



## TOWN OF RIVER BEND

45 Shoreline Drive  
River Bend, NC 28562

T 252.638.3870  
F 252.638.2580

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

## RIVER BEND TOWN COUNCIL AGENDA

Work Session Meeting

October 12, 2023

River Bend Town Hall – 45 Shoreline Drive

7:00 p.m.

1. **VOTE** – Approval of Agenda
2. **UPDATE** – Efirid Ceremony – Kirkland
3. **DISCUSSION** – Parks and Recreation Advisory Board Appointment - Weaver
4. **DISCUSSION** – Update of Mayor-Council Responsibility Chart - Jackson
5. **DISCUSSION** – Town Christmas Tree - Weaver
6. **DISCUSSION** – Allowing Chickens to be kept in Town - Weaver
7. **DISCUSSION** – Upcoming Public Hearing on Conditional Zoning - Jackson
8. **DISCUSSION** - Public Nuisance Abatement for Waterway Bulkheads - Jackson
9. **DISCUSSION** – Solicitations of Sponsorships / Donations for Town Events - Leonard
10. **DISCUSSION** – Development of Advisory Board Liaison Ordinance Language - Benton
11. **REVIEW AGENDA** – Nobles

Pledge: Sheffield

Who: The Public is Invited

What: Dedication Ceremony

Where: River Bend Memorial Garden

When: 2 p.m. October 26, 2023

Why: To recognize Frank Efird's efforts in the  
development of River Bend

#### Agenda

1. Welcome- Mayor Kirkland
2. Recognition of Special Guests- Mayor Kirkland
3. Remarks from Guest of Honor- Frank Efird
4. Remarks from Long-Time Resident-Lou Colombo
5. Unveiling of Marker- Efird Family
6. Closing Remarks- Mayor Kirkland
7. Refreshments/Fellowship in Picnic Shelter

Inclement weather location is Town Hall Meeting Room



RECEIVED

SEP 29 2023 TOWN OF RIVER BEND  
TOWN OF RIVER BEND

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River Bend, NC 28562  
T 252.638.3870  
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REQUEST FOR APPOINTMENT TO BOARDS OR COMMISSIONS

Parks & Recreation Advisory Board

BOARD/COMMISSION FOR WHICH YOU ARE APPLYING

Annie E. Craddock

acraddock@aegeanmedical.com

NAME

E-MAIL ADDRESS

30 O'Hara Drive, River Bend, NC 28562

252-503-5360

STREET ADDRESS

PHONE #

If you listed a post office box, do you live in the Town of River Bend?  Yes  No

PLEASE LIST ANY EDUCATION, SPECIAL SKILLS, OR EXPERIENCE YOU HAVE THAT WOULD BE OF USE TO THE TOWN COUNCIL IN CONSIDERING YOUR APPLICATION (Please include any committees you have belonged to and offices held that would be helpful in considering your application):

Treasurer - Old Craven Foundry Association

Property Manager - Old Craven Foundry Association

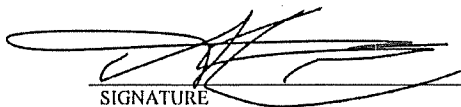
Event Coordination - For commerical and charitable events

Business Management / Consulting

Advertising and Marketing

IF YOU NOW SERVE OR HAVE SERVED ON ANY TOWN COMMITTEES, PLEASE LIST DATES:

This information will be used by the Town Council in making appointments to Boards and Commissions, and in the event you are appointed, it may be used as a news release to identify you to the community. This form will be retained by the Town for two years after its submission. If after two years, you have not been appointed and wish to be considered for future appointments, you must resubmit your application.

  
SIGNATURE

09/28/2023  
DATE

Please submit application to  
townclerk@riverbendnc.org

## Mayor and Town Council Responsibilities Last Updated 12/15/22

MAYOR	FINANCE & HUMAN RESOURCES	PUBLIC SAFETY	PARKS & RECREATION	ENVIRONMENT	PLANNING	CAC
Mayor: John R. Kirkland	Liaison: Brian Leonard	Liaison: Jeff Weaver	Liaison: James Castranova	Liaison: Brian Leonard	Liaison: Buddy Sheffield	Liaison Barbara Maurer
Pro Tem: Buddy Sheffield	Backup: Barbara Maurer	Backup: Buddy Sheffield	Backup: Barbara Maurer	Backup: Jeff Weaver	Backup: Barbara Maurer	Backup: James Castranova
Serves as official head of Town for purpose of serving civil process and receiving all Town correspondence. Signs official documents approved by Council. Liaison with municipal, county, state governments & private sector.	Liaison for financial operations of the Town.  Serves as Chair of Town's Audit Committee.  Works with staff concerning technology and Human Resource Policy issues.	Liaison with the Community Watch group.  Liaison with Coastal Environmental Partnership.	Liaison with Parks & Recreation Advisory Board.  Works with volunteers on Fourth of July and other special events.	Liaison with Environment and Waterways Advisory Board (EWAB).  Works with staff concerning environmental issues.  Liaison with ABC Board.	Liaison with Planning Board.  Liaison with Board of Adjustment.  Alternate to New Bern Metropolitan Planning Organization.	Liaison with Community Appearance Commission (CAC).
Presides over Town meetings.						
Town spokesman and media representative.						
Represents Town for ceremonial purposes.						
Representative to New Bern Metropolitan Planning Organization						



## GENERAL PROVISIONS

### § 9.01.001 DEFINITIONS.

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

**ANIMAL.** Any live vertebrate creature.

**DOMESTIC ANIMAL.**

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

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

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

**LIVESTOCK.**

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

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

**RUNS AT LARGE.**

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

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

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

### § 9.01.002 INTERFERENCE WITH ANIMAL CONTROL OFFICER.

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

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

**§ 9.01.003 ANIMAL FECES.**

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

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

**REGULATION AND CONTROL**

**§ 9.01.015 RUNNING AT LARGE PROHIBITED.**

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

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

**§ 9.01.016 ANIMALS CREATING A NUISANCE.**

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

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

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

**§ 9.01.017 PROHIBITION OF CERTAIN ANIMALS.**

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

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

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

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

**§ 9.01.018 VICIOUS ANIMALS.**

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

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

**§ 9.01.019 LOCATION AND MAINTENANCE OF ANIMAL PENS AND ENCLOSURES.**

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

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

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

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

**§ 9.01.020 BIRD SANCTUARY CREATED.**

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

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

## **NOTICE OF PUBLIC HEARING**

The Town Council of the Town of River Bend will conduct a public hearing to gather public comments on a proposed amendment to the Town's zoning ordinance. The proposed amendment would establish conditional zoning within all of the town's zoning jurisdiction. The public hearing will be held on October 19, 2023 at 7 p.m. at Town Hall, located at 45 Shoreline Drive, River Bend, NC. More information about the proposed amendment can be found on the town's web page at [www.riverbendnc.org](http://www.riverbendnc.org) by clicking on the "Proposed Zoning Amendment" tab. The public is invited to attend. The town's rules for conducting a public hearing will be followed.

ITEM



INTRODUCTION

The following language is a proposed amendment to the town's zoning ordinance. If enacted, the amendment would establish conditional zoning (CZ) as an option for future development projects. Currently, the town has 9 zoning districts. They are what is known as "traditional" zoning districts. Any development within those districts must comply with all of the current zoning regulations. Under traditional development, the town cannot require a developer to provide additional features, except for uses that require a special use permit. If CZ is adopted, 9 new conditional zoning districts will be created and all of them will be complimentary to the existing traditional zoning districts. For example- We currently have an R-15 traditional zoning district. If conditional zoning is approved, we will also have a new R-15(CZ) zoning district. If a developer wishes to pursue rezoning for a development which may not be compatible with any traditional zoning districts, they may request rezoning to a complimentary CZ district. This may result in the developer providing additional features, which are negotiated with and approved by the Town Council prior to approving a CZ rezoning request. Any such negotiations will be a matter of public record and must be made available for public review prior to conducting the required public hearing for a CZ rezoning request.

**§ 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.



## PROPOSED ZONING ORDINANCE AMENDMENT

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

### B. Process required.

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

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

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

a) A master site plan prepared in accordance with § 15.02.137 of the Code of Ordinances for a Master Land Use Plan for a Planned Development;

b) Written supporting documentation that specifies the actual use or uses proposed for the property;

c) Proposed rules, regulations, and conditions that, in addition to all predetermined requirements of this Code of Ordinances, will govern the development and use of the property; and

d) A statement analyzing the reasonableness of the proposed rezoning.

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

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



## PROPOSED ZONING ORDINANCE AMENDMENT

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

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

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

(1) Provide specific information and maps regarding the proposed development including but not limited to a description of the proposed zoning change, proposed use(s) of the property, the proposed density and intensity of land uses, the location and arrangement of the proposed land use(s) on the property, the proposed development schedule, and proposed regulations or conditions, in addition to those required by this Ordinance, that will govern the development and use of the property; and

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

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

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

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

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

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



## PROPOSED ZONING ORDINANCE AMENDMENT

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

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

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

a) The conditional district rezoning application shall specify the use or uses that are intended for the property, as well as any additional conditions on the use of the property that the applicant may propose be conditions of the rezoning. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to:

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

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

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

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

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

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

## PROPOSED ZONING ORDINANCE AMENDMENT

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 stated in 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:



## PROPOSED ZONING ORDINANCE AMENDMENT

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%; or
5. Adjust the required parking more than 5%.

b) The Zoning Administrator, however, shall always have the discretion to decline to exercise the delegated authority either because he or she is uncertain about approval of the change pursuant to the standard or because a rezoning petition for a legislative hearing and Town Council consideration is deemed appropriate under the circumstances. If the Zoning Administrator declines to exercise this authority, the applicant may file a rezoning petition for a legislative hearing and Town Council decision in accordance with the provisions delineated in this ordinance.

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

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

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

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

b) If, upon written request of the developer or petitioner, the Planning Board determines that substantial progress has been made to develop the property, the Planning Board may recommend that an extension of time be granted. The Town Council, after reviewing the recommendation of the Planning Board, may approve an extension of time

## PROPOSED ZONING ORDINANCE AMENDMENT

not to exceed an additional 12 months. Approval of such a time extension by the Town Council may be made without conducting a formal public hearing.

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

d) For purposes of this section, examples of substantial progress may include: the approval of construction plans for streets, utilities and other infrastructure; the initiation of land preparation activities such as clearing and grading; the initiation of the construction of the principal building(s); and the initiation of the construction of streets, utilities, other infrastructure or required site amenities.

### **Significant Dates:**

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

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

November 3, 2022-Planning Board discusses draft ordinance

January 5, 2023-Planning Board discusses draft ordinance

January 12, 2023- Town Council discusses draft ordinance

February 2, 2023- Planning Board discusses and approves recommendation

February 9, 2023- Town Council 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 and sets date for public hearing

October 19, 2023- Town Council conducts public hearing

**CHAPTER 9.02: PUBLIC NUISANCES**

Section

***General Provisions***

9.02.001 Authorization

9.02.002 Definitions

***Public Nuisance Abatement***

9.02.015 Public nuisances prohibited

***Burning or Burying Solid Wastes***

9.02.030 Open burning prohibited

9.02.031 Trash containers at building sites

9.02.032 Toilets required at building sites

***Storage and Disposal of Solid Wastes***

9.02.045 Property owners to provide waste receptacles

9.02.046 Storage and disposal practices

***Fats, Oils and Greases Control***

9.02.055 Scope and purpose

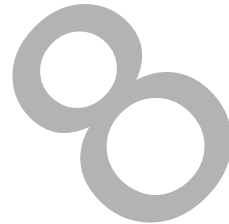
9.02.056 Definitions

9.02.057 Grease interceptor maintenance, record keeping and grease removal

***Complaint Procedure***

9.02.060 Filing complaints

9.02.061 Abatement procedure



## GENERAL PROVISIONS

### § 9.02.001 AUTHORIZATION.

This chapter is enacted to abate public nuisances which are believed to be detrimental to the appearance of the town and to the health and safety of its citizens. It is authorized by G.S. §§ 160A-174, 160A-175, 160A-193 and 160A-303, and Article 9, Chapter 130A.

(Prior Code, Ch. 4, Art. I)

### § 9.02.002 DEFINITIONS.

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

**DISPOSAL.** The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

**GARBAGE.** All putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.

**HAZARDOUS WASTE.** A solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

**HEALTH OR SAFETY HAZARD.** A motor vehicle (abandoned or junked), building, or appurtenance found to be:

*Amended 02/19/09*

- (1) A breeding ground or harbor for mosquitoes, insects, snakes, rats or pests or being used for storage in a manner which may attract pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over 18 inches in height;
- (3) A point of collection for pools or ponds of water;
- (4) A point of concentration or source of uncontained gasoline, oil or other flammable or explosive materials;

*Amended 02/19/09*

- (5) Located in such a manner that there is a danger of the motor vehicle, building, or appurtenance falling or turning over; or

*Amended 02/19/09*



- (6) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside, or from exposed surfaces of metal, glass or other rigid materials.

**MOTOR VEHICLE** and **VEHICLE**. All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

**MOTOR VEHICLE, ABANDONED**. A vehicle that:

- (1) Has been left upon a street or highway in violation of a law or ordinance regulating or prohibiting parking;
- (2) Is left on property owned or operated by the town longer than 24 hours;
- (3) Is left on private property without the consent of the owner, occupant or lessee thereof for longer than 2 hours; or
- (4) Is left on any public street or highway for longer than 7 days.

**MOTOR VEHICLE, JUNKED**. A motor vehicle that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
- (3) Is more than 5 years old and worth less than \$100; or
- (4) Does not display a current license plate.

*Amended 02/19/09*

**RECYCLABLE MATERIAL**. Newspapers, mixed paper, cardboard, metal cans, plastic and glass bottles.

**REFUSE** and **RUBBISH**. All solid wastes except wastes liable to become putrid and solids that are dissolved or suspended in wastewater effluent.

**SCRAP MATERIALS**.

- (1) Discarded articles, pieces or fragments of building or other materials such as lumber, leather, rubber, cloth, paper, plastic, bricks, pipe, shingles, siding, carpeting and the like.
- (2) Objects or things, including but not limited to machines, tools, equipment, hardware, furniture, appliances, and the like, or parts of the same that are no longer in serviceable condition.

**SOLID WASTES**. Wastes that are nongaseous and non-liquid (except that liquid wastes resulting from the processing of food are deemed as raw material for reprocessing).

**STATE OF DISREPAIR**. A state in which a property has deteriorating paint, holes in the structure, missing pieces in the structure, rotted wood, exposed interior insulation, exposed interior walls, missing or broken doors and/or windows, missing or falling porch railings, roof is sagging or parts of the exterior roof system are missing, and/or other signs of general disrepair.

*Added 02/16/12*

**YARD WASTE**. Solid waste consisting solely of vegetative matter resulting from landscaping maintenance, including but not limited to grass clippings, limbs or leaves.

**WASTES**. Includes garbage, refuse, rubbish, trash and all useless, unwanted, or discarded materials resulting from household, industrial, commercial or community activities.



**WHITE GOODS.** Refers to domestic and commercial large appliances, including but not limited to refrigerators, ranges, water heaters, freezers, unit air conditioners, washing machines, clothes dryers, dishwashers.

(Prior Code, Ch. 4, Art. II)

## PUBLIC NUISANCE ABATEMENT

### § 9.02.015 PUBLIC NUISANCES PROHIBITED.

The existence of any of the following conditions on any lot or parcel of land within the corporate limits of the town is hereby declared to be dangerous and prejudicial to the public health and safety of the inhabitants of the town and to constitute a public nuisance:

- A. *Animal and vegetable matter.* Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, domestic or wild animals, or vermin of any kind which are or may be dangerous or prejudicial to the public health.
- B. *Brush, rubbish, wastes and scraps.* Any accumulation of brush, rubbish, garbage, waste, scrap materials or junk causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation thereof by rats, mice, snakes, domesticated or wild animals or vermin of any kind which are dangerous or prejudicial to the public health and safety, or that is otherwise deemed to be dangerous or prejudicial to the public health, safety or welfare.
- C. *Depositing yard waste at curbside.* Depositing, or allowing to be deposited, yard waste at curbside prior to 5 days before the scheduled date of town pickup.  
*Amended 02/19/09*
- D. *Docks and waterfront structure.* Allowing docks or other waterfront structures to be in a state of disrepair by reason of storm damage or natural decay that the dock or structure is in danger of becoming a hazard to navigation.
- E. *Dumping and littering.* Depositing or allowing the depositing of any wastes, scrap materials, food containers, garbage, yard waste or any other materials on any public street, sidewalk in or on any other town property which includes lakes, drainage ditches, ponds, waterways and canals except in waste receptacles provided for that purpose, or upon any property not owned by him or her without the consent of the owner, occupant or lessee of the property.
- F. *Household hazardous waste.* Improper disposal of hazardous waste that represents a threat to property or air or water quality of the community.
- G. *Health or Safety Hazard.* Allowing any condition to remain on the property once an authorized town official or employee declared it to be a health or safety hazard.  
*Amended 02/19/09*

- H. *Recyclable materials.* Depositing, or allowing to be deposited, recyclable materials at curbside more than 1 day before the scheduled date of pickup; or failure to promptly (within 24 hours) remove from curbside empty containers used for recyclable materials.
- I. *Storage and abandoned materials.* The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building scraps, or similar items. The open storage of building materials, tools and equipment not intended for use on the residential property on which it is stored.
- J. *Uncontrolled shrubbery growth.* Allowing bushes and shrubbery to grow beyond the property line towards the street in a manner that restricts visibility of traffic passing on the street or impedes the delivery of the U.S. mail.
- K. *Uncontrolled weed growth.* The excessive and uncontrolled growth of grasses and weeds (12 inches), underbrush, and other growths which may cause hazards which are detrimental to the public health and safety.
- L. *Uprooted and damaged trees.* Trees uprooted or severely damaged which may cause hazards which are detrimental to the public health and safety and/or to any private or public property.

Amended 02/19/09

- M. *Waterway bulkheads.* Allowing bulkheading or other means of minimizing erosion to fall into disrepair that erosion of soil into a waterway will increase.
- N. *Transportation of materials.* The transportation of any materials such as sand, gravel, garbage, leaves, and the like unless the materials are secured so as to prevent their escape from the transporting vehicle. Garbage being transported must be enclosed in containers that prevent the escape of noxious odors or liquids.
- O. *Keeping junked vehicles.* Keeping, or allowing to be kept, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property within the Town, any motor vehicle, or part thereof, as such as defined in this section, which are junked.

As used in this section, shielded or screened from view means completely precluding visibility of the subject motor vehicle from all adjacent streets, alleys and properties, by placing the motor vehicle within an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or behind the front line of the main structure by a landscaped arrangement of non-deciduous trees, sufficient in height, spacing, density and circumference to ensure precluding visibility of the subject motor vehicle from all adjacent streets, alleys and properties, or by use of an opaque car cover appropriate for the motor vehicle being covered.

Adopted 02/19/09

- P. *Allowing a home to be in a state of visible disrepair.* It is unlawful for any person owning any property in the Town to maintain such property in such a manner that any of the conditions listed below are found to exist thereon.

Adopted 02/16/12

- 1. Any premise which detrimentally impacts the surrounding neighborhood because of dilapidation, deterioration, decay, or is unsecure or is improperly secured.



2. Unpainted or unstained structures, structures with deteriorating paint, or structures that are in a state which will permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping, or termite infestation so as to render the building unsightly.
3. Structures with missing or broken windows or doors which constitute a hazardous condition and/or invite trespassers and/or malicious mischief. Plywood or other materials used to cover window and/or door space shall not be an acceptable permanent replacement, but are allowable as a temporary covering so long as the permanent covering is installed in a reasonable amount of time.
4. Building exteriors, walls, roofs, gutters, fences, accessory structures, driveways, sidewalks, walkways, or alleys that exist in a condition of deterioration, neglect, or disrepair.
5. Any other condition on a property which meets the requirements of subparagraph (a) and/or (b) below:
  - a) Is detrimental to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the reasonable comfortable enjoyment of life or property in the manner customary in the Town of River Bend;
  - b) Affects an entire community or neighborhood, or any considerable number of persons within the Town.

Should a duly authorized town official or authorized employee declare a property to be in a state of disrepair, written notice must be given to the property owner by either first-class mail or hand-delivery. This notice must clearly delineate any and all reasons for the determination.

Upon receipt of the written notice of determination of a property being in a state of disrepair, the property owner must, within fifteen (15) days from the date of notice, either;

- a) Abate, in a manner customary in the Town, any and all delineated items in the written notice, or;
- b) Provide, and have approved by the Town of River Bend, a detailed plan showing how and when the noted disrepair will be abated, or;
- c) Appeal the determination of the town official by submitting a written request for a hearing before the Town Council.

Should the property owner fail to comply with one of the three options shown above within fifteen (15) days of the date of the notice, the property owner will then be subject to the terms of this ordinance.

Should a property receive damages which constitute a state of disrepair due to a disaster beyond the property owner's control, the property owner will have a reasonable amount of time, not to exceed one (1) year, to make the necessary repairs and will not be subject to the terms of this ordinance. Should the repairs not be made in a reasonable amount of time, however, the property owner will then be subject to the terms of this ordinance.

(Prior Code, Ch. 4, Art. III) **Penalty, see § 1.01.999**

**§ 1.01.999 GENERAL PENALTY.**

- A. In accordance with G.S. § 160A-175, any act constituting a violation of the provisions of this Code or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$500.00, or any lesser amount if so stated in the citation. If the offender fails to remedy the violation and pay any civil penalty within ten days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten days), the civil penalty may be recovered in a civil action in the nature of a debt.

*Amended 11/14/07 & Amended 11/18/10*

- B. This Code may also be enforced by any appropriate equitable action authorized by law, including injunctive relief, whether or not there is an adequate remedy at law.

*Amended 11/14/07 & Amended 11/18/10*

- C. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed there in shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violation after the date of the citation.

*Added 11/18/10*

- D. Any one, or any combination of the foregoing penalties and remedies may be used to enforce this Code.

*Added 11/18/10*

- E. Violation of the provisions of the Code or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in G.S. 14-4, unless any specific penalty elsewhere provides to the contrary.

*Added 11/18/10*

**§ 160A-175. Enforcement of ordinances.**

(a) A city shall have power to impose fines and penalties for violation of its ordinances, and may secure injunctions and abatement orders to further insure compliance with its ordinances as provided by this section.

(b) Except for the types of ordinances listed in subsection (b1) of this section, violation of a city ordinance may be a misdemeanor or infraction as provided by G.S. 14-4 only if the city specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

- (1) Any ordinance adopted under Article 19 of this Chapter, Planning and Regulation of Development, or its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings.
- (2) Any ordinance adopted pursuant to G.S. 160A-193.1, Stream-clearing programs.
- (3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing businesses, trades, etc.
- (4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising.
- (5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors.
- (6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on regulating cisterns and rain barrels.
- (7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis.
- (8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines.
- (9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations.
- (10) Any ordinance regulating trees.

(c) An ordinance may provide that violation shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of the ordinance.

(c1) An ordinance may provide for the recovery of a civil penalty by the city for violation of the fire prevention code of the State Building Code as authorized under G.S. 143-139.

(d) An ordinance may provide that it may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the city for equitable relief that there is an adequate remedy at law.

(e) An ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such an ordinance occurs the city may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or

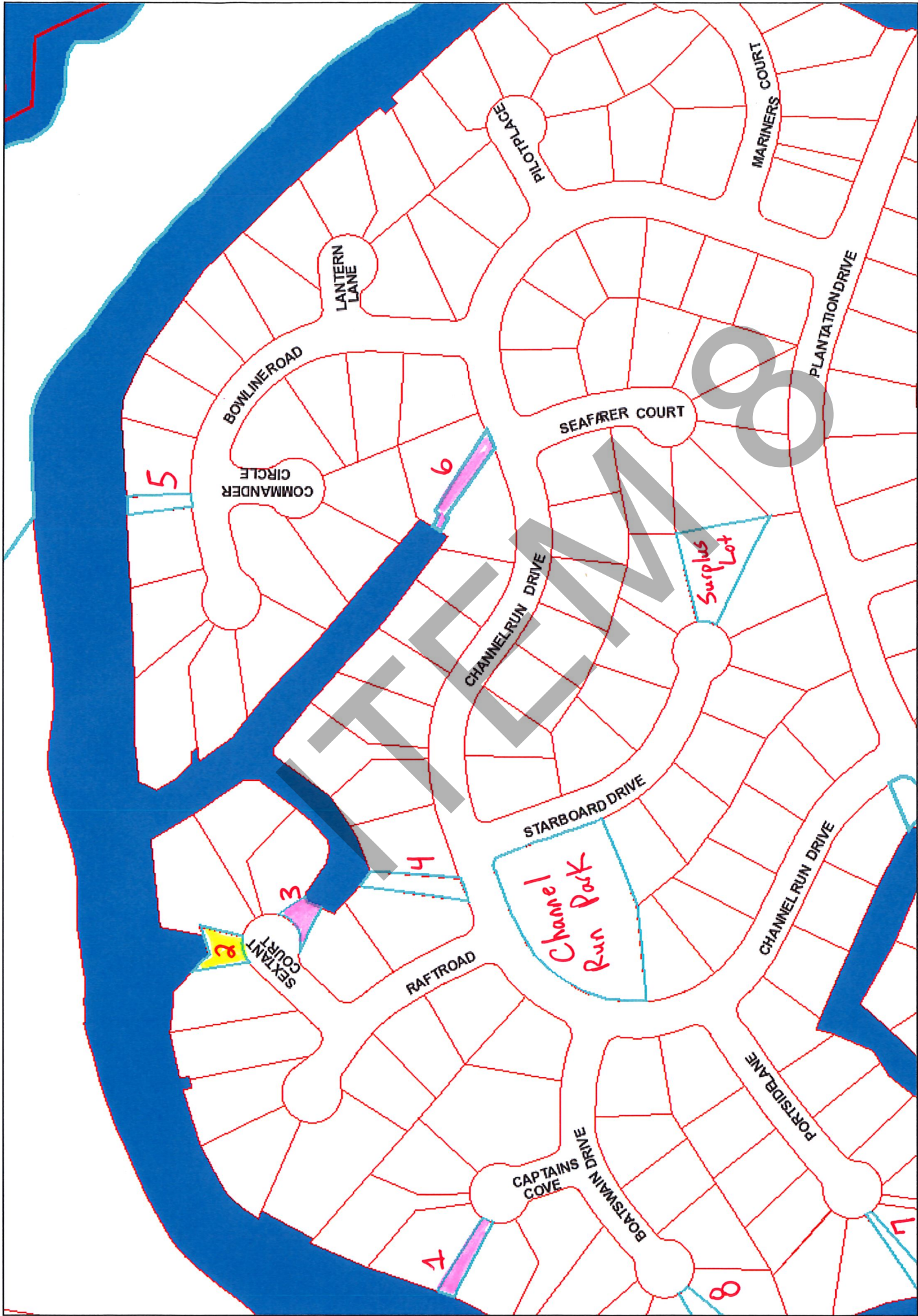
repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the city may execute the order of abatement. The city shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(f) Subject to the express terms of the ordinance, a city ordinance may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this section.

(g) A city ordinance may provide, when appropriate, that each day's continuing violation shall be a separate and distinct offense.

(h) Notwithstanding any authority under this Article or any local act of the General Assembly, no ordinance regulating trees may be enforced on land owned or operated by a public airport authority. (1971, c. 698, s. 1; 1985, c. 764, s. 35; 1993, c. 329, s. 4; 2013-331, s. 2; 2021-138, s. 13(b).)





1 inch = 210 feet

# Craven County GIS Town Owned Property

Craven County does NOT warrant the information shown on this map and should be used ONLY for tax assessment purposes. Printed on October 4, 2023 at 8:27:51 AM



# NEW BERN PARKS & RECREATION

# August 2018 Events

**Trent Cadillac - GMC**



**SUMMER CONCERT SERIES**

Union Point Park 6:30pm – 9pm

**Friday, August 17<sup>th</sup>**

**Boys from Carolina  
Bluegrass Band**

**Friday, August 31<sup>st</sup>**

**Joe Brown Band**

**NO Coolers Allowed**

*Food & Beverages are available on site*

**Register now for the following:**

**B.E.A.R.  
Afterschool  
Program**

Program begins August 27<sup>th</sup>

**Youth Flag Football**

for ages

**5 - 8**



**Deadline to Register – August 31<sup>st</sup>!**

**Keep Calm & Glaze On!**

**Ceramic Class**

For ages  
**16 & Older**



To be held on Thursday  
August 16<sup>th</sup>, 23<sup>rd</sup>, and 30 from 6pm – 8:30pm

**Shopping Trip**

Join us **August 24<sup>th</sup>** for a day of  
shopping at the **Smithfield Outlets!**  
Space is limited!

**Adult Art Class**

This class meets every Friday in  
September from 6pm – 8pm.

Focusing on acrylic paint, colored pencils, graphite  
and ink pen to bring your artwork to life!



**DATE-NIGHT  
MOVIES**  
in the **PARK**

**LA LA LAND**

**Saturday  
August 25<sup>th</sup>**

Union Point Park

Show starts  
at Dusk! - 8:15pm



For additional information on these and other programs

Visit us online at [www.NewbernNC.gov](http://www.NewbernNC.gov) or

Call 252-639-2901



**Like Us On Facebook!**





# KIDSVILLE 2.0

## Sponsorship Opportunities



**New Bern Parks & Recreation**





**Kidsville** is a tradition that has been in the New Bern community since 1994. This unique wooden playground has been an entertaining and creative outlet for thousands of children over the years. After 24 years of service, it is now time to replace the aging structure due to safety concerns.

New Bern Parks and Recreation is excited to announce a fundraising opportunity for citizens of all ages to join in and help create a new State of the Art **KIDSVILLE 2.0!** The new playground will be in the same architectural style and feature unique attributes similar to the old playground, but will be constructed with sustainable materials ensuring safe play for generations to come. The best part of this project is that children from New Bern will get to design the new playground, and our community can help with fundraising and construction. The goal is to break ground on the new playground in the spring/summer of 2019.

The budget for **KIDSVILLE 2.0** is \$300,000. The City of New Bern has agreed to match donations \$1 for \$1 up to \$150,000. **WE NEED YOUR HELP!** This community project is a once-in-a-lifetime investment that will not only produce an outstanding place where children of all ages can explore and play, but will also serve as a tangible model for community involvement, service, cooperation and leadership that will leave a lasting impact on the community for years to come.

We invite you to join us in supporting this project by making a tax deductible donation. The information in this document provides a variety of sponsorship opportunities. If you have any questions, please feel free to contact New Bern Parks and Recreation at 252-639-2901 or email Foster Hughes, Director of Parks and Recreation at [hughesf@newbern-nc.org](mailto:hughesf@newbern-nc.org). Now, let's get busy and make **KIDSVILLE 2.0** a reality!



# Sponsorship Opportunities

**Tiles** – This is a great way to make a lasting impression on the playground. This is an opportunity to design your own tile and have your name on it. Once the artwork is completed, the tiles are glazed, fired and then displayed around the playground. **Cost: \$25 per tile.**



**Pickets** – This playground will include a fence. Pickets will surround the entire playground just like the old Kidsville. These pickets are made of recycled materials and will last for decades. **Cost: \$50 per picket.**

**Brick Pavers** – Bricks will be used to provide a walk way leading up to the entrance of the playground and to the shelter area. **Cost: \$75 per brick.**



**Playground Components** – Components include Towers, Slides, Tunnels, Climbers, Swings, etc... Information on specific components and pricing will be available once the playground has been designed. **Cost: \$1,000 - \$10,000.**



**Sponsorship Levels** – The following sponsorship levels are available. Individuals and businesses that wish to donate in this manner will be recognized on a kiosk located inside the playground.

<b>Bronze</b>	<b>\$100 - \$249</b>
<b>Silver</b>	<b>\$250 - \$999</b>
<b>Gold</b>	<b>\$1,000 - \$4,999</b>
<b>Benefactor</b>	<b>\$5,000 or more</b>





## PLAYGROUND COMPONENT SPONSOR

Information on playground components will be released once the design process is complete.  
Component prices will range from \$1,000 - \$10,000.

## SPONSORSHIP LEVELS

I would like to make a cash donation in the following amount.

Your individual or business name will be included on a kiosk, located at the new **KIDSVILLE 2.0**.

- Bronze Sponsor: \$100 - \$249
- Silver Sponsor: \$250 - \$999
- Gold Sponsor: \$1,000 - \$4,999
- Benefactors: \$5,000 or more

Cash Donation Total \$ \_\_\_\_\_

City of New Bern

Please make checks payable to:

Sponsor Grand Total \$ \_\_\_\_\_

In Memo Line Write - *Kidsville Donation*.

Contributions are tax deductible to the full extent allowed by law.

**You may mail this completed form and payment to:**

New Bern Parks and Recreation  
KIDSVILLE  
PO Box 1129, New Bern, NC 28563

**or deliver to**

New Bern Parks and Recreation Administration  
1307 Country Club Road  
New Bern, NC 28562.

For donation information, please contact us at 252-639-2901 or visit us online at [www.NewbernNC.gov](http://www.NewbernNC.gov)



## **Councilmember Liaison Job Description**

### **Definition of Liaison**

“Liaison”: a person who establishes and maintains communication for mutual understanding and cooperation (Merriman-Webster Dictionary).

1. A Councilmember acting as a liaison to a Council advisory committee or other body (a “Committee”) is not a member of the Committee. Rather, the Councilmember is a positive resource to support the Committee in the completion of its work subject to the rules stated below.
2. A Councilmember liaison is acting as a representative of the full Council and, as such, has no authority to provide any direction or guidance to the Committee other than direction or guidance that clearly represents direction or guidance of the full Council.
3. Generally put, the Councilmember liaison shall not attempt to influence the work or recommendations of the Committee. More specifically,
  - The Councilmember shall not take part in the Committee deliberations or discussions unless (a) the Committee requests the Councilmember’s participation in a particular discussion (in this situation, the Councilmember must expressly state that she or he is speaking for her or himself. Not for the entire Council) or (b) the Committee determines that he or she must speak up in order to remind the Committee of Council direction, City policies, or laws including the Open Public Meetings Act and the Public Records Act; and
  - The Councilmember shall not take part in any votes or decision making of the Committee.
4. The Councilmember shall work to ensure that the Committee is only taking actions or doing work that is within the scope of the Committee’s work as determined or approved by Council. The liaison can do this by, for example, reminding the Committee as needed of the scope of work that the Council set for the Committee.



5. The Councilmember liaison shall bring to the Council any requests from the Committee such as the following:

- (a) questions by a Committee about the Committee's scope of work.
- (b) requests from the Committee to change the Committee's scope of work.
- (c) requests of City resources to further the Committee's work (money, staff time, or other resources); and
- (d) requests from the Committee to place an item on a Council meeting agenda.

6. The Councilmember liaison shall work to ensure that the Council is regularly updated on the work of the Committee. To that end, the Council shall, on a quarterly basis, revisit the work plan of each Committee and hear from each Committee's liaison a report on the Committee's progress on the work plan.

### **Committee Governance and Oversight**

If a Committee member or member of the public feels that there is a problem with the manner in which the Committee is being managed or governed, the Committee member or member of the public should speak with the Committee chair first. If the problem is not resolved by the Chair to the Committee member or member of the public's satisfaction, then the Committee member or member of the public can speak to the Councilmember liaison about her/his concern(s).

At that juncture, the Councilmember liaison's duty is to bring the concerns to the Mayor and Mayor Pro-Tem rather than attempt to resolve the problem on her or his own. The Mayor, Mayor Pro-Tem, and liaison shall then decide on what steps to take, if any. These steps could include, for example, deciding that they do not agree there is a problem; discussing the issue with the Committee Chair; or bringing the issue to the full Council for discussion and a possible Council decision.

Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attending meetings or conferring with members, and keeping Council informed. Liaisons may advocate Council actions on behalf of their assigned group or activity. Care must be taken to avoid an Appearance of Fairness Doctrine violation, or conflict of interest possibilities (i.e.: in the unusual case of quasi-judicial procedures)). Liaison functions and duties may be further defined and/or directed by the Mayor or Mayor Pro-Tem with concurrence of Council.

10-14-21

I. J. (Bud) Van Slyke  
Councilman  
Mayor Pro-Tem

ITEM 10

## Councilmember Liaison Job Description

### Definition of Liaison

Liaison: a person who establishes and maintains communication for mutual understanding and cooperation (Merriman-Webster Dictionary). *(Would it be more appropriate to use a legal definition as stated in NC statute or by SOG or NCLM?)*

1. A Councilmember acting as a liaison to a Council advisory **board** committee or other body (a "Committee") is not a member of the **board** Committee. Rather, the Councilmember **is a conduit between the Council and the Advisory Board and acts as** is a positive resource to support the **board** Committee in the completion of its work subject to the rules stated below.

2. A Councilmember liaison is acting as a representative of the full Council and, as such, has no authority to provide any direction or guidance to the Committee other than direction or guidance that clearly represents direction or guidance of the full Council.

3. ~~Generally put,~~ The Councilmember liaison shall not attempt to influence the work or recommendations of the **board** Committee. More specifically,

- The Councilmember shall not take part in the **board** Committee deliberations or discussions unless (a) the **board** Committee requests the Councilmember's **input** participation in a particular discussion. (in this situation, the Councilmember must expressly state that she or he is speaking for her or himself. Not for the entire Council) or (b) the **board** Committee determines that he or she must speak up in order to remind the **board** Committee of Council direction, **town** City policies, or laws, including the Open Public Meetings Act and the Public Records Act; and
- The Councilmember shall not take part in any votes or decision making of the **board** Committee

4. The Councilmember shall work to ensure that the **board** Committee is only ~~taking actions or doing work that is~~ **acting** within the scope of the **board's** Committee's work as determined **by ordinance** or approved by Council. ~~The liaison can do this by, for example, reminding the Committee as needed of the scope of work that the Council set for the Committee.~~

5. The Councilmember liaison shall bring to the Council any requests from the **board** Committee such as the following:

- (a) questions by a **board** Committee about **its** the Committee's scope of work.
- (b) requests from the **board** Committee to change **its** the Committee's scope of work.



- (c) requests **for town** of City resources to further the **board's** Committee's work (money, staff time, or other resources; and
- (d) requests from the **board** Committee to place an item on a Council meeting agenda.

6. The Councilmember liaison shall work to ensure that the Council is regularly updated on the work of the **board** Committee. To that end, the Council shall, on a quarterly basis, revisit the work plan of each Committee and hear from each Committee's liaison a report on the Committee's progress on the work plan. **The Council liaison shall present a report of the board's activities at monthly Council sessions and include a written copy for inclusion in the agenda package.**

### **Committee Board Governance and Oversight**

If a **board** Committee member or member of the public feels that there is a problem with the manner in which the Committee is being managed or governed, the **board** Committee member or member of the public should speak with the **board** Committee chair first. If the problem is not resolved by the Chair to the **board** Committee member or member of the public's satisfaction, then the **board** Committee member or member of the public can speak to the Councilmember liaison about her/his concern(s).

~~At that juncture, the Councilmember liaison's duty is to bring the concerns to the Mayor and/or Town Manager Mayor Pro Tem rather than attempt to resolve the problem on her or his own. The Mayor, Town Manager Mayor Pro Tem, and liaison shall then decide on what steps to take, if any. These steps could include, for example, deciding that they do not agree there is a problem; discussing the issue with the Committee Chair; or bringing the issue to the full Council for discussion. and a possible Council decision.~~

Individual members of the Council may be assigned as liaisons whose duties involve keeping current with a group or activity by either attending meetings ~~or conferring with members~~, and keeping Council informed. Liaisons ~~may advocate~~ **should present the board's recommendations to the** Council actions ~~on behalf of their assigned group or activity~~. Care must be taken to avoid an Appearance of Fairness Doctrine violation, or conflict of interest possibilities (i.e.: in the unusual case of quasi-judicial procedures). Liaison functions and duties may be further defined and/or directed by the ~~Mayor~~ **Town Council or Manager Mayor Pro Tem** with concurrence of Council.

10-14-21  
I. J. (Bud) Van Slyke  
Councilman  
Mayor Pro-Tem

12/1/21 BJM edits

## LIAISON POLICY

**1. Liaison assignments are made every two (2) years by the Council following the election.**

Council members may certainly desire or request a particular advisory board assignment, an appointment can only be made official by an act of the Council.

**2. The primary role of a liaison is to serve as the conduit between the Council and the Advisory Board.**

If the Council has a matter of interest/complaint/suggestion/concern/question about an issue, the matter should be discussed at a Council meeting (preferably at a work session), then the liaison will be the messenger by delivering the issue to the board at its next meeting. Should the board have a concern/recommendation or need Council input about a matter, then the Chair should put that request in writing and ask the liaison to deliver it to the Council.

**3. The liaison is not a member of the Advisory Board.**

The liaison does not vote on any matters of the Advisory Board. The liaison has no more or less official authority at an Advisory Board meeting than any other citizen.

The officers of each board, specifically the Chair, in concert with the board's membership, are responsible for the conduct of the Advisory Board meeting and setting the agenda, meeting time, date, etc.

**DRAFT from Town Manager**  
**Liaison Role**

**Purpose-** As codified in Chapter 3.05 of the Town Code of Ordinances, the Town of River Bend has multiple Advisory Boards. In addition to the Advisory Boards listed therein, the town may also have other groups that function in roles similar to an Advisory Board (such as Community Watch, Board of Adjustment, etc.). Also, from time-to-time, the Town Council (Council) may create a special committee to address a particular topic. A member of Council may be appointed to serve as liaison for such groups (Board). Liaison appointments are only made by an official action of Council. The purpose of this section is to define the role of a liaison.

**Role of Liaison**

A Council-appointed liaison is not a member of the Board. Rather, the liaison is a resource to support the Board in the completion of its assigned duties, subject to the following guidelines:

1. A liaison has no authority to supervise or manage the Board. The liaison shall not take part in any votes or decision making of the Board.
2. Generally put, a liaison shall not attempt to influence the work or recommendations of the Board. More specifically, a liaison shall not take part in the Board's deliberations or discussions unless:
  - a. The Board requests the liaison's participation in a particular discussion. The liaison's input shall represent the position of Council, or the liaison shall identify their input as representing their personal opinion.
  - b. The liaison determines that he/she must speak up in order to remind the Board of Council's directives, town policies, the Open Meetings Law, public records requirements or other specific information which may be necessary to prevent the Board from taking inappropriate action.
4. The liaison shall be mindful that the Board is only taking action or doing work that is within the Board's Power and Duties as outlined herein or as otherwise prescribed by Council. If such a deviation occurs, the liaison shall notify the Board's Chairperson. If such deviations continue, the liaison shall notify the Council.
5. The liaison shall serve as the conduit between the Council and the Board. The liaison shall bring to the Council any requests from the Board, such as, but not limited to, the following:



- a. Questions about the Board's scope of work.
- b. Requests from the Board to change the Board's scope of work.
- c. Requests of town resources to further the Board's work.
- d. Recommendations from the Board to the Council. All recommendations from a Board shall be provided in writing and signed by the Board's Chairperson. The liaison shall follow the town's agenda policy for placing the recommendation on the next Council agenda.

Similarly, the liaison shall bring to the Board any directions, requests or concerns from the Council.

6. The liaison shall stay informed of Board activity/action by attending Board meetings or conferring with its members. The liaison shall update the Council at least quarterly (per fiscal year) on the work of the Board by submitting a written report of Board actions. The report shall be included in the Council's regular meeting agenda packet during the months of October, January, April and July. Such reports shall represent the Board's action during the previous quarter.

### **Board Oversight**

If a Board member or member of the public feels that there is an issue with the operations of the Board, they may speak to the liaison about their concern, in an effort to seek a remedy or clarification.

If the liaison is unable to resolve the issue, the liaison shall bring the issue to the Mayor and Mayor Pro-Tem for discussion and possible further action. If the issue requires Council action, the Mayor or Mayor Pro-Tem shall bring the issue to the Council by following the town's agenda policy.

If a liaison feels that there is an issue with the operations of the Board, they shall speak to Board's Chairperson. If the issue is not resolved, the liaison shall bring the issue to the Council for consideration by following the town's agenda policy.

October 5, 2023



**RIVER BEND TOWN COUNCIL  
DRAFT AGENDA  
Regular Meeting  
October 19, 2023  
River Bend Town Hall – 45 Shoreline Drive  
7:00 p.m.**

Pledge: Sheffield

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

Proposed Zoning Amendment – Conditional Zoning

6. Consent Agenda

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

- A. Approve:

*Minutes of the September 14, 2023 Work Session Meeting  
Minutes of the September 21, 2023 Regular Council Meeting*

7. Town Manager's Report – Delane Jackson

*Activity Reports*

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

**Administrative Reports:**

8. Public Safety – Councilman Weaver
  - A. Community Watch
9. Parks & Recreation – Councilman Weaver
  - A. Parks and Rec Report
  - B. Organic Garden Report
10. CAC – Councilwoman Maurer
  - A. CAC Report

11. Finance – Councilman Leonard
  - A. Financial Report - Finance Director
12. Environment And Waterways – Councilman Leonard
  - A. EWAB Report
13. Planning Board – Councilman Sheffield
  - A. Planning Board Report
14. Mayor’s Report – Mayor Kirkland
15. Public Comment

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

16. Adjournment