



**RIVER BEND TOWN COUNCIL
AGENDA
Regular Meeting
May 18, 2023
River Bend Town Hall – 45 Shoreline Drive
7:00 p.m.**

Pledge: Weaver

1. Call to Order (Mayor Kirkland Presiding)
2. Recognition of New Residents
3. Additions/Deletions to Agenda
4. Addresses to the Council
 - A. David Ross – Parks & Recreation Advisory Board – 4th of July Celebration

5. Public Hearing
 - A. Proposed Re-zoning – Craven County PIN # 8-206-083

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 April 13, 2023 Work Council Meeting
Minutes of the April 20, 2023 Regular Council Meeting
Minutes of the May 2, 2023 Budget Workshop
Minutes of the May 4, 2023 Budget Workshop
Minutes of the May 9, 2023 Budget Workshop
Minutes of the May 11, 2023 Budget Workshop*

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. Parks & Recreation – Councilman Weaver
 - A. Parks and Rec Report
 - B. Organic Garden Report
 - C. Library Report

9. CAC – Councilwoman Maurer
 - A. CAC Report
10. Finance – Councilman Leonard
 - A. Financial Report - Finance Director
 - B. Presentation of Draft FY23-24 Budget Message and Ordinance
11. Environment And Waterways – Councilman Leonard
 - A. EWAB Report
12. Public Safety – Councilman Weaver
 - A. Community Watch
 - B. CERT
13. Mayor’s Report – Mayor Kirkland
14. Public Comment

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

15. Adjournment



Town of River Bend

RECEIVED

MAY 15 2023

3:13pm

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 5/18/23		Date of Request 5/15/23
SPEAKER'S INFORMATION		
Name David A. Ross		Phone Number 734-635-4703
Address 327 Plantation Dr New Bern, NC 28562		
Organization (if any) Parks and Recreation Advisory Board		
Subject 4th of July Celebration		
TIME LIMITED TO FIVE (5) MINUTES UNLESS OTHERWISE APPROVED		
Requestor's Signature <i>David A. Ross</i>		Time Requested 5 minutes
Approval <i>Delane Jaker</i>	Date 5-15-23	Time (Minutes)* 5

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

ITEM 1

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 Efirnd 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.



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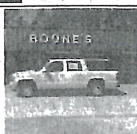
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 month/3000 miles on powertrain
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2008 RAM Quad 2x4, blackout
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 camera, cloth interior. 171,353
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 warranty. Call 252-447-5630

2018 Harley Low Rider
 asking \$11,000 low mileage
 Call 252-269-2173

0900 LEGALS

NORTH CAROLINA CRAVEN
 COUNTY

NOTICE TO CREDITORS:
 All persons, firms and corpora-
 tions having claims against the
 Estate of Janice Glancy Scott,
 deceased, of Craven County,
 N.C., are notified to present the
 same to the personal represen-
 tative listed below on or be-
 fore Jul 10, 2023, or this notice
 will be pleaded in bar of recovery.
 All debtors of the said es-
 tate are asked to make immedi-
 ate payment.

0900 LEGALS

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 is located on
 Efirld Blvd. and is identified by
 Craven County PIN 8-206-083.
 The property is currently zoned In-
 stitutional and has been recom-
 mended by the River Bend Plan-
 ning 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 in-
 formation 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.

REQUEST FOR PROPOSALS
 The Town of Trent Woods is Soli-
 citing Bids for the following
 project:

Pedestrian Walkway - Phase IV
 Town of Trent Woods
 Trent Woods, North Carolina
 The estimated cost range is
 \$800,000 - \$1,100,000.
 Project plans and specifications are
 available for review at the Town
 Hall, Town of Trent Woods dur-
 ing normal business hours. Bid
 packages can be obtained from the
 Project Engineer upon submission
 of a \$100.00 non-refundable plan
 fee. Electronic copies are avail-
 able at no cost. Bid packages can
 be obtained from the Project En-
 gineer:

Avolis Engineering, P.A.
 5405 Morton Road
 P.O. Box 15564
 New Bern, NC 28561-5564
 252-633-0068 Office
 TownClerk@Trentwoodsnc.org
 A bid security is required in the
 amount of 5% of the Bidders max-
 imum bid for all bids in excess of
 \$100,000.
 A Pre-Bid Conference **will not** be
 held.
 All bids are due by 2:00 p.m. EST,
 Tuesday, May 16, 2023. Bids will
 be publicly opened at that time in
 the Town of Trent Woods Town

0900 LEGALS

in Room 134, at City Hall, located
 at 1 Governmental Avenue, Havelock,
 NC 28532.
 for the following Project:
 Gray Fox Road Infrastructure
 Improvements
 This project is grant funded.
 Each bidder must show evidence
 that it is licensed under Chapter 87
 of the N.C.
 General Statutes.
 The Board of Commissioners of the
 City of Havelock reserves the
 right to reject any
 or all proposals. Copies of the
 Contract Documents may be ob-
 tained in electronic form via
 emailed request to: Hazen and
 Sawyer at ([LSaleeby@hazenand-
 sawyer.com](mailto:LSaleeby@hazenand-sawyer.com)) and
bids@havelocknc.us as a copied
 email recipient.
 Address bids to:
 Lee Tillman, Director of
 Finance City of Havelock
 PO Box 368
 1 Governmental Ave
 Havelock, NC 28532

May 6

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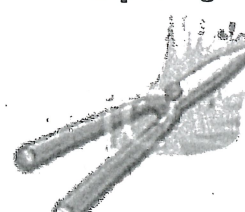
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Town of River Bend

Public Hearing Policy

Overview- To comply with North Carolina law, the Council is required to conduct a public hearing prior to taking action on some matters. The Council, at its discretion, may also conduct a public hearing to gather input on a matter. These are discretionary public hearings and are not required as a matter of law. The purpose of any public hearing is to give the public an opportunity to express their views, comments or opinions to the Council on the subject matter of the public hearing. It is a time for the Council to listen to the public. It is not a time for debate or a "question and answer session". The following rules have been established to maintain order and decorum during a public hearing. Furthermore, these rules are designed to ensure fairness to each speaker by establishing rules in advance that will be applied equally to each speaker in all public hearings.

I. Public Hearing

Public hearings are typically 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. However, the Council may conduct a public hearing on any day in accordance with the advertising requirements of this policy. All public hearings shall be subject to the following guidelines:

1. Prior to the start of the hearing, persons wishing to address the Council will register on a sign-up sheet stationed by the meeting room door. Prior to beginning the hearing, the Mayor will collect the sign-up sheet and recognize speakers in the order that they registered. Once the list has been collected by the Mayor, no names will be added to it. Speakers will address the Council from the lectern and will be asked to state their name and physical address for the record prior to speaking.
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 hearing. A staff member shall serve as timekeeper and will promptly announce when the speaker's 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 hearing is not intended to require the Council and/or any staff to answer any impromptu questions. The Council will not take action on a new item originally presented during the hearing, which is not related to the subject matter of the public hearing. Upon completion of the hearing and when appropriate, the Council may refer inquiries made during the hearing 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 are asked to 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 hearing.

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 hearing, shall provide eight (8) copies of those documents to the Town Clerk prior to the start of the hearing. 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. The audience shall be courteous and quiet during the public hearing. Only one person at a time will be allowed to speak and that person will be the speaker who has been invited to the lectern.

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

9. Any public hearing required by NCGS shall be advertised in accordance with all applicable requirements. Discretionary public hearings shall be advertised on the town's bulletin board and on the town's web page with the first notice being no less than 10 days and no more than 25 days prior to the date of the hearing. The day of the public hearing shall be counted as a day in the calculation of days.

10. Public Hearings may generate widespread interests and participation. The North Carolina Building Code sets maximum occupancy limits for all public buildings. Additionally, during a state of emergency or a public health crisis, such as a pandemic, room occupancy may be even more limited. These occupancy limits shall be strictly adhered to. This may prohibit all interested parties from participating in the public hearing. On occasions when the occupancy of the room is at its maximum, those people who have spoken will be encouraged to exit the room and allow other speakers to enter the room.

- Adopted December 14, 2017
- Amended April 14, 2022

**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 Tom 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

ITEM 6

Official Recommendation

To: River Bend Town Council
From: River Bend Parks and Recreation Advisory Board
Date: March 6, 2023
Subject: Recommendation to change sponsorship policy

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

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



Keenan Castroneva, Chair
Parks & Recreation Advisory Board

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

riverbendpnr@gmail.com

www.riverbendnc.org

Parks
&
Rec

Official Recommendation

To: River Bend Town Council

From: River Bend Parks and Recreation Advisory Board

Date: March 6, 2023

Subject: Recommendation for Funding for July 4th Celebration

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

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

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

The motion passed unanimously.



Keenan Castranova, Chair
Parks & Recreation Advisory Board

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

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

PLANNING BOARD RECOMMENDATION

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

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

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

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

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

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

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

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

PLANNING BOARD RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

PLANNING BOARD RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

PLANNING BOARD RECOMMENDATION

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

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

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

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

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

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

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

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

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

PLANNING BOARD RECOMMENDATION

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

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

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

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

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

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

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

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

PLANNING BOARD RECOMMENDATION

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

Significant Dates:

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

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

November 3, 2022-Planning Board discusses draft ordinance

January 5, 2023-Planning Board discusses draft ordinance

January 12, 2023- Town Council discusses draft ordinance

February 2, 2023- Planning Board discusses and approves recommendation

February 9, 2023- Town Council discusses recommendation

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

**River Bend Town Council
Work Session Minutes
April 13, 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: 21

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, April 13, 2023 at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

VOTE – Addition to Agenda

Councilman Weaver motioned to add item 5A to vote on a member to the Parks and Recreation Advisory Board. The motion carried unanimously.

VOTE – Addition to Agenda

Councilman Weaver motioned to add item 5B, an exemption for the Parks and Recreation Advisory Board Municipal Building Use prohibitions. The motion carried unanimously.

VOTE – Approval of Agenda

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

Discussion - AIA Water and Sewer Resolutions

The Town Manager stated that the Town has received a \$150,000 grant for the water system and a \$150,000 grant for the sewer system. He stated that these resolutions are required to receive the grant funding.

VOTE - AIA Water Resolution

Councilman Sheffield motioned to approve the AIA Water Resolution as presented. The motion carried unanimously. (see attached)

VOTE - AIA Sewer Resolution

Councilman Castranova motioned to approve the AIA Sewer Resolution as presented. The motion carried unanimously. (see attached)

Discussion – Audit Committee Recommendation

Councilman Leonard stated that the Audit Committee met on April 3rd and recommended Thompson, Price, Scott, Adams and Company to provide audit services FY 22-23 through FY 24-25.

VOTE – Audit Committee Recommendation

Councilman Leonard motioned to accept the Audit Committee's recommendation to engage Thompson, Price, Scott, Adams and Company to provide audit services beginning with FY22-23 and FY23-24 and FY24-25, and to authorize the Mayor to execute the contract on behalf of the Town. The motion carried unanimously.

Discussion – Parks and Recreation Special Assignment from Council

Councilman Weaver stated that the Council had directed the Parks and Recreation Advisory Board to review the Town's recreational amenities and to provide the Council with recommendations on potential additions. He stated that he has created a document that gives the advisory board more guidance of what the Council is asking of it. Councilman Leonard asked Councilman Weaver if he had discussed it with the advisory board and he stated he had not, that he was waiting until the Council approved the document.

VOTE – Parks and Recreation Special Assignment from Council

Councilman Weaver motioned to approve the Parks and Recreation Special Assignment as presented. The motion carried unanimously. (see attached)

VOTE – Parks and Recreation Advisory Board Appointment

Councilman Weaver motioned to appoint Ms. Beddow to the Parks and Recreation Advisory Board for the appropriate term. The motion carried unanimously.

Discussion –Building Use Policy Exemption

Councilman Weaver stated that the Parks and Recreation Advisory Board has an event planned that would include painting, and the use of paint is currently prohibited. He recommended amending the Building Use Policy to include an exemption for town events from the prohibitions. Councilman Leonard asked if the Council could exempt Town activities from the prohibitions and the Town Attorney stated that the Council could. The Town Manager asked if the event included alcohol and the Parks and Recreation Chairperson stated that there would not be any alcohol. The Town Manager stated that he is less concerned with painting with an advisory board because the Town funds that advisory board, whereas the town does not fund private events by the public held on town property. It was decided that the Town Manager would revise the current Building Use Policy and present it at the next Council meeting.

Discussion – Parks and Recreation July 4th Recommendation

Councilman Weaver stated that the Parks and Recreation Advisory Board had originally requested \$20,000 for the July 4th celebration but have since amended their request to \$10,000. The Town Manager stated that he had invited the Parks and Recreation and the Red Caboose Library chairpersons to this meeting to answer any questions that the Council may have regarding this and the next item. Councilman Leonard stated that he is concerned that the City of New Bern is having fireworks at the same time and he is also concerned with having a split event and the town staff availability for both events. Councilwoman Maurer stated that her main concern is safety and security, that she spoke with Chief Joll who stated that he did not have the staff for an event for that length of time. Councilman Weaver stated that the Town would need to contact surrounding agencies for assistance, and he thinks the rate is \$35 an hour per officer. Councilman Leonard asked how many additional officers were needed and Councilman Weaver stated that it would be based on the anticipated number of guests. He also stated that there would need to be a lot of planning for law enforcement coverage for an event of that size. The Town Manager stated law enforcement would be needed for the afternoon event at the Country Club. He asked if additional help other than law enforcement would be necessary at that event and the Parks and

Recreation chairperson, Keenan Castranova, stated that CERT and Community Watch would be needed. Councilwoman Maurer stated that CERT only has about 3 volunteers and is not active. She also stated that Community Watch struggled to get volunteers for the Easter Egg Hunt. The Town Manager asked if Ms. Castranova has reached out to those groups and she stated that she has. The Town Manager stated that he has the 10:00 a.m. through 1:00 p.m. activity staffed. Councilman Sheffield asked what size the stage in the request is and Councilman Castranova stated that it is a 16' x 20'. He stated that a vendor will build the stage a few days prior to the event and take it down a few days after. Councilwoman Maurer asked about parking at the golf course and the Town Manager stated that when fireworks were discussed in previous years the parking was going to be in the grassy area at the golf course. He also stated that the event is less than 2 months away and if the Council chooses to approve the fireworks, he would need to secure the fireworks contractor as soon as possible. Councilman Leonard asked about the additional security needed for an all-day event and the cost of that. Councilman Weaver stated that the Police Chief would determine if the additional staff is needed and the Town Manager stated that this event was not included in the overtime budget item in the current year and that would need to be considered. The Mayor asked if it would be acceptable to gather more information on staffing and vote on this item at next week's meeting, and Councilman Weaver agreed.

Discussion – Parks and Recreation Red Caboose Library Recommendation

Councilman Weaver stated that the Parks and Recreation Advisory Board has made two recommendations for the Red Caboose Library, which is sponsored by the Parks and Recreation Advisory Board. He stated the Parks and Recreation Advisory Board recommends removing the conditions that prevent the Red Caboose Library from requesting funds from the Town Council and the board also recommended that the library have its separate budget from the Parks and Recreation Advisory Board's budget. Councilman Weaver asked if there was an agreement that the Red Caboose Library would not request funding from the Town and Councilwoman Maurer stated that there was an agreement that was made in good faith and she felt it was time to move forward with the library because it has done a lot for the town. Councilman Weaver asked if there was a binding contract and the Town Attorney stated that it wasn't a binding contract, but it was entered into the minutes of that meeting when the Council approved the Red Caboose Library to become a part of the Parks and Recreation Advisory Board. The Town Manager stated that Council did not imply that condition, that the library offered not to ask for funds when they requested to be included in that advisory board. Councilman Sheffield stated that he felt the only issue was if the library budget would become separate from the Parks and Recreation budget and there is no indication how much funding the library would request. The Town Manager stated that he has spoken with Linda Klopff, representative for the Red Caboose Library, and she has submitted an amount to him because the Council is currently in budget season. Councilman Leonard asked if the funding is needed mainly for rent and Linda Klopff stated that was correct, and that rent and insurance are the largest expenses. Councilman Weaver asked if the Red Caboose Library is a private organization and Linda Klopff stated that is it open to the public, then the Town Attorney stated that it is a separate cooperative entity of the Town of River Bend. The Town Manager stated that town could hire the Red Caboose Library to provide services to the Town of River Bend in a contractual agreement.

VOTE – Red Caboose Library Contract

Councilman Sheffield motioned to look into establishing a contract for library services at a future meeting. The motion carried unanimously.

Councilman Weaver stated that the additional recommendation from the Parks and Recreation Advisory Board was to have a separate budget for the Red Caboose Library and that would no longer be needed if the Council pursues a contract with the library. The Council agreed.

Discussion – Planning Board Rezoning Recommendation for Parcel 8-206-083

Councilman Sheffield stated the Planning Board has recommended to the Council to rezone parcel 8-206-083 from Institutional to PDR-MF (multi-family housing). Councilman Sheffield

stated that a Public Hearing is required before the Council can cast their vote on the recommendation.

VOTE – Public Hearing for Parcel 8-206-083 Rezoning

Councilman Sheffield motioned to schedule a Public Hearing on the Planning Board's Recommendation to rezone parcel 8-206-083 on May 18, 2023 at 7:00 p.m. The motion carried unanimously.

CLOSED SESSION

Councilman Sheffield moved to go into a Closed Session under NCSG §143-318.11(a)(3). The motion carried unanimously. The Council entered Closed Session at 8:01 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:25 p.m. The motion carried unanimously.

REVIEW – Agenda for the April 20, 2023 Council Meeting

The Council reviewed the agenda for the April 20, 2023, Council Meeting.

ADJOURNMENT/RECESS

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

Kristie J. Nobles, CMC
Town Clerk

Town of River Bend Resolution
AMERICAN RESCUE PLAN WATER INFRASTRUCTURE

Whereas, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water infrastructure needs, and

Whereas, the North Carolina Department of Environmental Quality has offered Rescue Plan (ARP) funding in the amount of \$150,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

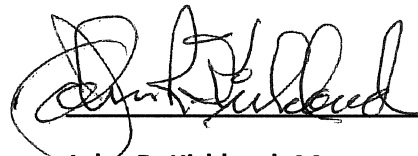
Whereas, the Town of River Bend intends to perform said project in accordance with the agreed scope of work,

Now, therefore be it resolved, by the River Bend Town Council that the Town of River Bend does hereby accept the American Rescue Plan (ARP) offer of \$150,000.

That the Town of River Bend does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

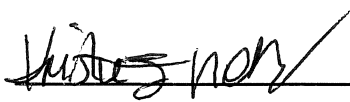
That Delane Jackson, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 13th day of April, 2023



John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk, CMC

Town of River Bend Resolution
AMERICAN RESCUE PLAN WASTEWATER INFRASTRUCTURE

Whereas, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their wastewater infrastructure needs, and

Whereas, the North Carolina Department of Environmental Quality has offered Rescue Plan (ARP) funding in the amount of \$150,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

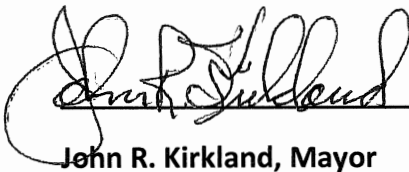
Whereas, the Town of River Bend intends to perform said project in accordance with the agreed scope of work,

Now, therefore be it resolved, by the River Bend Town Council that the Town of River Bend does hereby accept the American Rescue Plan (ARP) offer of \$150,000.

That the Town of River Bend does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

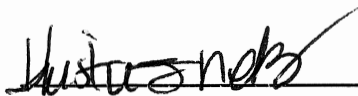
That Delane Jackson, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 13th day of April, 2023



John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk, CMC

The Council recently approved a motion to direct the P&R Advisory Board to work on a special project. Councilman Weaver presented that motion. In an effort to make sure that Council understands the assignment and is in agreement with it, he has presented the following language. If approved by Council, Councilman Weaver, acting as the P&R Liaison, will deliver the directive to the P&R Advisory Board.

Members of the P&R Advisory Board,

It is the goal of the Mayor, Town Council, and Town Manager, to provide recreational amenities that accommodate the widely ranging demographics of our citizens.

The Town of River Bend currently has a paved walking track (unlit), fenced in dog park, small pavilion, fishing/water view dock, basketball court, toddler playground/area, and a large field area that can be used for many activities.

The demographics of our town have been changing for quite some time and we now have more families with children of varying age ranges than ever before.

Simply put, It's time to reevaluate our recreational areas for potential improvements so that we are providing everyone with safe and engaging recreational amenities.

The council is tasking the P&R Advisory Board with providing a recommendation and comprehensive list of potential additions to our growing recreational areas that would be an enhancement and benefit to our entire community.

Do not burden yourselves with ascertaining the specific costs of these amenities (as in actual quotes), this can be done at a later time. We are currently seeking input on what our citizens need and would like their leaders to provide.

1. It is requested that the P&R Advisory board provide a comprehensive recommendation of needed enhancements to the recreational spaces within town limits.

2. It is requested that this recommendation be submitted to the members of town council no later than December 1, 2023.

Respectfully,

River Bend Town Council

**River Bend Town Council
Regular Meeting Minutes
April 20, 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
Town Attorney: Dave Baxter

Members of the Public Present: 32

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, April 20, 2023, at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilwoman Maurer motioned to amend item 8B by adding CAC appointment of Pat Lineback and move CAC Median Presentation to item 8C. The motion carried unanimously.

Vote – Deletion to Agenda – Councilwoman Maurer motioned to remove item 13 from the agenda. The motion passed with four ayes and one nay with Councilman Castranova voting nay.

The Mayor stated that item 13 is regarding the Animal Ordinance and Councilwoman Maurer stated she felt this topic should be discussed at a future meeting when the Council has more time to discuss it. Councilman Castranova stated that the item was to discuss as a preliminary matter and that there is a resident that will speak, that is being threatened with fines that would accumulate. He stated that he would like to discuss the topic and to make a motion to stay any fines of this ordinance until there is an opportunity to discuss the ordinance. He stated that it would not be fair to the resident if the Council passes an exemption to the ordinance after he has been fined. Councilman Leonard stated that the resident can still speak, but this is very early in the stage of how the Council works this process. He stated that the Council has never and he believes never should have any stays for any ordinances because it sets a bad precedent. Councilman Castranova stated he disagreed.

VOTE – Approval of Agenda

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

ADDRESSES THE COUNCIL

Linda Klopf – Red Caboose Library – expressed concern for Town funding of the Red Caboose Library (see attached)

Brett Beddow – stated that he had been notified that he was in violation of the town ordinance for having chickens. He asked the Council to consider allowing chickens.

CONSENT AGENDA

The Mayor presented the Council with the Consent Agenda. Councilman Castranova stated that he would like to remove and discuss the minutes from the March 9, 2023 Work Session. Councilman Leonard **moved to approve the Consent Agenda as amended**. The motion carried unanimously. Within this motion, the following items were approved:

- A. Approve:
Minutes of the March 16, 2023 Regular Council Meeting

Councilman Castranova stated that under the “Discussion - Remove Councilman Castranova’s Liaison Responsibilities” in the minutes, it states that “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 Castranova stated that he did not say that and that sentence is completely embellished. Councilman Castranova stated that he said “Yes and that is all he said”. Councilman Castranova stated that the reason he responded yes is because Jay Ammon, the developer who is proposing to rezone the 20 acres behind the Howell Center, approached him about this project and never informed him what he wanted to speak to him about. He stated he would of never agreed to meet with Mr. Ammon or any developer to discuss anything because he believes that gives the appearance of impropriety. Councilman Castranova stated that even though it is legal he never stated that at that meeting. He stated that not knowing what Mr. Ammon wanted to discuss with him or his plan and sitting down with Ellis Development is a lot different and he resents trying to tie those together. Councilman Leonard stated that it was his understanding that Councilman Castranova has met with Mr. Ammon on more than one occasion and discussed that and even supported his proposal. Councilman Castranova stated that the information Councilman Leonard stated was not correct. Councilman Weaver asked if there was a way to hear what was specifically said at the meeting and the Town Manager stated that every meeting is recorded. He stated that the Council has a few options, they can table these minutes until the next meeting and the Town Clerk can listen to the audio and get an exact transcript or the Council can amend the minutes to remove the language “it is perfectly legal” and add that Councilman Castranova stated “yes”, if the Council agrees to that. Councilman Leonard stated that if the minutes are amended, then his statement after Councilman Castranova statement would need to be amended. Councilman Leonard stated that he is not in favor of amending the minutes this evening. Councilman Castranova stated that he did not say “it is illegal to meet with Ellis, that it gives the appearance of impropriety and probably violates the Town’s ethics code.” Councilman Leonard stated that Councilman Castranova is entitled to his opinion. Councilwoman Maurer asked the Town Attorney to clarify if it was legal to meet with a developer and she feels it is a part of their due diligence to meet with someone who asks to meet with the Council. The Town Attorney stated that it is legal to meet with developers as long as they do not violate the Open Meeting Laws and there is a whole host of situations on which you would meet with a developer. He stated that local government officials meet with developers and a lot of the time the atmosphere is very complementary and they work together with elected officials to develop an area and sometimes it is not. Councilman Leonard stated that it does not violate the Town’s code of ethics as far as he understands. The Town Attorney stated that as long as there is no determination as to what this Council would do until they have heard the facts, held the public hearings and things like that, he does not believe it does. Councilman Leonard stated that someone who has made up their mind prior to that, might be an ethical violation. Councilman Weaver stated that the question at hand is the minutes.

Vote – March 9, 2023 Work Session Minutes – Councilman Sheffield motioned to table the minutes until the next work session. The motion carried unanimously.

Councilman Castranova stated that the letter to the Citizens of River Bend that was included in the March 9, 2023 minutes contains numerous untrue statements and are defamatory. That the untrue statements were known to be untrue when the statements were made. He stated an example was "Councilman Castranova has been cautioned in the past about his personal attacks against members of this body." He stated he was never cautioned in the past about personal attacks and he has never made any personal attacks. He stated those statements are untrue and the Council knew they were untrue, he is requesting the defamatory letter be removed permanently. The Town Attorney stated that effectively the matter has been tabled and the Council can take those comments under advisement and that it can be considered when the matter is taken up at the work session.

TOWN MANAGER'S REPORT

The Manager stated that the new Public Works building project is moving as scheduled. He stated that the skeleton of the storage shelter had been installed and 25% of the roof has been installed and construction on the main building will begin soon. He stated that the project is on time and on budget.

The Manager stated that the Budget Workshops will begin on Tuesday, May 2, 2023 at 4:00 p.m. at Town Hall with the next meeting on Thursday, May 4, 2023 at 4:00 p.m. .

ADMINISTRATIVE REPORTS

CAC – Councilwoman Maurer

Councilwoman Maurer presented the following report.

The CAC met for a Special Meeting on April 19, 2023. The board members voted unanimously to recommend that Pat Lineback be appointed to the CAC. The Beautification awards for April were awarded to yards located at 105 Commander Court and 208 Shoreline Drive. You can find the entire list of nominees in the weekly River Bend E-News. Nominations for the May award will begin on May 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. A presentation will be made tonight by chairperson, Brenda Hall. Other plans and programs will be presented at later dates. 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 July 19, 2023 at 4 pm in the Municipal Building.

Vote – CAC Appointment – Councilwoman Maurer motioned to appoint Pat Lineback to the Community Appearance Commission for a term beginning April 20, 2023 and expiring June 30, 2024. The motion carried unanimously.

Councilwoman Maurer introduced Brenda Hall from the Town of River Bend's Community Appearance Commission (CAC) and she gave a presentation on a study that Tom Glasglow of the Craven County Cooperative Extension, completed on the Plantation Drive Median. Her presentation included several pictures of trees in the median that were damaged, diseased or otherwise suffering. She stated that upon approval from the Council the CAC would consult with experts to develop options that would include road safety, better utilization of median space, landscape replacement recommendations, and a priority list, She also stated that the estimated costs based on the recommendations could be spread out over multiple budget cycles if needed. She accepted questions from the Council. Councilman Leonard asked if the presentations could be available to the public and the Town Manager stated that Mrs. Hall's PowerPoint is on the website and Mr. Glasglow's presentation had technical difficulties. Councilman Leonard stated that the Council has received many emails with false information and he stated the residents can

get the right information on the Town's website. The Mayor and the Council praised Mrs. Hall for the presentation. Councilwoman Maurer stated that she had distributed the official CAC recommendation to the Council. (see attached)

PARKS & RECREATION – COUNCILMAN WEAVER

Parks & Recreation

Councilman Weaver stated that the Parks and Recreation Advisory Board met on April 5th and the main two topics are to be discussed later tonight.

Organic Garden

Councilman Weaver stated that the Organic Garden has a workday scheduled for Saturday April 22nd at 9:00 a.m. He stated that the garden is preparing for the spring and summer vegetables.

Red Caboose Library (RCL)

Councilman Weaver stated that the library met on April 13th and the library is hosting a Murder Mystery Night Fundraiser on May 20th at 6:00 p.m. He stated that the Book / Tech Mobile would be at the Municipal Building on Friday May 19th , at 2:00 p.m. through 5:00 p.m.

Discussion – Building Use Policy Amendment

Councilman Weaver stated that the amended Building Use Policy is included in the agenda package. Councilman Leonard asked if there are public dumpsters for those who are using the building or would they need to dispose of their own trash and the Town Manager stated they would need to dispose of their own trash.

Vote – Building Use Policy Amendment – Councilman Weaver motioned to approve the Building Use Policy as amended. The motion carried unanimously. (see attached)

Discussion – Funding for 4th of July Celebration

Councilman Weaver stated that the Parks and Recreation Advisory Board had requested funding for the July 4th Celebration. Councilman Sheffield stated that he felt the agenda presented would be an all-day event and it would be a long event ending at 9:15 p.m. Councilman Weaver stated that he would like to have the fireworks celebration. He stated he feels that it is the duty of the Council, to set the advisory boards up for success. He feels this is a large event to plan on such a short notice. He also stated that he felt that with it currently being budget season that this event would do well next year, with an entire year to plan. The Mayor agreed. Councilman Castranova stated that he felt this sounds like the Council is trying to micromanage the advisory board, and from what he understood from the Town Manager is that the Council appropriates a budget and it is up to the advisory board on how they spend it. He stated that the Town has an advisory board to make those decisions and the Council appropriates the money and that is the separation of the powers, as he understands it. Councilman Weaver stated that the Parks and Recreation is an advisory board. Councilman Castranova stated that he understood the motion to state how the advisory board can spend the money, and Councilman Weaver restated the motion. The Town Manager stated that at last year's budget session the \$4,100 was budgeted for this year's July 4th Celebration that is what the Council approved.

Vote – Funding for 4th of July Celebration – Councilman Weaver motioned to limit July 4th Celebration to the traditional activities with a budget of \$4,100. The motion passed with four ayes and one nay with Councilman Castranova voting nay.

FINANCE – COUNCILMAN LEONARD

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of March. She stated the total of the Town's Cash and Investments as of

March 31, 2023, were \$4,074,513 and Ad valorem tax collections for FY22-23 were \$718,430 and Vehicle Ad valorem tax collections were \$65,668.

ENVIRONMENTAL AND WATERWAYS – COUNCILMAN LEONARD

Councilman Leonard presented the following report:

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 – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report:

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.

MAYOR'S REPORT

The Mayor presented the following report.

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.

PUBLIC COMMENT

Inga Chandler, 123 Norbury Drive, stated she had received an anonymous letter regarding the proposed re-zoning near the Howell Center. She stated that she is concerned with speeding in the area and requesting speed bumps as she is concerned for the safety of the children in the area.

Jon Hall, 105 Knotline Road, stated there is a lot of negativity that is spread on Facebook and some people have predisposed opinions made before having any facts. He stated that he felt the Council should speak about the rumors and any disinformation.

Jim Gadwell, 202 Outrigger Road, praised the Police Department. He stated that he felt zoning was in place for a reason and does not feel it should be changed. He inquired about allowing goats and pigs in Town and asked if that met the zoning requirements. He stated that if they allow changes it would open the floodgate. He stated that the Council was doing a good job at destroying the Town.

Rebekah Royston, 109 Starboard Drive, stated that she became a member of the Parks and Recreation Advisory Board to bring more activities to Town for children. She stated she was very disappointed in the Council's decision for the 4th of July Event. She stated she has spent a lot of time preparing for this event. She stated she felt the vote was personal and against the Parks and Recreation Advisory Board.

CLOSED SESSION

Councilman Sheffield moved to go into a Closed Session under NCSG §143-318.11(a)(3)(6). The motion carried unanimously. The Council entered Closed Session at 8:24 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:55 p.m. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 8:55 p.m.

Kristie J. Nobles, CMC
Town Clerk

Revised

Dear Councilmen Maurer, Leonard, Sheffield, Castranova, and Weaver,

I received a copy of a letter that was sent to a sizable group of community members on April 12th by a previous councilman. As I reviewed it, I identified a number of things that I would like to set right as I believe you may have read that missive as well. There was more there than met the eye in my opinion.

When the Red Caboose Library (RCL) requested to join the Town of RiverBend they acted in good faith. There was no mention in that request claiming that the RCL would never, ever, request a change in its status with Parks and Rec or the Town. It should be noted that the reason it was requesting town inclusion is that the Library was displaced from its operational home by the Town of RiverBend when they tore down the building they were in. This was after 40 years of providing good service to the community. The first step in getting a true home for the Library was determined for it to be "a legal part of the Town". Most thought it had this status already.

The Library has persevered through many recent challenges providing improved services without charge by an all volunteer staff. This was done by renting a building through the financial support of our community. I must be very honest and state that every time I have met a new Library Patron in the last few years and explain the situation under which the RCL operates the reaction is the same. They are surprised and appalled and ask why is this?

Regarding the possibility of a satellite Library unit from the county, this is a non starter. It has been looked into in the past more than once. Satellite units are based on logistics like distance from the main branch and transportation needs, not primarily population. That is why those small towns are being served in that manner. I have been told that the county library system priority at this time is expanding it's services in the main branch. This in itself will take quite some time. Please note the the RCL has a very long mutually supportive, cordial relationship with the county system.

Each respects the value and services it brings to the community. We do not oppose them in any way, we welcome them, especially the new Book/Tech mobile!

There is no double taxation here. What RiverBend has is very much like other entities. For example when you go to a park, it may be funded by the county (Glenburnie), state (Fort Macon), or Feds (Yellowstone) or our Town, the community park spaces which include area around Town Hall and the Kayak Launch. Each may provide a different experience that you value, some of them even overlapping occasionally. Same thing with Libraries.

Please note the changes and improvements made to Library Services are not the result of actions by any councilman. They are the result of good decisions by the RCL Board and the dedication, perseverance, and plain hard work and support of its volunteers and patrons. Period.

What I do not understand is the opposition, to supporting the continuation of this beloved, long standing free service to the community, a Library; by anyone, including an ex-councilman. We are talking about is current community needs and the near future, Please, lets not go backward. We have come too far.

Sincerely and Respectfully,
Linda C. Klopff, Concerned Citizen of RiverBend

RIVER BEND RED CABOOSE LIBRARY INVENTORY

AS OF 12-31-22

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>
FICTION	2,295	2,215	2,108	1,906
HISTORY	97	87	77	52
BIOGRAPHIES	79	58	50	26
AUTO BIOGRAPHIES	24	19	15	13
FOOD	37	35	27	18
GARDEN/NATURE	33	25	11	10
NEW BERN	15	13	11	10
POETRY	28	27	25	16
SELF HELP	24	22	0	0
SPIRITUALITY	22	19	0	0
HEALTH & WELLNESS	18	17	0	0
MISC NON-FICTION	14	0	0	0
CHILDREN	416	327	325	117
TWEENS	219	184	148	0
CD AUDIO BOOKS	133	118	118	114
DVDS	<u>363</u>	<u>289</u>	<u>177</u>	<u>61</u>
	3,817	3,455	3,092	2,242

INVENTORY STATISTICS DO NOT INCLUDE PAPERBACKS, MAGAZINES, PUZZLES, GAMES

Libraries From Websters Comprehensive Dictionary of the English Language

1. A collection lot books, pamphlets ect. kept for reading and consultation, especially such a collection arranged to facilitate reference, as by classification and indexing.
2. A building, an apartment, or a series of apartments, or a series of apartments containing such a collection. The Library of Congress.
3. A series of books having some characteristic in common issued by the same publisher.
- 4, A collection of books for recreation or study belonging to a private individual : a doctors library.
5. A commercial establishment for selling or hiring out books -circulating library A library from which books can be taken away under certain restrictions: also lending library; distinguished from a reference library, where books may consulted but not carried away.

Yes, the Red Caboose IS a Library!

To: Council Members, Delane Jackson, Town Manager
From: Brenda Hall, CAC Chair
Date: April 20, 2023
Subj: CAC recommendations

The CAC had a Special Meeting on April 19, 2023, 4 PM, Municipal Building. A quorum of three board members were present. There were two motions for the CAC members to vote on.

The first motion was made to recommend Pat Lineback to become a CAC Member. The motion passed unanimously.

The second motion was made to review final recommendations for the Plantation Median Project presented to Town Council on 4.20.2023. The motion passed unanimously.

Final CAC recommendations were:

1. Tree Health Safety

- a. Identify trees that need to be removed from the Plantation Drive medians
- b. Mitigate risks of diseased and dying trees and shrubs with prompt removal
- c. Remove invasive shrubs
- d. Include Anchor Way median in the process for the same issues identified on Plantation Drive
- e. Hire certified Tree Arborist to assess all trees on town property, annually

2. Road Safety

- a. Consider alternative median space utilization
 - i. Install walk path down the center of the longest median stretch (.8 miles) which....
 1. Decreases wind and storm liability by removing diseased and unhealthy trees/shrubs
 2. Improves utilization for pedestrians and bikers
 3. Improves aesthetics of median by planting appropriate plantings where space is available
 4. Creates barrier between cars and pedestrians
 5. Reduces risks of injuries to pedestrians and cyclists
 - ii. Remove medians, level ground, and repave roads with designated walk path on at least one side of the road
- b. Explore Grant funding opportunities for alternative median usage
 - I. 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 funding for this project.
 - II. The AARP Community Challenge Grant Program that is part of the nationwide AARP Livable Communities initiative.

3. Maintenance

- a. Provide education and accountability for workers who are maintaining our community's trees
- b. Plant replacement shrubs that are appropriate for space and growing conditions of the medians
- c. Provide funding for annual Tree Arborist assessment and follow through with recommendations
- d. Maintain healthy trees and oversight according to River Bend's Tree City designation
- e. Enforce Tree City's Tree Care Ordinance that provides clear guidance for planting, maintaining, and removing trees from streets, parks, and public spaces

ITEM 6

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 Town Council
Budget Workshop Minutes
May 2, 2023
River Bend Town Hall
4:00 P.M.**

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

Absent Council Members: James Castranova

Town Manager: Delane Jackson
Finance Director: Mandy Gilbert

Members of the Public Present: 1

The Mayor called the meeting to order at 4:00 p.m. The Mayor stated that the budget is the most important thing that the Council does in the whole year. You put this budget in place and once it's approved the Manager executes it. The Mayor announced that he would pause for public comments/questions after items 5, 10 and 14 on the agenda. He then recognized the Town Manager.

The Manager asked the Council to set a date for the Volunteer Picnic. All agreed that June 10 was acceptable. The Manager thanked Mandy Gilbert for her contribution to the budget development process.

The Manager then began discussions of the Proposed Budget for FY2023-2024, which included a PowerPoint presentation. The Manager presented the Council's priorities and vision statement, which were approved at the January 19, 2023 budget kick-off meeting. The Manager noted the "Fundamentals of Budgeting 101" slides. He also noted the slide that outlined his 10 main goals during budget preparation.

The Manager began to follow the advertised agenda and presented details related to employee compensation and staffing levels, followed by the capital improvement plans, utility and fuel prices, the vehicle replacement plan, IT and various budget related topics. That was followed by a detailed discussion of the following departments: governing board, administration, finance, tax listing, legal services, elections, street maintenance, storm water, public works, and public buildings. The Manager noted that he had made an error in the CAC's budget request and changed that amount from \$1,500 to \$2,500.

There was some discussion about the COLA and inflation. There was some discussion about the fund balance in the general fund. The Manager reminded the Council that the policy now sets \$2,000,000 and 50% as the target for the fund balance in the general fund.

The Manager ended the session with a slide that showed a summary of the departments that had been discussed and asked if there were any questions.

Councilman Sheffield motioned to recess the meeting until May 4, 2023, at 4:00 p.m. The motion was unanimously approved. The meeting recessed at 6:00 p.m.

Delane Jackson, Town Manager

**River Bend Town Council
Budget Workshop Minutes
May 4, 2023
River Bend Town Hall
4:00 P.M.**

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

Absent Council Members: James Castranova

Town Manager: Delane Jackson
Finance Director: Mandy Gilbert
Police Chief: Sean Joll

Members of the Public Present: 3

The Mayor called the meeting back to order at 4:00 p.m. The meeting began with a presentation by the Police Chief about the Police Department. The Chief was asked about the possibility of funding a 7th full-time position and the status of the safety equipment. The Chief stated that another position would be helpful with scheduling, particularly when an officer is out. He also stated that some safety equipment had been purchased with a recent grant, but the officers did not have Level 4 ballistic plates for their vests. That was followed by a detailed discussion of the following departments: recreation and special events, parks and CAC, emergency services, animal control, wetlands and waterways, leaf and limb, planning and zoning and then a discussion about general fund revenues and fund balance in the general fund.

During the revenue discussions, the Manager stated that the local sales tax revenues had been much better than anticipated in FY22-23, as was the case in FY21-22. There was a discussion about Powell Bill revenue and how that impacted the town's ability to fund street paving.

The Manager ended the session with several slides that showed the recent history and projections for fund balance in the general fund. He noted that due to the BUS project, the town's fund balance had dipped below the 50% goal during FY20. He noted the fund balance projection for year-ending 2023 was 54% and the projection for year-ending 2024 was for a fund balance of 89%. He stated that this is an in-house projection and not the same as the audited fund balance figures because he does not include depreciation, and these are projections. He noted the FY24 projection was based on receiving 95% of revenues and expending 75% of expenditures for that year. The Manager ended by saying that he was now done with general fund related departments and in the absence of Council action, he intended to move forward as discussed and with the amounts as presented. The Council directed the Manager to determine the costs and the impact on the tax rate to fund a 7th full-time police officer.

With no further questions, Councilman Sheffield motioned to recess the meeting until May 9, 2023, at 4:00 p.m. The motion was unanimously approved. The meeting recessed at 5:45 p.m.

Delane Jackson, Town Manager

**River Bend Town Council
Budget Workshop Minutes
May 9, 2023
River Bend Town Hall
4:00 P.M.**

Present Council Members: Mayor John Kirkland
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver
James Castranova- arrived at 4:19 p.m.

Town Manager: Delane Jackson
Public Works Director: Brandon Mills
Finance Director: Mandy Gilbert

Members of the Public Present: 2

The Mayor called the meeting back to order at 4:00 p.m. and recognized the Town Manager.

The Manager began discussions by presenting the Council with an Excel Spreadsheet that showed that an additional 1.5¢ increase in the tax rate, over the recommended 23¢, would be necessary to fund an additional full-time police officer. The Council discussed various tax rates and their impacts on revenue. After considerable discussion, the Council agreed to fund an additional police officer position by setting the tax rate at 24¢ instead of 23¢ and lowering the Governing Board budget by \$24,000.

The Manager then discussed proposed budgets for the enterprise funds, which included a PowerPoint presentation. The Manager also stated that Public Works Director Brandon Mills was present to answer any questions related to water or sewer operations. The Manager followed the advertised agenda and presented details related to water and sewer funds cash levels, all water and sewer fund departments, water and sewer capital improvement plans, the utility rate model and revenues for the water and sewer funds. The new wastewater treatment plant grant project was also discussed.

The Manager presented the water and sewer rate model and stated that his proposal contained no changes to the rates. During the discussions the Manager reminded the Council that the water and sewer funds had recently transferred \$515,879 each to help fund their portion of a new Public Works building. He showed what impact that had on the water and sewer cash reserves and said those reserves needed to be monitored closely over the next few years for the need for possible rate hikes.

Councilman Sheffield suggested changing the start time for the next budget workshop since most of the major budget items had already been agreed upon. The Manager stated that the May 16th Budget workshop was not needed. The Council agreed to cancel the May 16th budget workshop. With no further questions, Councilman Sheffield motioned to recess the meeting until May 11, 2023, at 6:00 p.m. The motion was unanimously approved. The meeting recessed at 5:30 p.m.

Delane Jackson, Town Manager

**River Bend Town Council
Budget Workshop Minutes
May 11, 2023
River Bend Town Hall
6:00 P.M.**

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

Town Manager: Delane Jackson

Members of the Public Present: 2

The Mayor called the meeting back to order at 6:00 p.m. and recognized the Town Manager.

The Manager began discussions by presenting the Council with all of the agreed upon changes that had been made in previous budget meetings. There were no objections to any of the changes. The Manager then proceeded with the agenda as scheduled, which included a PowerPoint presentation showing how the 24¢ tax rate would impact revenues for the town and what impact it would have on property owners. The Manager also presented the proposed fee schedule and utility rates and fees. During this segment he recommended eliminating the town ordinance violation penalty chart from the fee schedule. He stated that the town ordinance contained language to address those issues. He also stated that the Town Attorney had advised removing that section from the fee schedule. All agreed to the change.

The Manager stated that he was now finished with his presentation. The Mayor asked if everyone was satisfied with the proposal as presented. All members stated they were satisfied. The Manager stated that he could present his draft budget message at the May 18th Council meeting and thus avoid the need for the May 18th budget workshop. The Council agreed to cancel the May 18th budget workshop.

With the remaining time, the Manager asked to discuss an issue with the Metronet encroachment agreement. All agreed to do so. The Manager informed the Council that Metronet had previously offered to provide free internet service at Town Hall. The Manager stated that Metronet has now stated they could offer service at a reduced price, but not free. Councilman Weaver said he did not want free service to hold up the project. Councilman Weaver motioned to authorize the Manager to negotiate the best deal possible with Metronet and execute the encroachment agreement. The motion was unanimously approved.

With no further business, Councilman Sheffield motioned to adjourn. The motion was unanimously approved. The meeting adjourned at 6:45 p.m.

Delane Jackson, Town Manager



RIVER BEND POLICE DEPARTMENT



MONTHLY ACTIVITY REPORT

2023

	ACTIVITIES	2023	2023	2023	% of Total Calls	% Change Last 2 Mos.
		February	March	April		
1	ALARMS / 911 UNKNOWN / DISTURBANCE / SHOTS FIRED	9	11	6	0.26%	-45.00%
2	ANIMAL COMPLAINTS	5	5	7	0.30%	40.00%
3	ARRESTS	2	5	1	0.04%	-80.00%
4	ASSAULTS / ALL OTHER VIOLENT CRIME	6	2	1	0.04%	-50.00%
5	ASSIST CITIZENS / LOCK OUT / QUALITY OF LIFE ISSUES	12	17	9	0.39%	-47.00%
6	ASSIST EMS / FD / FIRST RESPONDERS / MED ASSIST	23	34	21	0.91%	-38.00%
7	ASSIST MOTORISTS / FOOT PATROLS / ALL OTHER	150	177	125	5.43%	-29.00%
8	ASSIST OTHER AGENCIES	3	1	1	0.04%	0.00%
9	B & E BUSINESS / RESIDENCE / VEHICLE	0	0	0	0.00%	0.00%
10	CRIM. SUMM. / SUBPOENAS / WARRANTS / CIVIL COMPLAINT	1	7	3	0.13%	-57.00%
11	DOMESTICS	0	4	1	0.04%	-75.00%
12	FIRES / ALARM	1	2	1	0.04%	-50.00%
13	IDENTITY THEFT / FRAUD	1	1	1	0.04%	0.00%
14	INVOLUNTARY COMMITMENTS	0	1	0	0.00%	-100.00%
15	JUVENILE COMPLAINTS	0	1	0	0.00%	-100.00%
16	LARCENIES	2	2	0	0.00%	-100.00%
17	LITTERING	0	0	0	0.00%	0.00%
18	LOUD MUSIC / NOISE COMPLAINTS	0	1	1	0.04%	0.00%
19	DEATH / MISSING PERSON / RUNAWAY / SUICIDE(A)	2	2	3	0.13%	50.00%
20	PROPERTY DAMAGE / VANDALISM	2	3	1	0.04%	-67.00%
21	RESIDENTIAL / BUSINESS CHECKS / COMMUNITY WATCH	1872	2326	2,012	87.36%	-13.00%
22	ROADWAY DEBRIS / OBSTRUCTIONS	0	0	0	0.00%	0.00%
23	ROBBERIES	0	0	0	0.00%	0.00%
24	SOLICITING VIOLATIONS	0	0	1	0.04%	0.00%
25	SUSPICIOUS PERSONS / VEHICLES / FIELD INTERVIEW	13	12	6	0.26%	-50.00%
26	TOWN ORDINANCE CITATIONS	0	0	1	0.04%	0.00%
27	TOWN ORDINANCE VIOLATIONS	2	2	2	0.09%	0.00%
28	TRAFFIC ACCIDENTS	1	4	1	0.04%	-75.00%
29	TRAFFIC STOPS	82	125	59	2.56%	-53.00%
30	TRAFFIC COMPLAINTS-RADAR	3	11	3	0.13%	-73.00%
31	DWI	0	0	2	0.09%	0.00%
32	CHECKPOINTS	2	2	2	0.09%	0.00%
33	DRUG VIOLATIONS	2	1	1	0.04%	0.00%
34	WELFARE CHECKS	2	5	6	0.26%	20.00%
35	CASE ASSIST / PW / VEHICLE MAINTENANCE / MEETING	4	3	1	0.04%	-67.00%
36	CASE FOLLOW UPS / SPECIAL OPERATION / TRAINING	21	5	20	0.87%	300.00%
37	TRESPASSING	0	0	3	0.13%	0.00%
38	OVERDOSE	2	0	1	0.04%	0.00%
39	TOTAL	2225	2772	2303	100.00%	-17.00%

Traffic Violations

- 25 State Citations
- 25 Total State Charges
- State Warnings
- 1 Town Citations
- Town Warnings

Community Watch Checks

- 102 100 Pirates
- 100 100 Plantation
- 105 200 Lakemere
- 112 200 Rockledge
- 71 Piner Estates

Phone Calls Answered (638-1108)

- 207 Incoming Calls



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870
F 252.638.2580

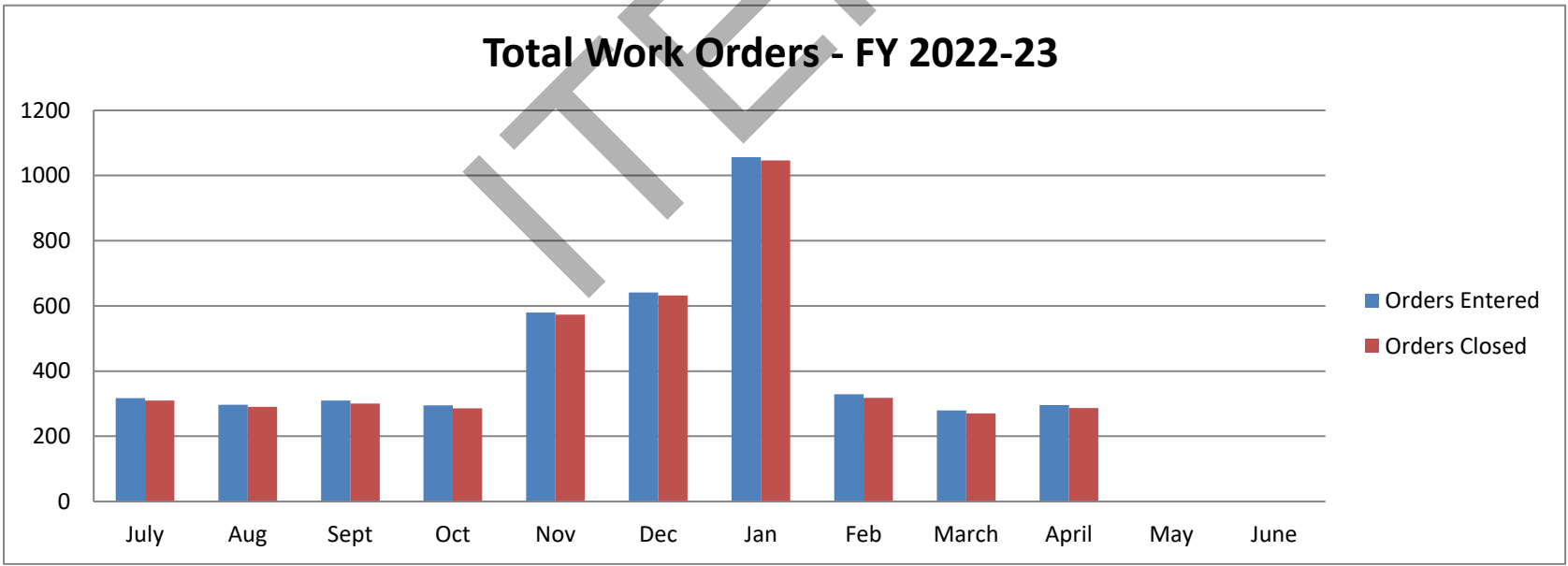
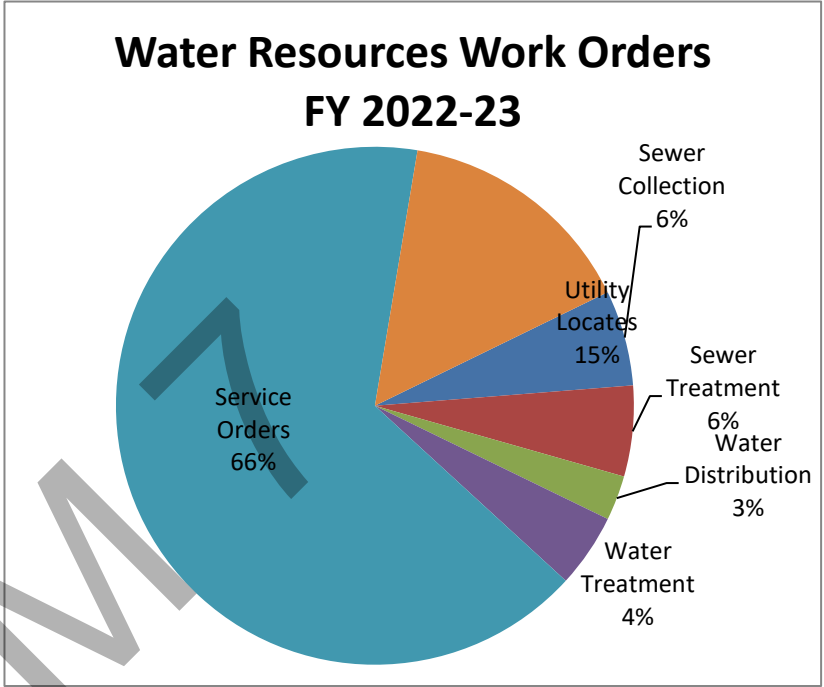
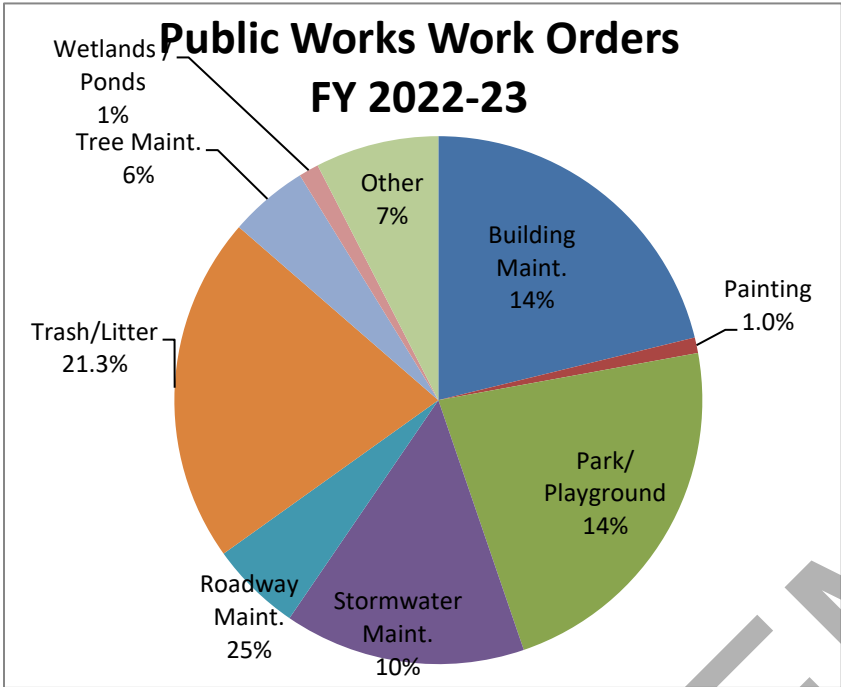
www.riverbendnc.org

April 2023 Monthly Report Brandon Mills, Director of Public Works

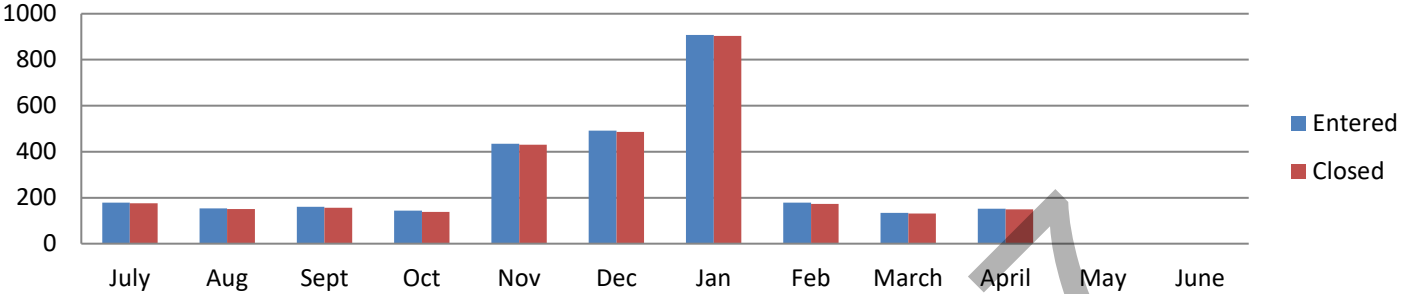
Public Works has continued to do a good job around town. Herbicide was applied at the front entrance pond, and the town hall pond. We apply the appropriate herbicide several times a year to control unwanted vegetative growth in these ponds. If too much growth is allowed it could deplete dissolved oxygen levels in these ponds, and that would be harmful to fish. We also applied herbicide in all of our playground areas to control unwanted weed growth and have it on our schedule to apply more mulch to these playgrounds. The mulch not only makes these areas look better, but provide a cushioning effect in the event anyone falls.

Water Resources completed our annual flushing of the water distribution system. We flush to remove any minerals that may have built up in our piping. We also flow test and service our fire hydrants. The flow testing of the fire hydrants is necessary to have a good fire rating which lowers home insurance costs. There were also several hydrants that were noted that did not have enough clearance away from overgrown bushes for proper operation of the hydrant. These are on our schedule to trim around. I would like to ask that no one plant bushes or plants around our fire hydrants. When the area around the hydrants become overgrown, it will not allow the fire department to have easy access, or they may become invisible from the roadway. This could make the difference between putting the fire out quickly.

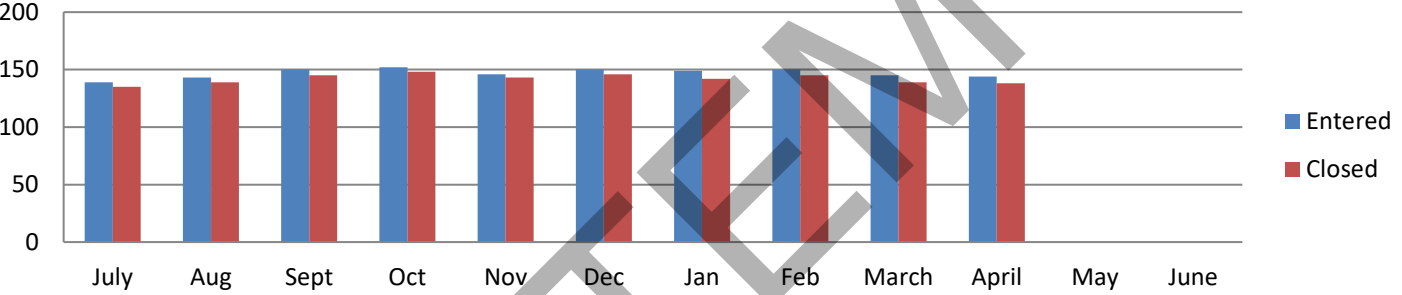
If you have any questions concerning the Water Resources/Public Works Department, please call us at 638-3540, Monday-Friday, 8am-4pm. After hour's water and sewer, emergencies can be reported by dialing the Town Hall at 638-3870. You will be instructed to dial "9" and follow the directions to contact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



Water Resources - Work Orders



Public Works - Work Orders



Town of River Bend
 FY 2022-2023
 Work Order Report



Public Works

Orders Entered													YTD	Pending
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June		
Building Maintenance	31	30	29	30	31	34	33	31	31	31			311	0
Painting	2	1	0	1	2	3	2	0	1	2			14	1
Park/Playground	32	34	36	34	32	31	33	35	33	32			332	1
Roadway Maintenance	17	19	22	24	22	25	21	24	20	23			217	0
Stormwater Maintenance	8	7	9	12	10	8	7	6	8	7			82	2
Trash/Litter	30	33	31	30	31	31	32	31	32	31			312	0
Tree Maintenance	8	6	8	7	5	7	9	8	7	6			71	0
Wetlands / Ponds	2	2	1	2	3	2	1	2	1	2			18	1
Other	9	11	14	12	10	9	11	13	12	10			111	1
TOTAL	139	143	150	152	146	150	149	150	145	144	0	0	1468	6
Orders Closed	135	139	145	148	143	146	142	145	139	138			1420	

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	22			175	1
Sewer Treatment	16	17	15	14	15	17	16	15	20	21			166	0
Water Distribution	9	8	7	6	8	9	7	8	9	11			82	1
Water Treatment	10	12	13	14	13	15	13	14	15	16			135	1
Service Orders	84	62	67	47	341	387	811	81	20	30			1930	0
Utility Locates	46	40	42	44	40	44	42	44	50	52			444	0
TOTAL	178	154	160	143	434	491	907	179	134	152	0	0	2932	3
Orders Closed	175	151	156	138	430	486	904	173	131	149			2893	

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	296	0	0	4400
Orders Closed	310	290	301	286	573	632	1046	318	270	287	0	0	4313



MONTHLY ZONING REPORT

MONTH YEAR

Activity	Monthly	YTD Total
Permit Applications Received	5	63
Permits Issued	5	63
Fees Collected	343.60	6626.40
Violations Noted During Weekly Patrol	7	67
Complaints Received From Citizens	0	10
Notice Of Violations Initiated *see details below	7	70
Remedial Actions Taken By Town	0	0

Detail Summary		
Address	Violation	Date Cited
104 Sandpiper	Vehicles in grass	5-Apr
605 Plantation	Vehicles in grass	5-Apr
709 Plantation	Vehicles in grass	5-Apr
403 Rockledge	Vehicles in grass	5-Apr
324 Barbara	Grass	5-Apr
410 Plantation	Junk vehicles; debris	5-Apr
103 Knotline	RV	14-Apr

Liaison Report to Town Council – 5/18/23

Community Appearance Commission

The CAC did not meet in May.

The Beautification awards for May were awarded to yards located at 300 Pirates Road and 2A Mulberry. You can find the entire list of nominees on the town's website and in the weekly River Bend E-News. Nominations for the June award will begin on June 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 next step in the Plantation Drive median project is for Council to discuss the proposal and offer direction.

Other plans and programs will be presented at later dates.

There currently are three vacancies on the Community Appearance Commission. This is an active group with diverse interests. Members may work on one or all of the projects. If you are interested, contact Chairwoman Brenda Hall to find out more about joining the board or volunteering for a project.

The next meeting is scheduled for July 19, 2023 at 4 pm in the Municipal Building.

Town of River Bend



Monthly Financial Report

Printed 5/12/2023

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

Notes

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

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

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

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

**Town of River Bend
Financial Dashboard**



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



Fund Cash Balances

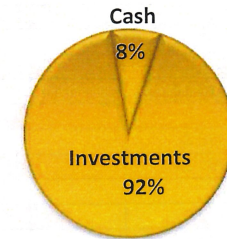
Cash Balances		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1	General Fund*	1,106,249	975,227	982,837	1,011,384	959,557	1,200,673	1,260,006	1,283,217	1,136,944	1,107,485		
2	Powell Bill	-	-	45,742	45,742	45,743	91,485	91,486	91,486	-	-		
3	General Capital Reserve	120,893	121,112	121,354	100,154	100,444	100,778	101,139	101,486	83,545	83,870		
4	ARPA Grant Fund*	482,297	108	108	108	109	109	109	110	110	111		
5	ASADRA Capital Projects*	-	-	-	-	3,600	-	-	-	-	0		
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	1,174,045		
7	Law Enforcement Separation Allowance*	35,526	35,590	35,661	35,750	35,854	35,973	36,102	36,225	36,366	36,507		
8	Water Fund*	711,452	757,072	491,466	531,521	521,614	551,190	554,050	584,761	587,718	622,276		
9	Water Capital Reserve Fund (CIF)	245,404	245,849	1,213	1,216	1,220	1,224	1,228	1,233	1,237	1,242		
10	Sewer Fund*	1,092,813	1,125,729	631,562	655,272	646,276	685,864	695,895	726,471	724,806	776,001		
11	Sewer Capital Reserve Fund (CIF)	11,280	11,301	57	57	57	57	57	58	58	58		
12	WWTP Capital Projects Fund*	-	-	-	-	-	-	(2,200)	(15,000)	(15,950)	-30,738		
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	3,770,857		
Truist Cash Accounts		798,787	259,065	322,564	410,311	387,874	487,135	449,841	382,892	255,616	287,108		

*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	960,559		
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	83,870		
4	ARPA Grant Fund	108	108	108	108	109	109	109	110	110	111		
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	1,174,045		
6	Law Enforcement Separation Allowance	35,526	35,590	35,661	35,750	35,854	35,973	36,102	36,226	36,366	36,508		
7	Water Fund	623,857	672,517	403,449	404,456	405,754	447,156	448,759	476,861	479,732	538,971		
8	Water Capital Reserve Fund (CIF)	245,404	245,849	1,213	1,216	1,220	1,224	1,228	1,233	1,237	1,242		
9	Sewer Fund	1,005,219	1,041,606	538,990	540,335	541,901	594,771	596,903	636,523	625,961	688,386		
10	Sewer Capital Reserve Fund (CIF)	11,280	11,301	57	57	57	57	57	58	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	3,483,750		

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	4,904			723,635.35	100.3%
2 Ad Valorem Taxes - Vehicle	92,300	92,300	-	8,812	18	10,076	15,560	-	14,454	-	16,749	11,551			77,219.69	83.7%
3 Animal Licenses	2,000	2,000	100	70	100	177	20	30	420	360	710	180			2,167.00	108.4%
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	34,038			355,599.83	93.5%
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	8,900			96,998.26	98.0%
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	46			406.35	81.3%
14 Zoning Permits	5,000	5,000	343	1,420	1,840	460	1,017	232	272	348	1,094	452			7,476.40	149.5%
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	437			17,166.74	171.7%
20 Insurance Settlements	-	-	-	1,693	-	664	-	-	-	-	-	-			2,356.81	#DIV/0!
21 Interest - Powell Bill	50	50	-	-	0	0	0	0	1	1	-	-			2.72	5.4%
22 Interest - Investments	500	500	1,336	1,628	1,764	2,213	2,444	2,889	3,587	3,926	4,254	3,901			27,940.36	5588.1%
23 Contributions	421	421	1,035	0	-	-	4	4	0	-	-	-			1,043.32	247.8%
24 Wildwood Storage Rents	18,144	18,144	1,577	1,680	1,684	1,699	1,651	1,525	1,645	1,583	1,624	1,696			16,365.27	90.2%
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	1,860			16,940.00	94.1%
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	67,966	-	-	1,729,717.73	76.1%

*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.

Town of River Bend
Financial Report
Fiscal Year 2022 - 2023



General Fund

Expenditures	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	% Exp
	Original	Current														
	Total															
1 Governing Body	30,400	30,400	7,666	-783	4,505	-768	404	5,349	935	839	4,266	-783			21,630	71.2%
2 Administration*	279,600	296,800	35,532	25,566	23,908	19,282	38,435	25,366	16,991	16,576	21,321	16,414			239,392	80.7%
3 Finance*	119,000	133,800	10,647	8,468	8,340	8,497	15,654	12,791	8,000	12,362	8,097	8,199			101,054	75.5%
4 Tax Listing	11,600	11,600	-	306	346	844	856	3,032	2,502	875	726	428			9,916	85.5%
5 Legal Services	24,000	24,000	1,624	3,293	3,198	1,359	1,794	655	836	2,129	2,876	4,522			22,285	92.9%
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	2,664			47,753	46.7%
8 Police*	587,200	664,443	66,342	48,694	43,074	84,023	72,791	43,428	46,956	55,499	39,163	40,915			540,885	81.4%
9 Emergency Management	3,700	3,700	365	1,954	15	72	15	15	254	15	16	16			2,737	74.0%
10 Animal Control	14,600	14,600	1,662	921	929	940	1,313	1,071	956	1,132	763	953			10,639	72.9%
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	2,388			178,195	92.3%
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	10,035			130,214	73.4%
13 Leaf & Limb, Solid Waste	51,000	51,000	4,034	332	4,066	619	8,602	3,721	7,562	8,888	197	195			38,217	74.9%
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	1,392			306,081	98.3%
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	3,489			42,458	77.5%
17 Recreation & Special Events	7,600	7,600	1,121	179	262	-	304	-	-	-	641	100			2,607	34.3%
18 Parks*	79,700	101,200	2,930	25,332	2,943	3,151	29,637	3,551	3,032	2,860	2,982	2,989			79,408	78.5%
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	218,358	93,919	-	-	1,847,481	81.3%

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	-	125			249,828	100.1%
2 Debt Service - Principle	-	-	-	-	-	-	-	-	-	-	-	-			-	0.0%
3 Debt Service - Interest	-	-	-	-	-	-	-	-	-	-	-	-			-	0.0%

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



Water Fund

Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	Total	% Col
	Original	Current															
	1 Base Charge	277,253	277,253	45,982	334	46,082	338	46,068	266	46,135	256	46,737	-36			232,163	83.7%
2 Consumption	236,560	236,560	47,061	232	46,810	136	47,070	230	37,816	59	43,312	236			222,961	94.3%	
3 Other, incl. transfers	19,892	19,892	849	4,437	1,316	3,248	765	4,023	1,642	4,824	1,850	6,928			29,881	150.2%	
4 Hydrant Fee	20,130	20,130	20,130	-	-	-	-	-	(98)	-	-	-			20,032	99.5%	
5 Appropriated Fund Bal.*	40,665	330,197	-	-	-	-	-	-	-	-	-	-			-	0.0%	
Total	594,500	884,032	114,022	5,003	94,208	3,722	93,902	4,519	85,495	5,139	91,899	7,128	-	-	505,037	57.1%	

Expenses	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	Total	% Exp
	Original	Current															
	1 Admin & Finance*	467,000	485,741	46,918	22,831	21,859	21,592	45,242	29,729	22,323	21,503	20,361	27,302			279,660	57.6%
2 Supply & Treatment	75,000	75,000	868	2,691	4,662	2,950	5,301	2,172	5,614	2,211	1,086	3,396			30,952	41.3%	
3 Distribution	49,000	49,000	30,702	671	784	221	381	31	1,135	2,458	674	4,672			41,729	85.2%	
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	22,121	35,370	-	-	623,132	70.5%	

Capital (included above)	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	Total	% Exp
	Original	Current															
	1 Capital Outlay*	13,000	16,825	-	-	-	-	2,325	-	-	-	-	94			2,418.75	14.4%

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	622,276	
2 Water Capital Reserve Fund (CIF)		245,404	245,849	1,213	1,216	1,220	1,224	1,228	1,233	1,237	1,242		

Water Produced		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date
		1 Total Gallons	Limit	8,488,000	8,573,000	8,445,000	9,070,000	7,554,000	8,705,000	9,010,000	8,348,000	9,036,000	10,132,000	
2 Average daily gallons		925,000*	273,806	276,548	281,500	292,581	251,800	280,806	290,645	298,143	291,484	337,733		287,505

* 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														
1	Base Charge	294,601	294,601	48,732	397	48,853	467	48,826	365	48,938	365	49,756	-96			246,603	83.7%
2	Consumption	316,810	316,810	61,798	634	64,039	298	63,280	49	52,203	130	59,070	264			301,766	95.3%
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	5,220			27,460	277.3%
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	111,264	5,388	-	-	575,829	48.5%

Expenses		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current														
1	Admin & Finance*	455,000	468,025	44,707	23,332	23,225	23,050	47,995	28,371	22,243	23,367	21,383	22,042			279,715	59.8%
2	Collection	75,000	75,000	5,399	1,055	15,499	811	2,246	696	3,154	942	634	127			30,563	40.8%
3	Treatment	136,000	136,000	10,840	7,305	4,251	15,545	4,005	6,081	16,237	5,711	14,859	2,825			87,660	64.5%
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	36,876	24,994	-	-	902,552	76.0%

Capital (included above)		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current														
1	Capital Outlay*	42,000	45,825	-	-	13,870	-	2,325	-	-	-	-	94			16,289	35.5%

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	776,001		
2	Sewer Capital Reserve Fund (CIF)	11,280	11,301	57	57	57	57	57	58	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	3,134,000			32,722,000
2	Average daily gallons	330,000*	119,161	101,806	106,000	110,258	122,233	100,032	105,323	110,964	96,774	104,467			107,702

* This is the permitted daily limit.

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.

ITEM 1

THE IMPORTANCE OF THE MUNICIPAL ANNUAL BUDGET

It is worth a repeat to post this monthly Mayor's Report addressing the importance of the Town's budget and the work that the Town Council puts into its development.

The following steps are followed in budget development:

1. The Town Manager as the budget officer (a N.C. General Assembly Statute position mandate) is responsible for preparing a balanced budget and presenting it to the Council. The draft is reviewed with the Manger. Each line item is reviewed with the Manager in a number of budget workshops. These meetings are advertised and are open to the public.
2. During the workshops the Manager responds to questions that individual Council members may ask on any line item presented.
3. After the several workshops are completed a public hearing is scheduled and advertised. At this hearing citizens may offer comments to the Council on the details of the budget.
4. Following the hearing the Council will vote to formally adopt the FY 2023-2024 River Bend budget.

With the adopted budget in place the Manager is responsible for the execution of approved expenditures without further Council input. During the course of the budget year if a need arises the Manager will prepare a budget amendment to address the need and the Council will vote on approval at a scheduled Council Meeting.

I have frequently told the Council that the effort that they spend developing the budget is the most demanding and important task that they address each year. It also is a demanding effort on the part of the Town Manager, Finance Director and the staff.

Our Town is fortunate to have a Council and Staff that understand this responsibility and each year has developed a balanced budget and maintained a reserve that has met unanticipated emergency purchases.

Thanks to the Manager, Finance Director, Council and Town Staff for this demanding service.

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 14