#### **TOWN OF RIVER BEND**

45 Shoreline Drive River Bend, NC 28562

T 252.638.3870 F 252.638.2580

www.riverbendnc.org

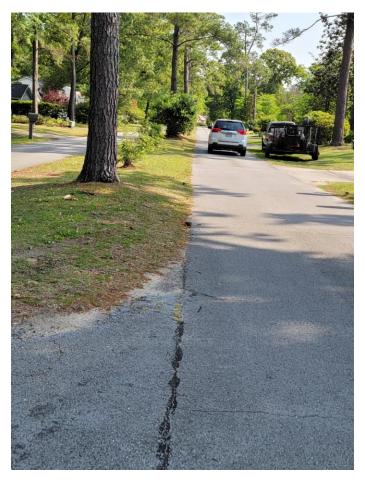
#### RIVER BEND TOWN COUNCIL AGENDA

Work Session Meeting
August 10, 2023
River Bend Town Hall – 45 Shoreline Drive
7:00 p.m.

- 1. **VOTE** Approval of Agenda
- 2. Message from Eastern Carolina Council David Bone, Executive Director
- 3. Discussion CAC's Plantation Median Recommendations Maurer / Brenda Hall
- 4. Discussion Renew Water Shortage Response Plan Jackson
- 5. **VOTE** 2022 Craven County Tax Settlement Jackson
- 6. Discussion Draft Advisory Board Ordinance Amendment Leonard
- 7. Discussion Advisory Board Appointments Jackson
  - A. CAC Carina Wordham
  - B. Planning Board Carolyn Gadwell
  - C. Parks and Recreation Elizabeth Stokes
- 8. Discussion Red Caboose Library Contract Update Baxter
- 9. Discussion Planning Board's Rezoning Recommendation for 403 Old Pollocksville Road Sheffield
- 10. Discussion Conditional Zoning Ordinance Weaver
- 11. REVIEW AGENDA Nobles

Pledge: Leonard

# Town of River Bend Plantation Median Project



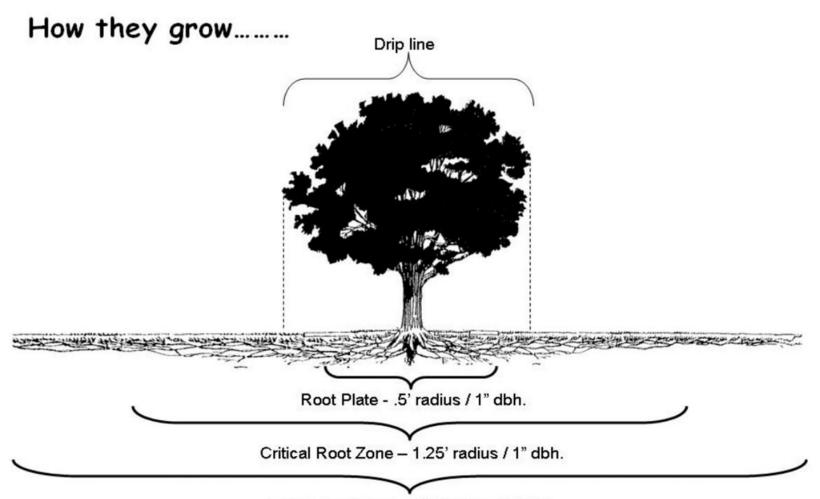
River Bend
Community Appearance
Commission

Brenda Hall, Chair Meg Williams, Christine Soler Recap from Tom Glasgow's Presentation to Town Council, March 16, 2023

# In Summary:

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

  Inspect, Remediate, Document



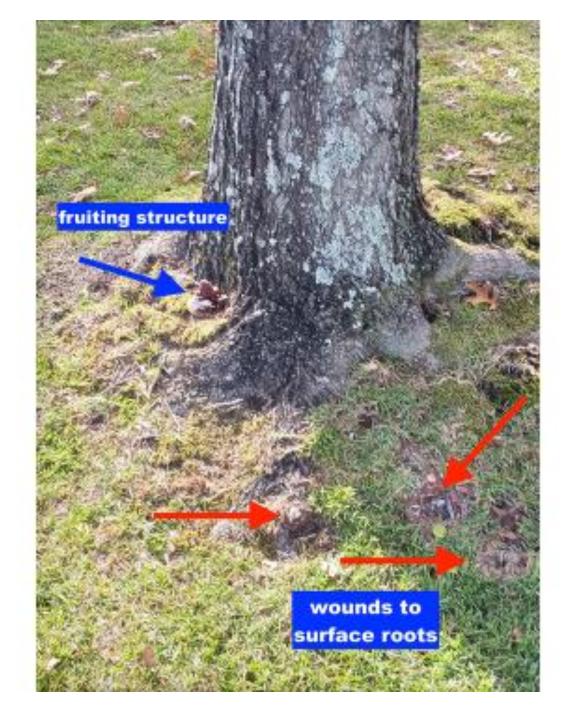
Actual Root Zone - 1.5' radius / 1" dbh.











### Location at corner of Shoreline and Plantation

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











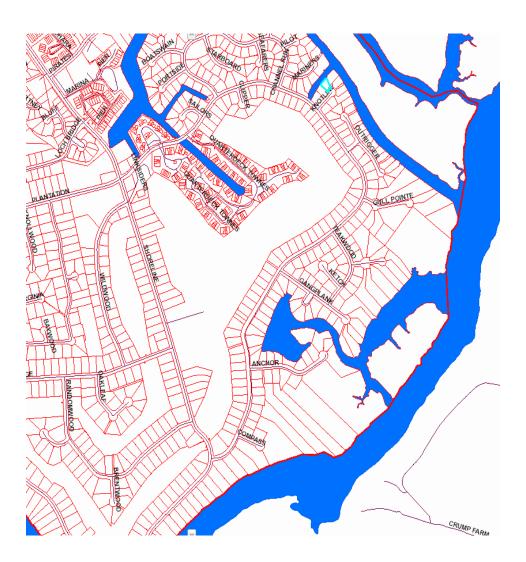




End of Recap

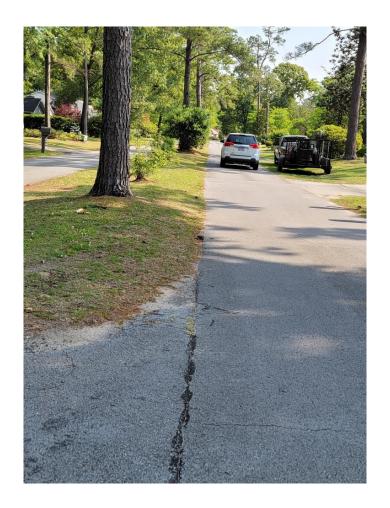
Background:

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



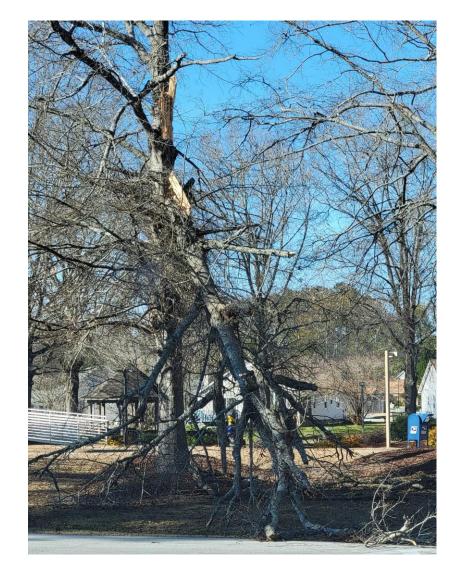
# Plantation Median Project Observations:

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



# Plantation Median Project <a href="Issue #1">Issue #1: Tree Health/Safety</a>

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



# Plantation Median Project <a href="Issue #2">Issue #2: Road Safety</a>

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



Issue #2: Road Safety



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



## Issue #3: Maintenance

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





# **CAC** Recommendations

Issue #1: Tree Health/Safety

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

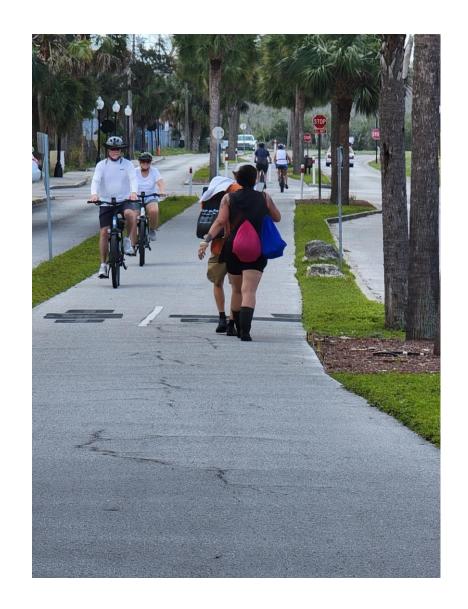




# **CAC** Recommendations

## Issue #2: Road Safety

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



# **CAC** Recommendations

Issue #2: Road Safety

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

# **CAC** Recommendations

### Issue #3: Maintenance

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



Volcano Mulching

# Plantation Median Project Next Steps...

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

### TOWN OF RIVER BEND RESOLUTION APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (I) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

**WHEREAS,** as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Town of River Bend has been developed and submitted to the Town Council for approval; and

WHEREAS, the Town Council finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (I) and that it will provide appropriate guidance for the future management of water supplies for River Bend, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of Town of River Bend that the Water Shortage Response Plan entitled, River Bend Water Shortage Response Plan dated August 10, 2023, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

**BE IT FURTHER RESOLVED** that the Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Adopted this the 10th day of August, 2023 at River Bend, North Carolina.

	John R. Kirkland, Mayor
ATTEST:	
Kristie J. Nobles, Town Clerk, CMC	

ROY COOPER Governor ELIZABETH S. BISER Secretary RICHARD E. ROGERS, JR. Director



RECEIVED

July 18, 2023

TOWN OF RIVER BEND

Brandon Mills Public Works Director Town of River Bend 45 Shoreline Drive River Bend, NC 28562

Subject: WSRP Meets Minimum Criteria

River Bend Water System PWSID#: 04-25-113 Craven County

Dear Mr. Mills,

This letter is to notify you that our staff has reviewed the information contained in the Water Shortage Response Plan (WSRP) update submitted by your office. Since all the required information is complete, the WSRP for the River Bend water system hereby meets the minimum criteria established in North Carolina General Statute 143-355.2 (a) and 15A NCAC 02E. 0607.

The Water Shortage Response Plan must next be adopted by your water system's governing board; a model WSRP resolution is available online on the right side of the Local Water Supply Plan page at: <a href="https://www.ncwater.org/WUDC/app/LWSP/learn.php">https://www.ncwater.org/WUDC/app/LWSP/learn.php</a>. Once adopted, a copy of the signed resolution must be submitted to Linwood Peele, Water Supply Planning Branch Supervisor, at the address printed at the bottom of this letter or by e-mail to the review engineer shown below. Please note, the WSRP cannot be considered compliant with the requirements of NCGS 143-355(I) until an adopted resolution is received by the Division.

Please be advised that the review process for Water Shortage Response Plans is separate from the review process for your Local Water Supply Plan (LWSP). If you have submitted your LWSP but haven't already been contacted by the Division, you will receive notification as soon as the review of your LWSP is complete.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact your review engineer, Louis Murray, at <u>louis.murray@ncdenr.gov</u> or 919-707-9017, or Linwood Peele at linwood.peele@ncdenr.gov or (919) 707-9024, if we can be of further assistance.

Sincerely,

Karen Higgins, Planning Section Chief Division of Water Resources, NCDEQ



#### River Bend Water Shortage Response Plan August 10, 2023

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

#### I. Authorization

The River Bend Town Manager shall enact the following water shortage response provisions whenever the trigger conditions outlined in Section IV are met. In his absence, the Water Resources Superintendent will assume this role.

Brandon Mills
River Bend Public Works Director
Phone: (252) 638-3540
E-mail: wrdsupt@riverbendnc.org

Mr. Delane Jackson River Bend Town Manager Phone: (252) 638-3870

E-mail: manager@riverbendnc.org

#### II. Notification

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through PSA announcements on local radio and tv stations. Declaration of emergency water restrictions or water rationing will be communicated to all customers by email and/or telephone. The town's emergency alert system, postings on the town's webpage.

#### III. Levels of Response

Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary reductions, mandatory reductions I and II, emergency reductions and water rationing. A detailed description of each response level and corresponding water reduction measures follow below.

Stage	Response	Description
1	Voluntary Reductions	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Mandatory Reductions I	Water users must abide by required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Mandatory Reductions II	Same as in Stage 2
4	Emergency Reductions	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water Rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

In Stage 1, Voluntary Reductions, all water users will be asked to reduce their normal water use by 5%. Customer education and outreach programs will encourage water conservation and efficiency measures including: irrigating landscapes a maximum of one inch per week; preventing water waste, runoff and watering impervious surfaces; watering plants deeply to encourage root growth; washing only full loads in clothes and dishwashers; using spring-loaded nozzles on garden hoses; and identifying and repairing all water leaks.

In Stage 2, Mandatory Reductions I, all customers are expected to reduce their water use by 10% in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions apply: irrigation is limited to a half inch per week between 8PM and 8AM; outdoor use of drinking water for washing impervious surfaces is prohibited; and all testing and training purposes requiring drinking water (e.g. fire protection) will be limited.

In Stage 3, Mandatory Reductions II, customers must continue actions from all previous stages and reduce water use by 20% compared to their previous month's water bill. All non-essential uses of drinking water are banned and garden and landscape irrigation must be reduced to the minimum amount necessary for survival. Additionally, in Stage 3, a drought surcharge of 1.5 times the normal water rate applies.

In Stage 4, Emergency Reductions, customers must continue all actions from previous stages and reduce their water use by 25% compared to their previous month's water

bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to 2 times the normal water rate.

The goal of Stage 5, Water Rationing, is to provide drinking water to protect public health (e.g. residences, residential health care facilities and correctional facilities). In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to River Bend's Emergency Response Plan. Drought surcharges increase to 5 times the normal water rate.

#### IV. Triggers

River Bend's water source is groundwater. The following measurements of well pumping times and well levels in relationship to pump intake levels trigger entry into corresponding water restriction stages.

Stage	Well Operating Conditions
1	Pumping Time >10 hrs
	20% reduction in seasonal normal distance from static water level and
	pump intake
	20% increase pumping time for same output
2	Pumping Time >12 hrs
	40% reduction in distance from static water level and pump intake
1	40% increase pumping time for same output
3	Pumping Time >14 hrs
	60% reduction in distance from static water level and pump intake
	60% increase pumping time for same output
4	Pumping Time >20 hrs
	80% reduction in distance from static water level and pump intake
5	Water level at pump intake elevation

#### Return to Normal

When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

#### V. Enforcement

The provisions of the water shortage response plan will be enforced by Town of River Bend personnel and local law enforcement. Violators should be reported to the Town. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage.

Water Shortage Level	First Violation	Second Violation	Third Violation
Voluntary Reductions	N/A	N/A	N/A
Mandatory Reductions	Warning	\$250* penalty	**Discontinuation
(Stages 2 and 3)			of Service
Emergency Reductions	\$250 penalty	\$250 penalty and	\$500 penalty and
		Discontinuation of	Discontinuation of
		Service	Service
Water Rationing	\$500 penalty	\$500 penalty	\$500 penalty and
		Discontinuation of	Discontinuation Of
		Service	Service

<sup>\*</sup>Failure to pay any penalty within 5 days of assessment will result in discontinuation of service until penalty is paid in full.

Drought surcharge rates are effective in Stages 3, 4 and 5.

#### VI. Public Comment

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be will be available at Town Hall for customers to view. A notice will be included in customer water bill notifying them of such. Also a draft plan will be published on the town's website. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by River Bend's Town Council.

#### VII. Variance Protocols

Applications for water use variance requests are available from the Town Hall. All applications must be submitted to the Town Hall for review by the Town Manager or his designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact

<sup>\*\*</sup> Any discontinuation of service shall be for 30 days.

on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

#### VIII. Effectiveness

The effectiveness of the River Bend water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

#### IX. Revision

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our Local Water Supply Plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to River Bend's Town Council. The Town of River Bend Water Resources Superintendent is responsible for initiating all subsequent revisions.

Adopted August 10, 2023

#### **Tax Administrator**



Ms. Leslie L Young Tax Administrator

July 07, 2023

Ms. Kristie Nobles Town of River Bend 45 Shoreline Drive River Bend, NC 28562-8970

Dear Ms. Nobles:

I am pleased to present the settlement of the Town of River Bend tax collections for Tax Year 2022. This date corresponds to the town's 2022-2023 Fiscal Year.

	Real and Other
	Personal Property
2022 Tax Levy (Per Scroll)	\$727,916.17
Releases	304.26
Refunds	25.49
Write-Offs	<u>70.44</u>
Total 2022 Amended Tax Levy	\$727,515.98
Collections as of June 30, 2023	\$722,991.53
Delinquent 2022 Taxes	\$ 4,524.45
Percent Collected	99.38%

The net taxable valuation of all property excluding registered motor vehicles within the town corrected through June 30, 2023, is \$279,774,332. If I can provide to you anything further, please call on me.

Respectfully submitted,

Leslie L. Young Craven County Tax Administrator Yellow=add Blue= delete Underline= Relocated from another section

#### § 3.05.070 APPOINTMENT/REMOVAL TO BOARD

- (A) No appointment to fill a vacancy on an Advisory Board shall be made until the vacancy has been advertised for at least 2 weeks. Applicants are encouraged to attend the Council meeting where their consideration of appointment is scheduled, whereby they will be introduced to the Council.
- (B) The Town Council may give preference to minority applicants in order to promote diversity when selecting the membership of the committee
- (C) The following application procedure shall be followed by all applicants:
  - (1) Any person interested in appointment to an Advisory Board shall complete and submit an Advisory Board Application.
  - (2) Before being considered for appointment, an applicant must have attended at least 1 meeting of the Advisory Board they request to be appointed to.
  - (3) All applications for appointment will be reviewed by the Advisory Board. The Advisory Board shall consider all applicants and submit a recommendation for appointment to the Town Council.
  - (4) The Advisory Board Liaison shall submit the appointment recommendation to the Town Council.
- (D) Advisory Board members may resign at any time for any reason. All resignations must be immediately reported in writing or via email to the Town Manager by the Chair, or Liaison. Once a member's resignation becomes effective, that member may only be considered for reappointment following the procedure described herein.
- (E) The Council may remove a Board member, at its discretion, only by vote in an open meeting. A
  Board member who misses 3 consecutive meetings without being excused by the Board shall be
  considered to have resigned membership in the Board. The vacancy shall be filled as soon as
  -practicable by the Council.
- (F) Council members may not serve on an Advisory Board. Upon appointment or election to the Council, an Advisory Board member shall immediately resign from the Advisory Board or be removed from the Advisory Board by a vote of the Council.

This Ordinance shall be in full force and effect upon its adoption

Adopted this the 17th day of August, 2023

### **RECEIVED**

TOWN OF RIVER BEND





JUL 0 6 2023 TOWN OF RIVER BEND | 45 Shoreline Drive River Bend, NC 28562

T 252.638.3870 F 252.638.2580

www.riverbendnc.org

#### REQUEST FOR APPOINTMENT TO BOARDS OR COMMISSIONS

any of the openings	
BOARD/COMMISSION FOR WHICH YOU ARE APPL Carina Wordham	YING wordhamc@gmail.com
	Word near the control of the control
NAME	E-MAIL ADDRESS
225 Pinewood Drive	703-595-6873
STREET ADDRESS	PHONE #
If you listed a post office box, do you live in	the Town of River Bend?
	LLS, OR EXPERIENCE YOU HAVE THAT WOULD BE OF USE OUR APPLICATION (Please include any committees you have elpful in considering your application):
I have worked in property management	for the past 5 years. My main focus was the ARC/ARB
board applications for all of the commun	ities we worked for. This job entailed, receiving the application
from the homeowner, making sure all pe	rtinent information was listed and in line with the community
guidelines, submitting applications, answer	ering board and homeowner question regarding the
application informing homeowner of the	e decision and facilitated appeals with the property
manager and board, and sometimes le	gal.
all applications were logged under the	community as well as under the property address so that
if the property sells, these records wou	ld be transferred as well.
IF YOU NOW SERVE OR HAVE SERVED ON	ANY TOWN COMMITTEES, PLEASE LIST DATES:
event you are appointed, it may be used as a news	cil in making appointments to Boards and Commissions, and in the release to identify you to the community. This form will be ission. If after two years, you have not been appointed and wish to resubmit your application.
	Carina Wordham 07/05/2023
Please submit application to	SIGNATURE L. July DATE
townclerk@riverbendnc.org	TRB Form 4 Rev. 11/21

### **RECEIVED**





### JUN 1 2 2023

#### TOWN OF RIVER BEND 45 Shoreline Drive River Bend, NC 28562 TOWN OF RIVER BEND

T 252.638.3870 F 252.638.2580 www.riverbendnc.org

TRB Form 4 Rev. 11/21

#### REQUEST FOR APPOINTMENT TO BOARDS OR COMMISSIONS

Planning Board	
BOARD/COMMISSION FOR WHICH YOU ARE APPLYING	
Carolyn Gadwell	cagadwel@hotmail.com
NAME	E-MAIL ADDRESS
202 Outrigger Road, New Bern, NC 28562	724-601-7492
STREET ADDRESS	PHONE #
If you listed a post office box, do you live in the Town o	f River Bend? Yes No
PLEASE LIST ANY EDUCATION, SPECIAL SKILLS, OR EX TO THE TOWN COUNCIL IN CONSIDERING YOUR APPLIC belonged to and offices held that would be helpful in cor	CATION (Please include any committees you have
My prior experience as a Discipline Specialist with Be	chtel could be helpful while serving on the Planning
Board. It was my duty to review inspection, installation	n and safety record data for compliance to
procedure and industry standards. I was assigned to	do this for, Electrical, Civil, Piping and Mechanical
disciplines. If identifying any deficiencies, I would then	meet and discuss with Project Engineers and personnel
and have them rework or retest until there was accura	acy and provide assistance to them for
proper completion. They would then be presented to e	either or both the Department of Defense and the
Department of Energy for acceptance toward Turnove	er. I have had to work in a professional and diplomatic
manner with personnel on all levels and disciplines. N	ly experience in Work Habit Efficiency and well as writing
Work Processes demonstrates how detail oriented Fa	m.
IF YOU NOW SERVE OR HAVE SERVED ON ANY TOW	N COMMITTEES, PLEASE LIST DATES:
This information will be used by the Town Council in making event you are appointed, it may be used as a news release to it retained by the Town for two years after its submission. If after	dentify you to the community. This form will be or two years, you have not been appointed and wish to
be considered for future appointments, you must resubmit you	r application.
Please submit application to	grafure date 6-11-2023 GNATURE DATE
townclerk@riverbendnc.org	TPR Form 4 Rev. (1/2)





# RECEIVED TOWN OF RIVER BEND

TOWN OF RIVER BEND

45 Shoreline Drive River Bend, NC 28562

T 252.638.3870 F 252.638.2580

www.riverbendnc.org

#### REQUEST FOR APPOINTMENT TO BOARDS OR COMMISSIONS

Jurts & Recreation
BOARD/COMMISSION FOR WHICH YOU ARE APPLYING
Elizabeth Stokes beach 3 dayt me cancil Cer.
109 Portside Lane, 704-305-3010
STREET ADDRESS PHONE #
If you listed a post office box, do you live in the Town of River Bend?  Yes  No
PLEASE LIST ANY EDUCATION, SPECIAL SKILLS, OR EXPERIENCE YOU HAVE THAT WOULD BE OF USE
TO THE TOWN COUNCIL IN CONSIDERING YOUR APPLICATION (Please include any committees you have
belonged to and offices held that would be helpful in considering your application):
I was a member of CERT from 2018-3033.I
attended all the events that CERT was midwed
In including training sessions. The skills
learned during these sessions will be helpful
With Parkse REC. Organining events, setting up for
events, directing traffic and communication I
Want to beinvolved in my community.
IF YOU NOW SERVE OR HAVE SERVED ON ANY TOWN COMMITTEES, PLEASE LIST DATES:
CERT 2018-2023
This information will be used by the Town Council in making appointments to Boards and Commissions, and in the
event you are appointed, it may be used as a news release to identify you to the community. This form will be
retained by the Town for two years after its submission. If after two years, you have not been appointed and wish to be considered for future appointments, you must resubmit your application.

Please submit application to

townclerk@riverbendnc.org

TRB Form 4 Rev. 11/21

#### LIBRARY SERVICES AGREEMENT

#### CRAVEN COUNTY

THIS LIBRARY SERVICES AGREEMENT, is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023 by and between TOWN OF RIVER BEND ("Town"); and the RED CABOOSE COMMUNITY LIBRARY ("Library") (hereinafter collectively "Parties").

#### WITNESSETH:

WHEREAS, the Library provides certain library services and scholastic to the general community; and,

WHEREAS, Town desires to contract with the Library for the Library to provide general library services to all citizens of the Town, without charge or cost.

NOW, THEREFORE, BE IT RESOLVED that for valuable consideration, the adequacy of which is expressed acknowledged by the Parties, the Parties agree to the following terms:

### ARTICLE 1

Responsibilities of Library

During the term of this Agreement, and subject to the conditions and terms contained herein, the Library agrees:

- 1.1 To provide all of those general library services it is currently engaged in, to the citizens and residents of the Town, at no cost, charge or expense to individual citizens and residents of the Town.
- 1.2 It may solicit donations from its patrons, but shall at all times make clear that such donations are completely voluntary, and that they shall not inure to the benefit of the Town itself.
- 1.3 Indemnify and hold the Town harmless against all expenses, liabilities and claims of every kind, including reasonable attorney's fees, incurred by the Town arising out of the Library's negligence or intentional acts in performing under this Agreement, as well as the negligence or intentional acts of the Library's employees, volunteers, agents, representatives and independent contractors.

### ARTICLE 2 Responsibilities of Town

During the term of this Agreement, and subject to the conditions and terms contained herein, the Town agrees:

- 2.1 To advertise the Library's activities on the Town's webpage, in a reasonable manner. Such reasonable manner shall be determined in the sole discretion of the Town Manager or his/her designee.
- 2.2 To pay the Library a total of five-thousand dollars per year (\$5,000), to be paid in twelve (12) equal monthly installments upon receipt of an invoice from the Library.

#### ARTICLE 3

#### **Term**

The initial term of this Agreement shall terminate on the 30th day of June, 2024. The term of this Agreement can be renewed for subsequent one-year terms upon written consent of both Parties on the same terms provided in this Agreement. During the initial term or any subsequently renewed term of this Agreement, either party, with or without cause, may cancel this Agreement upon thirty (30) days' written notice to the other party. If either party gives notice of cancellation, said notice will not be considered a breach of this Agreement, and said notice will relieve the other party from any future performance under this Agreement.

## ARTICLE 4 Independent Contractor

In the performance of services hereunder, the Library and its agents shall at all times act as an independent contractor, and not as an official Town department or as employees or agents of the Town. The Library and its agents shall not have any claim under this Agreement or otherwise against the Town for vacation pay, sick leave, retirement benefits, social security, worker's compensation, disability benefits, unemployment insurance benefits, or employee benefits of any other kind.

## ARTICLE 5 Miscellaneous

- **5.1** Entire Agreement; Modification: This Agreement supersedes all prior agreements and constitutes the entire agreement between the Parties and may not be amended or modified except by a subsequent written agreement executed by both Parties.
- 5.2 <u>Severability:</u> If any of the provisions of this Agreement shall be held by a court of competent jurisdiction to be unconstitutional or unenforceable, the decision of such court shall not affect or impair any of the remaining provisions of this Agreement, and the Parties shall, to the extent they deem to be appropriate, take such actions as are necessary to correct any such unconstitutional or unenforceable provision. It is hereby declared to be the intent of the Parties to this Agreement that this Agreement would have been approved and executed had such an unconstitutional or unenforceable provision been excluded therefrom.
- **5.3** Binding Effect: This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective legal representatives, successors, and assigns.
- 5.4 <u>Assignment:</u> Except as may otherwise be expressly provided herein, no party may assign any right, obligation, or liability arising hereunder without the other party's prior written consent. Any such assignment or attempted assignment shall be null and void.
- **5.5** <u>Headings & Duplicate Originals:</u> Headings in this Agreement are for convenience and reference only and shall not be used to interpret or construe its provisions.
- 5.6 <u>Duplicate Originals:</u> This Agreement shall be executed in duplicate originals, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.
- **5.7** Governing Law; Exclusive Venue: This Agreement shall be governed by the laws of the State of North Carolina. Exclusive venue for any action, whether at law or in equity, shall be in a court of competent jurisdiction in Craven County, North Carolina.

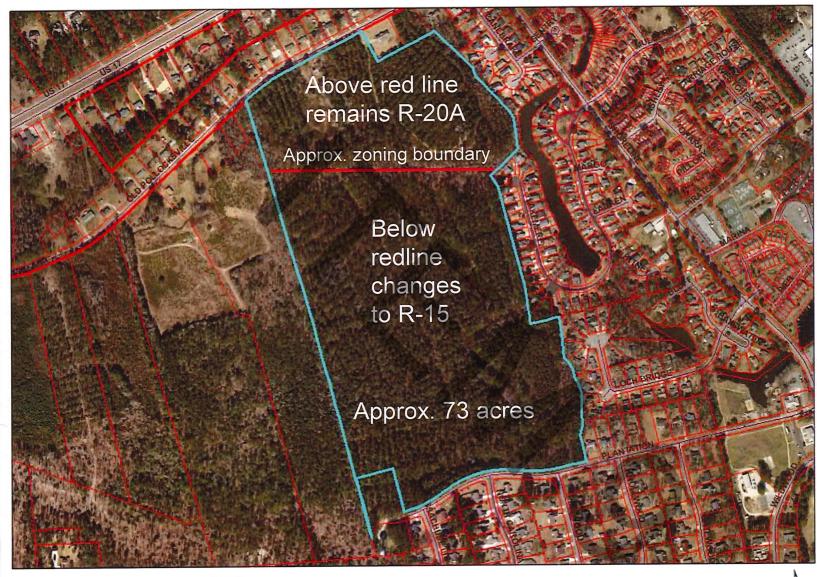
IN TESTIMONY WHEREOF, the Parties hereto have duly executed this Agreement in duplicate originals, a copy of which is retained by each of the Parties, the day and year first above written.

	TOWN OF RIVER BEND
(Town Seal)	
Ву:	John R. Kirkland, Mayor
ATTEST:	
Kristie Nobles, Town Clerk	
	RED CABOOSE COMMUNITY LIBRARY
Ву:	Gloria Kelly, Vice President
This instrument has been pre-audited Fiscal Control Act.	d in the manner required by the Local Government Budget and
	Mandy Gilbert, Finance Officer Town of River Bend
Date:	

3

LSS 146872

### Requested Rezoning



#### TOWN OF RIVER BEND PLANNING BOARD

RESOLUTION ADVISING THAT THE PROPOSED MAP AMENDMENT IS IN ACCORDANCE WITH ALL OFFICIALLY ADOPTED PLANS, INCLUDNG THE COMPREHENSIVE LAND USE PLAN; ARE REASONABLE; AND ARE IN THE PUBLIC INTEREST.

WHEREAS, the North Carolina General Assembly has given the Town of River Bend ("Town") the authority to adopt and amend zoning and development regulation ordinances and map amendments for the purpose of promoting health, safety, morals and the general welfare of its citizens, and

WHEREAS, N.C.G.S. § 160D-605(a) requires the Town of River Bend Planning Board ("Board") to advise the Town of River Bend Town Council by written statement describing whether the proposed amendments to the Town's Code of Ordinances/Zoning Map as related to zoning are consistent with all officially adopted plans, including the comprehensive land use plan, and

WHEREAS, the Board has in fact met to consider and evaluate the proposed map amendment of Parcel #8-200-029, rezoning the parcel from R-20A to R-15.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Board finds that the proposed amendments are in accordance with and consistent with all officially adopted Town plans, including any comprehensive land use plan, and therefore recommends adoption by the Town Council.

This Resolution is effective upon its adoption this 3<sup>rd</sup> day of August, 2023.

TOWN OF RIVER BEND PLANNING BOARD

Egon Lippert, Chairman

ATTEST:

Allison McCollum, Secretary

This is the document that was on the agenda for the Council's March 16, 2023 meeting. The Council took no action on the document, but voted to table the item. The areas in red below represent the changes that the town attorney suggest be made to the Planning Board's recommendation. Words = delete Words = add

#### § 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.
- 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) 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 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.

- 7. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan or master plan for the district, and any additional approved rules, regulations and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to this Ordinance and to the zoning map.
- a) If a petition is approved, only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to division (B)(8) below provided that the change in building layout does not result in an increase in the number of structures.
- b) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional zoning district shall be identified by the same designation as the underlying general district followed by the letters "CD" (for example, "R-20 (CD)").
- c) No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan for the district.
- d) Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of the Code of Ordinances and shall be subject to the same remedies and penalties as any such violation.
- 8. Alterations to approval. Except as provided in division (B)(8)(a) below, changes to an approved petition or to the conditions attached to the approved petition shall be considered a change to the conditional zoning district and shall be processed as a new conditional zoning application in accordance with the procedures set forth in this section.
- a) The Zoning Administrator shall have the delegated authority to approve administrative minor modifications limited to no more than 5% total changes to the originally approved site plan. The Zoning Administrator shall have no authority to amend the conditions of approval of a petition. Any decision by the Zoning Administrator must be in writing stating the grounds for approval or denial. Minor modifications shall be limited to changes that the Zoning Administrator determines would not:
  - 1. Change the gross square footage of nonresidential development by more than 5%;
  - 2. Change the lot coverage by more than 5%;
  - 3. Change any use or density;
  - 4. Adjust the landscaping requirements by more than 5 10%; or
  - 5. Adjust the required parking more than 5%.

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

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

March 9, 2023- Town Council discusses Attorney's legal opinion on proposal

March 16, 2023- Town Council tables conditional zoning

June 8, 2023- Town Council discusses revisiting the recommendation

June 15, 2023- Town Council votes to restart discussions on August 10, 2023

August 10, 2023- Town Council discusses draft ordinance



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# RIVER BEND TOWN COUNCIL DRAFT AGENDA Regular Meeting August 17, 2023

River Bend Town Hall – 45 Shoreline Drive 7:00 p.m.

#### Pledge: Leonard

- 1. Call to Order (Mayor Kirkland Presiding)
- 2. Recognition of New Residents
- 3. Additions/Deletions to Agenda
- 4. Addresses to the Council
- 5. Public Hearings
- 6. Consent Agenda

All items listed under this section are considered routine by the Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

#### A. Approve:

Minutes of the July 20, 2023 Regular Council Meeting

7. Town Manager's Report - Delane Jackson

#### Activity Reports

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

#### **Administrative Reports:**

- 8. Public Safety Councilman Weaver
  - A. Community Watch
- 9. Parks & Recreation Councilman Weaver
  - A. Parks and Rec Report
  - B. Organic Garden Report
  - C. Library Report
- 10. CAC Councilwoman Maurer
  - A. CAC Report
- 11. Finance Councilman Leonard
  - A. Financial Report Finance Director

- 12. Environment And Waterways Councilman Leonard A. EWAB Report
- Planning Board Councilman Sheffield
   A. Planning Board Report
- 14. Mayor's Report Mayor Kirkland
- 15. Public Comment

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

16. Adjournment