



**RIVER BEND TOWN COUNCIL
PROPOSED AGENDA
Regular Meeting
November 16, 2023
River Bend Town Hall – 45 Shoreline Drive
7:00 p.m.**

Pledge: Weaver

1. Call to Order (Mayor Kirkland Presiding)
2. Recognition of New Residents
3. **VOTE** : Agenda :Additions / Deletions / Adoption
4. Addresses to the Council
5. Public Hearings
NONE
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 October 12, 2023 Work Session Meeting
Minutes of the October 19, 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. Parks & Recreation – Councilman Weaver
 - A. Parks and Rec Report
 - B. Organic Garden Report
9. CAC – Councilwoman Maurer
 - A. CAC Report
10. Finance – Councilman Leonard
 - A. Financial Report - Finance Director
11. Environment And Waterways – Councilman Leonard
 - A. EWAB Report

12. Planning Board – Councilman Sheffield
A. **VOTE** – Conditional Zoning Ordinance

13. Public Safety – Councilwoman Benton
A. Community Watch

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. CLOSED SESSION – NCGS § 143-318.11(a)(3)(5)(6) – and To Discuss the Acquisition of Real Property located at 509 Old Pollocksville Road, Owned by Weldon Brown, Jr. and Naqueldon Brown for the Location of a New Water Treatment Facility.

17. Adjournment

**River Bend Town Council
Work Session Minutes
October 12, 2023
Town Hall
7:00 p.m.**

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

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Town Attorney: Trey Ferguson
Police Chief: Sean Joll

Members of the Public Present: 9

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, October 12, 2023, at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

Councilwoman Maurer motioned to accept the agenda as presented. The motion carried unanimously.

Discussion – Efir Ceremony

The Mayor stated the ledger that the Council approved has been delivered to Town Hall. He stated that there will be a dedication ceremony on October 26, 2023, at 2:00 p.m. at Town Hall and extended an invitation to anyone who wished to attend.

VOTE – Parks and Recreation Appointment

Councilman Weaver motioned to appoint Annie Craddock to the Parks and Recreation Advisory Board for a term beginning October 12, 2023, and expiring June 30, 2024. The motion carried unanimously.

Discussion – Update of Mayor – Council Responsibility Chart

Manager Jackson stated that the Mayor – Council Responsibility Chart needed to be updated since the appointment of Councilwoman Benton. After a brief discussion among the Council, it was agreed that Councilwoman Benton would be the Public Safety liaison and the backup liaison to Parks and Recreation. It was also agreed that Councilman Leonard would be the backup liaison to the CAC. The Manager stated he would revise the chart and present it at the next meeting for approval.

Discussion – Town Christmas Tree

Councilman Weaver stated that the Parks and Recreation Advisory Board had suggested that the Town plant a live Christmas tree in a central place for decoration every year. He stated that the advisory board had spoken with an arborist, and he stated that a red cedar tree would grow best in this area. After a brief discussion it was agreed that the Parks and Recreation advisory board would get quotes and information on available trees to present to the Council.

Discussion – Allowing Chickens to be Kept in Town

Councilman Weaver stated that he was approached and asked to bring before the Council, from a resident of town, to discuss the ordinance that prohibits chickens to be kept in Town. He stated that if the Council chose to revise the ordinance to allow chickens, he felt there should be restrictions. Councilman Sheffield stated that he felt depending on the size of the property, that some farm animals could be allowed. Councilman Leonard stated that he would not object to allowing chickens in the same areas of town that equine are allowed. He stated that if the Council allowed chickens, then others would want other farm animals such as goats. He stated that he is also concerned with enforcement of the ordinance. Councilwoman Benton stated that she felt it will make properties hard to sale if the neighbors have chicken coops.

VOTE – Chicken Ordinance

Councilman Sheffield motioned to leave the chicken ordinance as it is. The motion passed with 4 ayes and 1 nay with Councilman Weaver voting nay.

Discussion – Upcoming Public Hearing on Conditional Zoning

The Manager stated that there is a scheduled Public Hearing on Conditional Zoning on October 19, 2023, at 7:00 p.m. at the regular council meeting at Town Hall.

Discussion – Public Nuisance Abatement for Waterway Bulkheads

Manager Jackson stated a copy of the Public Nuisance Ordinance is in the agenda package and he has highlighted the areas that he thinks are applicable to the maintenance of bulkheads. He stated that many bulkheads have been replaced over the years and are in very good shape. Our EWAB volunteers took their boats out and identified a list of properties on the waterways they thought were in violation of our ordinance and needed some attention. They identified 18 properties. As we have discussed in the past, there is a little gray in this area about ownership of those bulkheads. He stated that if the Council has legal questions about ownership that you want to discuss outside of closed session, we can do that now or we can go into closed session at a later time or date and discuss those if you want advice from the town's attorney.

Councilman Leonard stated that he understands there has been a debate about ownership of bulkheads and waterways but with all of that being said, we have the ordinances, and they are in place for a good reason. EWAB has been pushing hard for this and they have been asking me what's going on. Councilman Leonard asked the Town Manager if he is waiting on direction from the Council to start the process and to notify the property owners? The Town Manager stated that without Council action, telling him not to enforce this ordinance, he does not need any action to begin because that is a part of his job as the Code Enforcement Officer. He stated that the last time the Council talked about this, it was a different Council so he wanted to bring everyone on the current Council up to speed because if there are any recuperations through this enforcement action, it will be this Council that is responsible for that. Councilman Weaver stated that as far as the ordinance goes, he agrees with Councilman Leonard, and we are just enforcing our ordinances and its not unreasonable that we request people to maintain their bulkheads. The Town Manager stated that the Town Attorney has spent a lot of time preparing for this item and he is going to bill us, so he feels that one of the Council should at least ask one question of him so we can get our monies worth. Councilman Weaver asked if the Town would get sued if we enforced this? The Town Attorney stated that he would recommend the Council go into closed session to discuss that. Councilwoman Benton stated that given that the waterways in River Bend are navigable, they are considered basically public highways. She stated that when people build docks into them and let them go into disrepair and given that they are attached to the property that they own, are we still allowed to do code enforcement? The Town Attorney said that is a very good question and he recommends that the Council go into closed session to discuss that. He stated that to answer the question, yes you can enforce it but what the repercussions are, if any would fall under attorney-client privilege to talk about in closed session. The Mayor asked if the Council was ready to move on and all agreed.

Discussion – Solicitations of Sponsorships / Donations for Town Events

Councilman Leonard stated that he would like to see a policy created for sponsorship opportunities. Councilman Weaver stated that he felt that sponsorships could benefit both the Town and the sponsor. The Manager stated that he and the Town Clerk have searched for sponsorship policies that other towns use and did not receive any responses. Councilman Leonard asked if the School of Government had a policy and the Manager stated that he had asked the Town Attorney, David Baxter, to check on that. With Mr. Baxter absent tonight, Attorney Trey Ferguson stated that the School of Government has a blog post regarding this. He stated that the Town could receive donations but there is an issue when the gifts or donations come with conditions on certain things. Councilman Leonard stated he felt the Attorney could draft a policy for the Council to review. Manager Jackson suggested that he work with the Attorney to draft a policy that prohibits door-to-door solicitations but allows sponsorships. All agreed to that. Councilman Sheffield asked that the policy prohibit quid pro quo, of the town purchasing service in exchange for donations or sponsorships. All the Council agreed.

Discussion – Development of Advisory Board Liaison Ordinance Language

Councilwoman Benton stated that since she is new to the Council, she wanted to discuss the roles and responsibilities of the Council Liaison to the Advisory Boards. The Council reviewed a few draft policies that were presented. After a brief discussion Councilman Weaver suggested that the Town Manager is added to the chain of command. Councilman Leonard stated that he wants a line added that states it is required that the liaison or the liaison backup must attend every advisory board meeting. Some members expressed concern about that requirement. Councilman Leonard said he would be fine with the words "should attend". The Council agreed. The Manager stated that he would have the policy prepared for the regular meeting the following week.

REVIEW – Agenda for the October 19, 2023, Council Meeting

The Council reviewed the agenda for the October 19, 2023, Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting was adjourned at 8:03 p.m.

Kristie J. Nobles, CMC, NCCMC
Town Clerk

**River Bend Town Council
Regular Meeting Minutes
October 19, 2023
Town Hall
7:00 p.m.**

Present Council Members:

Mayor John Kirkland
Lisa Benton
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

Town Manager: Delane Jackson
Police Sergeant: Steven Fell
Finance Director: Mandy Gilbert
Town Clerk: Kristie Nobles
Town Attorney: David Baxter

Members of the Public Present: 15

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, October 19, 2023, at the River Bend Town Hall with a quorum present.

VOTE – APPROVAL OF AGENDA

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

PUBLIC HEARING – Proposed Zoning Amendment – Conditional Zoning

Councilman Sheffield moved to open the Public Hearing on the proposed zoning amendment on conditional zoning. The motion carried unanimously.

With no one stepping forward to speak, Councilman Sheffield moved to close the Public Hearing. The motion carried unanimously.

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

TOWN MANAGER'S REPORT

The Manager gave the following updates:

- All grants are moving forward including the Wastewater Treatment Plant grant for 9.1 million dollars.
- The Town has received the 2022 Audit Report from the new auditing firm, Thompson, Price, and Scott.
- The construction on the new Public Works Building is progressing and he expects to schedule a building dedication in December 2023.

ADMINISTRATIVE REPORTS

PUBLIC SAFETY – COUNCILWOMAN BENTON

Councilwoman Benton stated that the Council reviewed the proposed Advisory Board Liaison Ordinance at the work meeting and suggested a few minor changes. Councilwoman Maurer asked that in 3.05.082 (B) that the Mayor and the Town Manager are added to the chain of command in the last sentence to read "If such deviations continue, the liaison shall notify the Council, the Town Manager and the Mayor."

VOTE– Advisory Board Liaison Ordinance

Councilwoman Benton motioned to amend the Advisory Board Liaison Ordinance as presented. The motion carried unanimously. *(see attached)*

PARKS & RECREATION – COUNCILMAN WEAVER

Parks & Recreation

Councilman Weaver stated that Parks and Recreation met twice in October and discussed the details of the Pumpkin Palooza which is October 21, 2023, 2:00 p.m. – 5:00 p.m. Their next meeting is November 1 at 7:00 p.m.

Organic Garden

Councilman Weaver presented the following report: Between August 26 to September 22, 472.2 pounds of produce was harvested with a year-to-date total of 2,208 pounds. The year-to-date total of produce donated to Interfaith Refugee Ministries totals 224.8 pounds. Volunteer hours through September 2023 total 121 hours with a year-to-date total of hours of 1,425. A workday on October 7 had eleven volunteers, including a new person. They worked a total of thirty-three hours. Every area of the garden received attention. All the fall/winter vegetables have been planted. Five summer rows are still producing. The remaining beds have been attended to and covered for the winter. The beehives are healthy. The butterfly nursery still has swallowtail chrysalises. Any that don't open will be kept over the winter. Over one hundred butterflies were been released in 2023. River Bend residents are welcome to visit and tour the garden and attend monthly garden volunteer meetings.

CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following report.

The CAC did not meet in October, but they were busy. Their booth at National Night Out drew much attention for its attractive appearance. The Fall Festive Home awards will be announced on October 26. Banners will be displayed on the lawns of the winners. Christmas festive home award dates will be announced following their November meeting. Two Christmas globe workshops are scheduled, November 2nd and 4th, from 9 am to noon in the Municipal Building. Pre-registration is required. There will be a small fee for materials. Refreshments will be provided. Additional activities are in the planning stages, including an Arbor Day event and a Fourth of July decoration project. The next meeting is scheduled for November 15, 2023 at 4 pm in the Municipal Building. The meeting is open to everyone. Please attend if you are interested. There are openings if you would like to join this active advisory board.

FINANCE – COUNCILMAN LEONARD

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of September. She stated the total of the Town's Cash and Investments as of September 30, 2023, were \$2,988,869 and Ad valorem tax collections for FY23-24 were \$71,341 and Vehicle Ad valorem tax collections were \$11,743.

ENVIRONMENTAL AND WATERWAYS – COUNCILMAN LEONARD

Councilman Leonard presented the following report:

EWAB met on Monday October 2nd, 2023 at 7 PM in the small conference room in the municipal building. Chairman Ackiss call the meeting to order at 7 PM, there was a quorum. The minutes

for the August 7th, 2023 meeting were read and approved. Councilman Leonard gave a council report. Old business: 300 Tar Landing trees on the side of property. New sign for EWAB table at National Night Out and materials from the NC Department of Water Resources. New business: Drainage issues on Ashly Place. Town owned bulkhead on Plantation Drive by Knotline Road needs repair/replacement. Volunteer hours: 10 Next meeting: November 6, 2023 at 7 PM in the small conference room in the municipal building.

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield stated that the Planning Board did not meet in October.

Councilman Sheffield stated that the Council had discussed the Mayor-Council Responsibility Chart at the work session meeting and he stated there were a few new assignments to include newly appointed Councilwoman Benton.

VOTE– Mayor-Council Responsibility Chart

Councilman Sheffield motioned to approve the Mayor-Council Responsibility Chart as presented. The motion carried unanimously. (*see attached*)

MAYOR'S REPORT

The Mayor presented the following report.

The opening line must be "What a Wonderful Event." The annual opportunity to express appreciation to the members of our police force for their 24/7 service to the Town was a picture-perfect event. The weather could not have been better, and the food vendors invited served their special menu to appreciating customers. The Town residents, including children, had an opportunity to meet the individual police officers and relate to them as people that help make River Bend the community that we are pleased to call "home." For this evening the police did not face the issue of making a hostile arrest or responding to a report of violence that could escalate to a dangerous situation. They, the (police officers), had the opportunity to see all of we residents as fellow humans enjoying time together. I believe the annual "National NIGHT OUT" can be a very positive event for River Bend and for every other municipality in the nation. We need to remember to greet our police officers in the same manner as we did during the 3 October event. Thank you, Chief Joll and all of your Officers. We salute you and support the duty that you perform for our safety every day.

PUBLIC COMMENT

No Public Comments.

CLOSED SESSION

Councilman Sheffield moved to go into Closed Session under NCGS 143-318.11(a)(3)(5)(6) and to discuss the possible acquisition of land owned by Weldon Brown, Jr. and Naqueldon Brown for the location of a new water treatment facility. The motion carried unanimously. The Council entered Closed Session at 7:32 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 7:57 p.m. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The meeting adjourned at 7:58 p.m.

Kristie J. Nobles, CMC, NCCMC
Town Clerk

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:

ADVISORY BOARD LIAISON

§ 3.05.080 ESTABLISHMENT.

An Advisory Board Liaison Section is hereby created and established.

§ 3.05.081 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.

§ 3.05.082 ROLE OF LIAISON

- (A) 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.
- (B) 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 Mayor, Council and Town Manager.
- (C) 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:

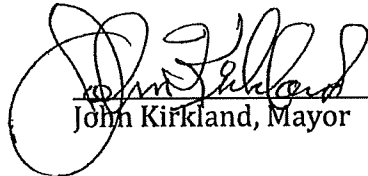
- (1) Questions about the Board's scope of work.
 - (2) Requests from the Board to change the Board's scope of work.
 - (3) Requests of town resources to further the Board's work.
 - (4) Recommendations from the Board to the Council. All recommendations from a Board shall be provided in writing and signed 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.
- (D) The liaison should attend all regular meetings of the Advisory Board. When they cannot, they should notify their back-up and the back-up should attend. 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.

§ 3.05.083 BOARD OVERSIGHT

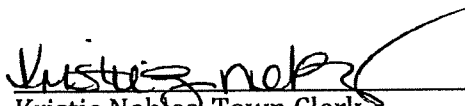
- (A) If a Board member or member of the public feels that there is an issue with the operations of the Board, they may speak to the liaison about their concern, in an effort to seek a remedy or clarification.
- (B) If the liaison is unable to resolve the issue, the liaison shall bring the issue to the Mayor, Mayor Pro-Tem and Town Manager 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.
- (C) 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.

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

Adopted this the 19th day of October, 2023


John Kirkland, Mayor

ATTEST:


Kristie Nobles, Town Clerk

Mayor and Town Council Responsibilities

Last Updated 10/19/23

MAYOR	FINANCE & HUMAN RESOURCES	PUBLIC SAFETY	PARKS & RECREATION	ENVIRONMENT	PLANNING	CAC
Mayor: John R. Kirkland	Liaison: Brian Leonard	Liaison: Lisa Benton	Liaison: Jeff Weaver	Liaison: Brian Leonard	Liaison: Buddy Sheffield	Liaison Barbara Maurer
Pro Tem: Buddy Sheffield	Backup: Barbara Maurer	Backup: Buddy Sheffield	Backup: Lisa Benton	Backup: Jeff Weaver	Backup: Barbara Maurer	Backup: Brian Leonard
<p>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.</p> <p>Presides over Town meetings.</p> <p>Town spokesman and media representative.</p> <p>Represents Town for ceremonial purposes.</p> <p>Representative to New Bern Metropolitan Planning Organization</p>	<p>Liaison for financial operations of the Town.</p> <p>Serves as Chair of Town's Audit Committee.</p> <p>Works with staff concerning technology and Human Resource Policy issues.</p>	<p>Liaison with the Community Watch group.</p> <p>Liaison with Coastal Environmental Partnership.</p>	<p>Liaison with Parks & Recreation Advisory Board.</p> <p>Works with volunteers on Fourth of July and other special events.</p>	<p>Liaison with Environment and Waterways Advisory Board (EWAB)</p> <p>Works with staff concerning environmental issues.</p> <p>Liaison with ABC Board</p>	<p>Liaison with Planning Board.</p> <p>Liaison with Board of Adjustment.</p> <p>Alternate to New Bern Metropolitan Planning Organization.</p>	<p>Liaison with Community Appearance Commission (CAC)</p>



RIVER BEND POLICE DEPARTMENT



MONTHLY ACTIVITY REPORT

2023

	ACTIVITIES	2023	2023	2023	% of Total Calls	% Change Last 2 Mos.
		August	September	October		
1	ALARMS / 911 UNKNOWN / DISTURBANCE / SHOTS FIRED (1)	16	10	13	0.52%	30.00%
2	ANIMAL COMPLAINTS	13	13	10	0.40%	-23.00%
3	ARRESTS	0	0	2	0.08%	0.00%
4	ASSAULTS / ALL OTHER VIOLENT CRIME	2	2	2	0.08%	0.00%
5	ASSIST CITIZENS / LOCK OUT / QUALITY OF LIFE ISSUES	8	12	16	0.64%	33.00%
6	ASSIST EMS / FD / FIRST RESPONDERS / MED ASSIST	33	40	29	1.17%	-28.00%
7	ASSIST MOTORISTS / FOOT PATROLS / ALL OTHER	80	16	15	0.60%	-6.00%
8	ASSIST OTHER AGENCIES	3	3	6	0.24%	100.00%
9	B & E BUSINESS / RESIDENCE / VEHICLE	11	0	0	0.00%	0.00%
10	CRIM. SUMM. / SUBPOENAS / WARRANTS / CIVIL COMPLAINT	0	0	3	0.12%	0.00%
11	DOMESTICS	3	1	3	0.12%	200.00%
12	FIRES / ALARM	3	4	1	0.04%	-75.00%
13	IDENTITY THEFT / FRAUD	2	1	1	0.04%	0.00%
14	INVOLUNTARY COMMITMENTS	1	1	0	0.00%	-100.00%
15	JUVENILE COMPLAINTS	0	1	1	0.04%	0.00%
16	LARCENIES	3	2	3	0.12%	50.00%
17	LITTERING	0	0	0	0.00%	0.00%
18	LOUD MUSIC / NOISE COMPLAINTS	1	0	0	0.00%	0.00%
19	DEATH / MISSING PERSON / RUNAWAY / SUICIDE(A)	3	2	3	0.12%	50.00%
20	PROPERTY DAMAGE / VANDALISM	4	1	0	0.00%	-100.00%
21	RESIDENTIAL / BUSINESS CHECKS / COMMUNITY WATCH	2736	2293	2,287	92.00%	0.00%
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	9	7	22	0.88%	214.00%
26	TOWN ORDINANCE CITATIONS	1	0	0	0.00%	0.00%
27	TOWN ORDINANCE VIOLATIONS	3	3	2	0.08%	-33.00%
28	TRAFFIC ACCIDENTS	5	2	1	0.04%	-50.00%
29	TRAFFIC STOPS	26	35	34	1.37%	-3.00%
30	TRAFFIC COMPLAINTS-RADAR	3	4	4	0.16%	0.00%
31	DWI	1	0	0	0.00%	0.00%
32	CHECKPOINTS	0	1	1	0.04%	0.00%
33	DRUG VIOLATIONS	1	0	1	0.04%	0.00%
34	WELFARE CHECKS	4	5	7	0.28%	40.00%
35	CASE ASSIST / PW / VEHICLE MAINTENANCE / MEETING	3	2	5	0.20%	150.00%
36	CASE FOLLOW UPS / SPECIAL OPERATION / TRAINING	7	6	7	0.28%	17.00%
37	TRESPASSING	1	3	7	0.28%	133.00%
38	OVERDOSE	0	0	0	0.00%	0.00%
39	TOTAL	2986	2470	2486	100.00%	1.00%

Traffic Violations
 15 State Citations
 15 Total State Charges
 State Warnings
 Town Citations
 Town Warnings

Community Watch Checks
 104 100 Pirates
 122 100 Plantation
 111 200 Lakemere
 124 200 Rockledge
 80 Piner Estates

Phone Calls Answered (638-1108)
 239 Incoming Calls

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



Public Works

													YTD	Pending
Orders Entered	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June		
Building Maintenance	32	30	29	27									118	0
Painting	3	5	4	3									15	0
Park/Playground	33	31	33	35									132	1
Roadway Maintenance	18	15	12	14									59	0
Stormwater Maintenance	7	6	9	11									33	1
Trash/Litter	31	32	31	30									124	0
Tree Maintenance	7	5	4	5									21	0
Wetlands / Ponds	1	2	1	1									5	1
Other	13	17	16	14									60	0
TOTAL	145	143	139	140	0	0	0	0	0	0	0	0	567	3

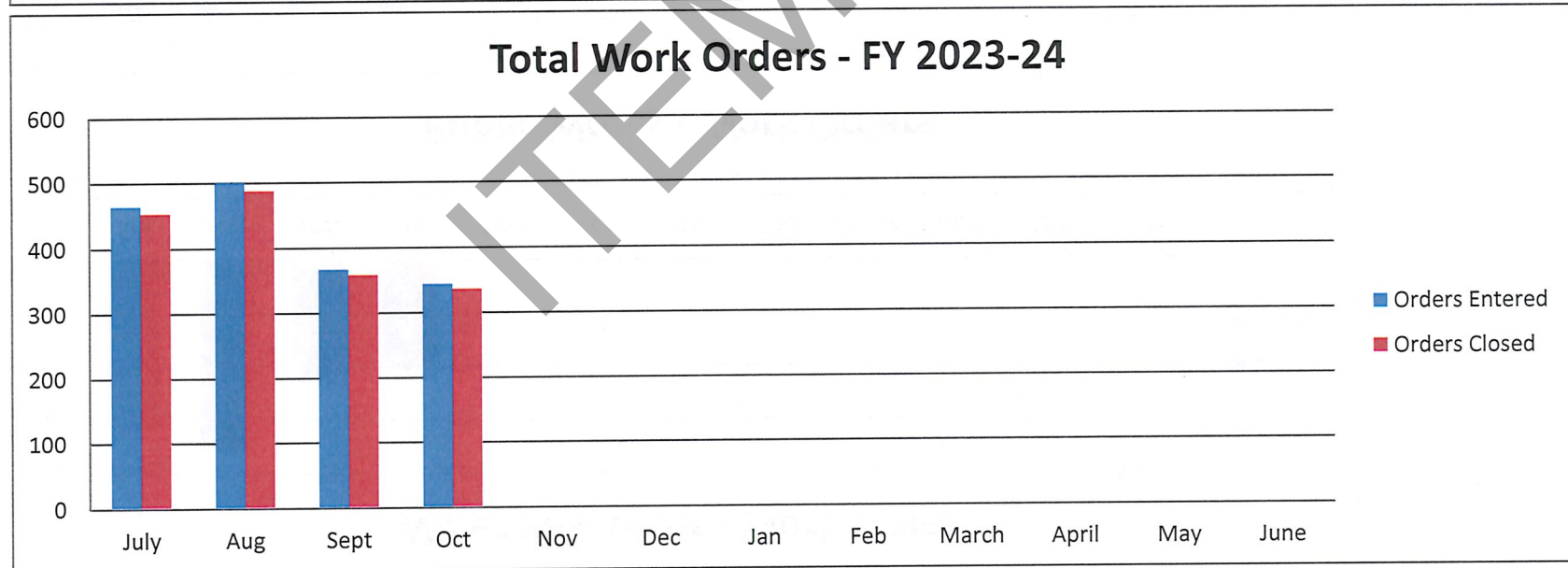
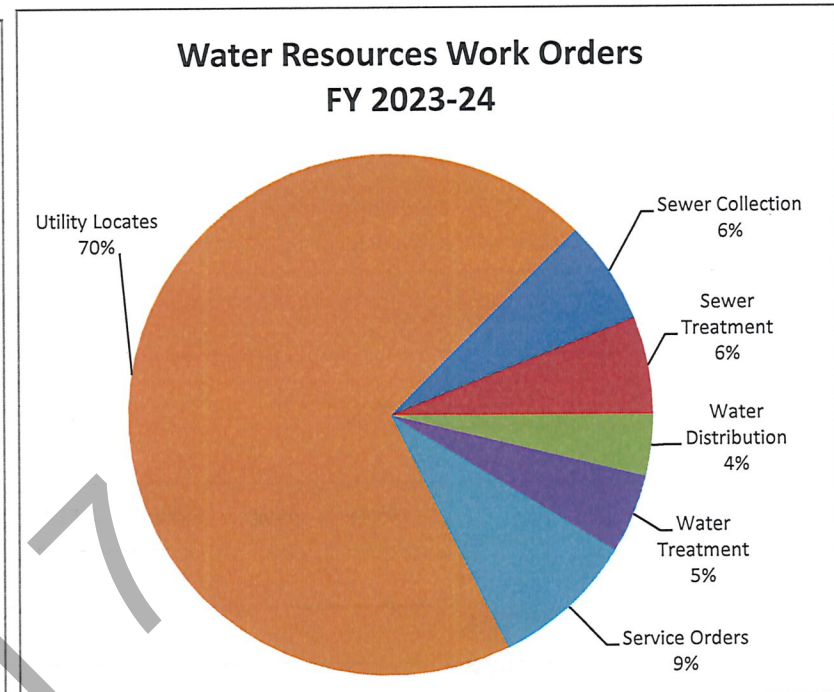
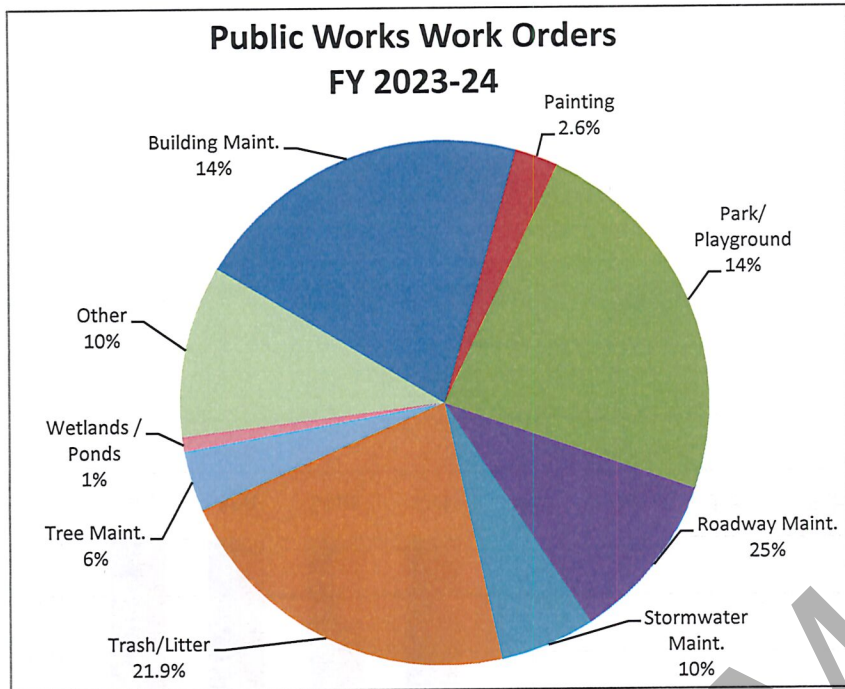
Orders Closed	139	137	134	137								547
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Water Resources

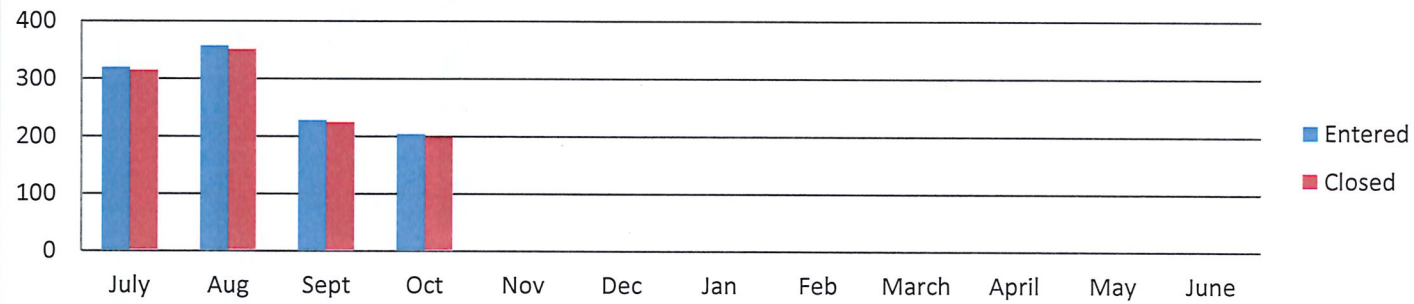
													YTD	Pending
Orders Entered	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June		
Sewer Collection	14	15	22	21									72	1
Sewer Treatment	17	19	16	15									67	0
Water Distribution	10	11	10	11									42	3
Water Treatment	12	13	14	15									54	1
Service Orders	24	30	25	20									99	0
Utility Locates	242	269	141	122									774	0
TOTAL	319	357	228	204	0	0	0	0	0	0	0	0	1108	5

Orders Closed	314	350	224	199								1087
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[illegible]



Water Resources - Work Orders



Public Works - Work Orders





MONTHLY ZONING REPORT

MONTH **September** YEAR **2023**

Activity	Monthly	YTD Total
Permit Applications Received	1	21
Permits Issued	1	21
Fees Collected	48.00	1515.60
Violations Noted During Weekly Patrol	5	27
Complaints Received From Citizens	2	3
Notice Of Violations Initiated *see details below	5	19
Remedial Actions Taken By Town	0	0

Detail Summary		
Address	Violation	Date Cited
103 Teakwood	Grass	6-Sep
104 Teakwood	Grass	6-Sep
293 Gatewood	Boat	20-Sep
295 Gatewood	Trailer	20-Sep
511 Plantation	Boat	20-Sep



TOWN OF RIVER BEND

**45 Shoreline Drive
River Bend, NC 28562**

T 252.638.3870
F 252.638.2580

www.riverbendnc.org

October 2023 Monthly Report Brandon Mills, Director of Public Works

In the past month, Public Works has been actively enhancing our community's infrastructure. Our team has successfully cleaned out one storm drainage ditch and currently working on another. This will significantly improve the flow of stormwater to mitigate potential flooding risks. Additionally, limb trimming operations throughout the town aimed at preventing damage to roadways and recreational vehicles has been ongoing. To enhance safety and visibility several aging street signs and post were replaced addressing concerns about deterioration and diminished visibility.

Water Resources staff repaired one water main leak. This leak was in a pipe coupling that was close to where the two inch main tied into a 4 inch main. This was quickly repaired by our dedicated staff. I would like to thank all of them for a job well done. We also performed routine maintenance involving cleaning of multiple collection system lift stations to remove debris and grease, a practice we carry out several times a year to ensure optimal functionality. These continued efforts underscore our commitment to a well -maintained and resilient community infrastructure.

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.

River Bend Community Organic Garden (RBCOG)

Monthly Report – November 2023

For the month of October, 289 pounds of produce was harvested with a year-to-date total of 2,477 pounds. The year-to-date total of produce donated to Interfaith Refugee Ministries is 253 pounds.

Volunteer hours in October totaled 181 with a year-to-date total of 1606 hours.

Garden activity has slowed after nearing completion of preparation for winter. Two beds of winter vegetables have been planted. The last active summer bed is almost finished. The irrigation system has been disconnected. While the beds are covered for the winter, garden volunteers will perform basic winter maintenance and address some larger projects if there are warm days.

During the slow period in the garden, work has started on plans for spring planting. It includes research on vegetable varieties, crop rotation and remediating beds that have had unhealthy plants. Planting is scheduled to start in early February.

Visitors are always welcome to tour the garden and attend monthly garden volunteer meetings.

ITEM 8

File in **P&R** and **COG**

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.



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.

Town of River Bend
Financial Report
Fiscal Year 2023 - 2024



General Fund

Revenue		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Budget
1	Ad Valorem Taxes	935,566	935,566	-	28,855	71,341	40,089									140,285.16	15.0%
2	Ad Valorem Taxes - Vehicle	90,000	90,000	-	9,368	11,743	9,761									30,871.61	34.3%
3	Animal Licenses	1,500	1,500	80	60	50	30									220.00	14.7%
4	Local Gov't Sales Tax	421,494	421,494	36,413	36,490	38,496	36,374									147,773.39	35.1%
5	Hold Harmless Distribution	108,195	108,195	8,203	9,920	10,574	9,986									38,683.81	35.8%
6	Solid Waste Disposal Tax	2,200	2,200	-	580	-	-									580.44	26.4%
7	Powell Bill Fund Appropriation	-	-	-	-	-	-									-	0.0%
8	Powell Bill Allocation	91,000	91,000	-	-	45,050	-									45,049.69	49.5%
9	Beer & Wine Tax	13,225	13,225	-	-	-	-									-	0.0%
10	Video Programming Tax	49,621	49,621	-	-	12,138	-									12,138.02	24.5%
11	Utilities Franchise Tax	112,169	112,169	-	-	23,348	-									23,348.08	20.8%
12	Telecommunications Tax	6,725	6,725	-	-	1,811	-									1,810.70	26.9%
13	Court Cost Fees	500	500	91	41	97	18									246.00	49.2%
14	Zoning Permits	7,000	7,000	1,655	487	78	358									2,577.80	36.8%
15	Federal Grants	-	-	-	-	-	-									-	0.0%
16	State Grants	-	-	-	-	-	-									-	0.0%
17	Federal Disaster Assistance	-	-	-	525	-	-									524.97	#DIV/0!
18	State Disaster Assistance	-	-	-	-	-	-									-	0.0%
19	Miscellaneous*	15,000	16,200	1,386	777	1,798	1,100									5,060.72	31.2%
20	Insurance Settlements	-	-	-	-	-	-									-	0.0%
21	Interest - Powell Bill	50	50	-	-	0	0									0.35	0.7%
22	Interest - Investments	20,000	20,000	4,275	3,851	3,623	3,559									15,307.91	76.5%
23	Contributions	901	901	640	-	-	-									640.00	71.0%
24	Wildwood Storage Rents	18,144	18,144	1,630	1,682	1,663	1,663									6,637.54	36.6%
25	Rents & Concessions	18,000	18,000	1,600	1,640	1,640	1,500									6,380.00	35.4%
26	Sale of Capital Assets	3,000	3,000	-	4,601	-	-									4,601.00	153.4%
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	2,210,251	99,477	98,878	223,449	104,438	0	0	0	0	0	0	0	0	526,241.19	23.8%

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

#DIV/0! indicates revenue was received, but not budgeted for this line item.

Town of River Bend
Financial Report
Fiscal Year 2023 - 2024



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	50,000	7,373	(100)	3,510	(681)									10,102	20.2%
2 Administration	304,500	304,500	40,714	18,438	23,611	26,560									109,322	35.9%
3 Finance*	138,000	138,625	15,480	8,359	7,114	19,919									50,872	36.7%
4 Tax Listing	13,700	13,700	-	596	1,076	690									2,362	17.2%
5 Legal Services	24,000	24,000	3,635	5,189	4,403	1,702									14,929	62.2%
6 Elections	-	-	-	-	-	-									-	0.0%
7 Public Buildings*	103,600	104,500	10,776	9,758	7,078	5,732									33,345	31.9%
8 Police*	744,800	769,335	64,100	46,496	41,585	61,638									213,819	27.8%
9 Emergency Management	5,700	5,700	1,954	16	740	-									2,710	47.5%
10 Animal Control	17,100	17,100	2,040	991	1,076	1,669									5,776	33.8%
11 Street Maintenance*	232,200	272,950	5,100	2,478	2,695	174,643									184,917	67.7%
12 Public Works	189,000	189,000	18,914	14,402	14,230	11,224									58,769	31.1%
13 Leaf & Limb, Solid Waste	52,384	52,384	6,453	199	8,529	244									15,426	29.4%
14 Stormwater Management	47,000	47,000	3,060	1,487	1,603	3,830									9,980	21.2%
15 Waterways & Wetlands	2,900	2,900	-	25	-	-									25	0.9%
16 Planning & Zoning	57,000	57,000	5,573	3,535	3,544	6,419									19,070	33.5%
17 Recreation & Special Events*	10,500	11,100	1,242	-	-	556									1,799	16.2%
18 Parks*	61,000	62,450	4,471	2,712	4,896	5,417									17,497	28.0%
19 Transfers	67,200	67,200	67,200	-	-	-									67,200	100.0%
20 Contingency	20,807	20,807	-	-	-	-									-	0.0%
Total	2,156,391	2,210,251	258,087	114,582	125,689	319,562	0	0	0	0	0	0	0	0	817,920	37.0%

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	-	-	-	171,641									171,641	65.0%
2 Debt Service - Principle	-	-	-	-	-	-									-	0.0%
3 Debt Service - Interest	-	-	-	-	-	-									-	0.0%

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



Water Fund

Revenue		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Col
1	Base Charge	278,811	278,811	46,315	395	46,113	279									93,102	33.4%
2	Consumption	242,665	242,665	44,101	290	43,647	89									88,127	36.3%
3	Other, incl. transfers	23,060	23,060	1,806	5,373	3,673	5,441									16,293	70.7%
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	6,057	93,434	5,809	0	0	0	0	0	0	0	0	217,470	33.2%

Expenses		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Exp
1	Admin & Finance*	491,335	491,804	47,075	23,624	21,934	33,224									125,857	25.6%
2	Supply & Treatment	86,800	86,800	6,039	1,341	8,193	-									15,573	17.9%
3	Distribution	53,700	53,700	31,109	5,813	99	214									37,235	69.3%
4	Transfers / Contingency	23,500	23,500	-	-	-	-									-	0.0%
Total		655,335	655,804	84,223	30,778	30,227	33,438	0	0	0	0	0	0	0	0	178,665	27.2%

Capital (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*	23,000	23,469	-	-	-	-									-	0.0%

Cash Balances

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1 Water Fund	482,132	515,904	515,231	542,452	0	0	0	0	0	0	0	0
2 Water Capital Reserve Fund (CIF)	1,258	1,263	1,269	1,275	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	10,451,000	10,845,000	9,577,000	9,626,000									40,499,000	
2 Average daily gallons	925,000*	337,129	349,839	319,233	310,516	0	0	0	0	0	0	0	109,726	

* This is the permitted daily limit.

Town of River Bend
Financial Report
Fiscal Year 2023 - 2024



Sewer Fund

Revenue		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Col
1	Base Charge	296,108	296,108	49,103	477	48,849	320									98,750	33.3%
2	Consumption	348,824	348,824	60,453	(25)	59,775	74									120,277	34.5%
3	Other, incl. transfers	15,470	15,470	2,526	3,814	3,764	4,000									14,104	91.2%
4	Appropriated Fund Bal.*	18,633	19,102	-	-	-	-									-	0.0%
Total		679,035	679,504	112,082	4,266	112,388	4,394	0	0	0	0	0	0	0	0	233,130	34.3%

Expenses		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Exp
1	Admin & Finance*	482,735	483,204	50,772	24,159	22,693	34,819									132,443	27.4%
2	Collection	64,500	64,500	5,009	10,131	4,634	1,294									21,067	32.7%
3	Treatment	128,300	128,300	14,751	5,575	7,909	2,053									30,288	23.6%
4	Transfers / Contingency	3,500	3,500	-	-	-	-									0	0.0%
Total		679,035	679,504	70,531	39,865	35,236	38,166	0	0	0	0	0	0	0	0	183,798	27.0%

Capital (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*	11,000	11,469	-	9,000	-	-									9,000	78.5%

Cash Balances		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1	Sewer Fund	659,453	683,713	690,235	726,676	0	0	0	0	0	0	0	0
2	Sewer Capital Reserve Fund (CIF)	59	59	59	59	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	
		Limit													
1	Total Gallons		3,237,000	3,112,000	3,860,000	2,857,000								13,066,000	
2	Average daily gallons	330,000*	104,419	100,387	128,667	92,161	0	0	0	0	0	0	0	35,470	

* This is the permitted daily limit.

EWAB November 6th, 2023

EWAB met on November 6th, 2023 at 7 PM in the small conference room in the municipal building.

There was a quorum.

The minutes of the October 2nd, 2023 meeting were approved.

Councilman Leonard gave a council updated and answered questions from the members.

Old business: Reviewed the National Night Out event. Bulkhead inspections, the last sections will be inspected on November 17th, 2023.

Several drainage areas were reviewed.

Still one board member short, please think of joining.

New business: no new items.

Volunteer hours: 17.

Next meeting: February 5th, 2024.

The meeting adjourned at 7:28 PM.

ITEM 17

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 XV, Land Usage, Chapter 15.02, Zoning, be amended by adding the language as follows:

§ 15.02.140 CONDITIONAL ZONING DISTRICTS

A. Purpose.

1. Conditional zoning districts are applicable if the regulations and restrictions of a general use zoning district are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of the Town's Code of Ordinances. In these circumstances, a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the Code of Ordinances and adopted land development plan, comprehensive plan, transportation and corridor plans, and other land use and transportation policy documents.

2. The rezoning process established in this section provides for the accommodation of the uses by a reclassification of property into a conditional zoning district, subject to additional conditions which ensure compatibility of the proposed use with the use and enjoyment of neighboring properties. A conditional zoning district bears the same designation as a general use zoning district but is a conditional zoning district subject to additional conditions in which limited uses are permitted and that are contained in the ordinance approving the conditional zoning district. A conditional zoning district allows a particular use or uses to be established only in accordance with specified standards and conditions tailored to each individual development project. This is a voluntary rezoning procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.

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

B. Process required.

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

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

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

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

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

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

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

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

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

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

c) Within 10 days following the meeting, but prior to any further consideration by the town, the petitioner shall file a written report of the community informational meeting with the Zoning Administrator. The petitioner's report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact; the date; time and location of the meeting; a summary of issues discussed

at the meeting; and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. Additionally, the petitioner shall make available at the meeting a roster for all attendees to voluntarily sign so that a record of attendees may be created. The roster shall include a location for attendees to provide their name, mailing addresses, and telephone number. A copy of the roster of attendees shall be included in the report of the meeting.

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

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

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

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

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

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

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

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

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

d) If the conditional zoning district application is approved, the Town Council shall authorize the requested use with reasonable conditions as mutually agreed to in writing by

the applicant and Town Council and determined to be desirable in promoting public health, safety and general welfare.

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

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

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

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

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

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

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

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

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

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

h) After the town has delivered to the newspaper the notice of public hearing for the application, the applicant shall make no changes in the conditions 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:

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 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.

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

Adopted this the 16th day of November, 2023

John Kirkland, Mayor

ATTEST:

Kristie Nobles, Town Clerk

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

November 9, 2023- Town Council reviews final draft ordinance language

November 16, 2023- Town Council adopts ordinance

Halloween in River Bend

The Parks and Recreation Advisory Board sponsored "Pumpkin Palooza" on the evening of 21 October. This event was aimed at providing costumed children with a fun encounter with the Halloween tradition of receiving candy from the adults that they visit. I was privileged to shadow my Great Grand Daughter and Great Grand Son as they made their visit to all the well decorated adults manning equally decorated individual stations. There was a large number of children making their way down the candy reward line. Those children came in a range of ages, some so young that parents were accompanying or providing stroller transport.

The evening was pleasant and the soccer field the perfect setting. Thanks P&R for your work in giving the Town's many children a memorable event of River Bend at Halloween 2023.

Recognizing the Town's early developer on 26 October

The Town Council approved the acquisition of a marker to honor Mr. Frank Efird who was the original developer of the Town in the 1960s and the 1970s. This inscribed marker is now located along the sidewalk that surrounds the gazebo and Garden Club Memorial Garden at the pond side of Town Hall.

We are pleased that Mr. Efird and his son were able to attend the dedication of the marker and meet with residents Mr. Lou Columbo and Mrs. Joyce Frazer, who assisted Mr. Efird during the period of early Town development.

North Carolina law allows public bodies, such as the River Bend Town Council, to meet in closed session to discuss certain topics. However, prior to going into closed session, the Council must announce the closed session and the topic for which the closed session is being called and that must be done while the Council is in open session. This requirement allows the public to know in general what the closed session is concerning. The closed session must also be adjourned in open session. For the purpose of this guide, open session simply means in view of the public and closed session simply means it private. The topics that may be discussed in closed session are listed below and are numbered 1 through 10. Most of the time, the Council knows in advance that a closed session is needed and the General Statute citation which identifies the purpose of the closed session is included on the agenda. However, that is not always the case. The need for a closed session may arise without enough warning to publish the citation on the agenda. The law does not require advanced notice of a closed session. In any case, planned or not, the Council will state the appropriate citation. The citation will always begin with 143-318.11(a). The numbers that follow in parenthesis will identify the particular closed session topic. For example: The citation 143-318.11(a)(3)(5) will allow the Council to consult with an attorney (#3) and to discuss the acquisition of real property (#5).

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents

concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.
- (10) To view a recording released pursuant to G.S. 132-1.4A.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. — A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b); 2014-79, s. 9(a); 2016-88, s. 3.)