



TOWN OF RIVER BEND

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River Bend Town Council Agenda Work Session March 14, 2019 River Bend Town Hall 7:00 P.M.

1. Discussion – Town Ordinance 3.01.037 – Filling Vacancy – Mayor
2. Discussion – Work Session Format – Mayor
3. **Vote** – Update Council Responsibilities Chart – Mayor
4. Discussion – River Bend Bicycle and Pedestrian Plan
5. Review Agenda March 21, 2019 Council Meeting – Katsuyoshi
6. Closed Session Under §143-318.11 (a)(5) – Direct staff on negotiating price for acquisition of real property.

Pledge: Councilman Camp

§ 3.01.037 FILLING VACANCIES OF AN ELECTIVE OFFICE.

(A) The procedures that follow apply to the filling of each position that has been vacated by an elected official.

(B) Subject to the provisions of G.S. §§ 160A-59 and 160A-63 ~~and 160A-74~~, a vacancy that occurs in an elective office shall be filled by appointment of the Town Council. ~~and Mayor.~~ The elected official vacating the position may vote on the selection of his or her replacement provided that the resignation becomes effective after the selection of the replacement.

(C) Upon receipt of notification that a position is vacant, ~~or will become vacant~~, the Mayor shall call a special meeting of the Town Council to be held within 1 week of the receipt of the notice, to consider the filling of the vacancy. If a regular Council meeting ~~or work session~~ is scheduled within 1 week of the receipt of the notification, it will not be necessary to convene a special meeting, and the topic "Filling of Vacancy" will automatically be placed upon the agenda of that meeting.

(D) At the meeting, held under section (C) above, the vacancy shall be recognized by the Council and instructions to fill the vacancy issued. In the event of resignation, the Council shall formally accept the resignation and declare the position as vacant. set an effective date in accordance with the letter of resignation.

(E) Within 7 business days following the above meeting, the Town Clerk shall publish a "Notice of Vacancy" requesting applications from interested persons wishing to be considered for appointment. The applications are to be submitted to the Town Clerk by 4:00 p.m. on the fifteenth calendar day after publication of the "Notice of Vacancy." In accordance with G.S. §160A-59 and the Constitution of North Carolina, any person 21 years of age, residing in and a registered voter of River Bend, may submit an application.

(F) (1) At the meeting, held under division section (C) above, the Council shall determine how it wishes to conduct the selection process, and the candidates shall be informed of this process by the Town Clerk in writing upon submission of their applications.

(2) The Council and Mayor shall consider all applications meeting the requirements at the next regular Council meeting following the deadline date for submission of applications.

(3) At the conclusion of the deliberations, the names shall lay over until the next regular meeting at which time the Council shall select 1 of the candidates to fill the vacancy. However, if there is only 1 candidate to fill the vacancy, the candidate may be selected immediately following the deliberations or the Town may re-advertise the vacancy starting with section (E) above.

(G) The Council and Mayor may not formally consider or fill a vacancy of an elective office except in an open meeting.

(H) The term of the person appointed to fill the vacancy shall serve the remainder of the unexpired term be subject to the provisions of N.C.G.S. 160A-63.

(I) Regular meeting is defined in Section 3.01.051 of this Chapter.

(Prior Code, Ch. 2, Art. III)

ADD

DELETE

§ 160A-63. Vacancies.

A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make up a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section shall not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more.

In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party. (R.C., c. 111, ss. 9, 10; Code, ss. 3793, 3794; Rev., ss. 2921, 2931; C.S., ss. 2629, 2631; 1971, c. 698, s. 1; 1973, c. 426, s. 11; c. 827, s. 1; 1983, c. 827, s. 1.)

Article 5

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Article 5.

Form of Government.

Part 1. General Provisions.

§ 160A-59. Qualifications for elective office.

All city officers elected by the people shall possess the qualifications set out in Article VI of the Constitution. In addition, when the city is divided into electoral districts for the purpose of electing members of the council, council members shall reside in the district they represent. When any elected city officer ceases to meet all of the qualifications for holding office pursuant to the Constitution, or when a council member ceases to reside in an electoral district that he was elected to represent, the office is ipso facto vacant. (1973, c. 609.)

§ 160A-74

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§ 160A-74. Quorum.

A majority of the actual membership of the council plus the mayor, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present. (1917, c. 136, subch. 13, s. 1; C.S., s. 2821; 1971, c. 698, s. 1; 1975, c. 664, s. 5; 1979, 2nd Sess., c. 1247, s. 6.)



RIVER BEND TOWN COUNCIL AGENDA
Regular Meeting
March 21, 2019
River Bend Town Hall

Pledge: Councilman Camp

1. CALL TO ORDER (Mayor Kirkland Presiding)
2. RECOGNITION OF NEW RESIDENTS
3. ADDITIONS/DELETIONS TO AGENDA
4. ADDRESSES TO THE COUNCIL
5. PUBLIC HEARINGS
6. CONSENT AGENDA

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

- A. Approve:
Minutes of the February 14, 2019 Work Session
Minutes of the February 21, 2019 Regular 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 Works and Water Resources – Mayor John Kirkland
 - A. PWAB Report
 - B. **Vote** - Town Ordinance 3.01.037 – Filling Vacancy
 - C. **Vote** – Work Session Format
9. Environment/Waterways – Councilman Bill Camp
 - A. EWAB Report

10. Finance – Councilman Irving Van Slyke, Jr.
 - A. Financial Report - Finance Administrator
11. Planning Board – Councilman Buddy Sheffield
 - A. Planning Board Report
12. Public Safety – Councilman Buddy Sheffield
 - A. Community Watch Report
13. Parks & Recreation/CAC – Councilman Harry “Bud” McClard
 - A. Parks and Rec Report
 - B. CAC Report
 - C. Organic Garden Report
 - D. Library 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.

17. ADJOURNMENT