Leonard stated that now is not the time to discuss the details and every council member would have an opportunity to submit their suggestions. The Mayor stated that Councilman Castranova agreed to meet with the Town Attorney to discuss his concerns. Councilman Castranova stated that Ellis Development has submitted their proposed conditions and Councilman Sheffield stated that those proposed conditions do not mean anything. Councilman Weaver asked the Town Attorney if the Council can make a motion to table to the conditional zoning until a determined date and the Town Attorney stated that motion is acceptable. Councilman Sheffield stated that if he is on Council the position of multi-family housing wouldn't be an issue in the future. Councilman Castranova stated that he feels adopting conditional zoning is a risk for the concerns he has stated previously.

PUBLIC COMMENT

Michael Power, 242 Shoreline, stated he was upset with last week's meeting, expressed gratitude to Town Staff, and stated to the Council that they represent all of River Bend, not just the ones who voted for them.

Dana Blujus, Plantation Drive, stated he is new to the area and not opposed to upgrades to the Town if done correctly.

Carolyn Gadwell, Outrigger Road, stated that she has never found Councilman Castranova to be disrespectful and supported him.

Marvin Jackson, 104 Massachusetts Road, stated he opposes conditional zoning.

Valerie Boatwright, 311 Lochbridge Drive, stated that she disagreed with Ms. Fleming's address to the Council and feels Councilman Castranova is owed an apology from Kathleen Fleming. She also stated she agrees with tabling conditional zoning.

Buck Irvin, 102 Outrigger Road, suggested that residents stop looking at the internet because some people are posting to cause drama and the posts are not based on facts and stated that conditional zoning would be an extra tool that the town would have if ever faced with zoning issues.

John Levas, 1200 Plantation Drive, asked that if the Town approved the development of the property on Old Pollocksville Road to hire an engineer to investigate the water flow. He stated his property holds water that drains from Old Pollocksville Road.

Amy Richardson, 118 Randonwood Lane, thanked the Council for what happened at the work session for upholding the integrity of the local government and holding it to the highest standard. She stated that many citizens in town are afraid to speak out against Councilman Castranova, because he has become intimidating and uses his social media platform and his followers to speak out against anyone who speaks out against his agenda. She stated that he represents the Town whether they agree or disagree, like the other council members.

James Gadwell, Outrigger Road, stated that there should be a plan and timeline for the development of the property. He stated that the Council needs to get along.

Jon Hall, 105 Knotline, stated that he and his wife are very active in Town. He asked that all decisions be made with due diligence and not a reflection of what is best for them personally, but what is best for the Town.

Art Seaman, 302 Pirates Road, spoke in opposition of conditional zoning.

Vote – Table Conditional Zoning – Councilman Sheffield motioned to table conditional zoning until a time that shall be mutually agreed upon by the Council. Councilman Sheffield withdrew his motion.

Vote – Add to Agenda – Councilman Sheffield motioned to add to the agenda the item of tabling conditional zoning. The motion carried unanimously.

Vote – Table Conditional Zoning – Councilman Sheffield motioned to table conditional zoning until the February 2025 Council workshop. The motion passed with 3 ayes and 2 nays with Councilman Leonard and Councilwoman Maurer voting nay.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 9:21 p.m.

Kristie J. Nobles, CMC
Town Clerk



RIVER BEND POLICE DEPARTMENT



MONTHLY ACTIVITY REPORT

2023

	ACTIVITIES	2023	2023	2023	% of Total Calls	% Change Last 2 Mos.
		January	February	March		
1	ALARMS / 911 UNKNOWN / DISTURBANCE / SHOTS FIRED	8	9	11	0.40%	22.00%
2	ANIMAL COMPLAINTS	9	5	5	0.18%	0.00%
3	ARRESTS	1	2	5	0.18%	150.00%
4	ASSAULTS / ALL OTHER VIOLENT CRIME	4	6	2	0.07%	-67.00%
5	ASSIST CITIZENS / LOCK OUT / QUALITY OF LIFE ISSUES	17	12	17	0.61%	42.00%
6	ASSIST EMS / FD / FIRST RESPONDERS / MED ASSIST	44	23	34	1.23%	48.00%
7	ASSIST MOTORISTS / FOOT PATROLS / ALL OTHER	156	150	177	6.39%	18.00%
8	ASSIST OTHER AGENCIES	1	3	1	0.04%	-67.00%
9	B & E BUSINESS / RESIDENCE / VEHICLE	1	0	0	0.00%	0.00%
10	CRIM. SUMM. / SUBPOENAS / WARRANTS / CIVIL COMPLAINT	5	1	7	0.25%	600.00%
11	DOMESTICS	0	0	4	0.14%	0.00%
12	FIRES / ALARM	0	1	2	0.07%	100.00%
13	IDENTITY THEFT / FRAUD	2	1	1	0.04%	0.00%
14	INVOLUNTARY COMMITMENTS	0	0	1	0.04%	0.00%
15	JUVENILE COMPLAINTS	0	0	1	0.04%	0.00%
16	LARCENIES	3	2	2	0.07%	0.00%
17	LITTERING	0	0	0	0.00%	0.00%
18	LOUD MUSIC / NOISE COMPLAINTS	0	0	1	0.04%	0.00%
19	DEATH / MISSING PERSON / RUNAWAY / SUICIDE(A)	1	2	2	0.07%	0.00%
20	PROPERTY DAMAGE / VANDALISM	1	2	3	0.11%	50.00%
21	RESIDENTIAL / BUSINESS CHECKS / COMMUNITY WATCH	2448	1872	2,326	83.91%	24.00%
22	ROADWAY DEBRIS / OBSTRUCTIONS	1	0	0	0.00%	0.00%
23	ROBBERIES	0	0	0	0.00%	0.00%
24	SOLICITING VIOLATIONS	0	0	0	0.00%	0.00%
25	SUSPICIOUS PERSONS / VEHICLES / FIELD INTERVIEW	9	13	12	0.43%	-8.00%
26	TOWN ORDINANCE CITATIONS	0	0	0	0.00%	0.00%
27	TOWN ORDINANCE VIOLATIONS	1	2	2	0.07%	0.00%
28	TRAFFIC ACCIDENTS	3	1	4	0.14%	300.00%
29	TRAFFIC STOPS	76	82	125	4.51%	52.00%
30	TRAFFIC COMPLAINTS-RADAR	15	3	11	0.40%	267.00%
31	DWI	0	0	0	0.00%	0.00%
32	CHECKPOINTS	2	2	2	0.07%	0.00%
33	DRUG VIOLATIONS	0	2	1	0.04%	-50.00%
34	WELFARE CHECKS	7	2	5	0.18%	150.00%
35	CASE ASSIST / PW / VEHICLE MAINTENANCE / MEETING	2	4	3	0.11%	-25.00%
36	CASE FOLLOW UPS / SPECIAL OPERATION / TRAINING	4	21	5	0.18%	-76.00%
37	TRESPASSING	0	0	0	0.00%	0.00%
38	OVERDOSE	1	2	0	0.00%	-100.00%
39	TOTAL	2822	2225	2772	100.00%	25.00%

Traffic Violations

- 41 State Citations
- 47 Total State Charges
- 1 State Warnings
- Town Citations
- 1 Town Warnings

Community Watch Checks

- 130 100 Pirates
- 143 100 Plantation
- 114 200 Lakemere
- 148 200 Rockledge
- 86 Piner Estates

Phone Calls Answered (638-1108)

358 Incoming Calls



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870

F 252.638.2580

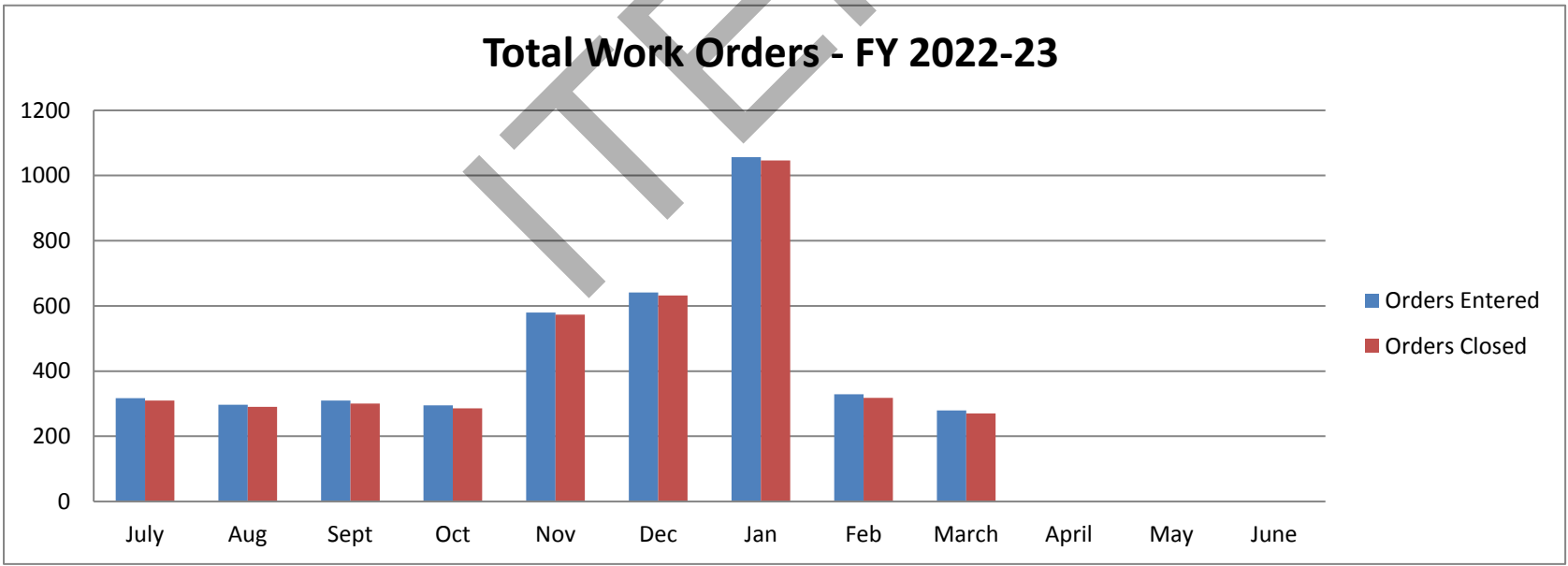
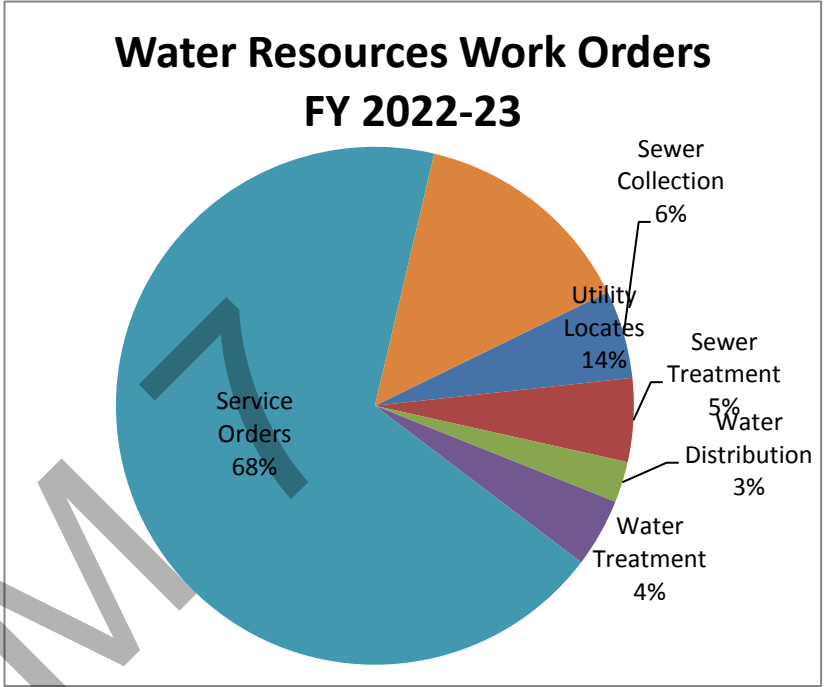
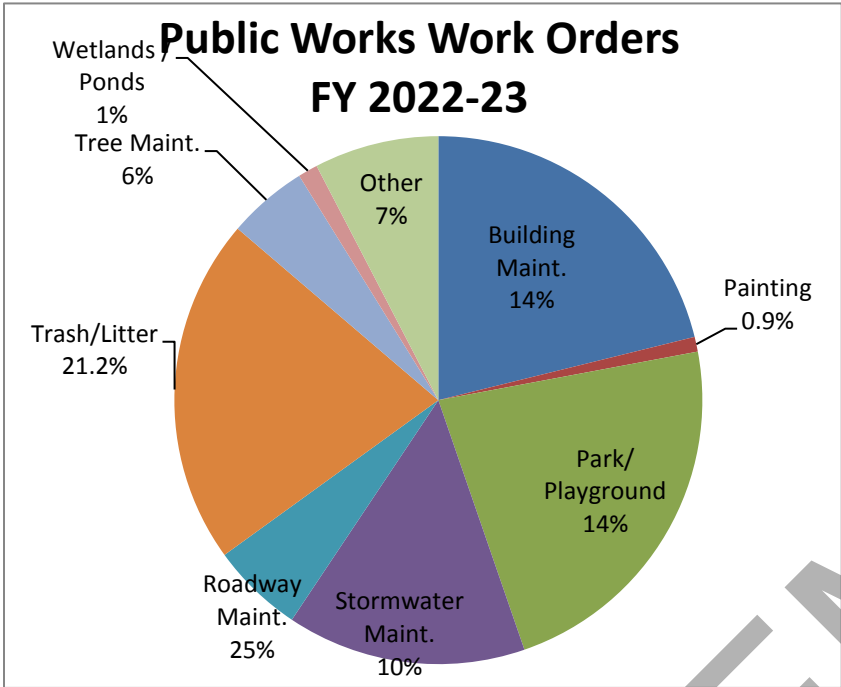
www.riverbendnc.org

March 2023 Monthly Report Brandon Mills, Director of Public Works

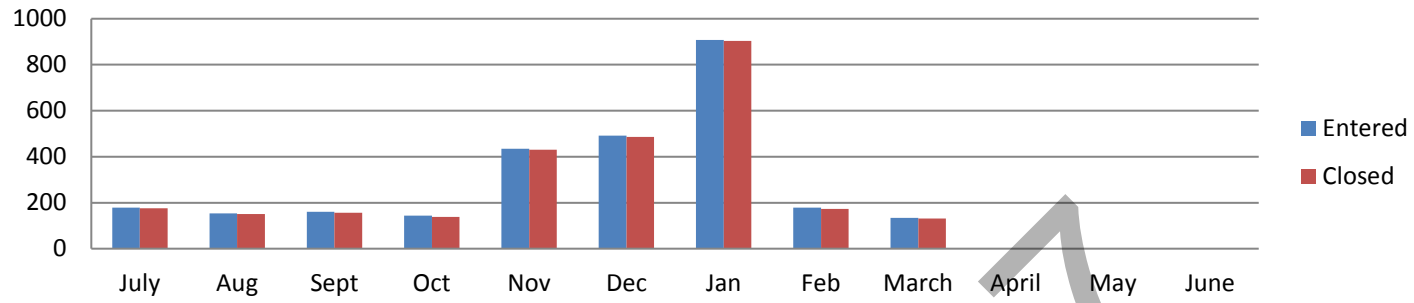
With the warmer weather, Public Works has started mowing the town's right of ways that we are responsible for mowing. These areas are mowed on an as needed basis throughout the year. Public Works replaced several sign posts around town that had deteriorated because of age. Several more signs and posts are on our list to replace. We trimmed limbs off the roadway in several areas in town. This is done on a as needed basis throughout the year. There are several more areas in town that is on our list to complete by the end of next month.

Water Resources replaced the skimmer arm belt on the large Wastewater Treatment Plant. The purpose of the skimmer arm is to skim the floatable solids off the top of the clarified water, and return them to the headwork's of the treatment plant for further treatment. This belting had deteriorated and was not efficiently removing these solids. Our team quickly replaced it. In addition, three air diffusers on the large plant were replaced. The purpose of the diffusers is to supply oxygen to the microorganisms that treat our wastewater. Oxygen is the heart of the aerobic wastewater treatment process. With the right amount of oxygen, the finished quality of the wastewater is significantly better. I would like to thank our team for a job well done on both of these repairs.

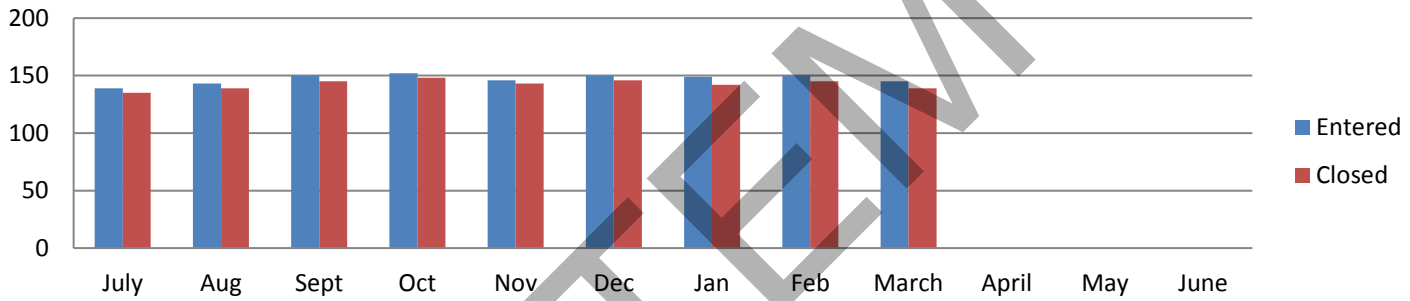
If you have any questions concerning the Water Resources/Public Works Department, please call us at 638-3540, Monday-Friday, 8am-4pm. After hour's water and sewer, emergencies can be reported by dialing the Town Hall at 638-3870. You will be instructed to the dial "9" and follow the directions to contact 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	31				280	1
Painting	2	1	0	1	2	3	2	0	1				12	1
Park/Playground	32	34	36	34	32	31	33	35	33				300	1
Roadway Maintenance	17	19	22	24	22	25	21	24	20				194	0
Stormwater Maintenance	8	7	9	12	10	8	7	6	8				75	1
Trash/Litter	30	33	31	30	31	31	32	31	32				281	0
Tree Maintenance	8	6	8	7	5	7	9	8	7				65	0
Wetlands / Ponds	2	2	1	2	3	2	1	2	1				16	1
Other	9	11	14	12	10	9	11	13	12				101	1
TOTAL	139	143	150	152	146	150	149	150	145	0	0	0	1324	6
Orders Closed	135	139	145	148	143	146	142	145	139				1282	

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	20				153	1
Sewer Treatment	16	17	15	14	15	17	16	15	20				145	0
Water Distribution	9	8	7	6	8	9	7	8	9				71	1
Water Treatment	10	12	13	14	13	15	13	14	15				119	1
Service Orders	84	62	67	47	341	387	811	81	20				1900	0
Utility Locates	46	40	42	44	40	44	42	44	50				392	0
TOTAL	178	154	160	143	434	491	907	179	134	0	0	0	2780	3
Orders Closed	175	151	156	138	430	486	904	173	131				2744	

TOTAL	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD
Orders Entered	317	297	310	295	580	641	1056	329	279	0	0	0	4104
Orders Closed	310	290	301	286	573	632	1046	318	270	0	0	0	4026



MONTHLY ZONING REPORT

MONTH YEAR

Activity	Monthly	YTD Total
Permit Applications Received	9	58
Permits Issued	9	58
Fees Collected	776.80	6282.80
Violations Noted During Weekly Patrol	9	60
Complaints Received From Citizens	1	10
Notice Of Violations Initiated *see details below	10	63
Remedial Actions Taken By Town	0	0

Detail Summary		
Address	Violation	Date Cited
107 Boatswain	Accessory bldg w/o permit	2-Mar
600 Old Pollocksville	Cars in grass/junk vehicles	29-Mar
307 Barbara	Cars in grass	29-Mar
204 Outrigger	Trailer & RV	29-Mar
101 Outrigger	RV	29-Mar
109 Randomwood	Car in grass	29-Mar
112 Randomwood	Trailer	29-Mar
114 Outrigger	Boat	29-Mar
99 Shoreline	Trailer/sign	29-Mar
413 Rockledge	Driveway	29-Mar

Town of River Bend Plantation Median Project



River Bend
Community Appearance
Commission

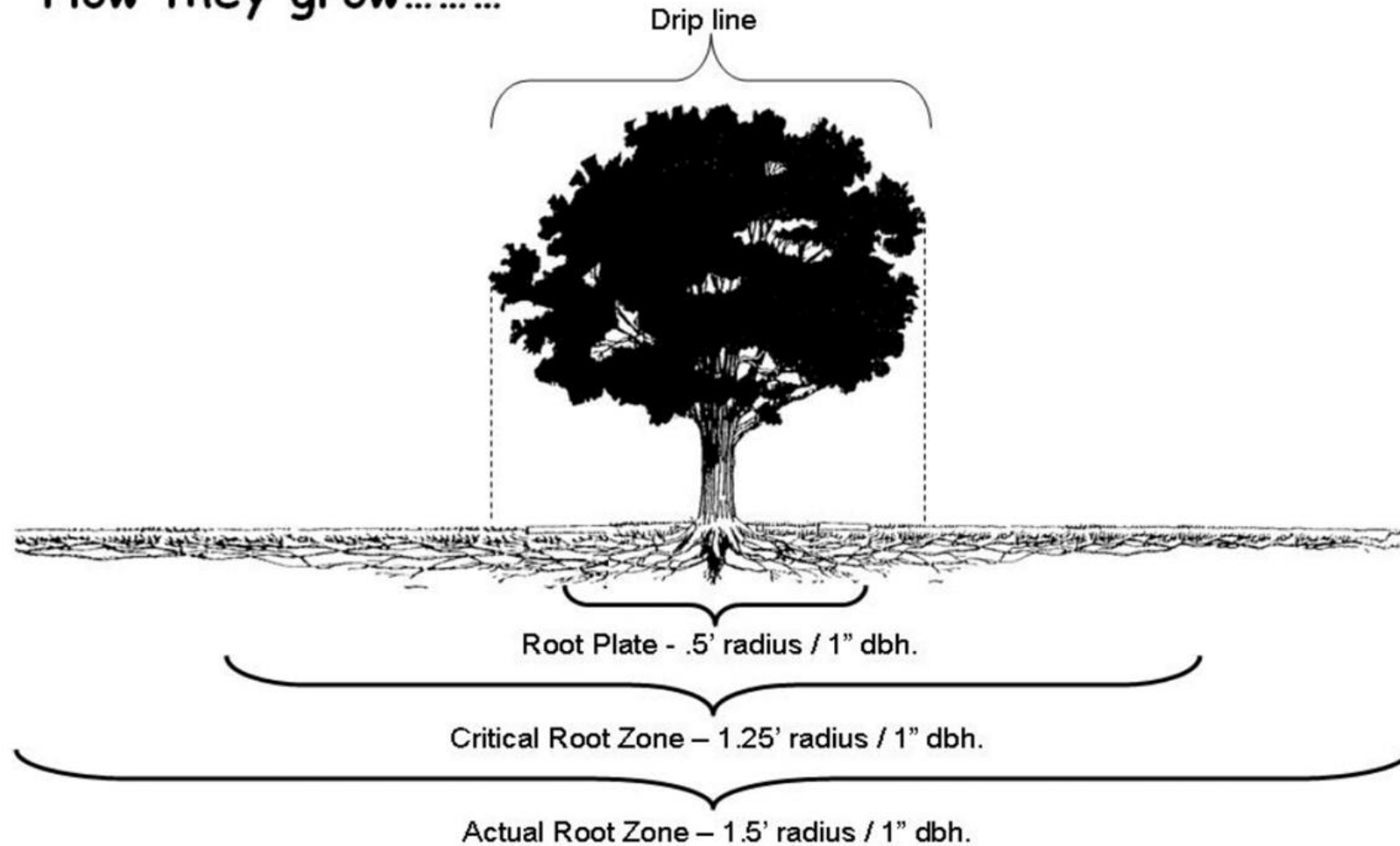
Brenda Hall, Chair
Meg Williams, Christine Soler

Recap from Tom Glasgow's Presentation to Town Council, March 16, 2023

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

How they grow.....

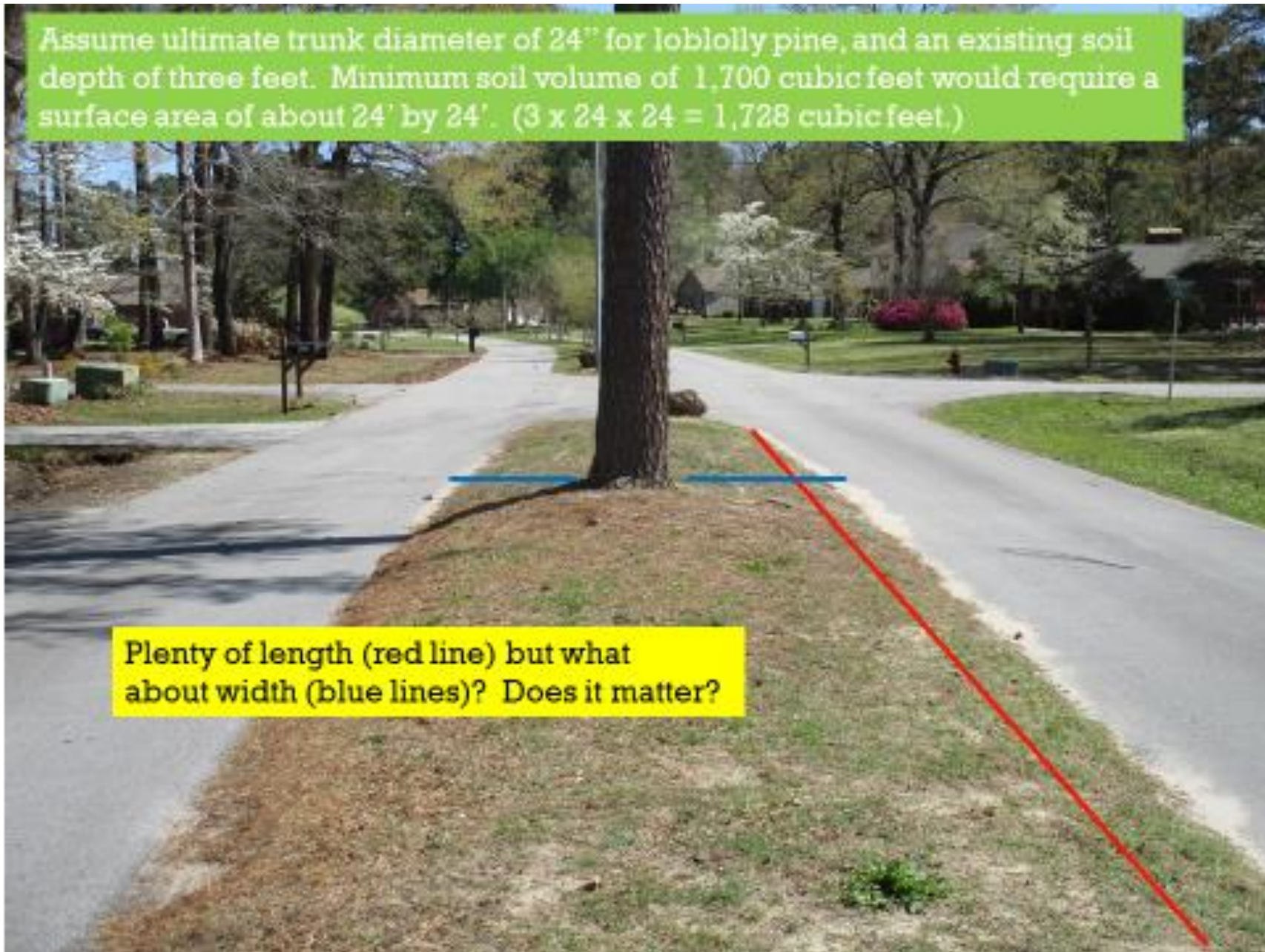


Sycamores after Hurricane Florence



Root plates, not tap roots.

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?



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.

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





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



Intersection Anchor Way and Plantation Drive



Nandina domestica
Invasive species in NC

Ligustrum japonicum
Invasive species in NC



Provide enough space!

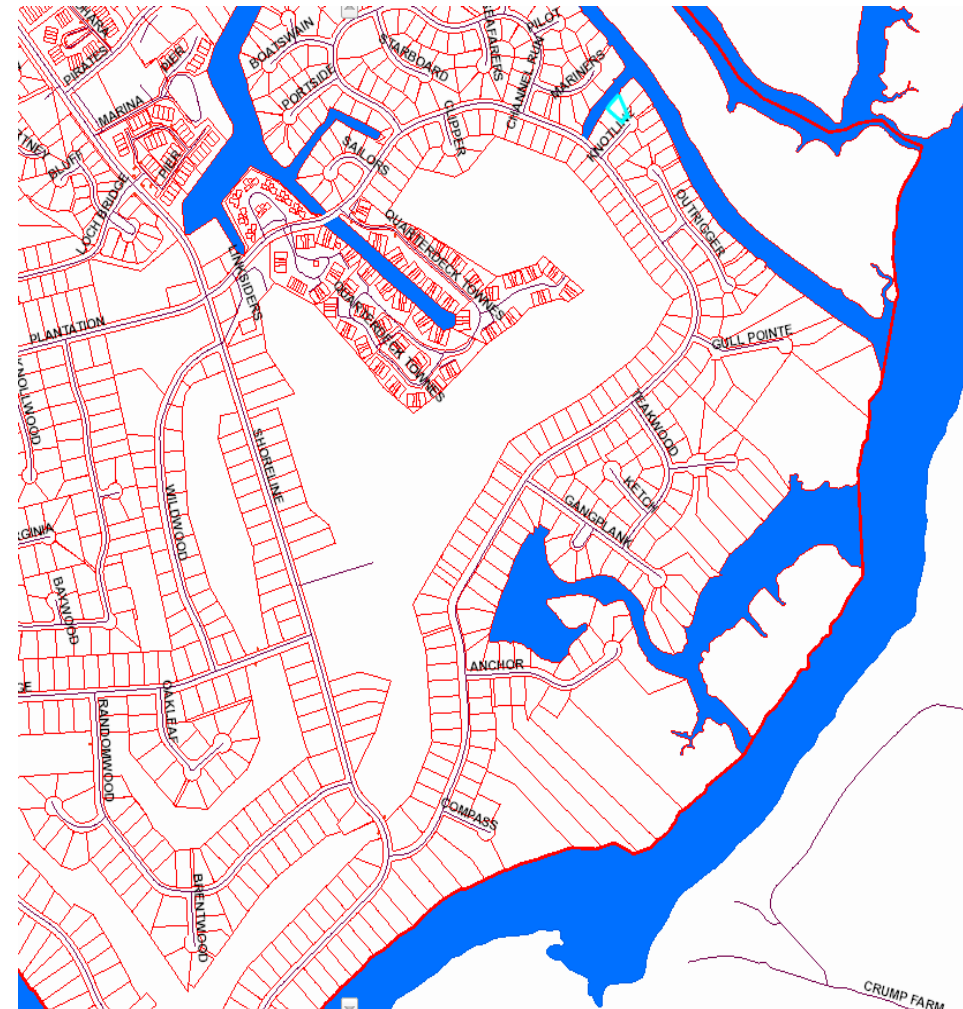
Barb Fair, NCSU



End of Recap

Plantation Median Project Background:

- CAC asked to assess Northeast Plantation Drive medians by:
 - Assessing the overall health of trees and shrubs in medians
 - Making recommendations to improve the aesthetics of the medians
- Plantation Drive medians take up approximately 1 mile of existing roadway between 2 lanes of traffic leading to Shoreline Drive
- Approximately 600 homes, or 39% of River Bend homes, use Plantation Drive to get to their homes
- Plantation Drive is likely the 2nd most trafficked road in River Bend



Plantation Median Project Observations:

- Medians are 6"- 24" above the paved road
- Ground cover consists of mostly weeds, centipede grass, and pine straw
- Trees and shrubs are mostly original plantings from the 70's and 80's
- Medians are in overall poor condition
- Roadways have heaving from tree roots
- Many median areas are completely bare with no shrubs or trees
- Medians detract aesthetically from community



Plantation Median Project

Issue #1: Tree Health/Safety

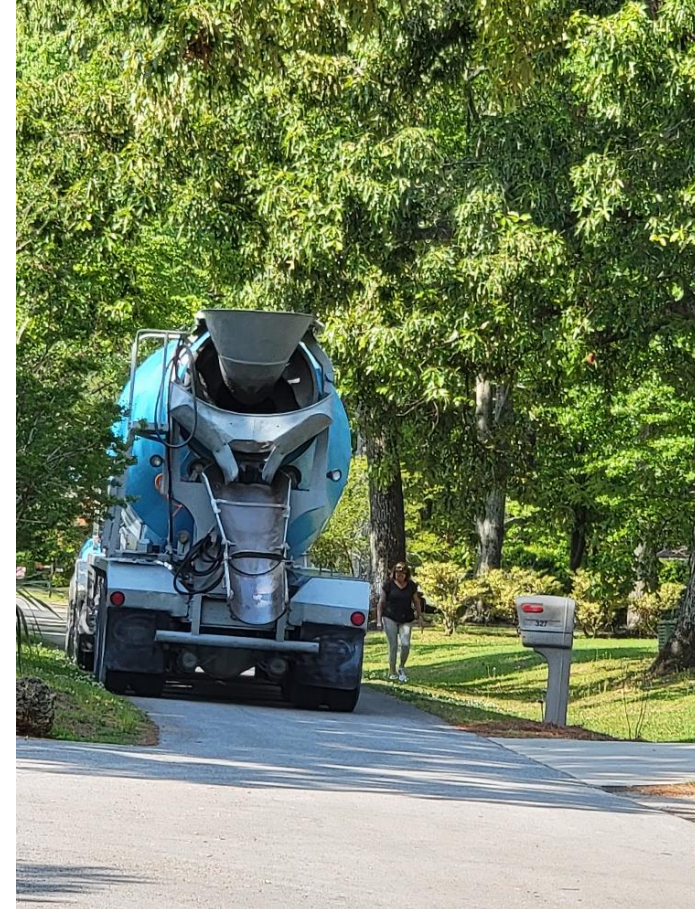
- Safety is a primary concern for the median spaces due to the poor condition of many median trees
 - Unhealthy trees are more susceptible to storm and wind damage
 - Increased liability for injury to cars, bikers, and pedestrians from falling trees and branches
 - Trees have inadequate space for proper growth and are too close to the road



Plantation Median Project

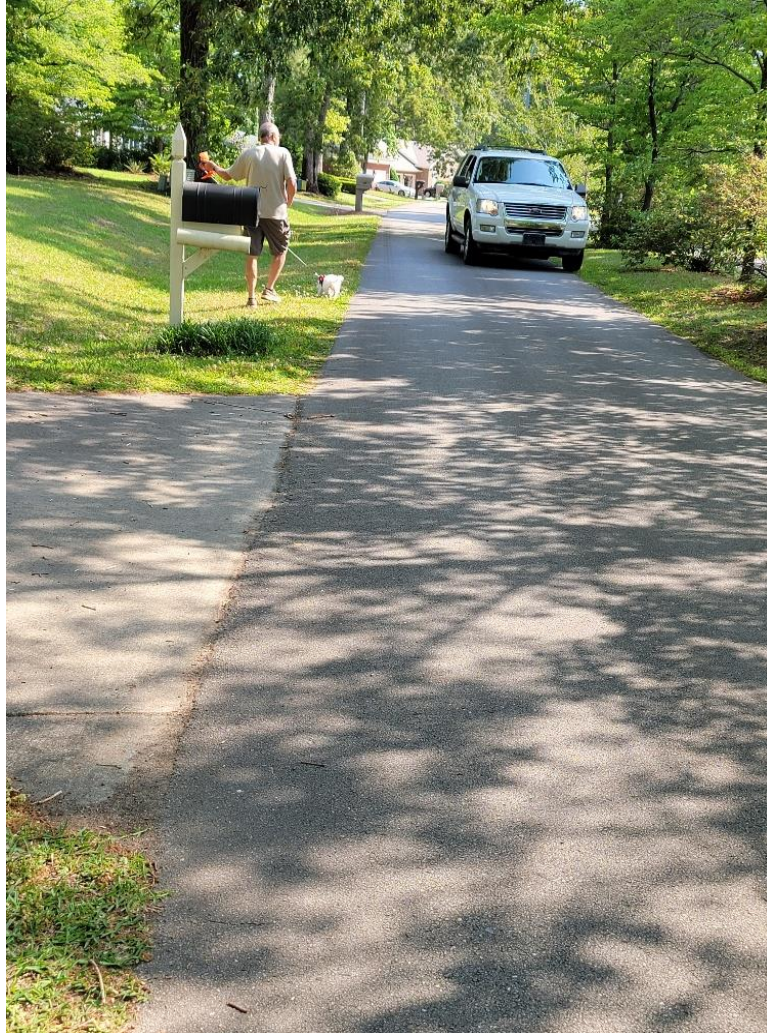
Issue #2: Road Safety

- Plantation Drive is a major, heavily used road in River Bend (serves ~600 homes)
- Width of Plantation Road too narrow and not enough room for cars, cyclists, and pedestrians on the roadway
- No designated walk path
- Cars and trucks drive on median or right-of-ways to pass pedestrians/cyclists
- Pedestrians/cyclists have to move off of road for cars/trucks to pass
- Significant potential for wrecks and injuries to bikers/pedestrians when exiting road to an uneven and sloped surface
- Driver vision obstructed in multiple areas from shrubs and bushes

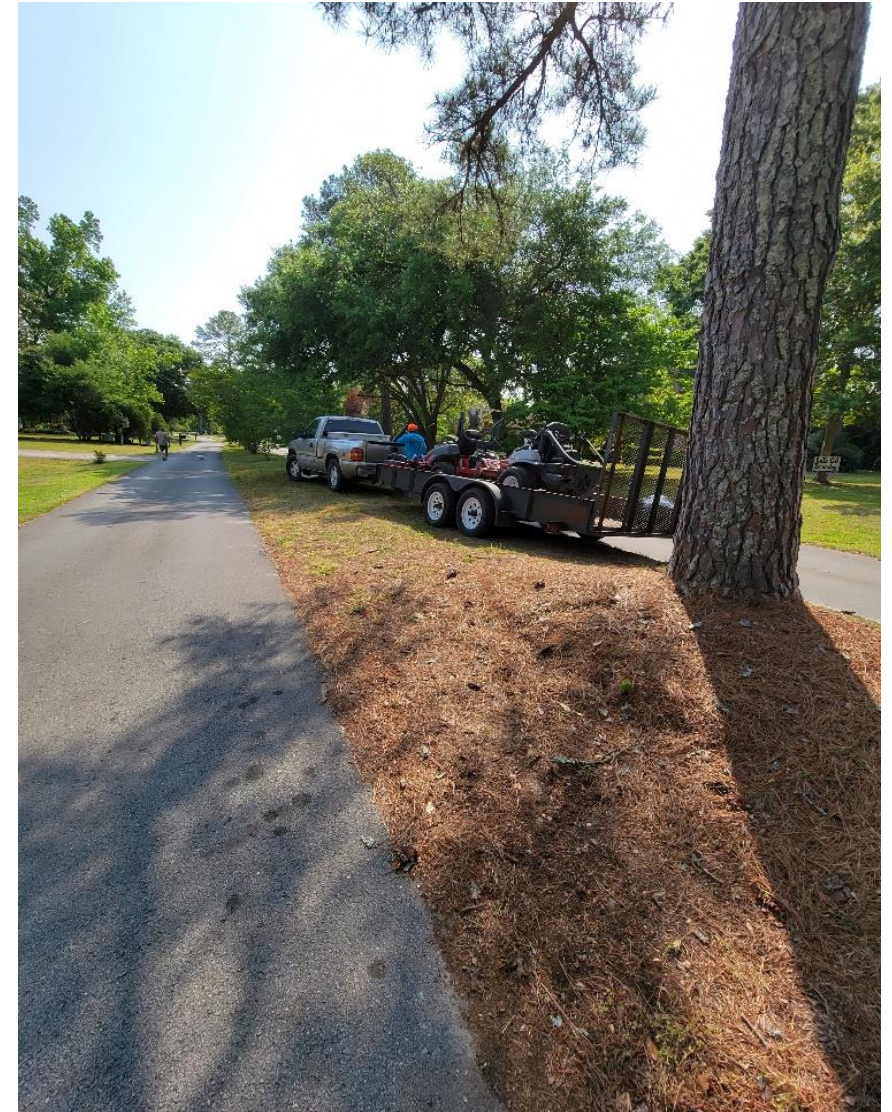


Plantation Median Project

Issue #2: Road Safety



- Inadequate space for cars and pedestrians
- Work trucks park in medians and inflict consistent damage on tree root system
- Cars drive off road to pass pedestrians/cyclists and create ruts and damage roots
- Pedestrians/cyclists exit pavement for cars to pass and increase risks of injury



Plantation Median Project

Issue #3: Maintenance

- Town has an annual contract for lawn service that includes medians
- Township has no specific contract for tree arborist or tree specialist
- Improper pruning techniques are detrimental to tree health
- Mowing and power tools too close to trunks are detrimental to tree health
- Medians are overall, unhealthy, poorly maintained, and detract from the community's appeal

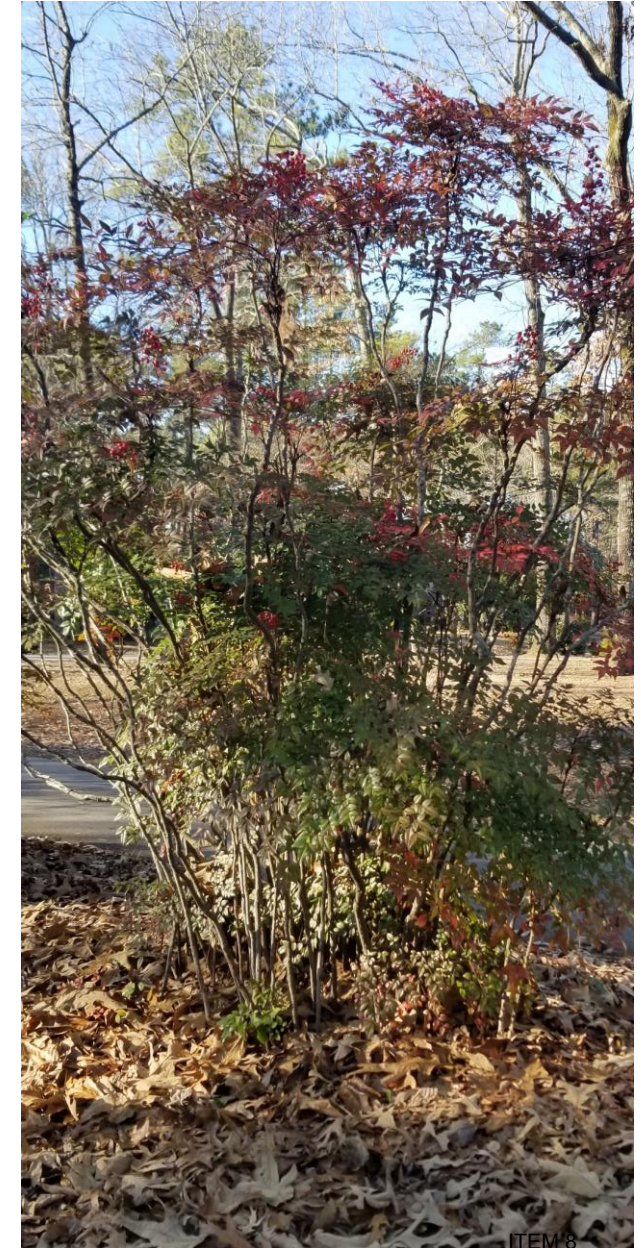
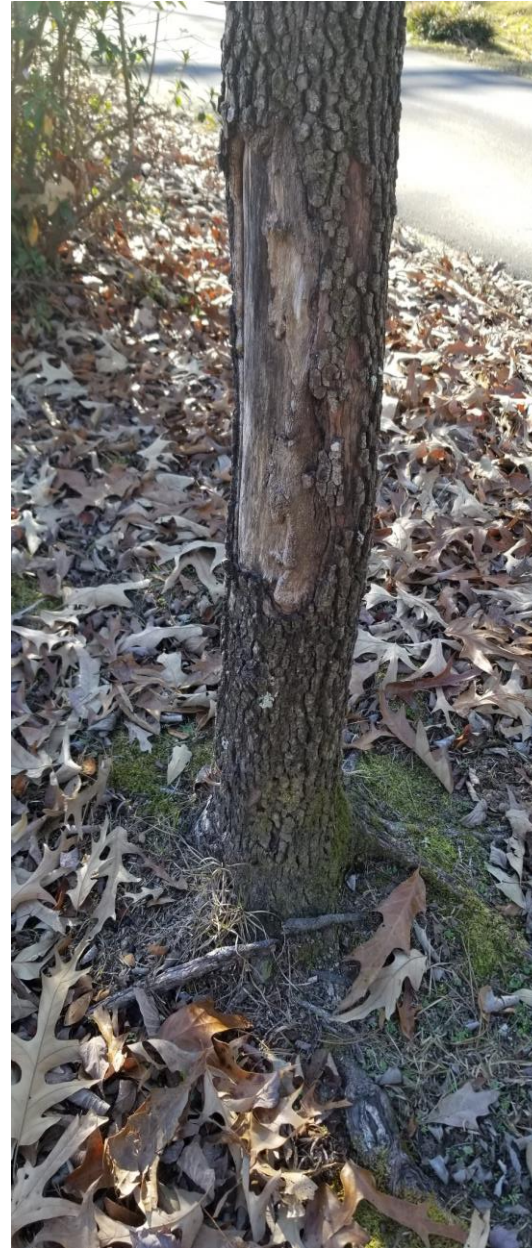


Plantation Median Project

CAC Recommendations

Issue #1: Tree Health/Safety

- Identify trees that need to be removed
- Mitigate risks of diseased/dying trees and shrubs with prompt removal
- Remove invasive shrubs
- Include Anchor Way median in this process for same issues
- Hire certified Tree Arborist to assess all trees on town property annually

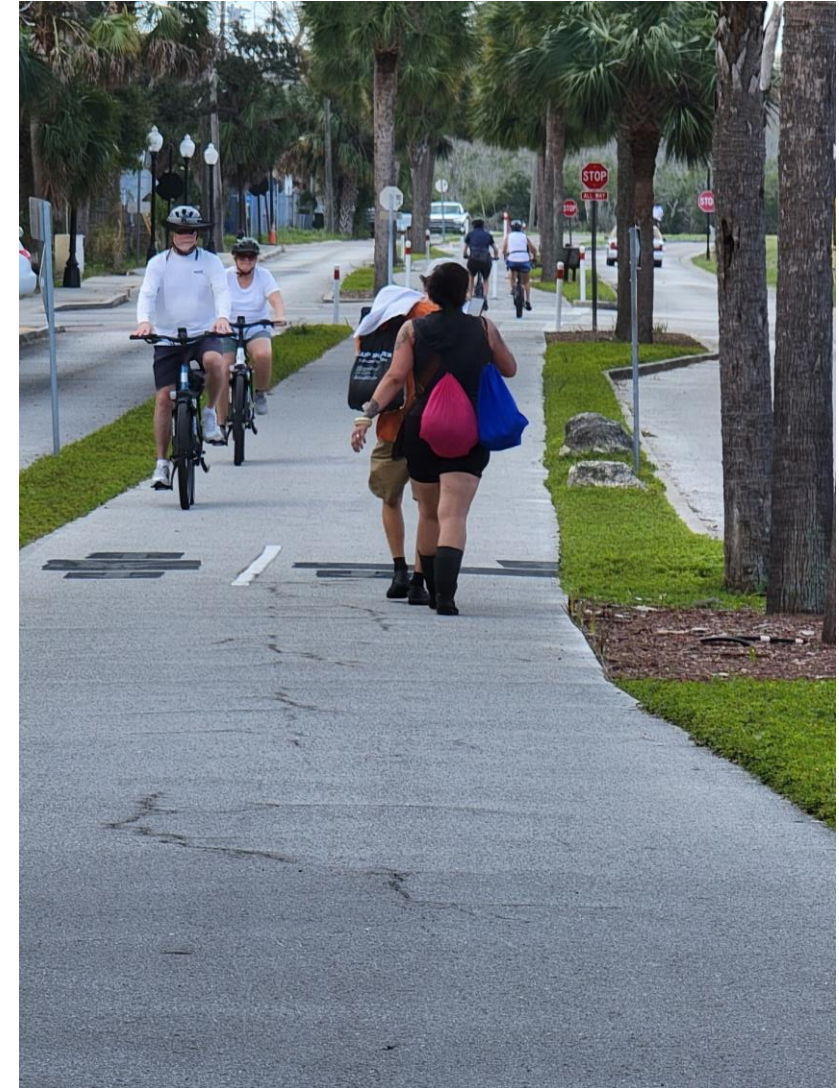


Plantation Median Project

CAC Recommendations

Issue #2: Road Safety

- Consider alternative median space utilization
 - 1. Install walk path down the center of longest median stretch (.8 miles)
 - Decreases wind and storm liability by removing diseased and unhealthy trees/shrubs
 - Improves utilization for pedestrians and bikers
 - Improves aesthetics of median by planting appropriate plantings where space is available
 - Creates barrier between cars and pedestrians
 - Reduces risks of injuries to pedestrians and cyclists
 - 2. Remove medians, level ground, and repave roads with designated walk path on at least one side of the road



Plantation Median Project

CAC Recommendations

Issue #2: Road Safety

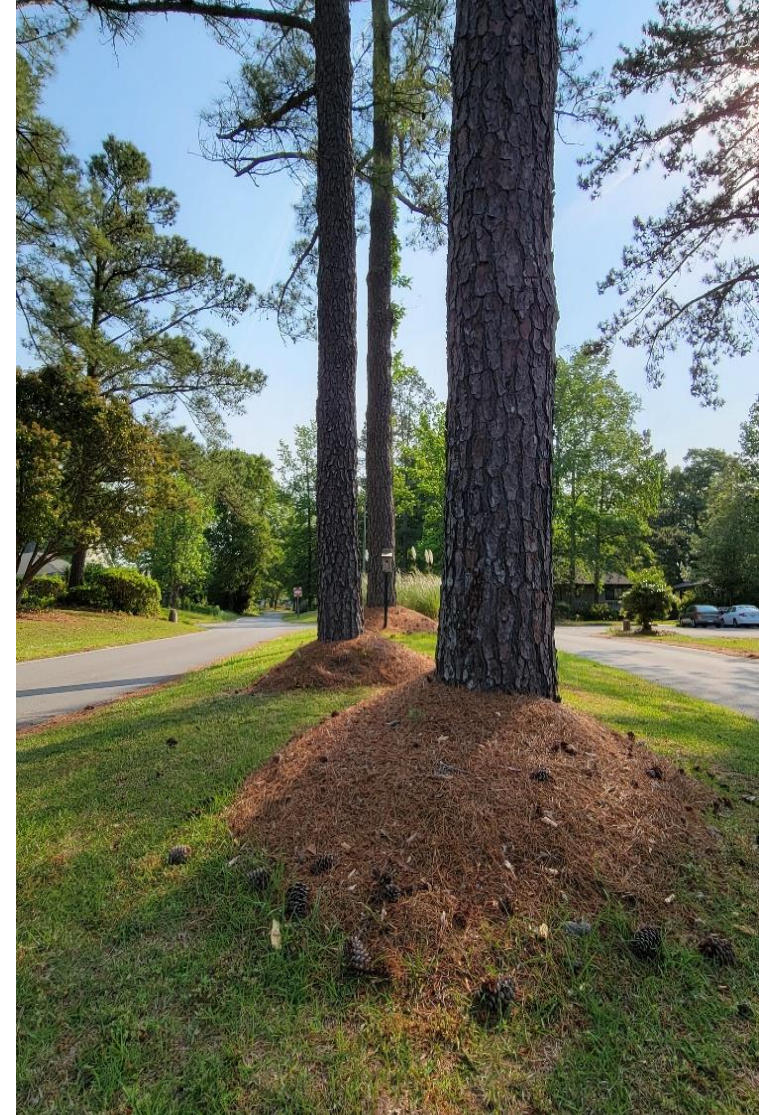
- Explore Grant funding opportunities for alternative median usage
 - Craven County funding from the Infrastructure Investment and Jobs Act (IIJA). Monies available to fund design/feasibility study for project and/or potential grant writing assistance to find the best grant and funding for our project.
 - The [AARP Community Challenge](#) grant program is part of the nationwide [AARP Livable Communities](#) initiative that helps communities become great places to live for residents of all ages. The program is intended to help communities make immediate improvements and jump-start long-term progress in support of residents of all ages. Since the program's debut in 2017, AARP has awarded \$12.7 million through more than 1,060 grants in nearly 700 communities reaching 100 million people.

Plantation Median Project

CAC Recommendations

Issue #3: Maintenance

- Provide education and accountability for workers who are maintaining our community's trees (stop volcano mulching, crepe murder, improper pruning, mower and weed eater damage, etc.)
- Plant replacement shrubs that are appropriate for space and growing conditions
- Provide funding for Annual Tree Arborist assessment and follow through with recommendations
- Maintain healthy trees and oversight according to River Bend's TREE CITY designation
- Enforce Tree City's Tree Care Ordinance that provides clear guidance for planting, maintaining, and removing trees from streets, parks, and public spaces



Volcano Mulching

Plantation Median Project

Next Steps...

- Upon Town Council approval, CAC could:
- Consult with several experts to develop options to improve road safety, better utilization of median space, and landscape replacement recommendations
- Develop priority list and estimated costs based on recommendations
- Provide phasing plan if costs need to be spread over multiple budget cycles
- Questions?

TOWN OF RIVER BEND BUILDING USE POLICY

As a service to the community, the town's meeting rooms may be made available on an equitable basis for the lawful activities of groups or individuals. Approval by the town to use its facilities does not constitute official endorsement of the event nor of the beliefs, viewpoints, policies or affiliation of its sponsors. The meeting rooms shall not be used for any purpose that is not a permitted use in the town's zoning regulations.

(I) WHO MAY USE THE MEETING ROOM/FACILITY. The town's meeting rooms may be reserved for activities by the following. These are examples and it is not an all-inclusive list.

- a. Individuals
- b. Groups officially affiliated with the Town of River Bend
- c. Other agencies that are affiliated with local, state or federal governments
- d. Legally established organizations, non-profits and civic groups such as Boy Scouts of America, Girl Scouts of the USA, Lions Club, Rotary Club, Shriners, etc.
- e. Private organizations such as home owners associations, political party organizations and other private groups

The person who signs the meeting room request form will be recognized as the sponsor of the event and shall be the person who is responsible for compliance with this policy.

(II) HOURS. The hours the Meeting Room may be used are:

Monday through Friday	8:30 a.m. to 10:00 p.m.
Saturday	8:30 a.m. to 10:00 p.m.
Sunday	11:00 a.m. to 7:00 p.m.

(III) RESERVATIONS. Requests for the use of the room must be submitted to the town during normal town office hours. Reservations are not official until confirmed by the town. Adult supervision and responsibility are required for events involving children/minors. The sponsor is required to notify the town immediately of any cancellations. Official meetings of the town government and its boards and commissions have first priority and take precedence over all other activities. Any conflict in scheduling shall be resolved in the town's favor. Non-town affiliated groups/individuals are prohibited from reserving the room/facility on a long-term basis, which is defined as: *more than once per week or any usage during more than twelve consecutive months*. All long-term reservations must be renewed each calendar year on a first-come basis.

- a. The town reserves the right to assign/change room reservations, based on the number of attendees at the function, when rooms are being used simultaneously.
- b. Use of the kitchen will be granted by reservation only. No town supplies may be used without permission.
- c. Rental fees are assessed per room. If you reserve multiple rooms, you are charged per room.
- d. The Municipal Building is the primary location for all meetings. The large meeting room in Town Hall is available for usage but only in very limited circumstances.

(IV) RESPONSIBILITIES OF THE SPONSOR. Activities must begin and end in a timely manner to allow for setup, cleanup and restoration of the room within the time allotted. The sponsor is responsible for setting up the room for the use for which it is intended and for cleaning and restoring it to its original configuration upon completion of the meeting. **The sponsor is responsible for disposal of any/all trash generated during the function.** The sponsor assumes all responsibility for any damage caused to town's facilities and equipment during their usage of the facility. Any damage must be reported immediately to the town. If the meeting begins or ends outside of normal town office hours, the sponsor is responsible for arranging opening and closing, including locking the building once all participants have vacated the building. This can be done by notifying the police officer on duty by calling 252-638-1108.

(V) PROHIBITIONS.

- a. Smoking of any kind (tobacco or e-cigarettes)
- b. Open flames of any kind, except those specifically designed for and used to warm prepared food pans, such as those typically used by caterers
- c. Alcoholic beverages
- d. Cooking (does not include simply warming foods that are cooked elsewhere)
- e. Animals
- f. Any unlawful activity
- g. Painting**

**** the painting prohibition does not apply to official town organizations and/or events**

Events that include the serving of food/drinks are allowed. However, any foods that require cooking shall be cooked elsewhere prior to being used in the town's facilities. Activities that involve more than normal wear and tear on the meeting room facility, generate excessive noise or are disruptive to the conduct of town business may not be permitted.

(VI) RENTAL FEES.

- \$ 40.00 fee for room use up to four hours in a single day
- \$ 80.00 fee for room use more than four hours in a single day.
- \$ 20.00* fee for kitchen use

**Uses that are eligible for room use exemption are exempt from kitchen use fee*

a. Meetings organized by the Town of River Bend, its advisory boards, town-sponsored organizations or town authorized meetings of other local, state or federal governments are exempt from rental fees. Local chapters, that serve the Craven County area, of legally established organizations, non-profits, and civic groups such as Boys Scouts of America, Girls Scouts of the USA, Lions Club, Rotary Club, Shriners, etc. may also be exempted from rental fees. Groups such as these may be considered for exemption from the rental fees by requesting a waiver from the Town Manager, using the form provided by the Town.

b. In addition to the exemption examples stated in VI (a), any meeting/function/activity that is fully open to the public, allows full public participation and does not require an attendee to be

a member of the group, pay an admission fee, own property to be eligible to participate or vote or assesses any type of participation/membership dues or fees may be eligible for exemption.

c. Any meetings/function/activity that is not eligible for exemption based on VI (a)(b) and restricts public attendance and/or participation based on membership, ownership, assessment of fees or in any other manner, or is a private function, is not exempt from the rental fees.

(VII) DEPOSIT.

Any event conducted by non-officially town affiliated groups that includes the serving of food and/or beverages of any kind or any craft activity requires the pre-payment of a \$100 deposit. The deposit may be fully returned to the sponsor following an inspection by the town, provided that the facility was not damaged during the event. Any damages caused during the event, as solely determined by town, shall be assessed to the sponsor and deducted from the deposit. If the damages exceed the amount of the deposit, the sponsor shall be responsible for any additional payment necessary to repair the damages to the town's satisfaction. Failure to pay for any damages shall result in legal action against the sponsor and possible prohibition of future use of the facility by the sponsor/individual/group.

ADOPTED: 12-21-94.

AMENDED: 12-20-00
12-19-01
8-19-21

RIVER BEND PARKS AND RECREATION



2023 July 4th Celebration

TENTATIVE SCHEDULE:

10:00 AM – 11:00 AM PARADE

11:00 AM – 1:00 PM HOT DOGS AND “THE BEARS” AT TOWN HALL

4:00 PM – 9:00 PM LIVE MUSIC AT RIVER BEND COUNTRY CLUB

9:00 PM – 9:15 PM FIREWORKS

PROJECTED EXPENSES:

\$500 ECU MARCHING BAND (PARADE)

\$600 “THE BEARS” (TOWN HALL)

\$600 SUPPLIES AND TENT/CHAIR RENTAL FOR HOT DOGS (TOWN HALL)

\$1000 STAGE BUILD (COUNTRY CLUB)

\$1800 LIVE MUSIC (COUNTRY CLUB)

\$1000 SOUND SYSTEM (COUNTRY CLUB)

\$600 PORTA POTTIES (COUNTRY CLUB)

\$7500 FIREWORKS (COUNTRY CLUB)

\$500 INCIDENTALS

TOTAL: \$14,100

Town of River Bend



Monthly Financial Report

Printed 4/15/2023

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.



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	1,136,944			
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	83,545			
4	ARPA Grant Fund*	482,297	108	108	108	109	109	109	110	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	1,519,679			
7	Law Enforcement Separation Allowance*	35,526	35,590	35,661	35,750	35,854	35,973	36,102	36,225	36,366			
8	Water Fund*	711,452	757,072	491,466	531,521	521,614	551,190	554,050	584,761	587,718			
9	Water Capital Reserve Fund (CIF)	245,404	245,849	1,213	1,216	1,220	1,224	1,228	1,233	1,237			
10	Sewer Fund*	1,092,813	1,125,729	631,562	655,272	646,276	685,864	695,895	726,471	724,806			
11	Sewer Capital Reserve Fund (CIF)	11,280	11,301	57	57	57	57	57	58	58			
12	WWTP Capital Projects Fund*	-	-	-	-	-	-	(2,200)	(15,000)	(15,950)			
Total Cash and Investments		4,212,999	4,123,697	4,195,324	4,271,235	4,203,937	4,376,546	4,450,963	4,529,010	4,074,513	-	-	-
Truist Cash Accounts		798,787	259,065	322,564	410,311	387,874	487,135	449,841	382,892	255,616	-	-	-

*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	1,072,208			
2	Powell Bill	-	-	-	-	-	-	-	-	-			
3	Capital Reserve (General Fund)	120,893	121,112	121,354	100,154	100,444	100,778	101,139	101,486	83,545			
4	ARPA Grant Fund	108	108	108	108	109	109	109	110	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	1,519,679			
6	Law Enforcement Separation Allowance	35,526	35,590	35,661	35,750	35,854	35,973	36,102	36,226	36,366			
7	Water Fund	623,857	672,517	403,449	404,456	405,754	447,156	448,759	476,861	479,732			
8	Water Capital Reserve Fund (CIF)	245,404	245,849	1,213	1,216	1,220	1,224	1,228	1,233	1,237			
9	Sewer Fund	1,005,219	1,041,606	538,990	540,335	541,901	594,771	596,903	636,523	625,961			
10	Sewer Capital Reserve Fund (CIF)	11,280	11,301	57	57	57	57	57	58	58			
Total Investments		3,414,212	3,864,632	3,872,760	3,860,924	3,816,063	3,889,411	4,001,122	4,146,118	3,818,896	-	-	-

Town of River Bend
Financial Report
Fiscal Year 2022 - 2023



General Fund

Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	% Budget
	Original	Current														
1 Ad Valorem Taxes	721,710	721,710	-	97	34,611	54,058	29,509	376,763	120,792	87,518	15,384				718,730.89	99.6%
2 Ad Valorem Taxes - Vehicle	92,300	92,300	-	8,812	18	10,076	15,560	-	14,454	-	16,749				65,668.76	71.1%
3 Animal Licenses	2,000	2,000	100	70	100	177	20	30	420	360	710				1,987.00	99.4%
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	38,029				321,561.77	84.6%
5 Hold Harmless Distribution	99,000	99,000	9,266	9,205	10,114	9,809	10,006	9,559	9,605	9,592	10,941				88,098.03	89.0%
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	-	-	12,297				37,549.61	74.0%
11 Utilities Franchise Tax	108,963	108,963	-	-	23,003	-	-	30,320	-	-	26,416				79,739.89	73.2%
12 Telecommunications Tax	8,140	8,140	-	-	1,844	-	-	2,113	-	-	2,048				6,005.20	73.8%
13 Court Cost Fees	500	500	23	45	14	23	77	36	32	27	86				360.00	72.0%
14 Zoning Permits	5,000	5,000	343	1,420	1,840	460	1,017	232	272	348	1,094				7,024.80	140.5%
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	1,861				16,729.73	167.3%
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	4,254				24,039.80	4808.0%
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	1,624				14,668.87	80.8%
25 Rents & Concessions	18,000	18,000	1,860	1,840	2,020	1,240	1,500	1,800	1,500	1,720	1,600				15,080.00	83.8%
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	-	-	-	-	18,295				72,787.00	100.0%
29 Trans. from ARPA Fund	-	-	-	-	-	-	-	-	-	-	-				-	0.0%
30 Trans. from L.E.S.A. Fund	-	-	-	-	-	-	-	-	-	-	-				-	0.0%
31 Appropriated Fund Balance*	200,813	291,394	-	-	-	-	-	-	-	-	-				-	0.0%
Total	1,870,931	2,273,469	87,537	64,243	174,993	145,840	113,107	525,811	186,918	211,915	151,388	-	-	-	1,661,752.13	73.1%

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



General Fund

Expenditures	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	% Exp
	Original	Current														
	Total															
1 Governing Body	30,400	30,400	7,666	-783	4,505	-768	404	5,349	935	839	4,266				22,413	73.7%
2 Administration*	279,600	296,800	35,532	25,566	23,908	19,282	38,435	25,366	16,991	16,576	21,321				222,978	75.1%
3 Finance*	119,000	133,800	10,647	8,468	8,340	8,497	15,654	12,791	8,000	12,362	7,524				92,283	69.0%
4 Tax Listing	11,600	11,600	-	306	346	844	856	3,032	2,502	875	726				9,488	81.8%
5 Legal Services	24,000	24,000	1,624	3,293	3,198	1,359	1,794	655	836	2,129	2,876				17,763	74.0%
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	2,680				45,089	44.1%
8 Police*	587,200	664,443	66,342	48,694	43,074	84,023	72,791	43,428	46,956	55,499	39,163				499,970	75.2%
9 Emergency Management	3,700	3,700	365	1,954	15	72	15	15	254	15	16				2,721	73.5%
10 Animal Control	14,600	14,600	1,662	921	929	940	1,313	1,071	956	1,132	763				9,686	66.3%
11 Street Maintenance	193,000	193,000	4,202	7,023	2,342	2,464	3,631	2,429	2,522	149,154	2,040				175,807	91.1%
12 Public Works	177,500	177,500	17,299	8,631	11,553	15,703	13,593	12,464	12,644	13,089	15,203				120,179	67.7%
13 Leaf & Limb, Solid Waste	51,000	51,000	4,034	332	4,066	619	8,602	3,721	7,562	8,888	197				38,022	74.6%
14 Stormwater Management*	43,100	311,395	2,444	3,576	3,778	1,450	76,997	9,237	1,366	91,425	114,414				304,688	97.8%
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	2,972				38,968	71.1%
17 Recreation & Special Events	7,600	7,600	1,121	179	262	-	304	-	-	-	641				2,506	33.0%
18 Parks*	79,700	101,200	2,930	25,332	2,943	3,151	29,637	3,551	3,032	2,860	2,982				76,419	75.5%
19 Transfers	73,500	73,500	73,500	-	-	-	-	-	-	-	-				73,500	100.0%
20 Contingency	17,931	17,931	-	-	-	-	-	-	-	-	-				-	0.0%
Total	1,870,931	2,273,469	243,064	147,756	119,540	147,031	275,050	128,908	112,147	361,708	217,785	-	-	-	1,752,989	77.1%

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												FY to Date	Total	% Col	
	Original	Current	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June				
	1 Base Charge	277,253	277,253	45,982	334	46,082	338	46,068	266	46,135	256	46,737						232,199
2 Consumption	236,560	236,560	47,061	232	46,810	136	47,070	230	37,816	59	43,191						222,603	94.1%
3 Other, incl. transfers	19,892	19,892	849	4,437	1,316	3,248	765	4,023	1,642	4,824	1,850						22,953	115.4%
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%
Total	594,500	884,032	114,022	5,003	94,208	3,722	93,902	4,519	85,495	5,139	91,778	-	-	-	-	-	497,788	56.3%

	Expenses		Fiscal Year Budget												FY to Date	Total	% Exp	
	Original	Current	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June				
	1 Admin & Finance*	467,000	485,741	46,918	22,831	21,859	21,592	45,242	29,729	22,323	21,503	19,932						251,929
2 Supply & Treatment	75,000	75,000	868	2,691	4,662	2,950	5,301	2,172	5,614	2,211	1,086						27,556	36.7%
3 Distribution	49,000	49,000	30,702	671	784	221	381	31	1,135	2,458	674						37,057	75.6%
4 Transfers / Contingency*	3,500	274,291	-	-	270,791	-	-	-	-	-	-						270,791	98.7%
Total	594,500	884,032	78,488	26,193	298,095	24,763	50,924	31,933	29,073	26,172	21,691	-	-	-	-	-	587,332	66.4%

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

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	587,718			
2 Water Capital Reserve Fund (CIF)			245,404	245,849	1,213	1,216	1,220	1,224	1,228	1,233	1,237			

	FY20-21	Water Produced												FY to Date	Total		
		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June				
		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	9,036,000					
2 Average daily gallons		273,806	276,548	281,500	292,581	251,800	280,806	290,645	298,143	291,484							281,924

* This is the permitted daily limit.

Town of River Bend
Financial Report
Fiscal Year 2022 - 2023



Sewer Fund

Revenue		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Col
		1	Base Charge													294,601	294,601
2	Consumption	316,810	316,810	61,798	634	64,039	298	63,280	49	52,203	130	58,884				301,316	95.1%
3	Other, incl. transfers	9,901	9,901	1,314	3,079	1,998	2,932	1,532	3,200	2,124	3,623	2,438				22,240	224.6%
4	Appropriated Fund Bal.*	48,188	565,827	-	-	-	-	-	-	-	-	-				-	0.0%
Total		669,500	1,187,139	111,844	4,109	114,890	3,697	113,638	3,614	103,265	4,118	111,078				570,255	48.0%

Expenses		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Exp
		1	Admin & Finance*													455,000	468,025
2	Collection	75,000	75,000	5,399	1,055	15,499	811	2,246	696	3,154	942	634				30,435	40.6%
3	Treatment	136,000	136,000	10,840	7,305	4,251	15,545	4,005	6,081	16,237	5,711	14,859				84,835	62.4%
4	Transfers / Contingency*	3,500	508,114	-	-	504,614	-	-	-	-	-	-				504,614	99.3%
Total		669,500	1,187,139	60,946	31,693	547,589	39,405	54,246	35,148	41,635	30,019	36,447				877,128	73.9%

Capital (included above)		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Exp
		1	Capital Outlay*													42,000	45,825

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	724,806			
2	Sewer Capital Reserve Fund (CIF)	11,280	11,301	57	57	57	57	57	58	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	3,000,000		
2	Average daily gallons	330,000*	119,161	101,806	106,000	110,258	122,233	100,032	105,323	110,964	96,774				108,061

* This is the permitted daily limit.



**TOWN OF RIVER BEND
BUDGET ORDINANCE AMENDMENT 22-B-06
FISCAL YEAR 2022 - 2023**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2022-2023 Budget Ordinance as last amended on January 12, 2023, be amended as follows:

Summary

General Fund	2,283,469
General Capital Reserve Fund	99,847
Law Enforcement Separation Allowance Fund	13,525
Water Fund	884,032
Water Capital Reserve Fund	245,260
Sewer Fund	1,187,139
Sewer Capital Reserve Fund	11,273
Total	4,724,545

Section 1.

General Fund

**22-B-06
PROPOSED
CHANGES**

Anticipated Revenues

AD VALOREM Taxes 2022-2023	721,710
AD VALOREM Tax-Motor Vehicle	92,300
Animal Licenses	2,000
Sales Tax 1% Article 39	177,124
Sales Tax 1/2% Article 40	102,899
Sales Tax 1/2% Article 42	88,586
Sales Tax Article 44	11,613
Sales Tax Hold Harmless Distribution	99,000
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	91,000
Beer and Wine Tax	13,225
Video Programming Sales Tax	50,743
Utilities Franchise Tax	108,963
Telecommunications Sales Tax	8,140
Court Refunds	500
Zoning Permits	5,000
Federal Grant (Byrne Justice Assistance Grant)	22,170
State Grant (Golden LEAF Foundation Grant)	250,000
Miscellaneous	10,000
Interest- Powell Bill Investments	50
Interest-General Fund Investments	500
Contributions	421
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Sale of Fixed Assets	15,000
Transfer From Capital Reserve Fund	72,787
Appropriated Fund Balance (additional funding for July 4th)	301,394
Total	2,283,469

10,000

10,000

Section 1. General Fund (continued)

**22-B-06
PROPOSED
CHANGES**

		22-B-06 PROPOSED CHANGES
Authorized Expenditures		
Governing Body	30,400	
Administration	296,800	
Finance	133,800	
Tax Listing	11,600	
Legal Services	24,000	
Elections	1,000	
Police	664,443	
Public Buildings	102,300	
Emergency Services	3,700	
Animal Control	14,600	
Street Maintenance	193,000	
Public Works	177,500	
Leaf & Limb and Solid Waste	51,000	
Stormwater Management	311,395	
Wetlands and Waterways	2,900	
Planning & Zoning	54,800	
Recreation & Special Events (additional funding for July 4th)	17,600	10,000
Parks & Community Appearance	101,200	
Contingency	17,931	
Transfer To General Capital Reserve Fund	60,000	
Transfer To L.E.S.A. Fund	13,500	
Total	<u>2,283,469</u>	<u>10,000</u>

Section 2. General Capital Reserve Fund

Anticipated Revenues		
Contributions from General Fund	60,000	
Interest Revenue	60	
Appropriated Fund Balance	39,787	
Total	<u>99,847</u>	
Authorized Expenditures		
Transfer to General Fund	72,787	
Future Procurement	27,060	
	<u>99,847</u>	

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:		
Contributions from General Fund	13,500	
Interest Revenue	25	
Total	<u>13,525</u>	
Authorized Expenditures:		
Separation Allowance	0	
Future LEOSSA Payments	13,525	
Total	<u>13,525</u>	

Section 4. Water Fund

Anticipated Revenues

Utility Usage Charges, Classes 1 & 2	209,332	
Utility Usage Charges, Classes 3 & 4	10,525	
Utility Usage Charges, Class 5	13,183	
Utility Usage Charges, Class 8	3,519	
Utility Customer Base Charges	277,253	
Hydrant Availability Fee	20,130	
Taps & Connections Fees	1,250	
Nonpayment Fees	10,500	
Late payment Fees	7,707	
Interest Revenue	435	
Sale of Capital Asset	0	
Appropriated Fund Balance	330,197	
Total	<hr/> 884,032	0

Authorized Expenditures

Administration & Finance [1]	485,741	
Operations and Maintenance	124,000	
Transfer To Fund Balance for Capital Outlay	3,500	
Transfer To Water Capital Reserve Fund	0	
Transfer to PW Capital Projects Fund	270,791	
Total	<hr/> 884,032	0

[1] Portion of department for bond debt service: 152,932

Section 5. Water Capital Reserve Fund

Anticipated Revenues

Contributions From Water Operations Fund	0	
Interest Revenue	172	
Appropriated Fund Balance	245,088	
Total	<hr/> 245,260	0

Authorized Expenditures

Future Expansion & Debt Service	172	
Transfer to PW Capital Projects Fund	245,088	
Total	<hr/> 245,260	0

Section 6. Sewer Fund

**22-B-06
PROPOSED
CHANGES**

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	257,727	
Utility Usage Charges, Classes 3 & 4	23,194	
Utility Usage Charges, Class 5	29,053	
Utility Usage Charges, Class 8	6,836	
Utility Customer Base Charges	294,601	
Taps & Connection Fees	1,250	
Late payment Fees	7,948	
Interest Revenue	703	
Sale of Capital Asset	0	
Appropriated Fund Balance	565,827	
Total	<hr/> 1,187,139	0

Authorized Expenditures:

Administration & Finance [2]	468,025	
Operations and Maintenance	211,000	
Transfer to Fund Balance for Capital Outlay	3,500	
Transfer to Sewer Capital Reserve Fund	0	
Transfer to PW Capital Projects Fund	504,614	
Total	<hr/> 1,187,139	0

[2] Portion of department for bond debt service: 126,434

Section 7. Sewer Capital Reserve

Anticipated Revenues:

Contributions From Sewer Operations Fund	0	
Interest Revenue	8	
Appropriated Fund Balance	11,265	
Total	<hr/> 11,273	0

Authorized Expenditures:

Future Expansion & Debt Service	8	
Transfer to PW Capital Projects Fund	11,265	
Total	<hr/> 11,273	0

Section 8. **Levy of Taxes**

There is hereby levied a tax at the rate of twenty-six cents (\$0.26) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2022, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2022-2023" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$278,500,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.67%. The estimated collection rate is based on the fiscal year 2020-2021 collection rate of 99.67% by Craven County who has been contracted to collect real and personal property taxes for the Town of River Bend. Also included is a valuation of \$35,500,000 for purposes of taxation of motor vehicles with a collection rate of 100% by the North Carolina Vehicle Tax System.

Section 9. **Fees and Charges**

There is hereby established, for Fiscal Year 2022-2023, various fees and charges as contained in Attachment A of this document.

Section 10. **Special Authorization of the Budget Officer**

- A. The Budget Officer shall be authorized to reallocate any appropriations within departments.
- B. The Budget Officer shall be authorized to execute interfund and interdepartmental transfers in emergency situations. Notification of all such transfers shall be made to the Town Council at its next meeting following the transfer.
- C. The Budget Officer shall be authorized to execute interdepartmental transfers in the same fund, including contingency appropriations, not to exceed \$5,000. Notification of all such transfers shall be made to the Town Council at its next meeting following the transfer.

Section 11. **Classification and Pay Plan**

Cost of Living Adjustment (COLA) for all Town employees shall be 5.0% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

Section 12. **Utilization of the Budget Ordinance**

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2022-2023 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall ensure the operating staff and officials are provided with guidance and sufficient details to implement their appropriate portion of the budget.

Section 13. **Copies of this Budget Ordinance**

Copies of this Budget Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 20th day of April, 2023.

John R. Kirkland, Mayor

Attest:

Kristie J. Nobles, Town Clerk, CMC

EWAB April 3rd, 2023

Chairman Ackiss opened the EWAB meeting Monday April 3rd 2023 at 7 PM in the small conference room in the municipal building. There was a quorum. There were no visitors.

The minutes from February 6th, 2023, were approved.

Councilman Leonard gave a council updated.

Old business: Canal bulkhead inspections will start on Wednesday 19 April 2024.

New Business: Questions about mosquito control, Councilman Leonard will check with the manager.

Some discussion about storm water swales being inspected and cleaned as needed.

Volunteer hours: 10.

Next meeting will be on May 1st 2023 at 7 PM in the small conference room in the municipal building.

Chairman Ackiss adjourned the meeting at 7:34 PM.

Planning Board Report – April 2023

The regular meeting of the Planning Board was held on April 6th at 6:00pm in the Municipal building. A quorum was present. Some guests attended the meeting. Chairman Lippert invited anyone who wished to address the board to do so. No one spoke either for or against the board's only topic for the meeting, a zoning change request by Jay Ammon of Spectrum Builders for an approximately twenty acre site between the Howell Center and Riverstone. Manager Jackson made it abundantly clear that the request before the board would be the first step in many required to actually make any change to the zoning.

The site is currently zoned ID, or institutional. Mr. Ammon asks that it be changed to PDRMF. Mr. Ammon, who was present, shared his preliminary plans with the board. He wants to build around 90 duplex units of about 1200 square feet each. Each unit is to be two bedroom and two bath.

After many questions and much discussion the board voted to approve the zoning request and send it to the council for the next step.

The meeting was adjourned. The next scheduled meeting is set for May 4th and is open to the public.

NOTICE OF PUBLIC HEARING

The Town Council of the Town of River Bend will conduct a public hearing to gather public comments on a proposed re-zoning request. The subject property, shown in blue below, is located on Efird Blvd. and is identified by Craven County PIN 8-206-083. The property is currently zoned Institutional and has been recommended by the River Bend Planning Board to be re-zoned to Planned Residential- Multifamily. The public hearing will be held on May 18, 2023 at 7 p.m. at Town Hall, located at 45 Shoreline Drive, River Bend, NC. More information about the proposed re-zoning can be found on the town's web page at www.riverbendnc.org by clicking on the "Proposed Re-Zoning" tab. The public is invited to attend. The town's rules for conducting a public hearing will be followed.



Delane Jackson

Subject: FW: Chickens on agenda

From: James Castranova <jamesc@riverbendnc.org>
Sent: Monday, April 17, 2023 5:14 PM
To: Delane Jackson <manager@riverbendnc.org>
Subject: Re: Chickens on agenda

I would like to discuss "the addition of a third exception to Section 9.01.017 "Prohibition of Certain Animals" to allow hens or pullets.

My proposed language for this exception would be:

C. Pullets and hens kept on any parcel of land within the corporate boundaries of the town provided that the parcel is a minimum of 0.5 acres, and provided that the parcel provides adequate size to meet any setback requirements herein. No more than three (3) pullets and/or hens shall be allowed on any parcel.

I would also like to make a motion to stay enforcement of any violations of section 9.01.017 involving three or less pullets or hens on parcels of land within River Bend that are a half-acre or more pending a final vote by Council on this issue.

James Castranova
Councilman

CHAPTER 9.01: ANIMALS

Section

General Provisions

- 9.01.001 Definitions
- 9.01.002 Interference with animal control officer
- 9.01.003 Animal feces

Regulation and Control

- 9.01.015 Running at large prohibited
- 9.01.016 Animals creating a nuisance
- 9.01.017 Prohibition of certain animals
- 9.01.018 Vicious animals
- 9.01.019 Location and maintenance of animal pens and enclosures
- 9.01.020 Bird sanctuary created
- 9.01.021 License and registration fee and tag

Rabies

- 9.01.035 Quarantine of animals suspected of having rabies
- 9.01.036 Disposition of rabid animals

Care and Protection

- 9.01.050 Care required: abandonment prohibited
- 9.01.051 Cruelty to animals
- 9.01.052 Responsibility of injuring animals

Cross-reference: *General Offenses, see Title XIII; Public nuisances, see Ch. 9.02*

GENERAL PROVISIONS

§ 9.01.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any live vertebrate creature.

DOMESTIC ANIMAL.

- (1) An animal that typically is found in a domesticated or tame state and usually is kept as a pet.
- (2) This definition includes but is not limited to dogs and cats.

EQUINE. Any horse, pony, mule, donkey, or hinny.

Added 02/18/21; Ref: 2021-ORD-01

LIVESTOCK.

- (1) An animal that typically is kept principally for productive or useful purposes, rather than as a pet.
- (2) The definition includes but is not limited to horses, cows, pigs, goats, sheep, mules and chickens.
- (3) Equine animals may be kept within the corporate boundaries of the town in compliance with § 9.01.017 herein.

Amended 02/18/21; Ref: 2021-ORD-01

RUNS AT LARGE.

- (1) An animal runs at large when it is off the premises of the owner and is not under the immediate and effective constraint of the owner or other competent person in charge of the animal.
- (2) The term **IMMEDIATE AND EFFECTIVE CONTROL** means that the animal is sufficiently restrained by use of a leash that constrains the animal to the close proximity of the owner or other competent person and to override the animal's ability to depart therefrom.

WILD ANIMAL. An animal that typically is found in a non-domesticated state and that poses or reasonably appears to pose a potential danger to persons, other animals, or property.

(Prior Code, Ch. 6, Art. I)

§ 9.01.002 INTERFERENCE WITH ANIMAL CONTROL OFFICER.

- A. No person may obstruct, interfere with, hinder or molest the animal control officer in the lawful performance of any duty authorized by this chapter.
- B. No person may release or attempt to release any animal that is in the custody of the animal control officer.

(Prior Code, Ch. 6, Art. VI) Penalty, see § 1.01.999

§ 9.01.003 ANIMAL FECES.

It will be unlawful for any person within the town to fail or neglect to remove immediately any animal feces deposited on public or private property without the consent of the owner of the property, by an animal in the care, charge, control or custody of the person, or owned, possessed or harbored by the person.

(Prior Code, Ch. 6, Art. VI) Penalty, see § 1.01.999

REGULATION AND CONTROL

§ 9.01.015 RUNNING AT LARGE PROHIBITED.

- A. No person owning or having possession, charge, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large upon any public street, sidewalk or other public property or to stray, run at large or otherwise trespass upon the private property of another.
- B. Except as otherwise allowed by federal or state law, no person shall trap or capture, or attempt to trap or capture, any domesticated animal, livestock or wild animal that runs at large. The prohibition contained herein shall not apply to the animal control officer, or any other federal, state or local official or employee acting under the authority of his position.
- C. A violation of any of the provisions of this chapter shall be penalized as provided in § 1.01.999.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

§ 9.01.016 ANIMALS CREATING A NUISANCE.

No person may allow or have any animal within the town that:

- A. Habitually or repeatedly, without provocation, chases, snaps at, or attacks pedestrians, bicyclists or vehicles;
- B. Causes serious annoyance to neighboring residents and interferes with the reasonable use and enjoyment of their property by habitual barking, howling, whining or meowing;
- C. Repeatedly pilfers or turns over garbage or waste receptacles, damages gardens, flowers, shrubs or vegetables;
- D. Habitually trespasses upon neighboring properties and carries off articles or objects not belonging to the animal's owner; or
- E. Repeatedly defecates on public or private property other than that of the owner, without the owner or other competent person in charge of the animal removing any animal feces immediately, and dispose of it in a safe and sanitary manner.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

§ 9.01.017 PROHIBITION OF CERTAIN ANIMALS.

No person may have or keep within the corporate boundaries of the town any **livestock** or wild animals, except:

- A. Livestock or wild animals possessed or kept in conformance with a federal, state or local program designed to protect and promote the public health, safety and welfare, but only if the program has been approved by the Town Council.
- B. Equine animals kept on any parcel of land within the corporate boundaries of the town provided that the parcel is a minimum size of 8 acres, and provided that the parcel provides adequate size to meet any setback requirements herein. No more than 1 equine animal per 2 acres shall be allowed on any parcel.

Amended 02/18/2021; Ref: 2021-ORD-01

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

§ 9.01.018 VICIOUS ANIMALS.

When an animal becomes vicious or a menace to the public health, the owner of the animal or person harboring the animal, shall not permit the animal to leave the premises on which kept unless on a leash in the care of a responsible person.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

§ 9.01.019 LOCATION AND MAINTENANCE OF ANIMAL PENS AND ENCLOSURES.

Lots, pens, coops, stables and other enclosures where animals are kept or fed shall not be allowed in any front yard and shall be located at a distance from dwellings and places of concentrated human activity and at a distance from sources of water or food supply or food preparation as may be necessary to protect the public health.

- A. All stables used for the keeping of equine animals, shall be kept a minimum of 50 feet from all property lines and 50 feet from any residential building.

Amended 02/18/21; Ref: 2021-ORD-01

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

§ 9.01.020 BIRD SANCTUARY CREATED.

The territory within the corporate limits of the town is hereby declared a bird sanctuary in accordance with the authority conferred upon the municipality by North Carolina General Statutes.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

§ 9.01.021 LICENSE AND REGISTRATION FEE AND TAG.

- A. No dog or cat shall be owned, kept, harbored, maintained or cared for within the corporate limits of the town unless it first is licensed and registered with the town pursuant to this subchapter and, at all times, has attached the license tag issued by the town as proof thereof. Person registering dog or cat must be a minimum of 16 years of age. The dog or cat must also have attached proof of current rabies vaccination. If no rabies vaccination at this time due to being under 4 months of age, proof of age must be presented, either by written record or statement from a veterinarian.
- B. A license and registration fee shall be charged by the town for each dog and cat licensed effective with the issuance of the 1999 animal tags.
- C. Animal licenses hereunder shall be issued on an annual basis, being valid for the period from the March 1 of a given year through March 31 of the following year. The license and registration fee provided in division (B) above shall be the same regardless of the date during the year that the license is issued. The owner or person registering the animal must present proof of current rabies vaccination when applying for the license.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

RABIES

§ 9.01.035 QUARANTINE OF ANIMALS SUSPECTED OF HAVING RABIES.

- A. Every animal that has bitten any person or other animal or that shows symptoms of rabies shall be securely confined for a period of at least 10 days before the animal shall be released.
- B. (1) The owner of an animal that has bitten any person or that has shown symptoms of rabies shall report the same immediately to the local health director.
(2) In addition, any person bitten by an animal shall immediately report the incident to the local health director.
- C. Animals quarantined in accordance with this section shall be confined in a veterinary hospital or any other place designated by the local health director, the expense of the confinement to be paid by the owner of the animal.
- D. Any animal, confined pursuant to this section, upon being diagnosed by a licensed graduate veterinarian as free of rabies, shall be released to the owner upon payment by owner of fees and expenses incurred by the confinement and diagnoses.

(Prior Code, Ch. 6, Art. III) Penalty, see § 1.01.999

§ 9.01.036 DISPOSITION OF RABID ANIMALS.

- A. Every rabid animal, after rabies has been diagnosed by a licensed graduate veterinarian, shall be killed at once in a humane manner by its owner or a peace officer, except that if the animal has

bitten a human being, the animal shall be confined under the supervision of a licensed graduated veterinarian until death of the animal. The remains of the animal shall be disposed of as provided in North Carolina General Statutes.

- B. An animal bitten by a proven rabid animal or animal suspected of having rabies that is not available for laboratory diagnosis shall be destroyed immediately by its owner or a peace officer unless the bitten animal has been vaccinated against rabies more than 3 weeks prior to being bitten, and is given a booster dose of rabies vaccine within 3 days of the bite.

(Prior Code, Ch. 6, Art. III) Penalty, see § 1.01.999

CARE AND PROTECTION

§ 9.01.050 CARE REQUIRED; ABANDONMENT PROHIBITED.

The owner of every animal shall be responsible for the care, vaccination, registration and/or licensing and behavior of the animal. No owner may fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather and veterinary care when needed to prevent suffering.

(Prior Code, Ch. 6, Art. IV) Penalty, see § 1.01.999

§ 9.01.051 CRUELTY TO ANIMALS.

No person shall willfully overdrive, overload, wound, injure, torture, cruelly beat, needlessly mutilate, trap, entice, or kill any animal or cause or procure the same.

(Prior Code, Ch. 6, Art. IV) Penalty, see § 1.01.999

§ 9.01.052 RESPONSIBILITY OF INJURING ANIMALS.

Any person who, as the operator of a motor vehicle or bicycle, strikes and injures a domestic animal shall stop at once and render assistance as may be possible and shall immediately report the incident to the animal's owner. If the owner cannot be ascertained or located with reasonable effort, the operator shall notify the Town Clerk or Town Police or the County Sheriff's Office.

(Prior Code, Ch. 6, Art. IV) Penalty, see § 1.01.999

THESE ARE SPECIAL TIMES

Government at the National, State and Local levels are now linked in a time where the nature of laws and regulations are often more complex than at any previous time in the Nation's history. Both the Federal and State agencies prepare regulations that implement new laws/acts conforming to the mandates of their "administrative procedures act." Compliance with the "law/act" can make the issuing of final rules for public guidance a more lengthy process.

The public is often not aware that the implementation of new direction given by the legislature will require one or more of the U S or State departments to issue regulations that are developed in compliance with the "administrative procedures act" before the legislative mandate can be implemented. The result is that local government cannot act as quickly as the public would prefer. Unhappy citizens may go to "social media"(SM) post that the personnel of local government are "dragging their feet" and those who read the post may accept this as truth.

The above is an example of fact misrepresented in a (SM) post, but accepted as truth. This is representative of how SM posts have impacted the operation of local governments across the nation.

Your Town Staff works very hard to comply with all Federal and State regulations and accomplish this compliance in a timely fashion. Please seek factual information rather than automatically accepting SM posting of a position that may be short of fact.

Thank you for reading and thanks for considering the intent of this article as you evaluate the accuracy of what may be posted on SM.

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 3rd 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 15

North Carolina law allows public bodies, such as the River Bend Town Council, to meet in closed session to discuss certain topics. However, prior to going into closed session, the Council must announce the closed session and the topic for which the closed session is being called and that must be done while the Council is in open session. This requirement allows the public to know in general what the closed session is concerning. The closed session must also be adjourned in open session. For the purpose of this guide, open session simply means in view of the public and closed session simply means it private. The topics that may be discussed in closed session are listed below and are numbered 1 through 10. Most of the time, the Council knows in advance that a closed session is needed and the General Statute citation which identifies the purpose of the closed session is included on the agenda. However, that is not always the case. The need for a closed session may arise without enough warning to publish the citation on the agenda. The law does not require advanced notice of a closed session. In any case, planned or not, the Council will state the appropriate citation. The citation will always begin with 143-318.11(a). The numbers that follow in parenthesis will identify the particular closed session topic. For example: The citation 143-318.11(a)(3)(5) will allow the Council to consult with an attorney (#3) and to discuss the acquisition of real property (#5).

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents

concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.
- (10) To view a recording released pursuant to G.S. 132-1.4A.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) **Calling a Closed Session.** – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b); 2014-79, s. 9(a); 2016-88, s. 3.)