



**RIVER BEND TOWN COUNCIL
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
 - A. Helmut Weiser - Median
5. Public Hearings
6. Interview Applicants for Council Vacancy
 - A. Lisa Benton
 - B. Steve Bokor
 - C. Jon Hall
 - D. Michael Repenning
7. 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

8. 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:

9. Public Safety – Councilman Weaver
 - A. Community Watch

10. Parks & Recreation – Councilman Weaver
 - A. Parks and Rec Report
 - B. Organic Garden Report
 - C. Library Report
 - I. **VOTE** – Red Caboose Library Contract

11. CAC – Councilwoman Maurer
 - A. CAC Report

12. Finance – Councilman Leonard
 - A. Financial Report - Finance Director

13. Environment And Waterways – Councilman Leonard
 - A. EWAB Report
 - B. **VOTE** – Advisory Board Ordinance Amendment

14. Planning Board – Councilman Sheffield
 - A. Planning Board Report
 - B. **VOTE** – Conditional Zoning

15. Mayor’s Report – Mayor Kirkland

16. 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.

17. Adjournment

RECEIVED

AUG 15 2023

8:20 AM



Town of TOWN OF RIVER BEND
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 8/17/2023		Date of Request 8/15/2023
SPEAKER'S INFORMATION		
Name HELMUT WEISSER		Phone Number 633-4824
Address 115 ANCHOR WAY		
Organization (if any) N/A		
Subject MEDIAN		
TIME LIMITED TO FIVE (5) MINUTES UNLESS OTHERWISE APPROVED		
Requestor's Signature <i>Helmut Weisser</i>		Time Requested
Approval <i>Delane Jackson</i>	Date 8-15-23	Time (Minutes)* 5 Max

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

h-c.weisser@suddenlink.net

Procedure for Applicant Interview

The River Bend Town Council will interview applicants for the position of Town Council member on August 17, 2023. The following procedures will be observed:

1. Prior to convening the meeting, all applicants will meet with the Mayor to draw numbers. The number drawn will determine the order in which the applicants will present their opening statements. Anyone who fails to participate in this drawing will be placed last on the list. If more than one person does not participate, they will be placed after all who have drawn, in alphabetical order.
2. When this item is reached on the agenda, The Mayor will introduce all applicants by name only, in the order determined by the draw and explain the procedures aloud.
3. All applicants will be seated in a designated holding area. When they are called upon, they will approach the designated seat and use the microphone to address the Council.
4. The Mayor will begin the process by recognizing the applicant who drew #1. That person will be directed to the microphone and will be given 3 minutes to make a statement. This will be the time for the applicant to introduce themselves, state their qualifications and the reasons they wish to serve on the Council. At the conclusion of the applicant's statement or 3 minutes, whichever comes first, the Mayor will continue the process by recognizing each applicant based on the order of the draw.
5. Next, the Mayor will call on Town Council members to pose questions to applicants. The first set of questions will be directed to the applicant who drew #2. The Mayor will begin on his left and call upon Council members in the order that they are seated to pose questions. The questions will continue to each applicant in numeric order. The next set of questions will begin with the next applicant. This process will continue until all applicants have been given an opportunity to be asked questions by the Council.
6. The Mayor will begin each round of questions by beginning with a new Council member, based on the order that they are seated. This rotating process will continue until all applicants are interviewed.
7. Each Council member will be allowed to ask up to 2 questions of each applicant. There is no requirement that each Council member must ask 2 questions of each applicant. Since the questions are not predetermined and not shared with the Council in advance, some Council members may have the same question. If that question has already been asked by another Council member, there is no need to ask the question again.
8. Each applicant will have up to 2 minutes to answer each question.

9. The Town Manager will serve as time keeper. A set of colored lights will be used to alert each applicant of their time. The colors mean:

GREEN- The applicant is within time limits and may talk.

YELLOW- The applicant has 30 seconds left and should begin closing their remarks.

RED- Time has expired and the applicant must stop talking.

Any applicants who continues to talk after the red light has been illuminated, will be stopped by the Mayor. This will be done in order to ensure that all applicants have the same time limits and none are given any additional time. The timer will begin after the question has been asked of the applicant.

10. Time or questions will not be shared among applicants. No applicant may transfer their time or questions to another applicant. If a candidate chooses not to use all of their time or if they do not answer a question, their time or question may not be transferred to another applicant. Any unused time or unanswered questions will simply be forfeited.

11. Council members may not transfer questions to another Council member. Any unused questions will simply be forfeited.

12. Applicants will be asked questions by the Council only. The public will not be allowed to ask questions.

13. Applicants will direct their answers to the Council only. During the interview process, no talking among other applicants or members of the public will be allowed.

14. At the conclusion of questions, the Mayor will end the interview process.

15. The Council will vote for a replacement Council member at their meeting on September 14, 2023. At that time, the selected person will be administered the oath of office and shall immediately assume their responsibilities as a member of the Town Council.

**River Bend Town Council
Regular Meeting Minutes
July 20, 2023
Town Hall
7:00 p.m.**

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

Absent Council Member: James Castranova

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

Members of the Public Present: 24

CALL TO ORDER

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

VOTE – Additions / Deletions of the Agenda

Vote – Addition to Agenda – Councilwoman Maurer motioned to amend the agenda by adding Closed Session under NCGS§ 143-318.11(a)(3)(6) at the end of the meeting. The motion carried unanimously.

At this time the Mayor stated that Councilman Castranova submitted his resignation today.

Vote – Addition to Agenda – Councilwoman Maurer motioned to amend the agenda by adding Filling of Vacancy as item 9B. The motion carried unanimously.

Councilman Sheffield stated that this would initiate the Town's process of filling the vacancy and that the vacancy would not be filled at this meeting.

VOTE – Approval of Agenda

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

ADDRESSES THE COUNCIL

Art Seaman – presented a petition against the rezoning of property identified as Craven County Property Identification Number 8-206-083.

Jay Ammon – stated he is the contractor requesting the rezoning and has previously built homes in River Bend. He stated that he would build smaller homes / duplexes which he felt there is a need for in the town.

CONSENT AGENDA

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

A. Approve:

Minutes of the June 8, 2023 Work Council Meeting

Minutes of the June 15, 2023 Regular Council Meeting

TOWN MANAGER'S REPORT

The Manager gave the following updates:

- The Town Clerk has obtained her North Carolina Certified Municipal Clerk certification.
- There has been a rezoning application submitted by Robert Davis and Kim Dow for the 100 acre lot on Old Pollocksville Road.
- The Town has entered into a contract for debris removal following an emergency event through a Cooperative Purchasing Agreement with Craven County.

ADMINISTRATIVE REPORTS

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield stated that the Planning Board did not meet in July, but the next meeting is scheduled for August 3, 2023.

VOTE – Jay Ammon Rezoning Request for Craven County PIN 8-206-083

Councilman Sheffield motioned to table the rezoning request vote until the September 14 Council Work Session meeting. The motion carried unanimously.

PUBLIC SAFETY – COUNCILMAN WEAVER

Community Watch – Councilman Weaver stated that Community Watch met on June 21 and elected officers with Egon Lippert serving as chairperson, and Jim Kelly serving as vice chairperson.

PARKS & RECREATION – COUNCILMAN WEAVER

Parks & Recreation

Councilman Weaver stated that the Parks and Recreation Advisory Board met on July 12 and elected officers. He stated that Laurie LaMotte will serve as chairperson, Krysten Howard as vice chairperson and Kathy Noonan as the secretary.

Organic Garden

Councilman Weaver stated that the Organic Garden has had a busy summer with a lot of vegetables being produced. He also stated that there are now two beehives.

Red Caboose Library (RCL)

Councilman Weaver stated that the Book / Tech Mobile would be at the Municipal Building on Friday July 21, at 2:00 p.m. through 5:00 p.m. He also stated that the library has started the process to become a corporate entity which includes a name change.

DISCUSSION– Filling of Vacancy

The Mayor stated that the Town Manager would give a presentation on the town's current ordinance, which governs how the Council fills a vacancy. The Town Manager reviewed a PowerPoint presentation which outlined the process and a proposed timeline for filling the vacancy.

VOTE– Filling of Vacancy - Councilman Weaver motioned to recognize and accept Councilman Castranova resignation effective on July 21, 2023, at 12:01 a.m. and to provide instructions to fill the vacancy as presented in the Town Managers presentation. The motion carried unanimously.

CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following report.

The CAC met on July 19. Two guests were present, Carina Wordham and Dennis Shay. Officers were elected: Chair – Brenda Hall, Vice-Chair – Donna Perry, Secretary – Pat Lineback. The yard awards program was reviewed at the end of its first year. It has been well received and will continue for another year. Next year two workshops will be offered to help residents create festive décor for doors and mailboxes for the Fourth of July. Members have been working on the Plantation median project for over a year. Their first stage was research and seeking a tree and shrub assessment from an expert, Craven County Extension Director Dr. Tom Glasgow. They have developed three different plans to present to the Council at the Work Session on August 10. A committee was formed to plan an Arbor Day program for March 22, 2024. Two Christmas globe light workshops will be offered in October. A maximum of eighteen participants can sign up for each session. There will be a small charge for materials. A workshop preparation meeting and a globe repair session are scheduled for the end of September. At the conclusion of the meeting, Carina Wordham expressed interest in joining CAC. Her application had been submitted. CAC members voted unanimously to submit a favorable recommendation to the Town Council. The next meeting is scheduled for September 20, 2023 at 4 pm in the Municipal Building.

FINANCE – COUNCILMAN LEONARD

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of June. She stated the total of the Town’s Cash and Investments as of June 30, 2023, were \$3,652,035 and Ad valorem tax collections for FY22-23 were \$728,005 and Vehicle Ad valorem tax collections were \$96,393.

VOTE – FY2023-2024 Budget Ordinance

Councilman Leonard motioned to approved Budget Amendment 23-B-01 as presented. The motion carried unanimously. (see attached)

VOTE – Street Paving Award

Councilman Leonard motioned to award the street paving bid to Barnhill Contracting for \$213,750.

ENVIRONMENTAL AND WATERWAYS – COUNCILMAN LEONARD

Councilman Leonard stated that EWAB did not meet in July, but the next meeting is scheduled for August 7, 2023, at 7:00 p.m. at the Municipal Building.

VOTE – Wastewater Treatment Plant Grant Resolution

Councilman Leonard motioned to approve the Wastewater Treatment Plant Grant Resolution as presented. The motion carried unanimously. (see attached)

VOTE – Water Supply Study Project Award

Councilman Leonard motioned to award the Water Supply Study Project Award to Rivers and Associates as presented. The motion carried unanimously.

MAYOR’S REPORT

The Mayor presented the following report.

The less than factual discussions placed on the various “social media” pages do damage to our Town. Many “media” posts are not fact based and the originator should be aware of this shortcoming. I am frequently approached by friends in the New Bern area with comments about the “media” context originating in River Bend. These non-River Bend residents likely do not have the background to determine the validity of the post. It is only fair to say that the less than factual

exchange that is taking place is damaging to our Town. My plea to all is PLEASE seek facts and make certain that what you post is true. The product of government at the Federal, State, and Local level is certainly not instantaneous. Sometimes slow character of output can be frustrating. Many times, the slowness is related to the need to produce a record of decision that will be a legal contract. In the fashion of Churchill, what I state above is stated without prejudice.

PUBLIC COMMENT

No Public Comments.

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 8:13 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:44 p.m. The motion carried unanimously.

VOTE – Addition to Agenda

Councilman Leonard motioned to add Human Resources Policy Manual Amendment to the agenda. The motion carried unanimously.

VOTE – Human Resources Policy Manual Amendment

Councilman Leonard motioned to approve the Amendment to Article X – Grievance Procedure and Adverse Action Appeal as presented. The motion carried unanimously.

VOTE – Town Manager Merit Pay

Councilman Sheffield motioned to award the Town Manager merit pay in the amount of \$4,318. The motion carried unanimously.

ADJOURNMENT/RECESS

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

Kristie J. Nobles, CMC, NCCMC
Town Clerk



**TOWN OF RIVER BEND
 BUDGET ORDINANCE AMENDMENT 23-B-01
 FISCAL YEAR 2023 - 2024**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2023-2024 Budget Ordinance be amended as follows:

Summary

General Fund	2,209,051
General Capital Reserve Fund	56,900
Law Enforcement Separation Allowance Fund	12,685
Water Fund	655,804
Water Capital Reserve Fund	10
Sewer Fund	679,504
Sewer Capital Reserve Fund	1
Total	3,613,955

Section 1. General Fund

Anticipated Revenues

AD VALOREM Taxes 2023-2024	935,566
AD VALOREM Tax-Motor Vehicle	90,000
Animal Licenses	1,500
Sales Tax 1% Article 39	195,868
Sales Tax 1/2% Article 40	114,635
Sales Tax 1/2% Article 42	97,901
Sales Tax Article 44	13,090
Sales Tax Hold Harmless Distribution	108,195
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	91,000
Beer and Wine Tax	13,225
Video Programming Sales Tax	49,621
Utilities Franchise Tax	112,169
Telecommunications Sales Tax	6,725
Court Refunds	500
Zoning Permits	7,000
Miscellaneous	15,000
Interest- Powell Bill Investments	50
Interest-General Fund Investments	20,000
Contributions	901
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Sale of Fixed Assets	3,000
Transfer From Capital Reserve Fund	43,504
Appropriated Fund Balance	251,257
Total	2,209,051

Section 1. General Fund (continued)

Authorized Expenditures

Governing Body	65,000
Administration	304,500
Finance	138,625
Tax Listing	13,700
Legal Services	24,000
Elections	0
Police	753,735
Public Buildings	104,500
Emergency Services	5,700
Animal Control	17,100
Street Maintenance	272,950
Public Works	189,000
Leaf & Limb and Solid Waste	52,384
Stormwater Management	47,000
Wetlands and Waterways	2,900
Planning & Zoning	57,000
Recreation & Special Events	10,500
Parks & Community Appearance	62,450
Contingency	20,807
Transfer To General Capital Reserve Fund	55,000
Transfer To L.E.S.A. Fund	12,200
Total	<u>2,209,051</u>

Section 2. General Capital Reserve Fund

Anticipated Revenues

Contributions from General Fund	55,000
Interest Revenue	1,900
Total	<u>56,900</u>

Authorized Expenditures

Transfer to General Fund	43,504
Future Procurement	13,396
Total	<u>56,900</u>

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:

Contributions from General Fund	12,200
Interest Revenue	485
Total	<u>12,685</u>

Authorized Expenditures:

Separation Allowance	0
Future LEOSSA Payments	12,685
Total	<u>12,685</u>

Section 4. Water Fund

Anticipated Revenues

Utility Usage Charges, Classes 1 & 2	210,591
Utility Usage Charges, Classes 3 & 4	12,428
Utility Usage Charges, Class 5	15,002
Utility Usage Charges, Class 8	4,644
Utility Customer Base Charges	278,811
Hydrant Availability Fee	19,764
Taps & Connections Fees	1,250
Nonpayment Fees	10,500
Late payment Fees	7,822
Interest Revenue	3,488
Sale of Capital Asset	0
Appropriated Fund Balance	91,504
Total	<u>655,804</u>

Authorized Expenditures

Administration & Finance [1]	491,804
Operations and Maintenance	140,500
Transfer To Fund Balance for Capital Outlay	23,500
Transfer To Water Capital Reserve Fund	0
Total	<u>655,804</u>

[1] Portion of department for bond debt service: 141,157

Section 5. Water Capital Reserve Fund

Anticipated Revenues

Contributions From Water Operations Fund	0
Interest Revenue	10
Total	<u>10</u>

Authorized Expenditures

Future Expansion & Debt Service	10
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Section 6. Sewer Fund

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	267,170
Utility Usage Charges, Classes 3 & 4	36,679
Utility Usage Charges, Class 5	28,142
Utility Usage Charges, Class 8	16,833
Utility Customer Base Charges	296,108
Taps & Connection Fees	1,250
Late payment Fees	8,384
Interest Revenue	5,836
Sale of Capital Asset	0
Appropriated Fund Balance	19,102
Total	679,504

Authorized Expenditures:

Administration & Finance [2]	483,204
Operations and Maintenance	192,800
Transfer to Fund Balance for Capital Outlay	3,500
Transfer to Sewer Capital Reserve Fund	0
Total	679,504

[2] Portion of department for bond debt service: 121,893

Section 7. Sewer Capital Reserve

Anticipated Revenues:

Contributions From Sewer Operations Fund	0
Interest Revenue	1
Total	1

Authorized Expenditures:

Future Expansion & Debt Service	1
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Section 8. Levy of Taxes

There is hereby levied a tax at the rate of twenty-four cents (\$0.24) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2023, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2023-2024" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$393,280,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.12%. The estimated collection rate is based on the fiscal year 2021-2022 collection rate of 99.12% by Craven County who has been contracted to collect real and personal property taxes for the Town of River Bend. Also included is a valuation of \$37,500,000 for purposes of taxation of motor vehicles with a collection rate of 100% by the North Carolina Vehicle Tax System.

Section 9. Fees and Charges

There is hereby established, for Fiscal Year 2023-2024, various fees and charges as contained in Attachment A of this document.

Section 10. Special Authorization of the Budget Officer

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

Section 11. Classification and Pay Plan

Cost of Living Adjustment (COLA) for all Town employees shall be 4.4% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

Section 12. Utilization of the Budget Ordinance

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2023-2024 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall ensure the operating staff and officials are provided with guidance and sufficient details to implement their appropriate portion of the budget.

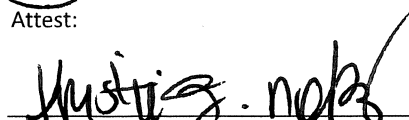
Section 13. Copies of this Budget Ordinance

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

Adopted this 20th day of July, 2023.



John R. Kirkland, Mayor

Attest:


Kristie J. Nobles, Town Clerk, CMC, NCCMC

Town of River Bend Resolution

Whereas, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

Whereas, the North Carolina Department of Environmental Quality has offered a State Grant in the amount of \$9,108,500 for the construction of the Wastewater Treatment Plant Enhancements Project, and

Whereas, the Town of River Bend intends to construct said project in accordance with the approved plans and specifications,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF RIVER BEND:

That the Town of River Bend does hereby accept the State Grant offer of \$9,108,500.

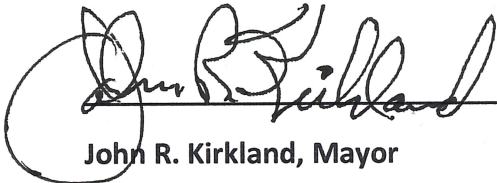
That the Town of River Bend does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the grant offer, Section II - Assurances will be adhered to.

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 in connection with the application.

That the Town of River Bend has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

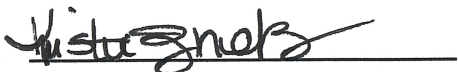
Adopted this the 20th day of July, 2023 at River Bend, North Carolina.





John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk, CMC

Kristie J. Nobles, Town Clerk, CMC



RIVER BEND POLICE DEPARTMENT



MONTHLY ACTIVITY REPORT

2023

	ACTIVITIES	2023	2023	2023	% of Total Calls	% Change Last 2 Mos.
		May	June	July		
1	ALARMS / 911 UNKNOWN / DISTURBANCE / SHOTS FIRED (0)	7	12	6	0.23%	-50.00%
2	ANIMAL COMPLAINTS	5	3	3	0.11%	0.00%
3	ARRESTS	2	1	0	0.00%	-100.00%
4	ASSAULTS / ALL OTHER VIOLENT CRIME	0	1	0	0.00%	-100.00%
5	ASSIST CITIZENS / LOCK OUT / QUALITY OF LIFE ISSUES	9	6	7	0.27%	17.00%
6	ASSIST EMS / FD / FIRST RESPONDERS / MED ASSIST	24	22	156	5.95%	609.00%
7	ASSIST MOTORISTS / FOOT PATROLS / ALL OTHER	138	121	150	5.72%	24.00%
8	ASSIST OTHER AGENCIES	3	1	3	0.11%	200.00%
9	B & E BUSINESS / RESIDENCE / VEHICLE	2	2	1	0.04%	-50.00%
10	CRIM. SUMM. / SUBPOENAS / WARRANTS / CIVIL COMPLAINT	2	4	5	0.19%	25.00%
11	DOMESTICS	0	2	2	0.08%	0.00%
12	FIRES / ALARM	0	1	4	0.15%	300.00%
13	IDENTITY THEFT / FRAUD	0	0	2	0.08%	0.00%
14	INVOLUNTARY COMMITMENTS	1	1	2	0.08%	100.00%
15	JUVENILE COMPLAINTS	1	0	0	0.00%	0.00%
16	LARCENIES	0	1	0	0.00%	-100.00%
17	LITTERING	0	1	0	0.00%	-100.00%
18	LOUD MUSIC / NOISE COMPLAINTS	0	0	1	0.04%	0.00%
19	DEATH / MISSING PERSON / RUNAWAY / SUICIDE(A)	5	1	1	0.04%	0.00%
20	PROPERTY DAMAGE / VANDALISM	1	1	0	0.00%	-100.00%
21	RESIDENTIAL / BUSINESS CHECKS / COMMUNITY WATCH	2028	2123	2,208	84.24%	4.00%
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	0	0.00%	0.00%
25	SUSPICIOUS PERSONS / VEHICLES / FIELD INTERVIEW	10	8	17	0.65%	113.00%
26	TOWN ORDINANCE CITATIONS	2	4	1	0.04%	-75.00%
27	TOWN ORDINANCE VIOLATIONS	3	2	8	0.31%	300.00%
28	TRAFFIC ACCIDENTS	1	0	1	0.04%	0.00%
29	TRAFFIC STOPS	72	28	23	0.88%	-18.00%
30	TRAFFIC COMPLAINTS-RADAR	2	2	5	0.19%	150.00%
31	DWI	0	0	0	0.00%	0.00%
32	CHECKPOINTS	0	1	0	0.00%	-100.00%
33	DRUG VIOLATIONS	0	0	0	0.00%	0.00%
34	WELFARE CHECKS	11	5	3	0.11%	-40.00%
35	CASE ASSIST / PW / VEHICLE MAINTENANCE / MEETING	2	3	4	0.15%	33.00%
36	CASE FOLLOW UPS / SPECIAL OPERATION / TRAINING	17	2	6	0.23%	200.00%
37	TRESPASSING	1	4	1	0.04%	-75.00%
38	OVERDOSE	0	0	1	0.04%	0.00%
39	TOTAL	2349	2363	2621	100.00%	11.00%

Traffic Violations

- 9 State Citations
- 10 Total State Charges
- State Warnings
- 1 Town Citations
- Town Warnings

Community Watch Checks

- 117 100 Pirates
- 135 100 Plantation
- 112 200 Lakemere
- 134 200 Rockledge
- 130 Piner Estates

Phone Calls Answered (638-1108)

- 218 Incoming Calls

The data being presented in this report is a representation of the original call as it was dispatched.



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870
F 252.638.2580

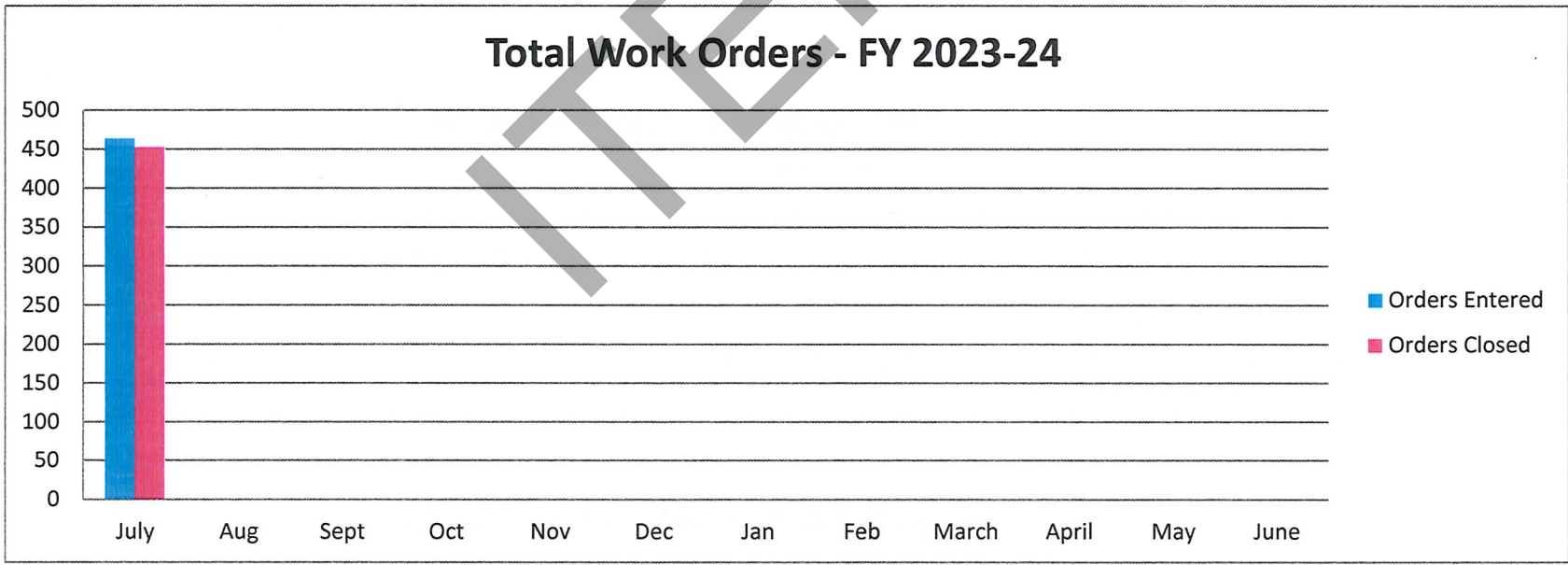
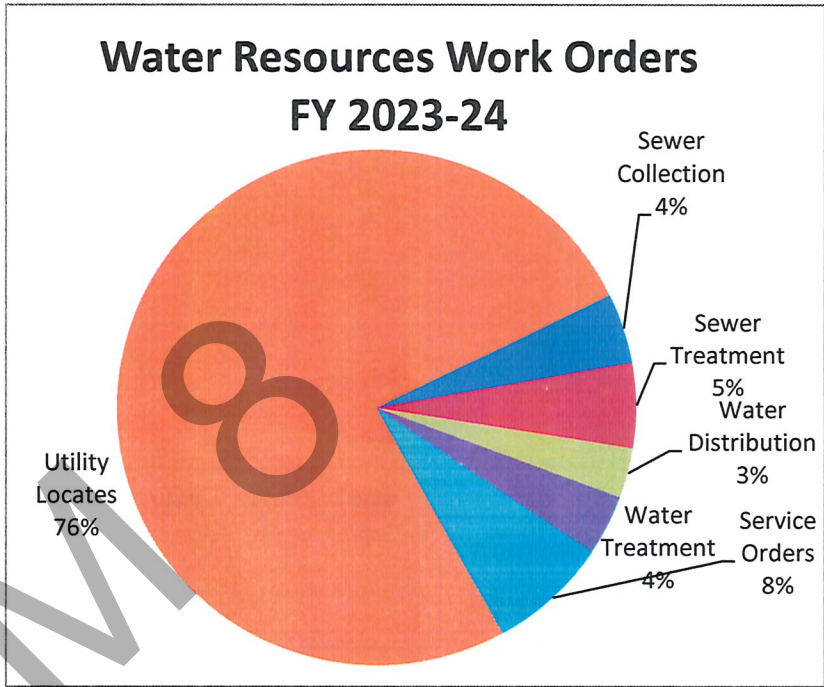
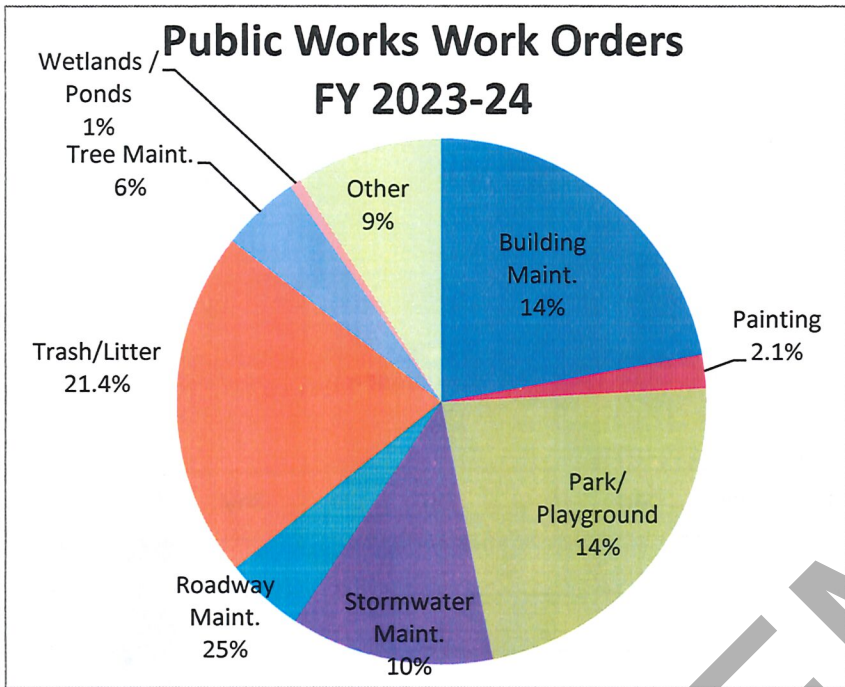
www.riverbendnc.org

July 2023 Monthly Report Brandon Mills, Director of Public Works

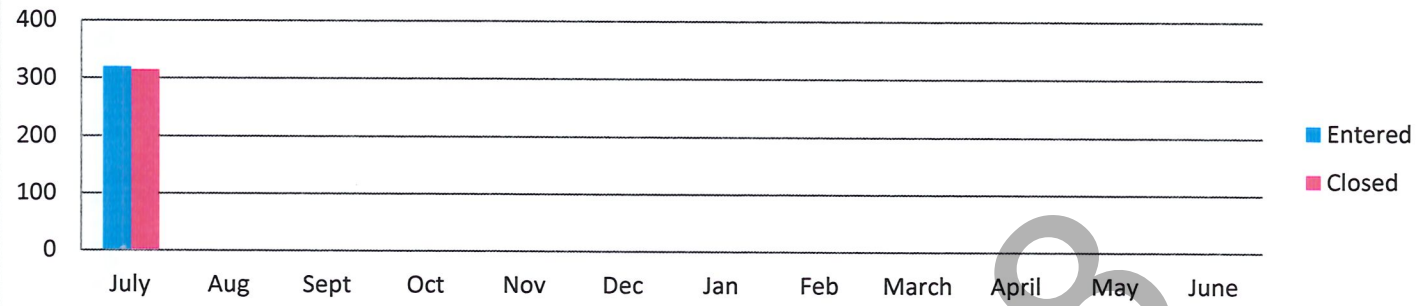
Public Works staff worked diligently through the month to continue their ongoing task of trimming limbs at intersections. This effort aims to enhance visibility, and safety for all road users. Public works also cleaned out several storm water catch basins. We do this regularly to ensure effective drainage throughout the storm water system. This proactive approach keeps the storm drainage system working properly during heavy rain events.

We had one water main break on Norbury Drive this month. A Metronet contractor caused this break during the installation of cable piping. Our dedicated staff promptly got the water shut off to prevent damage to the roadway, and the pipe repaired. Notices were given to those affected, and the required bacteriological sample was taken. This sample came back negative for contamination. I would like to thank the staff for a job well done. We did have one lift station pump to burn up. It was also quickly identified, and a backup pump installed. The original pump has been rebuilt by our staff and reinstalled back into the lift station.

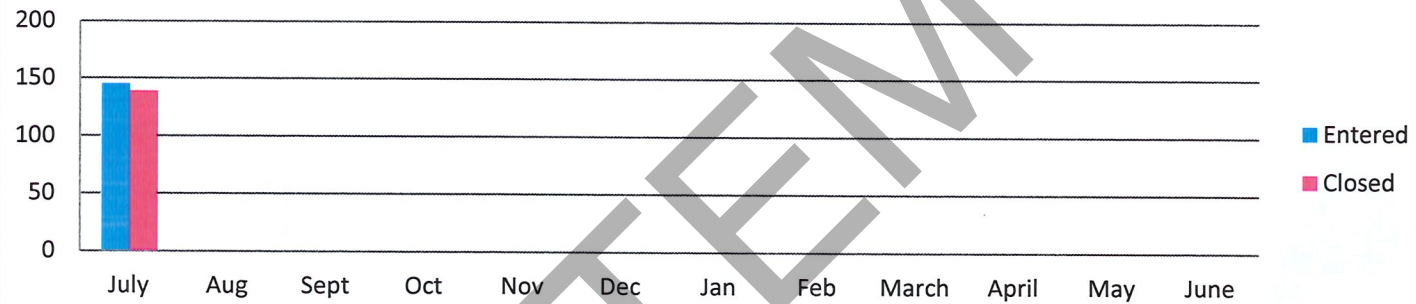
If you have any questions concerning the Water Resources/Public Works Department, please call us at 252-638-3540, Monday-Friday, 8am-4pm. After hour's water and sewer, emergencies can be reported by dialing the Town Hall at 252-638-3870. You will be instructed to dial "9" and follow the directions to 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 252-638-1108, and they will get in contact with the on-call utility systems operator.



Water Resources - Work Orders



Public Works - Work Orders





MONTHLY ZONING REPORT

MONTH YEAR

Activity	Monthly	YTD Total
Permit Applications Received	11	11
Permits Issued	11	11
Fees Collected	980.40	980.40
Violations Noted During Weekly Patrol	12	12
Complaints Received From Citizens	0	0
Notice Of Violations Initiated *see details below	5	5
Remedial Actions Taken By Town	0	0

Detail Summary		
Address	Violation	Date Cited
307 Barbara Drive	Car in grass	5-Jul
109 Anchor Way	Grass	24-Jul
413 Rockledge Road	Driveway	24-Jul
130 Pirates Road	Grass	27-Jul
312 Channel Run	Grass	27-Jul

River Bend Community Organic Garden (RBCOG)

Monthly Report –August 2023

Many summer vegetables are finished. A late season replanting of some varieties will extend the season. 610 pounds of vegetables were harvested in July, bringing the year's total to 1267 pounds.

The beehives are healthy. Although no monarch butterflies have been seen this year, the butterfly nursery housed eighty-one swallowtails as of August 10.

As of July 30, volunteers recorded 1160 hours of work for 2023.

A workday is scheduled for Saturday, September 23 starting at 9 am.

River Bend resident are welcome to visit and tour the garden. It is open early most mornings.

File in P&R and COG

ITEM 10

NORTH CAROLINA

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, except that in the fiscal year beginning July 1, 2023 and ending June 30, 2024, the Town agrees to pay the Library five-thousand dollars (\$5,000.00) in ten monthly installments beginning September 1, 2023.

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 Severability: 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 Assignment: 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 Headings & Duplicate Originals: Headings in this Agreement are for convenience and reference only and shall not be used to interpret or construe its provisions.

5.6 Duplicate Originals: 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)

By: _____(SEAL)
John R. Kirkland, Mayor

ATTEST:

Kristie Nobles, Town Clerk

RED CABOOSE COMMUNITY LIBRARY

By: _____(SEAL)
Gloria Kelly, Vice President

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Mandy Gilbert, Finance Officer
Town of River Bend

Date: _____

Liaison Report to Town Council – 8/17/23

Community Appearance Commission

The CAC did not meet in July.

The major news is the Council discussion of the Plantation median report and recommendations for the next step. This is not news to the Council members but is written for River Bend residents. After more than a year of research and planning and two presentations to the Council, it was tie for the Council to decide what to do. The members of Council voted *“we instruct the manager to investigate the cost of having an arborist examine trees on Plantation median and make recommendations and Anchor Way.”*

One applicant has been recommended for appointment to the board. The Council will vote on the application in September.

The next meeting is scheduled for September 20, 2023 at 4 pm in the Municipal Building.

ITEM 11

Town of River Bend



Monthly Financial Report

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.



General Fund

Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	Total	% Budget
	Original	Current															
1 Ad Valorem Taxes	935,566	935,566	-													-	0.0%
2 Ad Valorem Taxes - Vehicle	90,000	90,000	-													-	0.0%
3 Animal Licenses	1,500	1,500	80													80.00	5.3%
4 Local Gov't Sales Tax	421,494	421,494	36,413													36,412.95	8.6%
5 Hold Harmless Distribution	108,195	108,195	8,203													8,203.29	7.6%
6 Solid Waste Disposal Tax	2,200	2,200	-													-	0.0%
7 Powell Bill Fund Appropriation	-	-	-													-	0.0%
8 Powell Bill Allocation	91,000	91,000	-													-	0.0%
9 Beer & Wine Tax	13,225	13,225	-													-	0.0%
10 Video Programming Tax	49,621	49,621	-													-	0.0%
11 Utilities Franchise Tax	112,169	112,169	-													-	0.0%
12 Telecommunications Tax	6,725	6,725	-													-	0.0%
13 Court Cost Fees	500	500	91													91.00	18.2%
14 Zoning Permits	7,000	7,000	1,655													1,654.60	23.6%
15 Federal Grants	-	-	-													-	0.0%
16 State Grants	-	-	-													-	0.0%
17 Federal Disaster Assistance	-	-	-													-	0.0%
18 State Disaster Assistance	-	-	-													-	0.0%
19 Miscellaneous	15,000	15,000	1,386													1,386.12	9.2%
20 Insurance Settlements	-	-	-													-	0.0%
21 Interest - Powell Bill	50	50	-													-	0.0%
22 Interest - Investments	20,000	20,000	4,275													4,275.26	21.4%
23 Contributions	901	901	640													640.00	71.0%
24 Wildwood Storage Rents	18,144	18,144	1,630													1,629.72	9.0%
25 Rents & Concessions	18,000	18,000	1,600													1,600.00	8.9%
26 Sale of Capital Assets	3,000	3,000	-													-	0.0%
27 Sales Tax Refund Revenue	-	-	-													-	0.0%
28 Trans. from Capital Reserve	43,504	43,504	43,504													43,504.00	100.0%
29 Trans. from L.E.S.A. Fund	-	-	-													-	0.0%
30 Appropriated Fund Balance*	198,597	251,257	-													-	0.0%
Total	2,156,391	2,209,051	99,477	0	0	0	0	0	0	0	0	0	0	0	0	99,476.94	4.5%

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



General Fund

Expenditures	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
	1 Governing Body	65,000	65,000	7,373												7,373
2 Administration	304,500	304,500	39,723												39,723	13.0%
3 Finance*	138,000	138,625	15,396												15,396	11.1%
4 Tax Listing	13,700	13,700	-												-	0.0%
5 Legal Services	24,000	24,000	3,635												3,635	15.1%
6 Elections	-	-	-												-	0.0%
7 Public Buildings*	103,600	104,500	9,471												9,471	9.1%
8 Police*	744,800	753,735	59,730												59,730	7.9%
9 Emergency Management	5,700	5,700	1,954												1,954	34.3%
10 Animal Control	17,100	17,100	2,040												2,040	11.9%
11 Street Maintenance*	232,200	272,950	5,100												5,100	1.9%
12 Public Works	189,000	189,000	18,065												18,065	9.6%
13 Leaf & Limb, Solid Waste	52,384	52,384	6,453												6,453	12.3%
14 Stormwater Management	47,000	47,000	3,060												3,060	6.5%
15 Waterways & Wetlands	2,900	2,900	-												-	0.0%
16 Planning & Zoning	57,000	57,000	5,573												5,573	9.8%
17 Recreation & Special Events	10,500	10,500	-												-	0.0%
18 Parks*	61,000	62,450	4,471												4,471	7.2%
19 Transfers	67,200	67,200	67,200												67,200	100.0%
20 Contingency	20,807	20,807	-												-	0.0%
Total	2,156,391	2,209,051	249,246	0	0	0	0	0	0	0	0	0	0	0	249,246	11.3%

Capital / Debt (included above)	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
	1 Capital Outlay*	220,500	263,912	-												-
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		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Fiscal Year Budget		FY to Date	Total	% Col
	Original	Current													Total	% Col			
	1 Base Charge	278,811													278,811	46,315			
2 Consumption	242,665	242,665	44,101														44,101	18.2%	
3 Other, incl. transfers	23,060	23,060	1,806														1,806	7.8%	
4 Hydrant Fee	19,764	19,764	19,947														19,947	100.9%	
5 Appropriated Fund Bal.*	91,035	91,504	-														-	0.0%	
Total	655,335	655,804	112,170	0	0	0	0	0	0	0	0	0	0	0	0	0	112,170	17.1%	

	Expenses		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Fiscal Year Budget		FY to Date	Total	% Exp
	Original	Current													Total	% Exp			
	1 Admin & Finance*	491,335													491,804	46,653			
2 Supply & Treatment	86,800	86,800	4,321														4,321	5.0%	
3 Distribution	53,700	53,700	30,856														30,856	57.5%	
4 Transfers / Contingency	23,500	23,500	-														-	0.0%	
Total	655,335	655,804	81,830	0	0	0	0	0	0	0	0	0	0	0	0	0	81,830	12.5%	

	Capital (included above)		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Fiscal Year Budget		FY to Date	Total	% Exp
	Original	Current													Total	% Exp			
	1 Capital Outlay*	23,000													23,469	-			

Cash Balances		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1 Water Fund		482,132	0	0	0	0	0	0	0	0	0	0	0
2 Water Capital Reserve Fund (CIF)		1,258	0	0	0	0	0	0	0	0	0	0	0

Water Produced		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date
1 Total Gallons	Limit	10,451,000												10,451,000
2 Average daily gallons	925,000*	337,129	0	0	0	0	0	0	0	0	0	0	0	28,094

* This is the permitted daily limit.



Sewer Fund

	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	Total	% Col
	Original	Current															
1 Base Charge	296,108	296,108	49,103													49,103	16.6%
2 Consumption	348,824	348,824	60,453													60,453	17.3%
3 Other, incl. transfers	15,470	15,470	2,526													2,526	16.3%
4 Appropriated Fund Bal.*	18,633	19,102	-													-	0.0%
Total	679,035	679,504	112,082	0	0	0	0	0	0	0	0	0	0	0	0	112,082	16.5%

	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*	482,735	483,204	50,349													50,349	10.4%
2 Collection	64,500	64,500	4,844													4,844	7.5%
3 Treatment	128,300	128,300	13,518													13,518	10.5%
4 Transfers / Contingency	3,500	3,500	-													0	0.0%
Total	679,035	679,504	68,711	0	0	0	0	0	0	0	0	0	0	0	0	68,711	10.1%

	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*	11,000	11,469	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.0%

Cash Balances

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1 Sewer Fund	659,453	0	0	0	0	0	0	0	0	0	0	0
2 Sewer Capital Reserve Fund (CIF)	59	0	0	0	0	0	0	0	0	0	0	0

Wastewater Treated

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date
1 Total Gallons	3,237,000												3,237,000
2 Average daily gallons	330,000*	104,419	0	0	0	0	0	0	0	0	0	0	8,702

* This is the permitted daily limit.

EWAB 7 August 2023

Chairman Ackiss opened the meeting at 7 PM, all members were present.

The minutes of the meeting June 5th 2023 meeting were approved.

Councilman Leonard gave a council update.

Old business:

Alligators; Ray Jakilsch gave a report stating alligators are protected and are not to be disturbed. If there is a problem with one, call NCDNR.

Bulkheads: Need to follow up with manager and complete the survey.

New business:

Election of officers: Chair Paige Ackiss, Vice chair Jon Hall, Secretary Patty Leonard.

Discussion on drainage areas in town, most were already addressed by meeting time.

National Night Out: EWAB will have a table and information available. NNO is October 5th 2023.

Volunteer Hours: 18

Next meeting: October 2nd, 2023 at 7 PM in the small conference room in the municipal building.

Yellow=add Blue= delete Underline= relocated from another section Grey=area of question

CHAPTER 3.05: BOARDS AND COMMISSIONS

Parks and Recreation Advisory Board

- 3.05.001 Establishment
- 3.05.002 Purpose
- 3.05.003 Powers and duties
- 3.05.004 Composition and terms of office
- 3.05.005 Organization and procedures

Environment and Waterways Advisory Board

- 3.05.015 Establishment
- 3.05.016 Purpose
- 3.05.017 Powers and duties
- 3.05.018 Composition and terms of office
- 3.05.019 Organization and procedures

Planning Board

- 3.05.035 Establishment
- 3.05.036 Purpose
- 3.05.037 Powers and duties
- 3.05.038 Composition and terms of office
- 3.05.039 Organization and procedures

Community Appearance Commission

- 3.05.055 Establishment
- 3.05.056 Purpose
- 3.05.057 Powers and duties
- 3.05.058 Composition and terms of office
- 3.05.059 Organization and procedures

Advisory Board Appointments

3.05.070

Advisory Board Liaison

3.05.080

PARKS AND RECREATION ADVISORY BOARD

§ 3.05.001 ESTABLISHMENT.

A Parks and Recreation Advisory Board (the Board) is hereby created and established.

§ 3.05.002 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on parks and recreation issues to include, but not be limited to, town parks and recreation areas, safety matters in town parks and recreation areas, and recreational activities in town parks and recreation areas. The Board shall work on other issues assigned by the Council or Manager

§ 3.05.003 POWERS AND DUTIES.

The Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to parks and recreation issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and administer Council and/or Manager approved parks and recreational activities and events to serve the residents of River Bend. The Board may be asked to organize special events or activities by the Council and/or Manager.

§ 3.05.004 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.

(B) All members shall be residents of the town.

(C) The Council may remove a Board member 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.

§ 3.05.005 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.
- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

ENVIRONMENT AND WATERWAYS ADVISORY BOARD

§ 3.05.015 ESTABLISHMENT.

An Environment and Waterways Advisory Board (the Board) is hereby created and established.

§ 3.05.016 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on environmental and waterways issues and to provide recommendations on waterways and environmental issues or concerns relating to use, preservation, conservation and protection of such resources within the town. The Board shall work on other issues assigned by the Council or Manager.

§ 3.05.017 POWERS AND DUTIES.

The Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to environmental and waterway issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and administer Council and/or Manager approved projects related to environmental and waterway activities and events to serve the residents of River Bend. The Board may be asked to organize special events or activities by the Council and/or Manager.
- (F) To engage in activities to further public education and understanding of the importance of waterways and the environment to the community, and voluntary means by which these resources may be protected.

§ 3.05.018 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.
- (C) The Council may remove a Board member 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.

§ 3.05.019 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.
- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

PLANNING BOARD

§ 3.05.035 ESTABLISHMENT.

A Planning Board (the Board) is hereby created and established.

§ 3.05.036 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on planning and zoning issues to include, but not be limited to, establishment or revision of districts, regulation and restriction of the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in accordance with G.S. § 160D-109. The Board shall work on other issues assigned by the Council or Manager.

§ 3.05.037 POWERS AND DUTIES.

Pursuant to G.S. § 160D-109, the Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to planning and zoning issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.

§ 3.05.038 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, six (6) being appointed by the Council for 2-year staggered terms. The seventh member shall be a citizen living in the town's extraterritorial jurisdiction (ETJ) and shall be appointed by the Craven County Commissioners in accordance with G.S. § 160D-109. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All town-appointed members shall be residents of the town.
- (C) The Council may remove a town-appointed Board member 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 by the Council as soon as practicable.

- (D) Only the Craven County Commissioners have the authority to remove the ETJ member from the Board. Any ETJ vacancy shall be filled by the Commissioners.
- (E) All members of the Board shall have equal rights, privileges and duties with regards to all matters within the town's planning and zoning jurisdiction.

§ 3.05.039 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.
- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

COMMUNITY APPEARANCE COMMISSION

§ 3.05.055 ESTABLISHMENT.

A Community Appearance Commission (herein after, the Board) is hereby created and established.

§ 3.05.056 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on community appearance issues to include, but not be limited to, enhancing the appearance of the town, making recommendations for planting of trees, shrubs or other planting materials on town owned property including town right-of-ways, and any other matter that affects the overall appearance of the town. The Board shall work on other issues assigned by the Council or Manager.

§ 3.05.057 POWERS AND DUTIES.

The Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to community appearance issues.
- (B) At the request of the Council and Manager, assist in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and implement Council and/or Manager approved projects related to community appearance. The Board may be asked to conduct special projects or activities by the Council and/or Manager.

§ 3.05.058 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.
- (C) The Council may remove a Board member 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.

§ 3.05.059 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.
- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at the meeting. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

§ 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.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF RIVER BEND

BE IT ORDAINED by the Town Council of the Town of River Bend that the Town Code of Ordinances, Title III, Administration, Chapter 3.05, Board and Commissions, be amended as follows:

CHAPTER 3.05: BOARDS AND COMMISSIONS

Parks and Recreation Advisory Board

- 3.05.001 Establishment
- 3.05.002 Purpose
- 3.05.003 Powers and duties
- 3.05.004 Composition and terms of office
- 3.05.005 Organization and procedures

Environment and Waterways Advisory Board

- 3.05.015 Establishment
- 3.05.016 Purpose
- 3.05.017 Powers and duties
- 3.05.018 Composition and terms of office
- 3.05.019 Organization and procedures

Planning Board

- 3.05.035 Establishment
- 3.05.036 Purpose
- 3.05.037 Powers and duties
- 3.05.038 Composition and terms of office
- 3.05.039 Organization and procedures

Community Appearance Commission

- 3.05.055 Establishment
- 3.05.056 Purpose
- 3.05.057 Powers and duties

3.05.058 Composition and terms of office

3.05.059 Organization and procedures

Advisory Board Appointments

3.05.070

Advisory Board Liaison

3.05.080

ITEM 13

PARKS AND RECREATION ADVISORY BOARD

§ 3.05.001 ESTABLISHMENT.

A Parks and Recreation Advisory Board (the Board) is hereby created and established.

§ 3.05.002 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on parks and recreation issues to include, but not be limited to, town parks and recreation areas, safety matters in town parks and recreation areas, and recreational activities in town parks and recreation areas. The Board shall work on other issues assigned by the Council or Manager

§ 3.05.003 POWERS AND DUTIES.

The Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to parks and recreation issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and administer Council and/or Manager approved parks and recreational activities and events to serve the residents of River Bend. The Board may be asked to organize special events or activities by the Council and/or Manager.

§ 3.05.004 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.

§ 3.05.005 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact

information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.

- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

ENVIRONMENT AND WATERWAYS ADVISORY BOARD

§ 3.05.015 ESTABLISHMENT.

An Environment and Waterways Advisory Board (the Board) is hereby created and established.

§ 3.05.016 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on environmental and waterways issues and to provide recommendations on waterways and environmental issues or concerns relating to use, preservation, conservation and protection of such resources within the town. The Board shall work on other issues assigned by the Council or Manager.

§ 3.05.017 POWERS AND DUTIES.

The Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to environmental and waterway issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and administer Council and/or Manager approved projects related to environmental and waterway activities and events to serve the residents of River Bend. The Board may be asked to organize special events or activities by the Council and/or Manager.
- (F) To engage in activities to further public education and understanding of the importance of waterways and the environment to the community, and voluntary means by which these resources may be protected.

§ 3.05.018 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.

§ 3.05.019 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact

information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.

- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

PLANNING BOARD

§ 3.05.035 ESTABLISHMENT.

A Planning Board (the Board) is hereby created and established.

§ 3.05.036 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on planning and zoning issues to include, but not be limited to, establishment or revision of districts, regulation and restriction of the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in accordance with G.S. § 160D-109. The Board shall work on other issues assigned by the Council or Manager.

§ 3.05.037 POWERS AND DUTIES.

Pursuant to G.S. § 160D-109, the Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to planning and zoning issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.

§ 3.05.038 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, six (6) being appointed by the Council for 2-year staggered terms. The seventh member shall be a citizen living in the town's extraterritorial jurisdiction (ETJ) and shall be appointed by the Craven County Commissioners in accordance with G.S. § 160D-109. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All town-appointed members shall be residents of the town.
- (C) Only the Craven County Commissioners have the authority to remove the ETJ member from the Board. Any ETJ vacancy shall be filled by the Commissioners.
- (D) All members of the Board shall have equal rights, privileges and duties with regards to all matters within the town's planning and zoning jurisdiction.

§ 3.05.039 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.
- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

COMMUNITY APPEARANCE COMMISSION

§ 3.05.055 ESTABLISHMENT.

A Community Appearance Commission (herein after, the Board) is hereby created and established.

§ 3.05.056 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on community appearance issues to include, but not be limited to, enhancing the appearance of the town, making recommendations for planting of trees, shrubs or other planting materials on town owned property including town right-of-ways, and any other matter that affects the overall appearance of the town. The Board shall work on other issues assigned by the Council or Manager.

§ 3.05.057 POWERS AND DUTIES.

The Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to community appearance issues.
- (B) At the request of the Council and Manager, assist in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and implement Council and/or Manager approved projects related to community appearance. The Board may be asked to conduct special projects or activities by the Council and/or Manager.

§ 3.05.058 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.

§ 3.05.059 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.

- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at the meeting. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

§ 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, 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.
- (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

John Kirkland, Mayor

ATTEST:

Kristie Nobles, Town Clerk

ITEM 13

Planning Board Report – August 2023

The regular meeting of the River Bend Planning Board was held on August 3rd at 6:00pm in the Community Building. A quorum was present as were several interested citizens. Chairman Lippert called the meeting to order. The usual reports were given. An invitation was made for visitors to address the board. There were some comments.

The board then voted to approve a Consistency statement related to the previous recommendation in favor of a re-zoning request by Jay Ammon for parcel 8-206-083.

The next item on the agenda was the election of officers. Councilman Sheffield temporarily assumed chairmanship of the board. Egon Lippert was nominated for chairman. Mr. Lippert made it abundantly clear that he would welcome any other nominations. There were none. Mr. Lippert was re-elected unanimously. Robert Kohn was nominated for vice-chairman and was also unanimously re-elected. Allison McCollum was re-elected secretary. Chairman Lippert re-assumed the duties of chairman.

Under new business the board took up a re-zoning request for the property known as 403 Old Pollocksville Rd. by Robert Davis and Kimberly Dow. The request was to change approximately 3/5ths of the property from zone R20A to R15. Mr. Davis was present to answer questions. The town manager gave a very detailed PowerPoint presentation. He pointed out the differences in the two zonings and what would be allowed under the proposed re-zoning. He also made it very clear that a proposed site plan by Mr. Davis was entirely preliminary and that nothing would be official until all of the provisions of the town's subdivision ordinances had been met. The board voted to approve the re-zoning request and forward it to the town council for official approval.

The next order of business was the filling of a vacancy on the Planning Board. Five citizens had submitted applications for the position. Four of them, Lisa Benton, Carolyn Gadwell, Jon Hall and Carina Wordham were present. Joey Routh did not attend. Each of the applicants was given five minutes to explain to the board why he or she should be selected. The board then voted by secret ballot. Carolyn Gadwell received the most votes and the board voted to recommend to the Town Council that she be selected to fill the vacancy.

The meeting was adjourned. The next regular meeting is scheduled for September 7th. All Interested citizens are welcome to attend.

PLANNING BOARD RECOMMENDATION

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.

PLANNING BOARD RECOMMENDATION

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.

PLANNING BOARD RECOMMENDATION

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.

PLANNING BOARD RECOMMENDATION

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~~

PLANNING BOARD RECOMMENDATION

~~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%.

PLANNING BOARD RECOMMENDATION

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.

PLANNING BOARD RECOMMENDATION

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 discusses 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
August 17, 2023- Town Council discusses draft ordinance

Mayor's Report

Where do we stand on climate change and sea level rise? There is a considerable discussion printed each day on this subject. The well-defined answers to what has happened and what will happen relative to global climate will not be known until sometime in the future. Living in Eastern North Carolina we should all be concerned about the related rise in sea level as well as the other aspects of global warming. The sea level rise is supported by recorded measurements that cover more than 30 years of recorded observations from positions around the globe (Lee and Wang).

The article cited here is from a NASA release of March 17, 2023. A copy of that article is linked below. It is a fact that sea level is rising based on observations made by NASA. The article also links the rise in CO₂ to the global warming that contributes to the increase of sea level. This information is important to all of us who live in the coastal plain of North Carolina. This material is not made available to alarm the reader but as an awareness that we need to follow what NASA will continue to research and publish and to monitor what action the State and Federal agencies are taking to cope with the change.

Lee, Jane, and Andrew Wang. "NASA Uses 30-Year Satellite Record to Track and Project Rising Seas." NASA, 17 Mar. 2023, www.nasa.gov/feature/jpl/nasa-uses-30-year-satellite-record-to-track-and-project-rising-seas.