



**TOWN OF RIVER BEND**

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

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**www.riverbendnc.org**

## **RIVER BEND TOWN COUNCIL AGENDA**

### **Regular Meeting**

**May 20, 2021**

**River Bend Town Hall**

**7:00 p.m.**

**Pledge: Mayor Kirkland**

1. CALL TO ORDER (Mayor Kirkland Presiding)
2. RECOGNITION OF NEW RESIDENTS  
Certificate of Recognition – Grace Marie Skahan
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 April 8, 2021 Work Session  
Minutes of the April 15, 2021 Regular Council Meeting  
Minutes of the April 27, 2021 Budget Workshop  
Minutes of the May 4, 2021 Budget Workshop  
Minutes of the May 11, 2021 Budget Workshop  
Minutes of the May 13, 2021 Budget Workshop*

7. TOWN MANAGER'S REPORT – Delane Jackson
  - A. Presentation of FY21-22 Draft Budget Message, Ordinance and Schedule of Fees

**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

9. Finance – Councilman Leonard (for Councilman Van Slyke)
  - A. Financial Report - Finance Administrator
  - B. VOTE – Budget Amendment 20-B-07
  - C. VOTE – Schedule Public Hearing for FY21-22 Budget Proposal
  - D. VOTE – Adopt Financial and Budgetary Policies
10. Planning Board – Councilman Buddy Sheffield
  - A. Planning Board Report
  - B. VOTE - Schedule Public Hearing for Chapter 15 Zoning Ordinance Amendment
11. Parks & Recreation/CAC – Councilwoman Barbara Maurer
  - A. Parks and Rec Report
  - B. CAC Report
  - C. Organic Garden Report
  - D. Library Report
12. Public Safety – Councilman Don Fogle
  - A. CERT
    1. Discussion of Governor's Executive Order # 215
13. MAYOR'S REPORT – Mayor Kirkland
14. 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.*

15. ADJOURNMENT

**DUE TO COVID-19, SEATING IS LIMITED AND ON A FIRST-COME BASIS. WE ENCOURAGE EVERYONE TO PRACTICE THE 3-W'S.**



# CERTIFICATE OF RECOGNITION

WHEREAS, River Bend resident Grace Marie Skahan was honored by friends and relatives on the occasion of her 100<sup>th</sup> birthday on April 4, 2021; and

WHEREAS, she is a native of Merrill, Wisconsin; and

WHEREAS, she became the wife of William "Bill" Skahan in June of 1946 and was blessed with four children, Michael W. Skahan, Linda Skahan Dantzler, William J. "Bill" Skahan, and Nina Skahan Sheffield, six grandchildren, and two great-grandchildren; and

WHEREAS, she still lives an active and independent life which includes walking, biking, and maintaining a large organic garden; and

WHEREAS, she has lived during the most eventful century of this world's history; and served as a Navy Nurse in World War II; and

WHEREAS, during a long and productive lifetime, she has demonstrated in many ways her dedication to her family and friends and has earned the respect and affection of people from all walks of life and all ages;

NOW, THEREFORE, be it resolved that I, John R. Kirkland, Mayor of the Town of River Bend, do hereby deem it an honor and a pleasure to extend this Certificate of Recognition to Grace Marie Skahan on the occasion of her 100<sup>th</sup> birthday, with sincere congratulations and best wishes for many additional happy, productive years.

IN WITNESS WHEREOF, I do hereby set my hand, and cause the Official Seal of the Town of River Bend to be affixed this 26<sup>th</sup> day of April, 2021.



Attest:

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John R. Kirkland, Mayor

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Kristie J. Nobles, Town Clerk

**River Bend Town Council  
Work Session Minutes  
April 8, 2021  
Town Hall  
5:00 p.m.**

Present Council Members:	Mayor John Kirkland Don Fogle Brian Leonard Barbara Maurer Buddy Sheffield
Absent Council Member:	Bud Van Slyke
Town Manager:	Delane Jackson
Town Clerk:	Kristie Nobles
Town Attorney:	Dave Baxter

**CALL TO ORDER**

The meeting was called to order by Mayor Kirkland at 5:00 p.m. on Thursday, April 8, 2021 at the River Bend Town Hall with a quorum present.

**Discussion– Parks and Recreation Recommendation for July 4<sup>th</sup> Activities**

The Manager stated that the 4<sup>th</sup> of July is fast approaching and he is hopeful that the Town would be able to have a fireworks celebration. He contacted the Parks and Recreation Advisory Board to inquire about what activities they would be interested in doing. The Parks and Recreation Advisory Board responded and said they would suggest the fireworks celebration along with snacks, a magician and a band or dj. The Town Manager contacted the fireworks company that he had communicated with last year and the only available date around the holiday is July 2, 2021. The Manager stated that there is money left in the Parks and Recreation budget from the canceled event last year. The Manager stated that the fireworks display would cost \$7,500 and the contract would need to be executed by next Thursday to secure the date of July 2, 2021. Councilman Leonard asked about the location of the event and the Manager stated that he sent the company a GIS picture of the Town and it was determined that the area by the Public Works Building would be best suited. The Manager stated that attendees would be put in groups of 100 or less based on the Governors Orders on festivities.

**Vote – Fireworks Display Contract**

Councilman Sheffield motioned to authorize the Town Manager to enter a contract for the July 2, 2021 fireworks display in an amount not to exceed \$10,000. The motion carried unanimously. (see attached)

Councilman Fogle asked the Manager if he had given the Parks and Recreation Advisory Board any direction on what he would recommend for the July 4<sup>th</sup> festivities. The Manager stated that anything other than the firework display was at the suggestion of the Parks and Recreation Advisory Board. Councilman Fogle asked if there was an estimate of attendees for the event. Councilwoman Maurer stated she had no idea but thought maybe 150-200 people. The Manager stated he thought there would be a larger crowd with maybe 1,000+ attending. Councilman Fogle asked about parking of all the attendees. The Manager stated that he thought most of the attendees would be residents who would walk, ride bikes or golf carts and there would be designated areas for parking. The Manager stated that he would contact the Country Club to see if parking there is an option. Councilman Fogle then asked about a band for entertainment. Councilwoman Maurer stated that a band is not an option this year and that there are two djs that could be a possibility. Councilman Fogle asked if anyone had reached out to Big Jim Collier regarding playing at the event. Janet Nawojski stated that she does not think anyone has contacted him. Councilman Fogle stated he was disappointed the Parks and Recreation Advisory

Board decided that a band is not an option without consulting with the Council first. The Manager stated that he thinks that a band could be secured with the remaining funds. Councilwoman Maurer stated that the Parks and Recreation Advisory Board has spent a lot of time working on this and doing as much as they can do. She stated that the estimates for food and snacks is based on 150-200 attendees and if the Council expects more than that the estimate needs to be altered. Councilman Leonard asked about the contract for the fireworks display regarding bad weather and he asked if it could be amended to include Covid if the event has to be canceled. The Manager stated that he would talk to the contractor regarding that situation. The Manager stated that with the \$10,000 for the event and all the changes that need to be made to the estimate submitted, he suggested increasing the amount by another \$5,000 to secure a band. Councilman Leonard stated that he thought it would be a good idea to increase the amount to secure a band. Councilman Fogle stated that in the future he thinks the Council and the Manager should give better direction of expectations to the Advisory Boards for events. Councilwoman Maurer asked if the direction of the Advisory Boards was to do the work and bring the recommendation back to the Council. Councilman Fogle stated that just because that's the way it has been in the past, doesn't mean that it is the best way.

#### **Vote – Increase Event Allowed Amount**

Councilman Leonard motioned to authorize up to an additional \$5,000 to secure a band for the July 2, 2021 event. The motion carried unanimously.

#### **Discussion – Re-opening Facilities**

The Manager stated that the Facilities have been closed since April 6, 2020 due to Covid-19. He stated that he had not had many calls regarding opening Town Hall for daily business, but he has had inquiries to reopen for outside groups to hold meetings. Councilman Fogle stated that he agreed with keeping Town Hall closed and opening the Municipal Building for outside meetings. The Mayor stated that there are still contractors working in Town Hall. Councilman Sheffield stated that he agreed with keeping Town Hall closed and opening the Municipal Building. Councilman Leonard asked if masks would be required. The Town Attorney stated that the Governors recent order states that masks are required. Councilman Fogle stated that with Yoga it would be hard to wear a mask, so he would suggest adding that masks are recommended. Councilman Leonard stated that if the Council chose to make any changes that he suggests following CDC guidelines for masks. Councilman Fogle asked if Yoga would be able to meet. The Manager stated that Yoga is a part of Parks and Recreation and could meet in the building. The Manager asked that the Town Attorney research exercise and mask requirements for the next Council meeting. NO Motion was made.

#### **Discussion – American Rescue Plan**

The Manager stated that there has not been any new information on the American Rescue Plan Act of 2021 and nothing has been confirmed. He stated that he is anticipating receiving about \$900,000 for infrastructure projects in Town. The Manager presented three projects that he felt could be eligible for the funds. These projects include: a sewer project at the waste water treatment plant, a water quality project or building a new Public Works Building. In the past, the Council had discussed all three of these projects. The Manager stated that the funds would have to be spent by 2024. He stated that a water or sewer project would be a difficult project to complete by 2024 because of design and permitting requirements. The Manager stated he needs direction from the Council for which project to pursue when the funds become available from the American Rescue Plan.

#### **Vote – American Rescue Plan**

Councilman Leonard motioned to use the American Rescue Plan funds to construct a new Public Works Building. The motion carried unanimously.

**Discussion – Arbor Day Proclamation**

The Mayor stated that the Arbor Day Proclamation was a requirement for the Tree City Award that the Town is awarded annually.

**REVIEW AGENDA FOR THE APRIL 15, 2021 COUNCIL MEETING**

The Council reviewed the Agenda for the April 15, 2021, Council meeting.

**ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 6:01 p.m.

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Kristie J. Nobles  
Town Clerk

**River Bend Town Council  
Regular Meeting Minutes  
April 15, 2021  
Town Hall  
7:00 p.m.**

Present Council Members: Mayor John Kirkland  
Don Fogle  
Brian Leonard  
Buddy Sheffield  
Bud Van Slyke  
Barbara Maurer

Town Manager: Delane Jackson  
Town Clerk: Kristie Nobles  
Town Attorney: Dave Baxter  
Finance Administrator: Margaret Theis

**CALL TO ORDER**

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, April 15, 2021 at the River Bend Town Hall with a quorum present.

**ADDITIONS OR DELETIONS TO AGENDA**

Councilman Van Slyke made a motion to remove item 15 – Closed Session § NCGS 143-318.11(a)(6) – Personnel from the agenda. 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 March 11, 2021 Work Session*  
*Minutes of the March 19, 2021 Regular Meeting*

**TOWN MANAGER'S REPORT**

The Manager stated that over the past year the Planning Board has been working with the Town Staff and Town Attorney on the chapter 160D legislatively mandated changes to the Town's zoning ordinance. These changes need to be implemented by July 1, 2021. The Manager stated that a public hearing is scheduled for June 10, 2021 for FY21-22 Budget and the public hearing for the changes to the zoning ordinances could be scheduled for the same date.

The Manager stated he had requested extensions for ongoing grant projects around Town. The Channel Run project was delayed due to weather. The Public Works building project is 99% completed and the drainage improvement project should be completed within 60-90 days and those extensions have been approved.

The Manager stated that landscaping around Town Hall is expected to start within a week. Staff will be removing vegetation around the Town Hall Building and the Veteran's monument will be returned near its original location but near the new night light. The Manager stated that there is an issue with elevation around the Town Hall building and every year mulch has been added



around the building, which is causing complications with the exterior siding and drainage. Beginning next week the staff will begin removing vegetation and some of the mulch to improve drainage. Councilman Fogle asked the Manager if staff would be removing vegetation now or at a later date. The Manager stated that vegetation would be removed now and small vegetation would be installed. Councilman Fogle asked if the new vegetation would cause a problem when the times comes to update the exterior of Town Hall to match the exterior at Municipal Building as discussed at previous council meetings. The Manager stated that the new vegetation will be very small and the exterior walls would be easily accessed.

The Manager stated that at the April 8, 2021 work session the Council approved to fund the Independence Day celebration. He stated that the band, the fireworks display and the tent have been secured. The Manager has also contacted the owner of the Country Club and he has agreed to host the event at the Country Club. The café and concessions will be open and there is plenty of parking for the event at that location. Councilman Fogle asked if the Manager could participate in the upcoming meetings with the Parks and Recreation Advisory Board regarding this event. The Manager stated that he would be happy to attend the meetings and has been meeting with Janet Nawojski regarding this event. Councilman Fogle asked the Manager about supplemental restrooms for the event. The Manager stated he is contacting a vendor regarding rental restrooms.

## **ADMINISTRATIVE REPORTS**

### ***FINANCE – Councilman Van Syke***

Financial Report – Finance Administrator Margaret Theis told the Council that the total of the General Fund Cash Balances as of March 31, 2021 was \$3,915,810 and Ad valorem tax collections for FY20-21 were at \$695,006 and Vehicle Ad valorem tax collections is \$65,608.

### ***Discussion – Budget Amendment 20-B-06***

Councilman Van Slyke stated that the presented budget amendment would transfer \$12,000 within the General Fund balance from Contingency funds to Recreation and Special Events funds for the July 4<sup>th</sup> activities.

### ***Vote – Budget Amendment 20-B-06***

Councilman Van Slyke motioned to approve budget amendment 20-B-06 as presented. The motion carried unanimously. (see attached)

### ***Planning Board – Councilman Sheffield***

Councilman Sheffield stated that the Planning Board met on April 1<sup>st</sup> at 6:00 pm at the Municipal Building. A quorum was present. There were no visitors. Chairman Lippert called the meeting to order. The usual reports were given. There was only one item on the agenda. The NC General Assembly has issued a list of requirements that municipalities either “may” or “must” include in their article 9 ordinances. River Bend already includes many of the items on the list. The board was given the homework assignment of reading over the requirements and making suggestions for those to be included in a draft being compiled by assistant Zoning Administrator McCollum at the next scheduled meeting on May 6<sup>th</sup>. The meeting was adjourned at 6:20 p.m.

### ***Public Safety – Councilman Fogle***

Councilman Fogle stated that at the work session the previous week, the Town Attorney was asked to research the most recent Governors Executive Order regarding masks and social distancing for exercise activities. The Attorney stated that with the most recent order it states that there is a general requirement that face coverings be worn indoors if anyone else in that space is not a member of the same household and in public spaces outdoors if social distancing is not

obtainable. The Attorney states that the question regarding the Governor's Executive Order and facial coverings worn during exercising states that face coverings are required during exercising indoors with a few exceptions (eating or drinking, medical conditions, children under the age of 5, hearing impaired). Councilman Fogle stated that on page 7 section 1.5 general recommendations face coverings are strongly encouraged, and in section 2 it states that masks are required. The Attorney stated section 1.5 is the general recommendations and best practices, and section 2 is the requirements of the latest Executive Order. Councilman Leonard stated that if the Municipal Building opens for activities outside of Town sponsored activities that facial coverings should be required and he asked who would enforce those requirements. He also stated he would suggest keeping the Town Hall closed and the Municipal Building open for Town sponsored activities only. Councilman Fogle asked if the Municipal Building could be used as long as masks are worn and social distancing is practiced. The Manager stated that under the Town's current rules the Municipal Building can be used for Town sponsored activities only and not for private functions or meetings. Councilman Fogle asked if yoga was a Town sponsored activity. The Manager stated yes it is and Councilman Fogle asked if yoga could use the room. The Manager stated that he has not given yoga permission to use the Municipal Building yet. He stated he would need the council to approve for yoga to use the room. Councilman Fogle stated he would like to see the Municipal Building opened for yoga with the understanding that masks and social distancing are required. Councilman Fogle asked the Attorney if yoga would be allowed if they followed the Executive Order. The Attorney said that would be allowed. Councilman Leonard stated he thinks allowing yoga would allow exceptions for certain groups and may cause issues with those activities not sponsored by the Town. Councilman Van Slyke asked if this would allow outside groups that are not Town sponsored to meet. The Manager stated that only Town sponsored activities would be permitted to meet.

#### **VOTE- Reopen Town Facilities**

Councilman Fogle motioned to continue the existing restrictions regarding the closure of the Town Hall and the Municipal Building use for Town sponsored activities consistent with the Governor's most recent Executive Order. The motion passed with 4 ayes (Sheffield, Leonard, Fogle, Maurer) and 1 nay (Van Slyke).

#### **PARKS & RECREATION – Councilwoman Maurer**

Councilwoman Maurer stated that the Parks and Recreation Advisory Board has met twice in the past month to discuss the July 4<sup>th</sup> activities. She stated that Gloria Kelly had submitted an application and that she feels Ms. Kelly's skills and experience would make her a good fit for the board.

#### **Vote – Appoint Gloria Kelly to the Parks and Recreation Advisory Board**

Councilwoman Maurer motioned to appoint Gloria Kelly to the Parks and Recreation Advisory Board for a term beginning April 15, 2021 and expiring June 30, 2021. The motion carried unanimously.

#### **CAC**

Councilwoman Maurer stated that the CAC is scheduled to meet on April 28, 2021 at 1:30 p.m. at the picnic area.

#### **Organic Garden**

Councilwoman Maurer stated that the Garden Club has been busy with spring planting and have been meeting with the Green Team from NBHS bi-weekly.

Red Caboose Library

Councilwoman Maurer stated that the Library had joined with Craft Benders to have a craft fair and the Library is currently pursuing a permanent space for the Library to occupy.

**PUBLIC WORKS – Mayor Kirkland**

The Mayor stated that there was no report this month. He also stated that PWAB is in need of members, and anyone interested should contact the Town Clerk for an application.

**MAYOR'S REPORT – Mayor Kirkland**

It is wonderful that the traveling version of the Vietnam War Memorial was able to visit New Bern. If you were honored to have visited the Memorial displayed at Lawson Creek Park I am certain that you were impressed and were in some way changed in how you look at the United States involvement in the Vietnam War. Having seen the traveling version, I would recommend that if travel takes you to Washington D C please visit the Wall located on the National Mall. The site location there adds a very important dimension to the presentation of the Memorial. This visit to our area comes at a time when the nation struggles with how we treat persons who have oriental ancestry. It is interesting that the memorial designer was Maya Lin a young lady and a student at Yale University when she submitted the design for consideration. Her's was one of 1,400+ submitted designs. Maya Lin was born in Ohio of Chinese parents who were both professors. Ms. Lin is one of so many of our citizens that come from national backgrounds and cultures very different from the Anglo-Saxon background accepted as the norm in the nation. Yet, like Ms. Lin, all these individuals, which are seen as different, contribute to what our nation has become. Anyone who has visited the Vietnam War Memorial will forever remember how much they were changed by that visit. Please research Ms. Maya Lin's background and find for yourself what a remarkable woman from a Chinese heritage she is and what she has contributed to our nation.

**PUBLIC COMMENT**

No public comments were made.

**ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield moved to adjourn. The meeting adjourned at 7:55 p.m.

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Kristie J. Nobles  
Town Clerk



**TOWN OF RIVER BEND**  
**PROPOSED BUDGET ORDINANCE AMENDMENT 20-B-06**  
**FISCAL YEAR 2020-2021**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2020-2021 Budget Ordinance as last amended on February 18, 2021, be amended as follows:

**Summary**

General Fund	2,332,210
General Capital Reserve Fund	164,663
Law Enforcement Separation Allowance Fund	7,888
Water Fund	613,634
Water Capital Reserve Fund	2,800
Sewer Fund	709,484
Sewer Capital Reserve Fund	129
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Total	3,830,808

**Section 1. General Fund**

**Anticipated Revenues**

AD VALOREM Taxes 2020-2021	713,246
AD VALOREM Tax-Motor Vehicle	83,200
Animal Licenses	2,400
Sales Tax 1% Article 39	136,448
Sales Tax 1/2% Article 40	81,430
Sales Tax 1/2% Article 42	68,324
Sales Tax Article 44 105-524	9,549
Sales Tax Hold Harmless Distribution	90,202
Solid Waste Disposal Tax	2,500
Powell Bill Allocation	84,500
Beer and Wine Tax	13,500
Video Programming Sales Tax	53,680
Utilities Franchise Tax	114,261
Telecommunications Sales Tax	10,330
Court Refunds	500
Zoning Permits	5,000
Federal Disaster Assistance	14,624
State Disaster Assistance	4,875
State Grant - Police	22,653
State Grant - CARES Act CRF funding	49,650
Recovery Grant NCORR-FDLG-004	99,568
Miscellaneous	13,500
Interest-NCORR-FDLG-004 Investments	1,212
Interest- Powell Bill Investments	50
Interest-Gen Investments	9,755
Contributions	421
Wildwood Storage Rents	18,120
Rents & Concessions	18,000
Transfer From Capital Reserve Fund	164,663
Appropriated Fund Balance	446,048
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Total	2,332,210

**Section 1.**            **General Fund (continued)**

**20-B-06**  
**PROPOSED**  
**CHANGES**

Authorized Expenditures

Governing Body	28,700	
Administration	268,691	
Finance	120,181	
Tax Listing	10,880	
Legal Services	24,000	
Elections	0	
Police	596,048	
Public Buildings	169,208	
Emergency Services	4,000	
Animal Control	14,366	
Street Maintenance	218,686	
Public Works	160,240	
Leaf & Limb and Solid Waste	62,999	
Stormwater Management	221,371	
Wetlands and Waterways	72,000	
Planning & Zoning	48,363	
Recovery Grant NCORR-FDLG-004	100,780	
<b><i>Recreation &amp; Special Events (July 4th pre-audited contracts)</i></b>	<b>15,500</b>	<b>12,000</b>
Parks & Community Appearance	50,370	
<b><i>Contingency (July 4th pre-audited contracts)</i></b>	<b>5,968</b>	<b>-12,000</b>
Transfer To General Capital Reserve Fund	60,000	
Transfer To L.E.S.A. Fund	6,359	
Transfer To BUS Capital Projects Fund	73,500	
Total	2,332,210	

**Section 2.**            **General Capital Reserve Fund**

Anticipated Revenues

Contributions from General Fund	60,000
Interest Revenue	1,248
Appropriated Fund Balance	103,415
Total	164,663

Authorized Expenditures

Transfer to General Fund	164,663
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**Section 3.**            **Law Enforcement Separation Allowance Fund**

Anticipated Revenues:

Contributions from General Fund	6,359
Interest Revenue	100
Appropriated Fund Balance	1,429
Total	7,888

Authorized Expenditures:

Separation Allowance	7,888
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**Section 8.**                    **Levy of Taxes**

There is hereby levied a tax at the rate of twenty-six cents (\$0.26) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2020, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2020-2021" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$275,400,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.61%. The estimated collection rate is based on the fiscal year 2018-2019 collection rate of 99.61% by Craven County who has been contracted to collect real and personal property taxes for the Town of River Bend. Also included is a valuation of \$32,000,000 for purposes of taxation of motor vehicles with a collection rate of 100% by the North Carolina Vehicle Tax System.

**Section 9.**                    **Fees and Charges**

There is hereby established, for Fiscal Year 2021, various fees and charges as contained in Attachment A of this document.

**Section 10.**                    **Special Authorization of the Budget Officer**

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

**Section 11.**                    **Classification and Pay Plan**

Cost of Living Adjustment (COLA) for all Town employees shall be 3.1% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

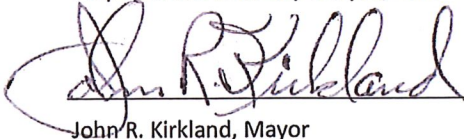
**Section 12.**                    **Utilization of the Budget Ordinance**

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2020-2021 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall ensure the operating staff and officials are provided with guidance and sufficient details to implement their appropriate portion of the budget.

**Section 13.**                    **Copies of this Budget Ordinance**

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

Proposed this 15th day of April, 2021.

  
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John R. Kirkland, Mayor

Attest:

  
\_\_\_\_\_  
Kristie J. Nobles, Town Clerk



**River Bend Town Council  
Budget Workshop Minutes  
April 27, 2021  
River Bend Town Hall  
4:00 P.M.**

Present Council Members:	Mayor John Kirkland Don Fogle Brian Leonard Barbara Maurer Buddy Sheffield Bud Van Slyke
Town Manager:	Delane Jackson
Town Clerk:	Kristie Nobles
Finance Assistant:	Mandy Gilbert

The Mayor called the meeting to order at 4 p.m. The Mayor stated- "This is the most important thing that the Council does in the whole year. You put this budget in place and once it's approved the Manager executes it and if you, the Council, add any additional projects to it, it has to be covered with a budget amendment." He then recognized the Town Manager.

The Manager presented a resolution in opposition to House Bill 401 and Senate Bill 349. Councilman Sheffield motioned to approve the resolution as presented. The motion was unanimously approved. (see attached)

The Manager then began discussions of the Proposed Budget for FY2021-2022, which included a PowerPoint presentation. The Manager presented the Council's priorities and vision statement that were approved at the January 21, 2021 budget kick-off meeting.

The Manager followed the advertised agenda and presented details related to employee compensation, staffing levels, capital improvement plans, utility and fuel prices, the vehicle replacement plan, IT and various budget related topics. That was followed by a detailed discussion of the following departments: governing board, administration, finance, tax listing, legal services, elections, street maintenance, storm water, public works and public buildings.

During the meeting the Manager stated that the proposal would return the Public Works department to its pre-Hurricane Florence level when the NCORR grant expires. There were some discussion about the fund balance in the general fund. Councilman Leonard stated that he thought that having a target dollar amount of cash on hand was more important than having a percentage as our target for fund balance. Councilman Fogle said that if we do decide to make a specific dollar amount as the target, that we should officially make that statement at a Council meeting.

The Manager ended the session with a slide that showed a summary of the departments that had been discussed and asked if there were any questions.

Councilman Sheffield motioned to recess the meeting until May 4, 2021 at 4 p.m. The motion was unanimously approved. The meeting recessed at 6:18 p.m.

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Delane Jackson  
Town Manager



**RESOLUTION OPPOSING HOUSE BILL 401 AND SENATE BILL 349 OF THE  
2021 NORTH CAROLINA LEGISLATIVE SESSION**

**WHEREAS**, recognizing the importance of zoning to the peace, prosperity, and happiness of North Carolina's municipalities, for generations the State of North Carolina has allowed municipalities to regulate local development, which in turn, residents have relied upon in making one of their most important financial investments, the purchase of their homes; and

**WHEREAS**, the Town of River Bend has responsibly exercised the zoning and land use authority granted to it by the State of North Carolina; and

**WHEREAS**, the Town of River Bend's zoning ordinances have been approved with extensive community involvement and neighborhood-appropriate considerations; and

**WHEREAS**, municipalities in the State of North Carolina have their own unique characteristics and challenges so that "one size" does not "fit all," and statewide zoning mandates thus may have unintended negative consequences for the residents of the State; and

**WHEREAS**, HB401/SB349 is now pending in the North Carolina General Assembly, and would force municipalities to allow duplexes, triplexes, quadplexes, and townhouses into all residential zoning districts, for the stated purpose of expanding housing opportunities in cities; and

**WHEREAS**, although HB401/SB349 has been touted as a way to provide "affordable housing", in actuality there is nothing in the bill which actually controls costs or ensures affordability; and

**WHEREAS**, HB401/SB349 is an attack on local land-use planning and the ability of local government, the government closest to the people, to hear from and respond to the needs of our citizens in the long-standing planning and zoning forums granted by law,

**NOW THEREFORE BE IT RESOLVED** by the Town Council of the Town of River Bend, North Carolina as follows:

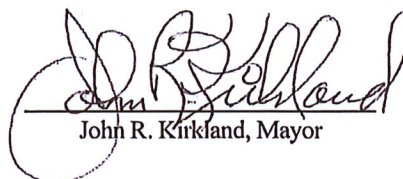
1. That the General Assembly not adopt either HB401 or SB349;
2. That if passed, the Governor, the Honorable Roy Cooper, veto these measures;

Approved this 27th day of April, 2021.



ATTEST:

  
Kristie J. Nobles, Town Clerk

  
John R. Kirkland, Mayor



**River Bend Town Council  
Budget Workshop Minutes  
May 4, 2021  
River Bend Town Hall  
4:00 P.M.**

Present Council Members:	Mayor John Kirkland Don Fogle Brian Leonard Barbara Maurer – remotely via phone Buddy Sheffield Bud Van Slyke
Town Manager:	Delane Jackson
Police Chief:	Sean Joll

The Mayor called the meeting back to order at 4:00 p.m. The meeting began with a presentation by the Police Chief about the police department. That was followed by a detailed discussion of the following departments: recreation and special events, park and CAC, emergency services, animal control, wetlands and waterways, leaf and limb, planning and zoning and then discussions about general fund revenues and fund balance in the general fund.

During the meeting Councilman Leonard asked if the body cameras in the proposed police budget would be purchased early or delayed. The Manager stated that if the Council wanted them purchased early, they could be ordered on July 1. Councilman Fogle stated he would like for them to be purchased as soon as possible. Councilman Leonard also asked if code enforcement action only took place if a resident complained. He said that he had been asked by residents why the codes were not being enforced. The Manager explained that Allison, police officers and he often initiated code enforcement without ever hearing about the violation from a citizen. Councilman Leonard stated that he was aware of an RV that had been parked in violation of the ordinances for several weeks. The Manager explained the often time-consuming legal process that was involved in official code enforcement actions. Councilman Fogle stated that he thought Allison was just trying to be nice while conducting code enforcement and that he thought that was a good thing.

During the revenue discussions, the Manager stated that the local sales tax revenues had been much better than anticipated in FY20-21 and that COVID had not impacted those revenues nearly as much as had been expected statewide. Councilman Leonard stated that it appears that many state revenues may be declining and are not as reliable. He stated that in the future the Town may need to consider looking at other ways to generate revenue. The Manager stated that the next property revaluation was scheduled to become effective as of January 1, 2022 and that the five-year forecast, which would be discussed later, did not include a tax rate reduction after the revaluation. There was a discussion about the declining Powell Bill revenue and how that impacted the Town's ability to fund street paving.

The Manager ended the session with several slides that showed the recent history and projections for fund balance in the general fund. He noted that due to the \$1,000,000 BUS project, the Town's fund balance had dipped below the 50% goal during FY20. He noted the fund balance projection for year-ending 2021 was for it to return to 57% and the proposal for year-ending 2022 was 55%. There was a lengthy discussion about how the last two fiscal years were unusual due to the BUS project and continuing recovery from Hurricane Florence and FEMA funded projects related to Hurricane Florence.

The Manager explained that increased spending due to all of these factors had a negative impact on the Town's usually very high fund balance. He explained how the fund balance was stated as a percentage of the general fund expenditures. Councilman Sheffield stated that the best way to rebuild fund balance was to not do anymore big capital projects. There was a general agreement that the lower fund balance for the next few years was a concern, but the Council was also aware of the main reasons for the lower fund balance.

The Manager stated that the BUS project was complete and that all FEMA projects should be completed during the current fiscal year and that would get spending associated with those out of our budget process. He pointed out that the Council had previously had discussions about a goal of keeping \$1,000,000 in fund balance. He said that he thought \$2,000,000 was a more reasonable goal. He stated he felt that way because we quickly spent \$1,000,000 after Hurricane Florence and that having \$2,000,000 would allow us to spend \$1,000,000 on emergency response and still have \$1,000,000 for other things. The Council agreed to continue to closely monitor fund balance and take appropriate action as needed in the future to keep it stable.

With no further questions, Councilman Sheffield motioned to recess the meeting until May 11, 2021 at 4:00 p.m. The motion was unanimously approved. The meeting recessed at 6:14 p.m.

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Delane Jackson  
Town Manager

**River Bend Town Council  
Budget Workshop Minutes  
May 11, 2021  
River Bend Town Hall  
4:00 P.M.**

Present Council Members:	Mayor John Kirkland Don Fogle Brian Leonard Barbara Maurer Buddy Sheffield Bud Van Slyke – arrived at 5:15 p.m.
Town Manager:	Delane Jackson
Public Works Director:	Brandon Mills

The Mayor called the meeting back to order at 4:00 p.m. and announced that Councilman Van Slyke would be arriving later. He then recognized the Town Manager. The Manager presented a resolution in opposition to House Bill 496. Councilman Sheffield motioned to approve the resolution as presented. The motion was unanimously approved. (see attached)

The Manager then began discussions of the Proposed Budget for FY2021-2022 in the enterprise funds, which included a PowerPoint presentation. The Manager also stated that Public Works Director Brandon Mills was here to answer any questions related to water or sewer operations.

The Manager followed the advertised agenda and presented details related to water and sewer funds cash levels, all water and sewer fund departments, water and sewer capital improvement plans, the utility rate model and revenues for the water and sewer funds. During the discussions the Manager explained that the proposal contained \$15,000 for a local match for two grant applications in the amount of \$150,000 each and that he was also planning to apply for another \$50,000 grant to fund a feasibility study for a connection with the Jones County water system. He also stated that the proposal did not include \$12,000 for the Town's closing cost fees for the ASADRA grant because he was not sure if that would be due in FY21-22. He stated if it does come due in FY21-22, we will simply do a budget amendment to fund that expense. Councilman Leonard asked if we had any long-term plans to address our water quality issues or if we just plan to remain status quo. The Manager stated that until the Council designates funding for any improvements, we would remain status quo. There was a general discussion about water quality issues and how expensive all options to solve them seem to be.

Councilman Leonard asked how old our WWTP is and what is the life expectancy of a WWTP. Brandon Mills said that our WWTP was built in the late 70's to early 80's. The Manager stated that 50 years was about an average life expectancy. Councilman Van Slyke joined the meeting.

The Manager presented the proposed water and sewer rate model and stated that the proposal contained no increases to the residential rates. He noted that the non-residential water customers had enjoyed a 1-year break from the water rate increase that took place in April, 2020. He also clarified that the break was due to them not being charged at the appropriate equivalent unit (EU) as is factored into the rate model. That had given business a break during COVID. The proposal would return non-residential customers to the correct EU and thus return them to the pre- April, 2020 rate model equation. Councilman Sheffield asked if the Council needed to take action now to return to the non-

residential rates to what they were. The Town Manager explained that when the Council adopts the schedule of the rates and fees for FY21-22, it will contain those changes.

During the meeting there were some discussions about the cash reserves in both enterprise funds. Councilman Fogle asked if the Town could borrow from the reserves if necessary to respond to a catastrophe. The Manager stated yes but under certain regulations. Councilman Leonard stated that the use rate fee of \$4.02 for water had been the same for a long time. He suggested that since some major projects may be needed down the road that we should look at increasing fees gradually, over time as opposed to one big increase. Councilman Fogle suggested considering tying future rate increases to the CPI, which would result in small, annual increases. Councilwoman Maurer agreed that we need to consider that option for future rate increases.

The Manager ended the session with slides that showed a summary of the revenues for each enterprise fund and pointed out the appropriated fund balance in each. He asked if there were any further questions.

With no further questions, Councilman Sheffield motioned to recess the meeting until May 13, 2021 at 4:00 p.m. The motion was unanimously approved. The meeting recessed at 6:17 p.m.

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Delane Jackson  
Town Manager



**RESOLUTION OPPOSING HOUSE BILL 496**  
**OF THE 2021 NORTH CAROLINA LEGISLATIVE SESSION**

**WHEREAS**, recognizing the importance of zoning to the peace, prosperity, and happiness of North Carolina's municipalities, for generations the State of North Carolina has allowed municipalities to regulate local development through the enforcement of local tree ordinances; and

**WHEREAS**, the Town of River Bend has responsibly exercised the zoning and land use authority granted to it by the State of North Carolina; and

**WHEREAS**, the Town of River Bend's zoning ordinances have been approved with extensive community involvement and neighborhood-appropriate considerations; and

**WHEREAS**, the Town of River Bend recognizes the importance of trees in its jurisdiction not only for aesthetics but also for their many positive contribution to the environment; and

**WHEREAS**, HB 496, now pending in the North Carolina General Assembly, would strip towns of the ability to enact tree ordinances and enforce already existing tree ordinances.


**NOW THEREFORE BE IT RESOLVED** that the Town Council of the Town of River Bend, North Carolina hereby expresses its opposition to HB 496.

Approved this 11th day of May, 2021.



  
John R. Kirkland, Mayor

ATTEST:

  
Kristie J. Nobles, Town Clerk



**River Bend Town Council  
Budget Workshop Minutes  
May 13, 2021  
River Bend Town Hall  
4:00 P.M.**

Present Council Members:	Mayor John Kirkland Don Fogle Brian Leonard Barbara Maurer Buddy Sheffield Bud Van Slyke
Town Manager:	Delane Jackson

The Mayor called the meeting to order at 4:00 p.m. He then recognized the Town Manager. The Manager began the meeting with a PowerPoint presentation, which included information about the Town's total property assessment, the formula for calculating tax bills, the five-year forecast for the general fund, utility rates and fees and the proposed schedule of rates and fees.

During the meeting there was considerable discussion about the current and future status of the Town's fund balance. Councilman Leonard expressed his concern of the trend of the declining fund balance. He said that we are okay currently but there may be trouble on the horizon because our costs are going up and some revenues are going down. He said that he did not want to get to the point where we were forced to do something about the fund balance. Councilwoman Maurer stated that she wanted to address the issue before we got to a critical point and she thinks we are at a critical point now. The Mayor stated that these discussions were good but he felt the projections were very conservative and we just need to take a closer look after the next property reevaluation. Councilman Leonard stated that if a tax rate adjustment was necessary in the future to help rebuild fund balance, he would rather do it in small, incremental steps rather than a single, large step. Councilwoman Maurer stated that the budget was being balanced with a contribution from fund balance and she thought the ideal way to balance it would be without a fund balance appropriation. She also mentioned that the Council was considering establishing a fund balance goal of \$2,000,000 and that we were a long way from that.

The Town Manager presented the revenue and expenditures assumptions for the general fund and noted that the next county property reevaluation was scheduled for January 1, 2022 and the five-year forecast did not contain a tax rate reduction after the reevaluation. Councilman Sheffield said he thought that property values were on the rise and that we would probably be pleased with the values from the next reevaluation. The Council agreed that while there was no need for great concern now about the amount of fund balance, there is a need to closely monitor it over the next few years.

The Manager reviewed the proposed schedule of rates and fees and pointed out that the non-residential fees would again be subject to the standard equivalent units, which are associated with the utility rate model formula. He explained that while it was not technically a rate increase, it would increase those utility bills. He also noted that the Class 9 customer base charge would increase to \$13.24 from \$10.24 to be in line with the Class 1 and 2 base charge.

The Town Manager stated that while he received much of the focus during the budget process, it was truly a team effort. He expressed his praise to the whole staff in their assistance in preparing the budget proposal during a very unusual and demanding time.

With no further questions, Councilman Sheffield motioned to adjourn the meeting. The motion was unanimously approved. The meeting adjourned at 5:00 p.m.

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Delane Jackson  
Town Manager

# Town of River Bend



**Fiscal Year 2021-2022**

## **Annual Budget Message-DRAFT**

(A summary of the Annual Budget)

**And**

## **Annual Operating Budget Ordinance**

Town of River Bend, North Carolina  
45 Shoreline Drive  
River Bend, NC 28562

252-638-3870

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

**Fiscal Year 2021-2022**  
**Annual Budget Message**  
**And**  
**Operating Budget Ordinance**

**Mayor**

John Kirkland

**Town Council**

Don Fogle  
Brian Leonard  
Barbara Maurer  
Morris "Buddy" Sheffield  
Irving "Bud" Van Slyke, Jr.\*

\*also serves as Finance Officer and Mayor Pro Tempore

**Prepared By:**

**Town Manager**

Delane Jackson

**Finance Department Staff**

Margaret Theis  
Mandy Gilbert

## Budget Message

Honorable Mayor and Members of Council  
Town of River Bend, North Carolina:

May 27, 2021

Pursuant to Section 159-11 of the North Carolina General Statutes, the Town of River Bend's proposed budget for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022 is hereby submitted for your consideration. This budget represents the commitment of the Council to the vision statement and responds to the goals the Council developed at the Budget Kick-Off meeting on January 21, 2021:

1. Provide a safe, dynamic, and attractive community for people of all ages, and continue to address the changing demographic composition of the Town.
2. Provide safe drinking water and quality treatment of wastewater through maintenance of the current systems and continued prudent fiscal management of the utilities.
3. Continue to operate wastewater treatment facilities to maintain regulatory compliance and serve the current and future needs of the Town.
4. Continue to work with advisory boards as a means to encourage citizen participation in Town government.
5. Continue to be good stewards of the natural environment through planned stormwater and floodplain management efforts.
6. Continue to cooperate regionally and with other municipalities and, where appropriate, share ideas and resources.
7. Maintain a commitment to the Council-Manager form of government, and to support an adequate and well-trained staff to serve the current and future needs of the community.
8. Continue to employ sound fiscal management practices to ensure the long-term financial viability of the Town.
9. Maintain a visionary posture, acknowledging that change is inevitable.
10. Continue to conduct the business of the Town with complete transparency and integrity.

These goals provide the foundation upon which the budget is built. Over the course of four budget workshops in May, following numerous hours of staff research and development, this budget was explained in detail and each expenditure and revenue item considered relative to the long-term goals of this community. The uncertainty surrounding COVID-19 continued to impact the budget process. On March 10, 2020 Governor Roy Cooper declared a State of Emergency for North Carolina due to COVID-19. Subsequent Executive Orders from the Governor created many guidelines including limits on gatherings of people. One year later, many COVID-related limits continue. The nation-wide economic calamity caused by COVID-19 in 2020 continued to cause uncertainty for the fiscal year 2021-22 budget development process but in a much lower degree compared to last year. As of today, it is still unknown the severity or length of time COVID-19 will be impacting our town, state and nation but the outlook is much brighter now and the nation is recovering. Fortunately, from

a budgetary prospective, our local government has nearly fully recovered from Hurricane Florence. As expected, our property value has recovered from the decreases attributable to Hurricane Florence and are now higher than pre-Florence levels. I am estimating a property value increase of \$4,500,000 over last year. As always, two major considerations during budget preparation are the tax rate and utility rates. After reviewing all proposed expenditures and revenues, and considering the lingering impacts from COVID-19, I am recommending no change in the tax rate and no changes to the residential water or sewer rates. The proposed tax rate is 26¢.

The annual budget process is influenced by external factors including the condition of the national, state, and local economies, the emergent and pre-emergent needs identified in our community by the elected body, staff, and advisory boards, and the goals noted above. All these factors are considered in this budget, and armed with the knowledge that this document represents a significant amount of careful consideration and study, we are confident that it will allow the Town to meet its obligations, fulfill its goals, and remain fiscally strong.

### **Overview**

The budget being presented for your consideration is balanced in accordance with the North Carolina Local Government Budget and Fiscal Control Act. The total operating budget for the three major funds are:

General Fund	\$ 1,891,341
Water Fund	\$ 585,500
Sewer Fund	\$ 659,500
 Total Operating Budget	 \$ 3,136,341

In addition to the three operating funds noted above, the town also has four minor funds that we operate for accounting purposes. They are- Capital Reserves for the General, Water and Sewer Funds, along with a Law Enforcement Separation Allowance Fund. The total of these four funds is \$121,243 and they are listed separately in the budget ordinance.

### **General Fund**

The General Fund is used to account for resources traditionally associated with government which are not required legally or by sound financial management to be accounted for in another fund. This fund is established at the inception of a government and exists throughout the government's life. Expenditures are divided into functional departments in order to present a clear understanding of the costs of providing certain services. Personnel assigned to a specific functional area are paid from that department. We use a labor allocation formula to more accurately reflect the work being performed by each staff member within each of the three major funds.

The total expenditure budget for the General Fund, including transfers, is \$1,891,341. Overall, General Fund spending decreased \$440,869 as compared to the amended FY 20-21 budget. Revenue, as required by law, is balanced with the expenditure portion of the budget. This budget contains an appropriation from fund balance of \$244,602. A total of \$76,445 of the revenue is from a previously received grant to fund the costs of two grant-funded positions. This is the final year of funding and we expect the funds to be exhausted in March, 2022. Fund balance was significantly reduced in FY 19-20 due to the Building Utilization Strategy (BUS) project. The Town Council spent a considerable amount of time discussing the fund balance projections for the future and the need to rebuild the fund balance amount.

### **Expenditure Highlights by Department**

While not attempting to cover specifics for all of the nineteen (19) departments within the General Fund, what follows are some highlights of the more significant expenditures and programs being proposed for FY 21-22. This year's proposed budget keeps capital spending at a relatively low level of \$107,000 following capital spending of only \$60,000 during the FY 20-21 budget.

Street Maintenance: The Town owns and maintains over 17 miles of streets. Each year our engineer reviews an evaluation he performed of all our streets in order to determine the priority for our paving funds. These funds, Powell Bill by name, are appropriated by and are received from the State based upon our population and number of miles of town maintained roads. This revenue source has been relatively level in recent years, while costs continue to escalate.

This year we are budgeting \$122,000 to follow the plan developed by our engineer to maintain the integrity of our roadways. The total amount we expect to pay for contracted paving services is above the amount we expect to receive in Powell Bill funds; therefore, local revenue will be utilized to complete these projects.

Stormwater: Typically, we allocate \$30,000 of funding within the stormwater Capital Improvement Plan (CIP). During FY 20-21 we completed a sizeable drainage project in the Channel Run area, which was largely funded by FEMA but required nearly \$64,000 in local funds. Therefore, we have budgeted \$15,000 for the stormwater CIP and have no specific project identified. However, the Town Council recently took on the maintenance responsibility for the swales within the town's streets and this budget includes \$75,000 in funding for equipment to meet that responsibility.

Public Buildings (Facilities): We plan to continue our efforts to be good custodians of our public facilities by making a few needed repairs and some modest improvements. Last year, the town's BUS project was completed. It included the construction of a new Municipal Building to house the Police Department and multi-purpose rooms for various community activities and renovations at Town Hall. The total project costs were \$1,300,000.



Public Works: The Department of Public Works pays for, among other items, the cost to operate streetlights and the cost to operate and maintain two vehicles. There are no major projects anticipated in Public Works this year.

Parks and Recreation: The budget being presented includes continued funding for our Parks and Recreation programs. In 2020, the Parks and Recreation Advisory Board plans for special events throughout the year, the largest of which is the annual 4<sup>th</sup> of July parade and picnic were cancelled due to COVID. Hopefully, the normal activities will return during the FY 21-22 year. Excluded from the Parks and Recreation budget again this year is funding for the River Bend Community Organic Garden. It is an educational community garden operated and maintained by a group of volunteers but functions as a component of Parks and Recreation.

Police: Expenditures for the Police Department include salaries and benefits for six full-time and multiple part-time officers, vehicle maintenance, uniforms, fuel, equipment, Community Watch and more. We provide 24/7/365 police presence within the Town. The Police Department's budget of \$565,000 is the largest in the General Fund, representing 32% of General Fund expenditures.

Throughout the budget process, Council and staff were mindful of the need to control costs while continuing to provide necessary services and maintain our infrastructure. Our efforts resulted in budgeted expenditures that are quite lean while maintaining the current level of services. The tax rate of 26¢ will remain in place for FY 21-22.

Requested projects and expenditures were kept to a minimum in order to develop a balanced budget. The revenues from some of the transfers are budgeted to be allocated in various CIPs and the Law Enforcement Separation Allowance Fund in the General Fund in order to provide more long-term stability to those plans.

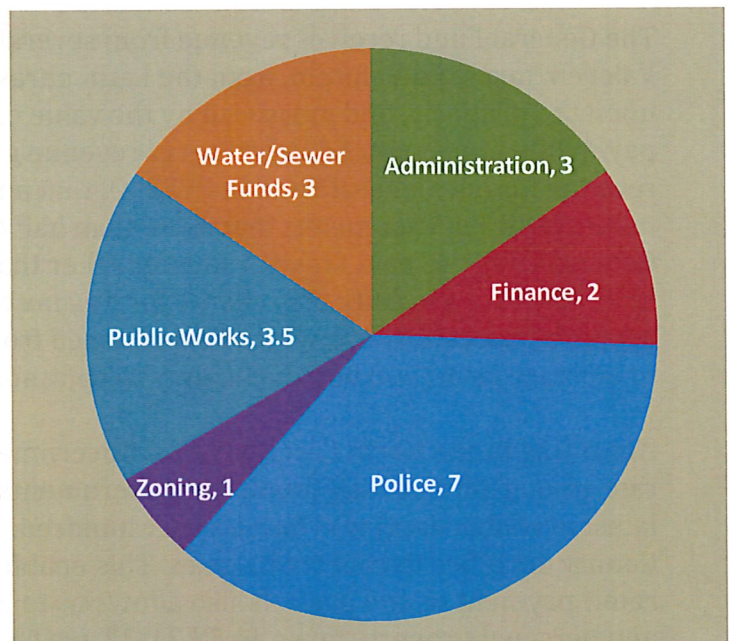
Recovery Grant: This is a temporary department which is being funded by a \$300,000 grant from the North Carolina Office of Recovery and Resiliency. The grant provided most, but not all, of the funding to hire two new employees and purchase a new vehicle during FY 19-20. The grant is for a 3-year period. FY 21-22 will be the last year for funding expenses associated with the grant.

### Expenditures by Category

The North Carolina Local Government Commission (LGC) collects, maintains and compares financial data from all municipal governments in North Carolina. For comparison purposes, they group towns by population. This prevents small towns, such as River Bend, from being compared to large towns, such as Raleigh and Charlotte. They also separate towns that do own electrical distribution systems, from those that do not own electrical distribution systems. We fall into the 2,500-9,999 population group that do not operate an electrical distribution system. There are 112 towns in our group. The LGC compares the per capita expenditure for six functions for each town. Those six functions are: Utility, Debt Service, Transportation, General Government, Public Safety and Other. The 2020 data, (the most recent data from the LGC) is shown in the chart below.

Function	Average Per Capita Expenditure of Group	River Bend Per Capita Expenditure
Public Safety	\$443	\$240
Transportation	\$135	\$101
General Government	\$274	\$454
Utility	\$350	\$259
Debt Service	\$153	\$91
Other	\$310	\$386

One of the largest expenditures for River Bend and for most localities is the cost of personnel. Our professional staff allows the Town to continue to provide quality service to our residents. Excluding 2 grant funded positions, we currently have 18 full-time employees and 3 part-time employees, or 19.5 full time equivalents. Our projections indicate no need for additional staffing for at least the next five years. Our total personnel costs account for 45.52% of the combined operating budgets of the General and Enterprise Funds. This chart shows the number of full-time employees working in each department. It does not, however, show the allocation of labor between the General Fund and Enterprise Funds that we use to account for work done outside of an employee's primary department. We use allocations in order to arrive at a more accurate cost of providing certain services and these allocations were thoroughly examined as this budget was prepared. A detailed allocation table was provided during the budget workshops.



Through operational efficiencies in the utilization of personnel, leveraging technology to mitigate staffing increases, receiving countless hours of volunteer assistance, and other management strategies, we are able to maintain a staffing profile below that of comparable localities. In fact, according to 2020 data from the North Carolina Local Government Commission, River Bend's per capita expenditure for personnel was \$350, which is \$93 less than the \$443 average of our peer group.

This budget, following the guidance of the Council, by their continued support of our compensation plan, includes a 1.4% cost of living allowance. There is also a 1% longevity increase for eligible employees in accordance with the plan. An additional merit pool is available to be used to recognize outstanding performance of individual employees.

### **Sources of Revenue**

Fortunately, COVID-19 did not have the negative impact that we expected on the local and state economy. Revenues from local sales tax grew during FY21. We expect that trend to continue during FY22. General Fund revenues are budgeted at \$1,891,341, a 0.61% increase compared to projected revenue in the current budget. Fund Balance appropriation in the General Fund is \$244,602, which is a substantial reduction compared to last year's approved amount of \$446,048. However, a large portion of this reduction is attributable to one-time grants received in FY21.

The General Fund receives revenue from several sources, the largest of which is Ad Valorem taxes. Ad Valorem, from the Latin phrase meaning "according to value," is levied upon the property, and measured by the value of the property, not the owner's ability to pay. While important, Ad Valorem tax revenue generates \$796,963 or only 42.14% of the revenue for our General Fund in FY22. Of that amount, \$83,200 is attributable to taxes on motor vehicles. That means that more than half of the services that we provide in the General Fund are paid for with sources other than local property tax revenue. State law limits the rate a locality may charge for this tax to \$1.50 per \$100 of valuation. Our proposed tax rate is 26¢, which is unchanged from last year. The property value is expected to increase by \$4,500,000 due mainly to continued recovery from Hurricane Florence.

According to the North Carolina Local Government Commission, the average effective tax rate among all reporting municipal governments in North Carolina as of June 30, 2019 (the latest available data) was \$0.4109 per hundred. River Bend contracts with the Craven County tax office to collect our taxes. This enables our residents to receive one tax bill and remit payment to one place. It also allows us to enjoy an excellent collection rate for real and personal property taxes. In FY 21-22, we have budgeted for a collection rate of 98.39%.

The next largest source of revenue comes from our share of the sales tax that we all pay. These are essentially two tax types: the Sales Tax on the retail sale or lease of tangible personal property, services, the rental of hotel rooms, and the Use Tax, which is an excise tax on the right to use or consume property in North Carolina or elsewhere. All taxes are pooled by the State and shared, in accordance with statutory formulas, by all 100 counties.

Each county, in turn, shares their portion of the sales tax proceeds with the incorporated cities and towns in that county.

In addition to sales tax revenue, the Town also receives revenue from the State reflecting our statutory portion of tax revenues from telecommunication services, video programming, beer and wine sales, and others. With the exception of funding received under the terms of the Powell Bill, State revenues can be used for any legitimate government function. Powell Bill funding, by law, is restricted for uses related to the maintenance of streets. Historically, River Bend uses 100% of this funding to continue to follow our master street maintenance plan.

### **Fund Balance**

The North Carolina Local Government Commission (LGC) monitors the level of fund balance each unit maintains as a sign of their relative financial strength. Sufficient fund balance is essential to ensure a unit of local government has ample funds to respond to emergencies and opportunities. The benchmark for fund balance that the LGC uses is 8% of total expenditures. If a unit falls below that level, the LGC may express concern to the unit and direct action to increase the balance. Due to the \$1,300,000 costs associated with the BUS project, we ended FY20 with a fund balance of \$1,784,997 or approximately 48%. The policy set by the Town Council is to maintain a fund balance of at least 50% of total expenditures. We project that fund balance will rebound by the end of FY21-22 to a level of approximately 55%. According to June 30, 2019 LGC data, the average fund balance for our peer group was \$3,790,377, or 77.89%. The fund balance for River Bend for that same period was \$3,057,034 or 206.76%. While, at that time, our fund balance percentage was considerably higher than our peer group average, our fund balance dollar amount was about \$733,000 below our peer group average. I believe the dollar amount of fund balance is more important than the percentage of fund balance. I often say, "Percentages do not pay the bills, dollars do."

### **Enterprise Funds**

In addition to the General Fund, covering all typical government operations, the Town of River Bend operates two enterprises: the water system and the sewer system. These two enterprises are operated as businesses by having all revenues and expenditures accounted for separately from other functions of the Town and by having rates established that cover all expenditures of the enterprise. River Bend purchased these two businesses from a private company, Carolina Water Service, in 1995. As a result of this purchase, a significant portion of the revenue we receive is dedicated to cover the debt incurred, and amortized with annual payments through fiscal year 2027.

In FY2013, we refinanced the debt in order to take advantage of interest rates that were more favorable than we had in our prior debt structure. The result of this effort was a savings of nearly \$300,000 over the remaining life of the debt. In the process of this bond refunding we received an upgrade in our Standard & Poor's rating to AA- (subsequently

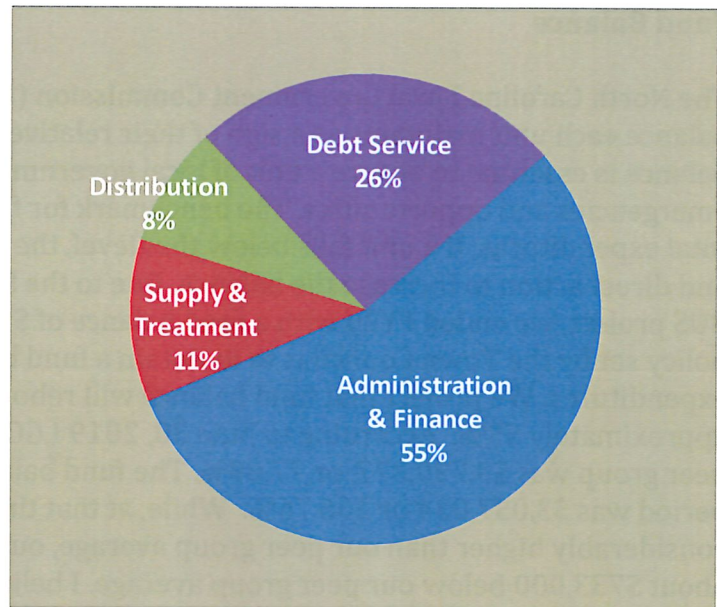


upgraded again in November of 2013 to AA+), and a Moody's A1 stable rating. Both ratings remain the same today. These ratings are further evidence of good financial performance.

### Water Enterprise Expenditures

Expenditures in the Water Fund are divided according to function. There are costs specifically associated with supply and treatment (taking the water from the ground and treating it to make it safe to drink) and costs associated with distributing it to the customer. Other costs, in the administration and finance area, include personnel, vehicles, office rent, utilities, and bond debt service.

As noted earlier, debt service is a large expenditure for this enterprise and is divided from the Administration and Finance department in the chart to illustrate its proportion to overall expenditures. The total budgeted expenditure for the water enterprise in FY21-22 is \$582,000, a decrease of \$28,134 or 4.61% from the current fiscal year budget. The graph to the right, shows the percentage of the expenditures that each department represents within the Water Fund.



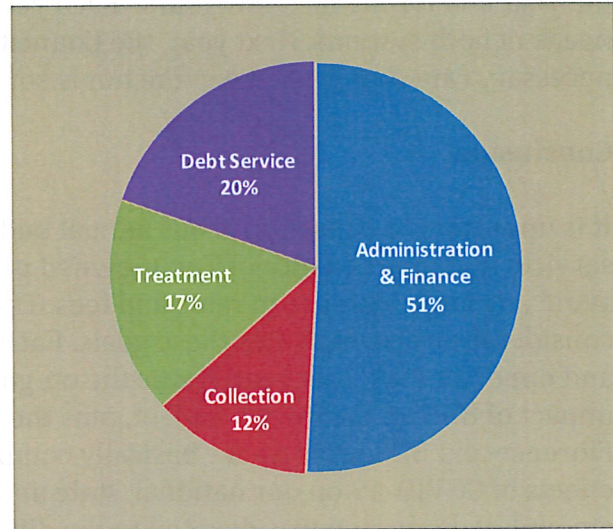
The chart below shows the comparison of the current budget vs. the proposed budget.

Water		20-21	21-22	Change v. prior year	
		Budget	Proposed	%	\$
60-7125	Administration & Finance	447,734	469,000	4.75%	21,266
60-7132	Supply & Treatment	75,000	65,000	-13.33%	-10,000
60-7134	Distribution	87,400	48,000	-45.08%	-39,400
<b>TOTAL (less transfer and contingency)</b>		<b>610,134</b>	<b>582,000</b>	<b>-4.61%</b>	<b>-28,134</b>

The chart above does not includes transfers, which in the Water Fund this year, are \$3,500 into the CIP for future vehicle purchases. Including transfers, the total Water Fund expenditures for FY22 are \$585,500 as noted on page 3.

### Sewer Enterprise Expenditures

Similar to water expenditures, those for the sewer enterprise are also divided according to function. Costs specifically associated with collection (pipes and lift stations) are separated from those associated with operating the wastewater treatment plant. Other costs, in the administration and finance area, include personnel, vehicles, office rent, utilities, and bond debt. As noted earlier, debt service is a large expenditure for this enterprise and is divided from the Administration and Finance department in the chart to illustrate its proportion to overall expenditures. Excluding, transfers, the total budgeted expenditure for the sewer enterprise in FY21-22 is \$656,000, a \$9,516 or 1.47% increase from the current fiscal year. The graph to the right, shows the percentage of the expenditures that each department represents within the Sewer Fund. The chart below shows the comparison of the current budget vs. the proposed budget.



	Sewer	20-21	21-22	Change v. prior year	
		Budget	Proposed	%	\$
61-7125	Administration & Finance	442,884	463,000	4.54%	20,116
61-7142	Collection	91,600	82,000	-10.48%	-9,600
61-7144	Treatment	112,000	111,000	-0.89%	-1,000
	<b>TOTAL( Less transfers &amp; contingency)</b>	<b>646,484</b>	<b>656,000</b>	<b>1.47%</b>	<b>9,516</b>

The chart above does not include transfers, which in the Sewer Fund this year, are \$3,500 into the CIP for future vehicle purchases. Including transfers, the total Sewer Fund expenditures for FY22 are \$659,500, as noted on page 3.

### Enterprise Fund Revenue

The budget for these two enterprises received attention in our budget workshop sessions with proposed revenues for current and future years being scrutinized in light of anticipated expenditures. We are fortunate to have a professionally designed rate model for each utility so the impact of the proposed expenditures can be compared to revenue at various rate levels. Based upon the proposed expenditures, proposed revenues from user fees and cash balance, except for Class 9 customers, the water utility rates will not change for FY 21-22. The cash balance in this utility is sufficient to respond to many unknown conditions, and there are no currently identified long-term capital needs that require the continued building of cash reserves.



Likewise, both current and future revenues and expenditures for sewer were considered during the budget work sessions. The sewer utility rates will not change in FY 21-22. The current rate structure, combined with conservative expenditures, will allow the utilities to maintain an adequate level of reserves to respond to emergent needs if they arise during the year and for the next few years. Each year, the Council looks at current and long-range needs of both systems. Next year, the Council will do the same and will consider any necessary rate changes to keep the funds sound.

### **Conclusion**

It is important to concentrate our annual budgeting efforts on maintaining current levels of services and maintenance of Town-owned property and infrastructure, while attempting to avoid any large increase in rates and fees. The budget being presented for your consideration accomplishes these goals. Each year we are faced with different challenges and opportunities. Last year, it was the on-going recovery from Hurricane Florence, the impact of BUS on the town's budget, plus the COVID-19 Pandemic. While Hurricane Florence and BUS projects are basically complete, there are still unknowns related to the effects of COVID-19 on our national, state and local economies and budgets. A considerable amount of discussion was devoted to the difficulty of predicting such effects on the town's FY 21-22 budget, specifically related to rebuilding the fund balance.

Maintaining our critical infrastructure and essential services comes at a cost; and River Bend, like towns throughout the State, must manage in a fiscal climate marked with a recovering but still uncertain economy. National, state and local economies that were growing prior to COVID-19, are once again showing signs of increasing recovery. Town Council members accept their responsibility with great conviction and sincerity and strive to be well informed and engaged in the operation of this government. This budget reflects the Council's commitment to maintaining and improving this community and positioning it to be financially sound in the future. I believe it to be worthy of your consideration and approval.

I thank the Mayor, Town Council, and Town staff for their commitment to and participation in this budget process. I want to recognize the considerable contribution of Margaret Theis and Mandy Gilbert, of our Finance Department, in the development of this year's budget. However, every member of the staff at Town Hall, along with the Department Heads contributed in some degree to the budget development process. This annual budget represents a true team effort as we all work to preserve the future of this great community.

Respectfully Submitted,

Delane Jackson,  
Town Manager



Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

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**Annual Budget Ordinance**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the following anticipated fund revenues and departmental expenditures, together with certain fees and schedules, and with certain restrictions and authorizations, are hereby appropriated and approved for the operation of the Town government and its activities for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

**Summary**

General Fund	1,891,341
General Capital Reserve Fund	107,187
Law Enforcement Separation Allowance Fund	13,545
Water Fund	585,500
Water Capital Reserve Fund	489
Sewer Fund	659,500
Sewer Capital Reserve Fund	<u>22</u>
Total	3,257,584

**Section 1.**      **General Fund**

Anticipated Revenues

AD VALOREM Taxes 2021-2022	711,163
AD VALOREM Tax-Motor Vehicle	85,800
Animal Licenses	2,000
Sales Tax 1% Article 39	149,718
Sales Tax 1/2% Article 40	87,158
Sales Tax 1/2% Article 42	74,932
Sales Tax Article 44 105-524	10,235
Sales Tax Hold Harmless Distribution	86,068
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	76,800
Beer and Wine Tax	13,225
Video Programming Sales Tax	53,600
Utilities Franchise Tax	111,000
Telecommunications Sales Tax	9,900
Court Refunds	500
Zoning Permits	5,000
Recovery Grant NCORR-FDLG-004	76,445
Miscellaneous	10,000
Interest-NCORR-FDLG-004 Investments	30
Interest- Powell Bill Investments	50
Interest-Gen Investments	500
Contributions	421
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Transfer From Capital Reserve Fund	43,850
Appropriated Fund Balance	<u>244,602</u>
Total	1,891,341

Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

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**Section 1.**        **General Fund (continued)**

Authorized Expenditures

Governing Body	32,000
Administration	262,000
Finance	129,000
Tax Listing	11,200
Legal Services	24,000
Elections	3,500
Police	551,500
Public Buildings	107,000
Emergency Services	4,000
Animal Control	11,000
Street Maintenance	191,000
Public Works	161,000
Leaf & Limb and Solid Waste	44,000
Stormwater Management	42,000
Wetlands and Waterways	3,000
Planning & Zoning	50,000
Recovery Grant NCORR-FDLG-004	76,475
Recreation & Special Events	7,500
Parks & Community Appearance	43,000
Contingency	17,667
Transfer To General Capital Reserve Fund	107,000
Transfer To L.E.S.A. Fund	13,500
Total	<hr/> 1,891,341

**Section 2.**        **General Capital Reserve Fund**

Anticipated Revenues

Contributions from General Fund	107,000
Interest Revenue	187
Total	<hr/> 107,187

Authorized Expenditures

Transfer to General Fund	43,850
Future Procurement	63,337
	<hr/> 107,187

Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

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**Section 3.**            **Law Enforcement Separation Allowance Fund**

Anticipated Revenues:

Contributions from General Fund	13,500
Interest Revenue	45
Total	<u>13,545</u>

Authorized Expenditures:

Separation Allowance	1,517
Future LEOSSA Payments	12,028
Total	<u>13,545</u>

**Section 4.**            **Water Fund**

Anticipated Revenues

Utility Usage Charges, Classes 1 & 2	199,710
Utility Usage Charges, Classes 3 & 4	8,949
Utility Usage Charges, Class 5	12,209
Utility Usage Charges, Class 8	3,586
Utility Customer Base Charges	231,472
Hydrant Availability Fee	20,496
Taps & Connections Fees	1,250
Nonpayment Fees	10,500
Late payment Fees	6,839
Interest Revenue	1,275
Sale of Capital Asset	0
Appropriated Fund Balance	89,214
Total	<u>585,500</u>

Authorized Expenditures

Administration & Finance [1]	469,000
Operations and Maintenance	113,000
Transfer To Fund Balance for Capital Outlay	3,500
Transfer To Water Capital Reserve Fund	0
Total	<u>585,500</u>

[1] Portion of department for bond debt service: 148,991

Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

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**Section 5.**            **Water Capital Reserve Fund**

Anticipated Revenues

Contributions From Water Operations Fund	0
Interest Revenue	489
Total	<u>489</u>

Authorized Expenditures

Future Expansion & Debt Service	<u>489</u>
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**Section 6.**            **Sewer Fund**

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	258,181
Utility Usage Charges, Classes 3 & 4	20,212
Utility Usage Charges, Class 5	27,576
Utility Usage Charges, Class 8	7,264
Utility Customer Base Charges	294,652
Taps & Connection Fees	1,250
Late payment Fees	7,902
Interest Revenue	1,919
Sale of Capital Asset	0
Appropriated Fund Balance	<u>40,544</u>
Total	659,500

Authorized Expenditures:

Administration & Finance [2]	463,000
Operations and Maintenance	193,000
Transfer to Fund Balance for Capital Outlay	3,500
Transfer to Sewer Capital Reserve Fund	<u>0</u>
Total	659,500

<i>[2] Portion of department for bond debt service:</i>	<i>128,659</i>
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**Section 7.**            **Sewer Capital Reserve**

Anticipated Revenues:

Contributions From Sewer Operations Fund	0
Interest Revenue	<u>22</u>
Total	22

Authorized Expenditures:

Future Expansion & Debt Service	<u>22</u>
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Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

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**Section 8. Levy of Taxes**

There is hereby levied a tax at the rate of twenty-six cents (\$0.26) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2021, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2021-2022" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$278,000,000 for purposes of taxation of real and personal property with an estimated rate of collection of 98.39%. The estimated collection rate is based on the fiscal year 2019-2020 collection rate of 98.39% by Craven County who has been contracted to collect real and personal property taxes for the Town of River Bend. Also included is a valuation of \$33,000,000 for purposes of taxation of motor vehicles with a collection rate of 100% by the North Carolina Vehicle Tax System.

**Section 9. Fees and Charges**

There is hereby established, for Fiscal Year 2022, various fees and charges as contained in Attachment A of this document.

**Section 10. Special Authorization of the Budget Officer**

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

**Section 11. Classification and Pay Plan**

Cost of Living Adjustment (COLA) for all Town employees shall be 1.4% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

**Section 12. Utilization of the Budget Ordinance**

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2021-2022 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall ensure the operating staff and officials are provided with guidance and sufficient details to implement their appropriate portion of the budget.

**Section 13. Copies of this Budget Ordinance**

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

**Town of River Bend  
Schedule of Rates and Fees  
(Attachment A to Budget Ordinance)  
Effective July 1, 2021**

Amounts due are based upon the Fees and Charges Schedule in effect at the time of payment. It is the Town Council's intention that the Fees and Charges Schedule be revised as needed by July 1st of each year. Some fees and charges may be adjusted during the year as circumstances change.

**GENERAL FUND**

**Administrative**

<b>Ad Valorem Tax</b>	\$ .26 per \$100 assessed valuation
<b>Copies of Public Information</b>	as specified by State Statute
<b>Town Code, entire copy</b>	\$75.00
<b>Notary Fee</b>	\$5.00 per signature after the first
<b>Meeting Rooms</b>	
Four hours or less	\$35.00
Over four hours	\$60.00
<b>Returned Check Processing Charge</b>	\$25, as allowed by G.S. §25-3-506
<b>Administrative Fee for returned bank drafts</b>	\$25.00

**Public Safety**

<b>Pet License Fee</b>	\$10.00
<b>Town Ordinance Violation</b>	
1st Offense	\$25.00
2nd Offense	\$50.00
3rd Offense	\$75.00
4th (and subsequent) offense	\$100.00

*Ordinance permits penalties up to \$500. Penalties of this magnitude are reserved for serious infractions.*

<b>Golf Cart Registration Fee</b>	\$10.00
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**Nuisance Abatement Administrative Fee**

<u>Cost of Abatement</u>	<u>Fee</u>
\$1 – 1,000	\$50.00
\$1,001 – and up	5% of total abatement cost (maximum fee \$2,000)

**Parks**

**Town Hall Pavilion Use**

Up to 25 attendants	No charge
26 - 100 attendants	\$25
Over 100 attendants	\$50

**Planning and Zoning**

**Special Exception Use Permit**                      \$200 plus cost of required legal advertisement and postage to notify abutting land owners

**Variance**    \$200 plus cost of required legal advertisement and postage to notify abutting land owners

**Appeal to Board of Adjustment**                      \$200 plus cost of required legal advertisement and postage to notify abutting land owners

**Residential Application**                              Based on amount of project as follows:

Base Fee              \$30

\$2 for every \$1,000 of project value after first \$1,000 and up to \$100,000; plus,  
\$1 for every \$1,000 above \$100,000 (All values rounded up to nearest \$1,000)

*Zoning Administrator can use any appropriate means to verify project valuation.*

**Residential Flood Plain Application with Zoning Permit**

40% of the fee for the Town's residential zoning permit and shall be additional to the zoning permit fee for enclosed structures (fences, decks, and other similar exempt from additional fee).



**Commercial Application**

Based on amount of project as follows:

Base Fee      \$50

\$4 for every \$1,000 of project value after first  
\$1,000 and up to \$100,000; plus,  
\$2 for every \$1,000 above \$100,000 (All values  
rounded up to nearest \$1,000)

*Zoning Administrator can use any appropriate means to verify project valuation.*

**Commercial Flood Plain Application with Zoning Permit**

40% of the fee for the Town's commercial zoning permit and shall be additional to the zoning permit fee for enclosed structures (fences, decks, and other similar exempt from additional fee).

**Residential Flood Plain Application without Zoning Permit**

Based on amount of project as follows:

Base Fee      \$30

\$2 for every \$1,000 of project value after first  
\$1,000 and up to \$100,000; plus,  
\$1 for every \$1,000 above \$100,000 (All values  
rounded up to nearest \$1,000)

*Zoning Administrator can use any appropriate means to verify project valuation.*

**Commercial Flood Plain Application without Zoning Permit**

Based on amount of project as follows:

Base Fee      \$50

\$4 for every \$1,000 of project value after first  
\$1,000 and up to \$100,000; plus,  
\$2 for every \$1,000 above \$100,000 (All values  
rounded up to nearest \$1,000)

*Zoning Administrator can use any appropriate means to verify project valuation.*

Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

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<b>Engineering Review</b>	Charged to applicant at the actual cost of the service as billed by the contracted engineer.
<b>Zoning Amendment Request (Map or Text)</b>	\$200 plus cost of required legal advertisement and postage to notify abutting land owners
<b>Sign Permit</b>	\$30
<b>Tree Harvest Permit</b>	\$50
<b>Zoning and Subdivision Ordinances</b>	\$25 per set

Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

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**Wildwood Storage Rental Rates**

Unit Number	Unit Size	Monthly Rent
BB 01	5x20	\$35
BB 02	5x20	\$35
BB 03	5x20	\$35
BB 04	5x20	\$35
BB 05	10x20	\$75
BB 06	10x20	\$75
BB 07	10x20	\$75
BB 08	10x20	Town Occupied(TO)
BB 09	10x20	TO
BB 10	10x20	TO
BB 11	10x20	TO
BB 12	10x20	TO
GB 15	10x16	\$65
GB 16	10x16	\$65
GB 17	10x16	\$65
GB 18	10x16	\$65
GB 19	10x16	\$65
GB 20	10x16	TO
GB 21	10x16	TO
GB 22	10x16	TO
OP	Open Spaces (40)	\$25
Late Payment Charge	\$10, assessed after the 10 <sup>th</sup> of the month	
Interest Charge	1.5% monthly on outstanding balances	

Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

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**ENTERPRISE FUNDS**

**Water and Sewer - Rates and Fees**

	<b>Water</b>	<b>Sewer</b>
<b>Class 1 and 2 – Residential <sup>(1)</sup></b>		
Customer Base Charge per month <sup>(2)</sup>	13.24	24.18
Usage per 1,000 gallons	4.02	9.08
Initial Connection (Tap) charge <sup>(3)</sup>	1,250.00	1,250.00
Nonpayment Fee	70.00	-
<b>Class 3 and 4 - Commercial</b>		
Customer Base Charge per month <sup>(2)</sup>	72.32	141.99
Usage per 1,000 gallons	4.02	9.08
Initial Connection (Tap) charge <sup>(4)</sup>	3,500.00	1,250.00
Nonpayment Fee	100.00	-
<b>Class 5 - Industrial</b>		
Customer Base Charge per month <sup>(2)</sup>	224.24	444.93
Usage per 1,000 gallons	4.02	9.08
Initial Connection (Tap) charge <sup>(4)</sup>	5,000.00	1,250.00
Nonpayment Fee	200.00	-
<b>Class 6 - Early Bird (No longer available)</b>		
<b>Class 7 - Fire Hydrant Charge</b>		
Availability Charge per year	183.00	-
<b>Class 8 - 1" Water Service</b>		
Customer Base Charge per month <sup>(2)</sup>	25.90	49.43
Usage per 1,000 gallons	4.02	9.08
Initial Connection (Tap) charge <sup>(4)</sup>	1,500.00	1,250.00
Nonpayment Fee	100.00	-
<b>Class 9 - Vacant /Out of Use Non-residential Property</b>		
Customer Base Charge per month <sup>(2)</sup>	13.24	24.18
Usage per 1,000 gallons	4.02	9.08
Nonpayment Fee	70.00	-
<b>Class 10 - Vacant Residences</b>		
Customer Base Charge per month <sup>(2)</sup>	13.24	-
Nonpayment Fee	70.00	-

**Special Charges**

**Service Call - 2 hour minimum**

\$35 per hour - signed by customer to initiate work outside of scheduled work hours of 7:00 a.m. - 4:00 p.m. on weekdays and 7:00 a.m. - 3:00 p.m. on weekends

**Meter Testing Charge**

\$25 - no charge if meter defective

**Special Charges (continued)**

**Returned Check Processing Charge**

\$25, as allowed by G.S. §25-3-506

**Late Payment Charge**

10% of amount overdue per month or part of month beginning 30 days after billing date

**Irrigation Connection Inspection**

\$20

(1) Residential customer deposit may apply. Please refer to Water Resources Department Policy Manual.

(2) Base charges do not include any usage.

(3) The published Initial Connection (Tap) charges are based on the historic River Bend average cost that has been experienced in making connections. There will be cases when, because of the local depth of the service main pipe to which the connection is to be made, or other site specific differences from the norm, the published connection fee will not cover the actual cost of the tap. When the Water Resources Superintendent encounters such conditions, he shall notify the applicant requesting the tap that the cost may exceed the published fee. In those cases, a record of cost associated with the specific tap will be accounted for and if the total cost exceeds the published fee, then the applicant shall pay a fee equal to the actual cost.

(4) The necessary equipment will be provided to the resident at cost. The resident is responsible for installing the irrigation meter on the resident's side of the regular water meter. After installation, the work will be inspected by a Water Resources Department employee.

### Budget "Snapshot"

What follows is a brief "snapshot" of the budgets of all three major funds. These are briefly explained in the Budget Message that precedes these pages, and were discussed in detail during the budget sessions.

#### General Fund Expenditures

The chart shown below summarizes, by department, the actual, budgeted, projected, and proposed expenditures in the General Fund for the previous three fiscal years, the current fiscal year, and the budget under consideration. This allows the reader to see how expenditures change in each of these departments over the course of several years.

General Fund Expenditure Summary					Change v. prior year	
		18-19	19-20	20-21	21-22	
Dept #	Department Name	Actual	Actual	Current Budget	Proposed	
4110	Governing Body	21,043	21,105	28,700	32,000	11.50%
4120	Administration	242,423	243,271	268,691	262,000	-2.49%
4130	Finance	155,517	1,060,513	120,181	129,000	7.34%
4140	Tax Listing	9,518	9,737	10,880	11,200	2.94%
4150	Legal Services	21,157	14,283	24,000	24,000	0.00%
4170	Elections	-	2,571	-	3,500	
4310	Police*	533,778	568,989	602,407	565,000	-6.21%
4190	Public Buildings*	122,672	102,918	169,208	107,000	-36.76%
4330	Emergency Services	821,465	42,425	4,000	4,000	0.00%
4380	Animal Control	12,637	11,663	14,366	11,000	-23.43%
4510	Street Maintenance*	173,130	145,054	218,686	191,000	-12.66%
4560	Public Works*	146,665	155,071	160,240	161,000	0.47%
4710	Leaf & Limb and Solid Waste*	33,854	33,163	62,999	44,000	-30.16%
4730	Stormwater Management*	21,740	29,924	221,371	42,000	-81.03%
4760	Wetlands & Waterways*	20,077	733	72,000	3,000	-95.83%
4910	Planning & Zoning	41,534	51,740	48,363	50,000	3.38%
6120	Recreation & Special Events*	6,125	1,998	3,500	7,500	114.29%
6130	Parks & CAC	37,614	77,712	50,370	43,000	-14.63%
4915	NCORR Recovery Grant	42,637	86,601	100,780	76,475	-24.12%
Department Expenditure Total		2,463,585	2,659,472	2,180,742	1,766,674	-18.99%
	Contingency *(1% per policy)	16,639	11,509	17,968	17,667	-1.68%
	Transfer to Capital Reserve	124,000	-	60,000	107,000	78.33%
	Transfer to BUS Capital Project Fund*	-	1,040,100	73,500		
* department amended since adoption as of 4-15-2021						
TOTAL		2,604,224	3,711,081	2,332,210	1,891,341	-18.90%

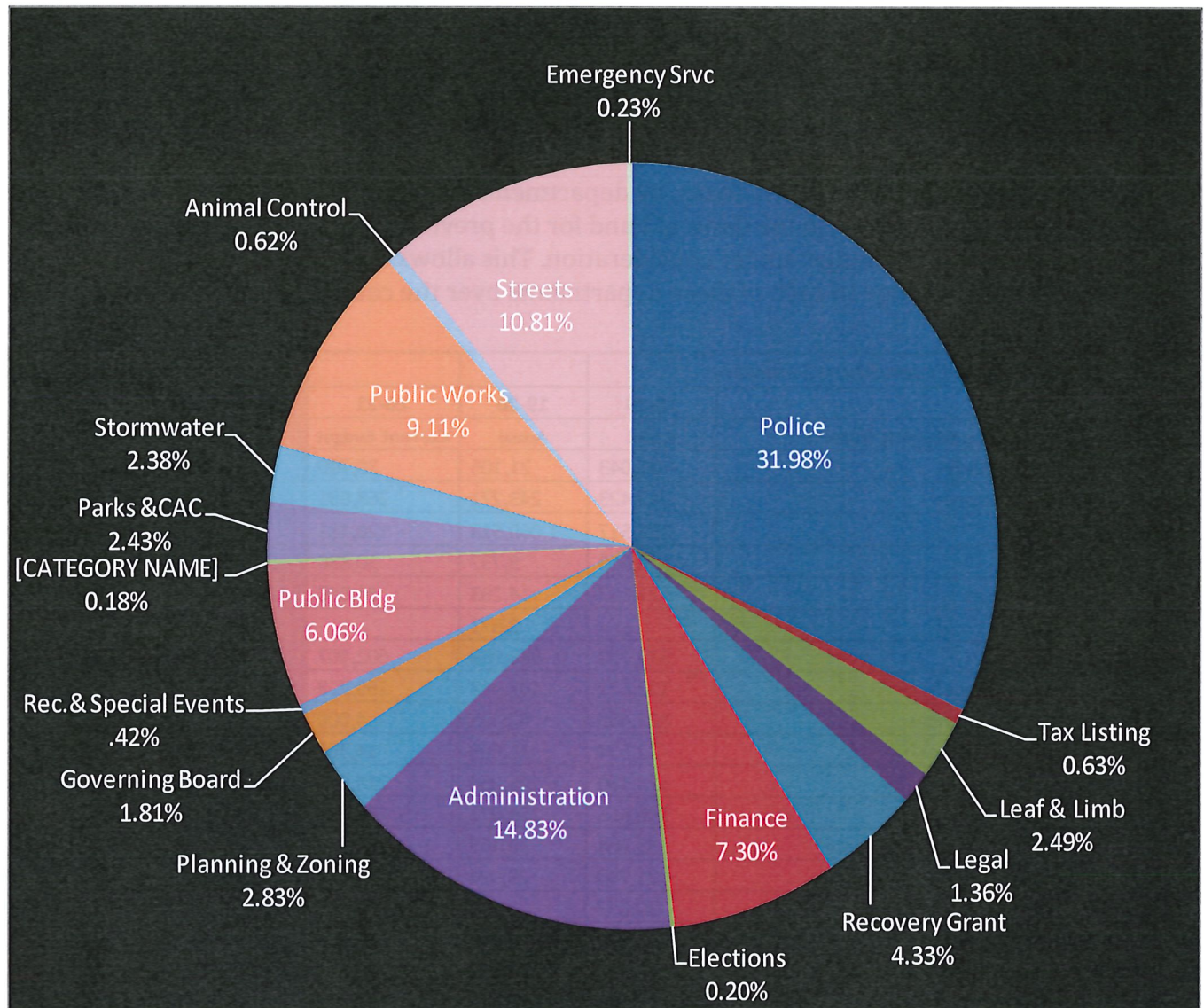
The last two columns compare the proposed budget to the current year's budget.



Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

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This chart shows the percentage of funding that each department receives of the total budget.





Town of River Bend, North Carolina  
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### General Fund Revenue

The chart shown below summarizes the actual, budgeted, and projected revenue, by type, in the General Fund. Similar to the chart for expenditures, this worksheet gives the reader some historical perspective regarding the changes in sources of revenue.

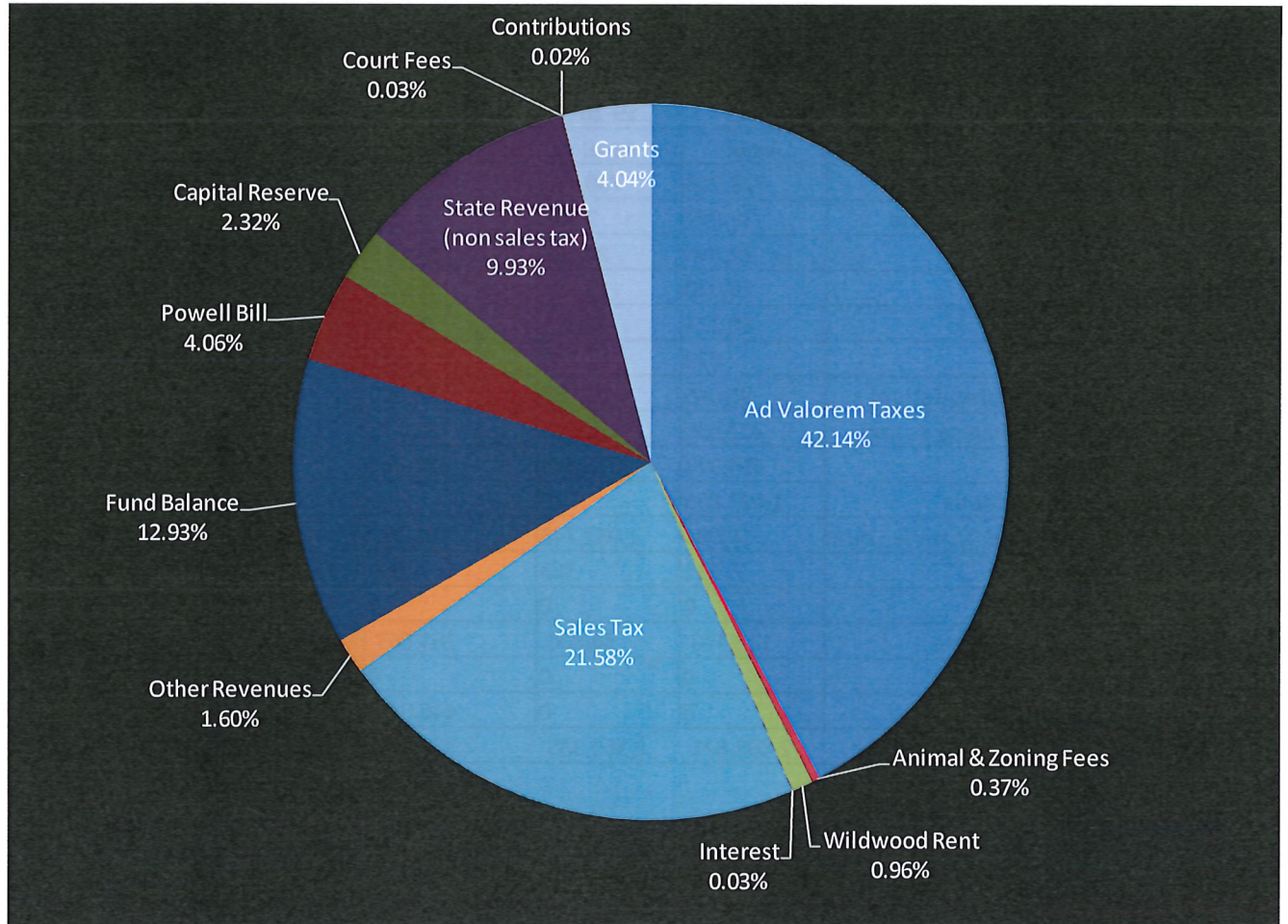
General Fund Revenue Summary					Change v. prior year	
	18-19	19-20	20-21	21-22	%	\$
	Actual	Actual	Current Budget	Proposed		
Ad Valorem Taxes	728,213	740,181	796,447	796,963	0.06%	516
Animal Licenses & Zoning Permits	16,079	7,984	7,400	7,000	-5.41%	-400
Interest	39,340	24,186	11,017	580	-94.73%	-10,437
Wildwood Rents	26,020	15,374	18,120	18,144	0.13%	24
Other Revenue & Rents	66,173	42,375	34,000	30,200	-11.18%	-3,800
Contributions	879	835	421	421	0.00%	0
Powell Bill (includes appropriation)	86,045	87,033	84,500	76,800	-9.11%	-7,700
State Revenue (other than sales tax)	202,530	191,618	191,771	187,725	-2.11%	-4,046
Sales Tax Revenue	454,923	375,874	385,953	408,111	5.74%	22,158
NCORR Loan/Grant Proceeds	1,097,855	0	0			
Government Grants (Fed, State & Count	56,984	1,042,743	191,370	76,445	-60.05%	-114,925
Fees (court refund)	311	383	500	500	0.00%	0
Charges to Other Funds	0	0	0	0	0.00%	0
Transfer from Capital Reserve	117,470	34,800	164,663	43,850	-73.37%	-120,813
Transfer from LESA Fund	0	0	0	0		0
Appropriated Fund Balance	0	0	446,048	244,602	-45.16%	-201,446
<b>TOTAL</b>	<b>2,892,821</b>	<b>2,563,385</b>	<b>2,332,210</b>	<b>1,891,341</b>	<b>-18.90%</b>	<b>-440,869</b>

The last two columns compare the proposed budget to the current year's budget.

Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

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This chart shows the percentage each revenue type contributes to total General Fund revenue.





Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

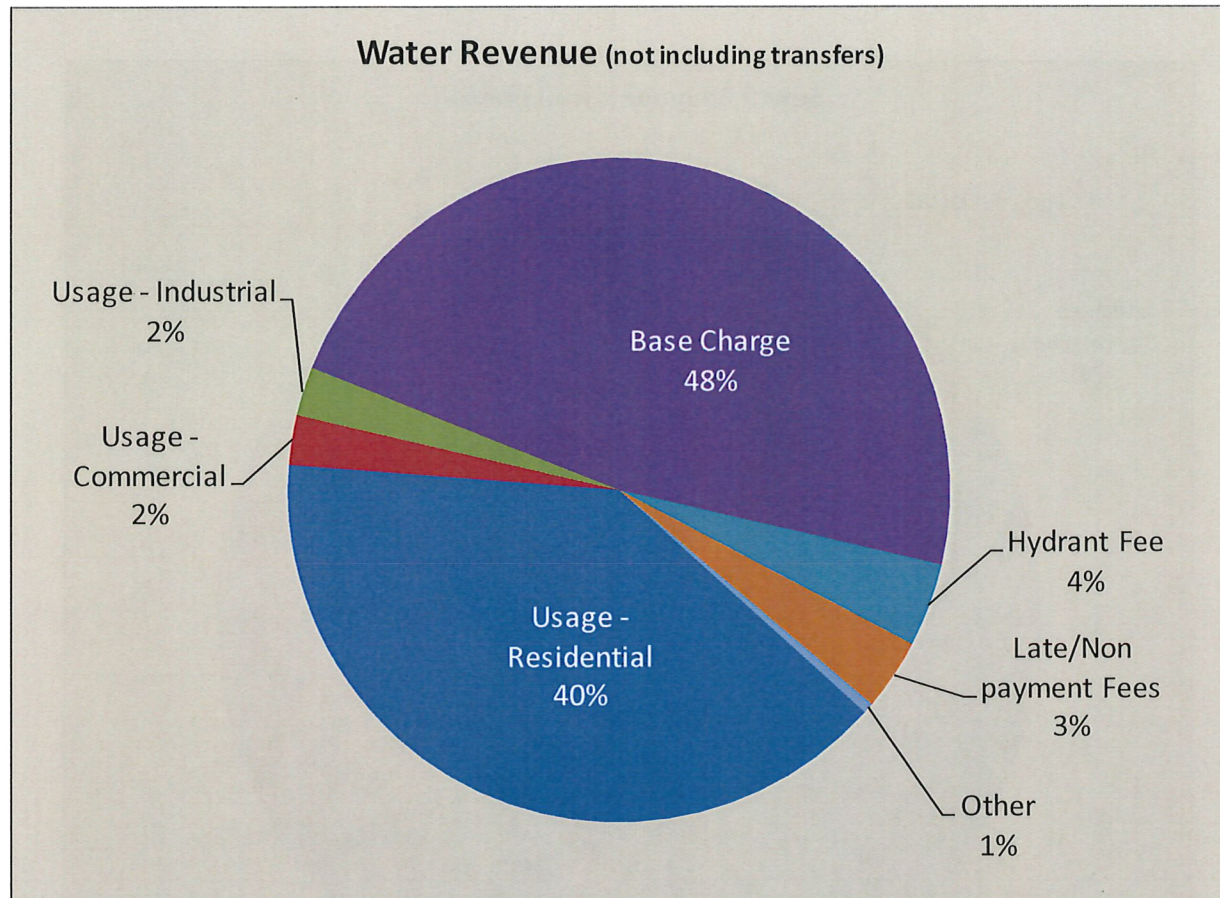
28

### Water Fund Expenditures

The worksheet shown below summarizes the actual, budgeted, and projected expenditures, by department within the Water Enterprise Fund.

	Water	18-19	19-20	20-21	21-22	Change v. prior year	
		Actual	Actual	Budget	Proposed	%	\$
60-7125	Administration & Finance	406,910	411,512	447,734	469,000	4.75%	21,266
60-7132	Supply & Treatment	43,214	57,001	75,000	65,000	-13.33%	-10,000
60-7134	Distribution	40,139	36,689	87,400	48,000	-45.08%	-39,400
	<b>TOTAL (less transfer and contingency)</b>	<b>490,263</b>	<b>505,202</b>	<b>610,134</b>	<b>582,000</b>	<b>-4.61%</b>	<b>-28,134</b>

This chart shows the percentage each revenue type contributes to the total received by this enterprise.



Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

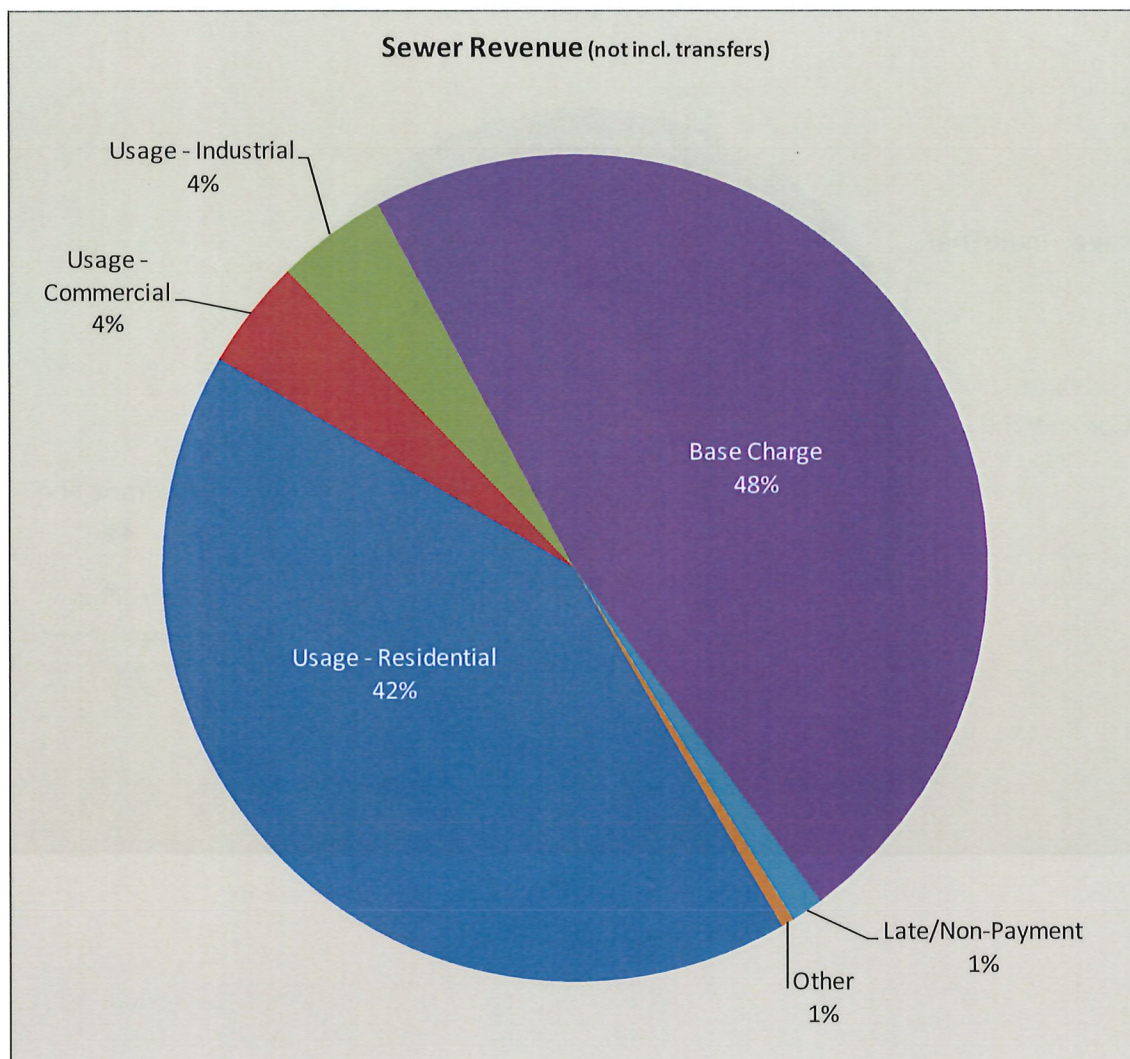
29

### Sewer Fund Expenditures

The worksheet shown below summarizes the actual, budgeted, and projected expenditures, by department within the Sewer Enterprise Fund.

	Sewer	18-19	19-20	20-21	21-22	Change v. prior year	
		Actual	Actual	Budget	Proposed	%	\$
61-7125	Administration & Finance	400,025	404,352	442,884	463,000	4.54%	20,116
61-7142	Collection	37,769	59,973	91,600	82,000	-10.48%	-9,600
61-7144	Treatment	89,481	95,595	112,000	111,000	-0.89%	-1,000
	<b>TOTAL( Less transfers &amp; contingency)</b>	<b>527,275</b>	<b>559,919</b>	<b>646,484</b>	<b>656,000</b>	<b>1.47%</b>	<b>9,516</b>

This chart shows the percentage each revenue type contributes to the total received by this enterprise.





### What Will I Pay?

This table shows the real estate tax one would pay based upon the assessed value of their property.

To calculate your actual Town tax, multiply the total assessed value of your property by 0.0026. This will show what you pay for the General Fund services that the Town provides.

According to the Craven County Tax Department, the current average assessed value of a home in River Bend is \$164,430 (note highlighted data).

Assessed Value	Annual Bill at 0.26
95,000	\$247
125,000	\$325
164,430	\$428
190,000	\$494
200,000	\$520
250,000	\$650
300,000	\$780
350,000	\$910
400,000	\$1,040
500,000	\$1,300
600,000	\$1,560

The following table shows the proposed residential water and sewer rates and their effect upon a residential customer using 3,000 gallons per month. The proposed rates represent no changes in the rates. Business, commercial, and industrial base rates and fees are different from the residential base rate and fees. In 2020, the average water customer used 3,106 gallons of water per month.

Charges for 3,000 gallons per month			
		Current	Proposed
<b>Water</b>	Base	13.24	13.24
	Use	12.06	12.06
<b>Sewer</b>	Base	24.18	24.18
	Use	27.24	27.24
<b>Monthly</b>		<b>76.72</b>	<b>76.72</b>
<b>Per-Bill</b>		<b>153.44</b>	<b>153.44</b>
Monthly Difference			<b>0.00</b>
Per Bill Difference			<b>0.00</b>
			0.00%

Town of River Bend, North Carolina  
Annual Budget for Fiscal Year 2021-2022

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This table combines the cost of real estate taxes and the cost of water and sewer to show the total amount a resident of River Bend would pay in a year for real estate taxes on a home valued at

Annual Costs	
Water/Sewer Fees (3,100 gal/month)	\$ 921
Real Estate Tax (\$164,430 home)	\$ 428
<b>TOTAL</b>	<b>\$ 1,348</b>
Average Per Day Cost for water/sewer/tax	\$ 3.69

\$164,430 and water and sewer fees for 3,000 gallons usage per month. For \$3.69 per day, our average water and sewer user living in our average valued home, receives potable water, wastewater treatment, 24/7 police protection, stormwater management, animal control, planning, zoning, code enforcement, parks, recreational events, street lights, street maintenance, leaf & limb removal, and a host of other services. Our goal is to continue to deliver high quality services at a reasonable price to all who make River Bend their home. Last year the cost was \$3.67 per day. For the average resident, it will cost 2¢ more per day or \$7.30 more per year for these items in River Bend compared to last year.

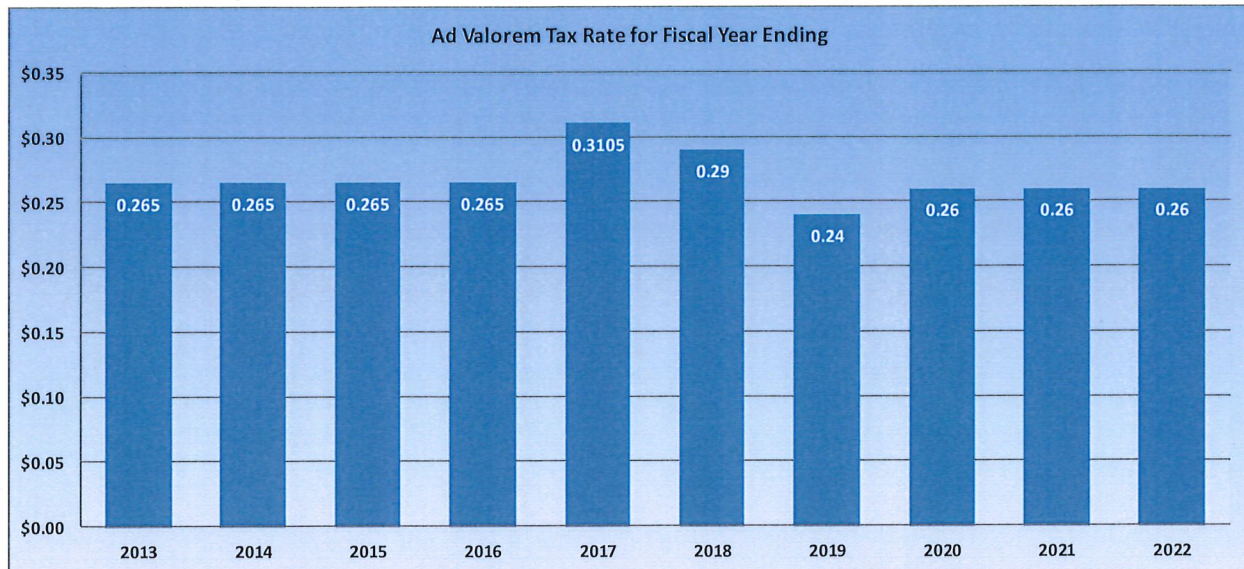
### Where are my tax dollars spent?

This table breaks down the proposed tax rate to show how much of that rate goes to fund each of the functions in the General Fund. The total proposed tax rate is 26¢ per one hundred dollars of assessed value.

Department	Cents per Hundred
Governing Body	0.440
Administration	3.602
Finance	1.773
Tax Listing	0.154
Legal	0.330
Elections	0.048
Police	7.767
Public Buildings	1.471
Emergency Services	0.055
Animal Control	0.151
Street Maintenance	2.626
Public Works	2.213
Leaf and Limb/Solid Waste	0.605
Stormwater Management	0.577
Wetlands and Waterways	0.041
Planning and Zoning	0.687
Recovery Grant	1.051
Recreation and Special Events	0.103
Parks and CAC	0.591
Contingency	0.243
Transfer to Cap. Res.	1.471
<b>Tax Rate</b>	<b>0.26</b>



### Tax Rate History



The chart above shows the 10-year history of the tax rate for the Town of River Bend, including the proposed rate of 26¢ per \$100 of assessed value for FY 21-22. The proposed tax rate is unchanged from last year and is less than it was in 6 of the previous 9 years.

### Budget and Finance Recognition

The Town Council realizes that the budget preparation process is likely the most important aspects of operating a municipal government. The budget sets the priorities for not only the next fiscal year but also for future years as well. A considerable amount of planning goes into the annual budget preparation process. After the budget has been approved by the Council, it is handed over to the Town Manager for implementation. Maintaining budget compliance is a year-long responsibility. During the fiscal year, the Council is updated at least monthly on the financial condition of the Town. The Council is ultimately responsible for the financial condition of the Town and takes that responsibility very seriously. The Town of River Bend has often been recognized for its budget preparation, financial reporting and transparency. Some of those recognitions are listed below:

2010- Excellence in Accounting and Financial Management from the NC State Treasurer.

2010 to present- Distinguished Budget Presentation Award from the Government Finance Officers Association. Last year, we received our eleventh in a row for fiscal year beginning 2020.

2011 to present- Excellence in Financial Reporting Award from the Government Finance Officers Association. Last year, we received our ninth in a row for fiscal year ending 2019. We have applied for and expect to receive our tenth award for fiscal year ending 2020 soon.



# RIVER BEND POLICE DEPARTMENT



## MONTHLY ACTIVITY REPORT

2021

	2021	2021	2021		
	February	March	April	% of Calls	% Change
Activities					
ALARMS / 911 UNKNOWN / DISTURBANCE / SHOTS FIRED	5	6	7	0.54%	17.00%
ANIMAL COMPLAINTS	3	5	5	0.38%	0.00%
ARRESTS	0	2	0	0.00%	-100.00%
ASSAULTS / All OTHER VIOLENT CRIME	1	1	3	0.23%	200.00%
ASSIST CITIZENS / LOCK OUT / QUALITY OF LIFE ISSUES	7	4	6	0.46%	50.00%
ASSIST EMS / FD / FIRST RESPONDERS / MED ASSIST	20	21	29	2.23%	38.00%
ASSIST MOTORISTS / FOOT PATROLS / ALL OTHER	103	56	109	8.38%	95.00%
ASSIST OTHER AGENCIES	0	2	2	0.15%	0.00%
B & E BUSINESS / RESIDENCE / VEHICLE	0	0	1	0.08%	0.00%
CRIM.SUMM./SUBPOENAS/WARRANTS/CIVIL COMPLAINT	0	5	1	0.08%	-80.00%
DOMESTICS	3	1	0	0.00%	-100.00%
FIRES / ALARM	2	0	1	0.08%	0.00%
IDENTITY THEFT / FRAUD	1	6	4	0.31%	-33.00%
INVOLUNTARY COMMITMENTS	0	0	0	0.00%	0.00%
JUVENILE COMPLAINTS	0	0	2	0.15%	0.00%
LARCENIES	0	2	3	0.23%	50.00%
LITTERING	0	0	1	0.08%	0.00%
LOUD MUSIC / NOISE COMPLAINTS	0	1	0	0.00%	-100.00%
DEATH / MISSING PERSON / RUNAWAY / SUICIDE(A)	1	1	0	0.00%	-100.00%
PROPERTY DAMAGE / VANDALISM	0	0	0	0.00%	0.00%
RESIDENTIAL/BUSINESS CHECKS/COMMUNITY WATCH	928	1084	1,027	78.94%	-5.00%
ROADWAY DEBRIS / OBSTRUCTIONS	0	0	0	0.00%	0.00%
ROBBERIES	0	0	0	0.00%	0.00%
SOLICITING VIOLATIONS	1	0	0	0.00%	0.00%
SUSPICIOUS PERSONS / VEHICLES / FIELD INTERVIEW	10	12	16	1.23%	33.00%
TOWN ORDINANCE CITATIONS	0	0	0	0.00%	0.00%
TOWN ORDINANCE VIOLATIONS	1	4	6	0.46%	50.00%
TRAFFIC ACCIDENTS	2	2	3	0.23%	50.00%
TRAFFIC STOPS	25	34	26	2.00%	-24.00%
TRAFFIC COMPLAINTS-Radar	6	11	12	0.92%	9.00%
DWI	0	0	1	0.08%	0.00%
CHECKPOINTS	1	3	2	0.15%	-33.00%
DRUG VIOLATIONS	2	1	2	0.15%	100.00%
WELFARE CHECKS	4	7	4	0.31%	-43.00%
CASE ASSIST / PW / VEHICLE MAINTENANCE / MEETING	6	13	7	0.54%	-46.00%
CASE FOLLOW UPS / SPECIAL OPERATION / TRAINING	9	12	20	1.54%	67.00%
TRESPASSING	1	0	0	0.00%	0.00%
OVERDOSE	0	0	1	0.08%	0.00%
Total	1142	1296	1301	100.00%	0.00%

### Traffic Violations

- 2 State Citations
- 2 Total State Charges
- 3 State Warnings
- Town Citations
- 3 Town Warnings

% of Calls = The percentage the call represents out of all total calls  
 % Change = The percentage change between the last two months

### Community Watch Checks

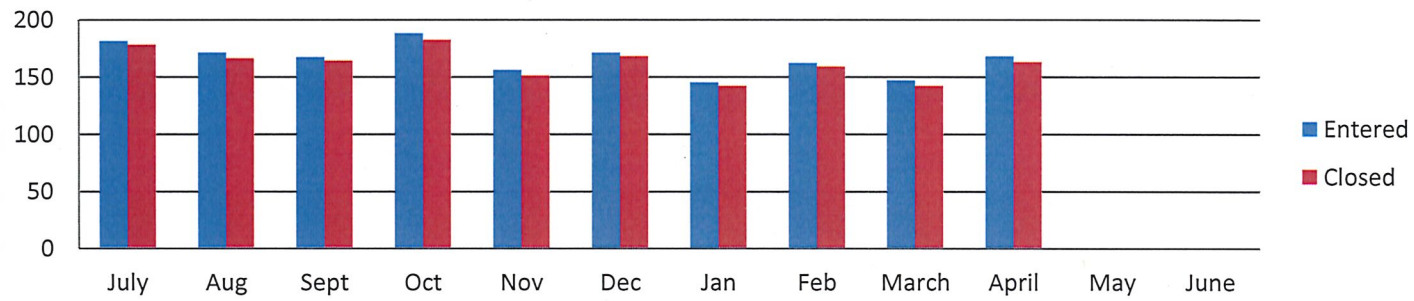
- 84 100 Pirates
- 86 100 Plantation
- 74 200 Lakemere
- 89 200 Rockledge

### Phone Calls Answered (638-1108)

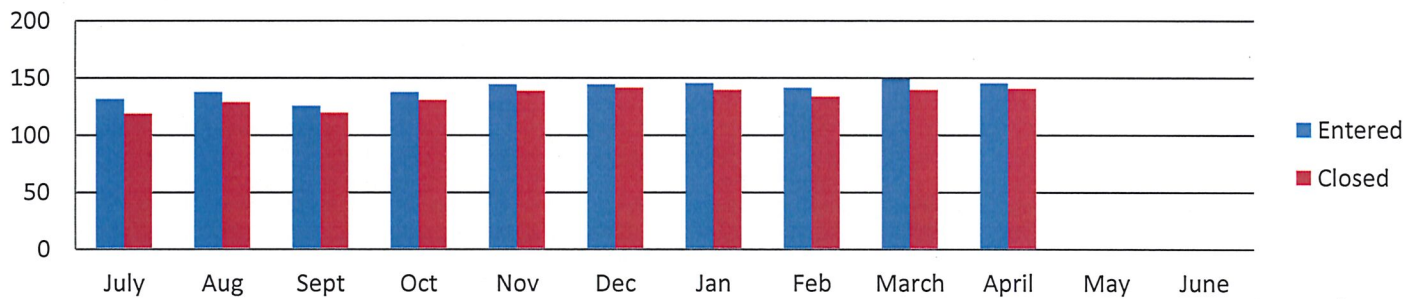
- 213 Incoming Calls Answered

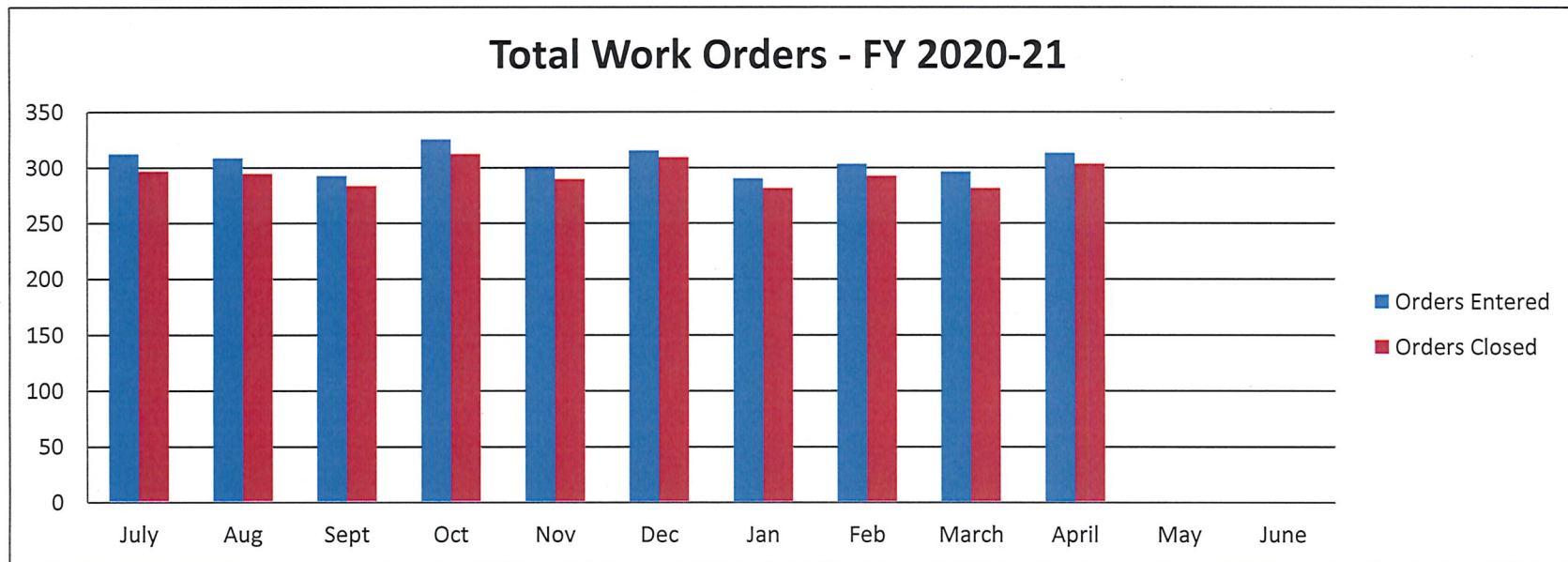
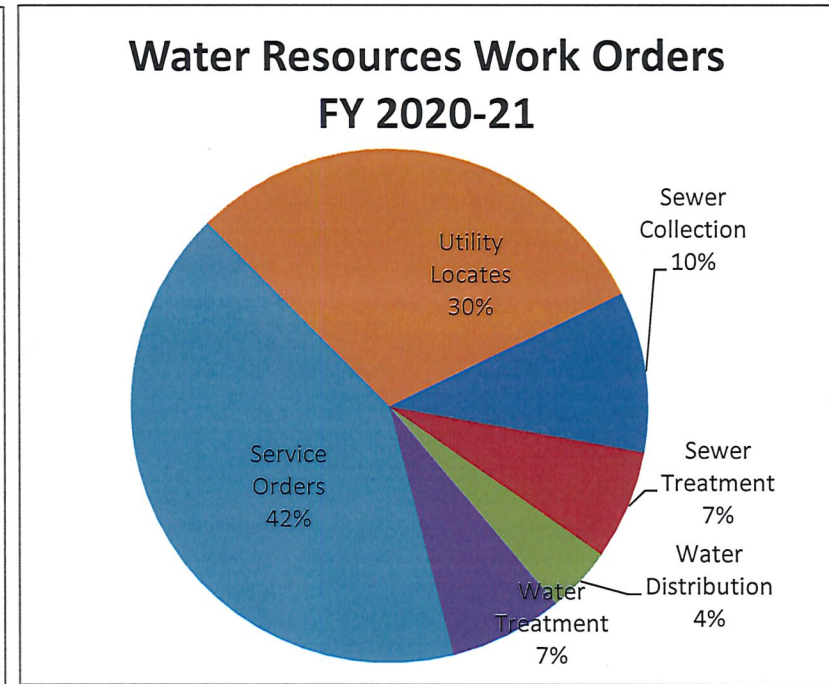
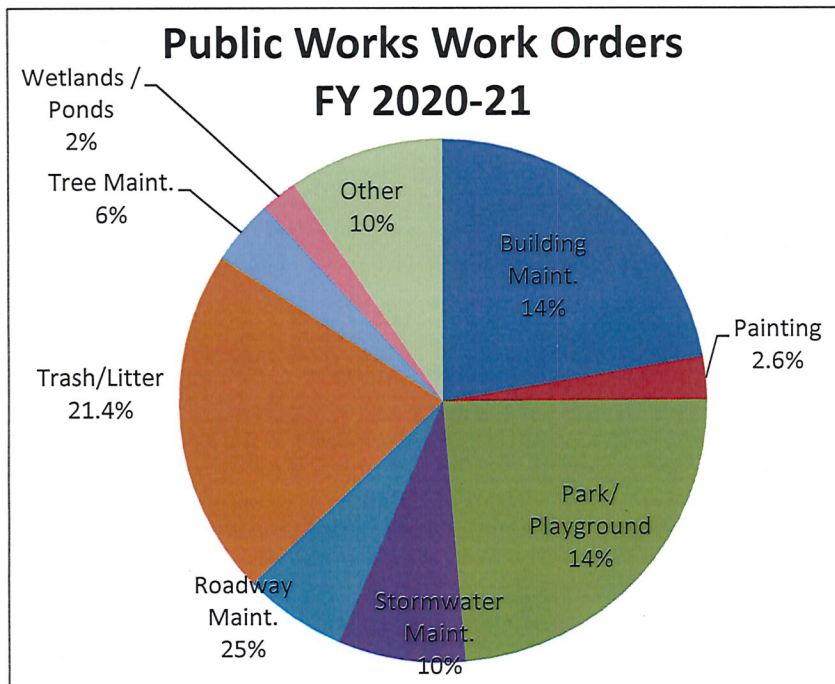


### Water Resources - Work Orders



### Public Works - Work Orders





Town of River Bend  
FY 2020-2021  
Work Order Report



## Public Works

Orders Entered	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD	Pending
Building Maintenance	30	29	30	30	28	32	31	33	35	33			311	1
Painting	3	2	0	2	5	4	6	4	6	5			37	0
Park/Playground	29	32	33	35	34	33	32	34	37	33			332	2
Roadway Maintenance	14	12	10	12	11	8	10	12	9	11			109	1
Stormwater Maintenance	8	10	6	8	9	7	9	10	12	10			89	1
Trash/Litter	30	30	29	30	31	30	30	28	31	30			299	0
Tree Maintenance	4	6	5	7	9	8	7	6	2	3			57	0
Wetlands / Ponds	4	5	3	2	3	4	3	2	3	2			31	0
Other	9	11	9	11	14	18	17	12	14	18			133	0
<b>TOTAL</b>	<b>131</b>	<b>137</b>	<b>125</b>	<b>137</b>	<b>144</b>	<b>144</b>	<b>145</b>	<b>141</b>	<b>149</b>	<b>145</b>	<b>0</b>	<b>0</b>	<b>1398</b>	<b>5</b>
Orders Closed	118	128	119	130	138	141	139	133	139	140			<b>1325</b>	

## Water Resources

Orders Entered	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD	Pending
Sewer Collection	13	11	16	14	18	17	19	21	18	20			167	0
Sewer Treatment	14	12	10	12	9	10	12	11	13	11			114	0
Water Distribution	6	5	3	6	8	6	10	8	9	8			69	3
Water Treatment	10	11	9	12	14	13	13	12	11	13			118	2
Service Orders	70	72	84	94	60	75	46	66	56	66			689	0
Utility Locates	68	60	45	50	47	50	45	44	40	50			499	0
<b>TOTAL</b>	<b>181</b>	<b>171</b>	<b>167</b>	<b>188</b>	<b>156</b>	<b>171</b>	<b>145</b>	<b>162</b>	<b>147</b>	<b>168</b>	<b>0</b>	<b>0</b>	<b>1656</b>	<b>5</b>
Orders Closed	178	166	164	182	151	168	142	159	142	163			<b>1615</b>	

TOTAL	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD
Orders Entered	312	308	292	325	300	315	290	303	296	313	0	0	3054
Orders Closed	296	294	283	312	289	309	281	292	281	303	0	0	2940





## 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)

### **April 2021 Monthly Report Brandon Mills, Director of Public Works**

This Month Public Works began mowing the Town's right of ways, and other areas not covered by our grass-cutting contract. One storm water drainage pipe was repaired in April. The pipe joints had cracked and was allowing soil to infiltrate inside the pipe, which left a sinkhole. The Public Works staff repaired this pipe. In addition, gravel was added around some of the roadways where washouts were forming. Adding gravel not only fills in the washed out areas, but also helps protect the integrity of the roadway.

Earlier this month Water Resources completed our annual water system flushing. The guys did a great job at flushing the system. As a reminder the reason for the flushing is to remove any mineral sediment that has accumulated over the past year. This improves the overall quality of water that is delivered to our customers. We had to pull two pumps from our collection system lift stations due to high amp draws on the motors. Once pulled we found the pumps were clogged up with a non-biodegradable material. This material was removed from the pump, and the pumps were reinstalled. I would like to remind customers that there are certain items that should never be flushed down the toilet. A list of the items that should never be flushed is in on our Annual Wastewater Treatment report. This report can be viewed online on the Town's website.

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

# MONTHLY ZONING REPORT

**MONTH** April **YEAR** 2021

Activity	Monthly	YTD Total
Permit Applications Received	15	95
Permits Issued	15	95
Fees Collected	757.20	6818.00
Violations Noted During Weekly Patrol	14	89
Complaints Received From Citizens	0	12
Notice Of Violations Initiated *see details below	14	98
Remedial Actions Taken By Town		0

[illegible]

# **Town of River Bend**



## **Monthly Financial Report**

Printed 5/18/2021



*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 Irving J. "Bud" Van Slyke, Jr. or Finance Administrator Margaret Theis.*

## Notes

The cash balances shown on page one are the amount of cash in each specific accounting fund. These funds are deposited in separate investment accounts. Pooled cash accounts used for operating funds but accounted for, in our internal systems, as individual accounts. Interest attributable to each account is allocated based upon the total rate of return of the account(s).

The FY Budget columns represents the original and current budget. As the fiscal year goes on and unforeseen expenses or revenues occur, we need to adjust the budget. The Council does this by formal amendment during a Council meeting. \*Asterisked lines represent those budget items that have been amended since adoption.

The acronym CIF used in this report is our Capital Improvement Fund(s) for water and wastewater. These funds are, by resolution of the Town Council, reserved for expenses related to expansion of these systems, or retirement of debt. The Water CIF receives revenue in the form of annual Hydrant Fee payments.

Because this is an annual budget, it is important to note that many lines shown in this report will vary, some significantly, from month to month, and in different times of the year. In many instances, capital payments for current fiscal year projects are made early in the fiscal year and the majority of our ad valorem tax receipts occur in the middle of the fiscal year. This is another reason to maintain an adequate fund balance.

### Town of River Bend Financial Dashboard



Visit our web site <http://www.riverbendnc.org/finance.html> to view the Financial Dashboard. These dashboards are designed to give the user a quick overview of the status of revenues and expenditures in each of the Town's three major funds as reported in the Monthly Financial Report.



Town of River Bend  
Financial Report  
Fiscal Year 2020 - 2021



## Fund Cash Balances

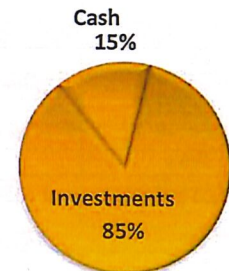
Cash Balances	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
BUS Capital Projects Fund	361,064	300,242	373,747	221,907	163,919	93,854	33,274	0	0	3,232		
General Fund*	1,142,330	1,040,227	1,065,570	1,177,596	958,224	1,290,516	1,382,419	1,428,741	1,408,192	1,297,952		
Powell Bill	0	0	39,979	479	0	0	0	0	0	0		
NCORR Recovery Grant	176,103	176,110	154,874	154,875	140,661	140,662	122,981	122,982	122,983	122,984		
CDBG OPR Development	-847	-1,207	-1,207	-1,207	-3,694	-4,706	-5,237	-5,949	-5,949	-1,005		
General Capital Reserve	152,134	152,142	94,145	30,453	30,454	30,454	30,455	30,455	30,455	30,455		
Law Enforcement Separation Allowance*	17,249	16,643	16,037	15,430	14,824	13,914	13,307	12,701	12,094	11,487		
Water Fund*	789,864	823,510	827,655	862,269	856,581	876,260	878,165	907,003	917,725	937,914		
Water Capital Reserve Fund (CIF)	244,663	244,672	244,677	244,679	244,681	244,686	244,686	244,687	244,690	244,692		
Sewer Fund*	1,022,560	1,055,928	1,055,812	1,102,445	1,101,477	1,111,914	1,119,723	1,156,879	1,174,372	1,201,690		
Sewer Capital Reserve Fund (CIF)	11,246	11,247	11,247	11,247	11,247	11,247	11,247	11,247	11,248	11,248		
<b>Total Cash and Investments</b>	<b>3,916,367</b>	<b>3,819,514</b>	<b>3,882,536</b>	<b>3,820,175</b>	<b>3,518,373</b>	<b>3,808,801</b>	<b>3,831,020</b>	<b>3,908,746</b>	<b>3,915,810</b>	<b>3,860,649</b>		
<b>BB&amp;T Cash Accounts</b>	<b>251,202</b>	<b>214,117</b>	<b>276,789</b>	<b>365,853</b>	<b>229,025</b>	<b>519,425</b>	<b>541,616</b>	<b>652,541</b>	<b>625,393</b>	<b>569,735</b>		

\*These operating funds have equity in the BB&T pooled accounts.

In order to obtain more favorable interest rates, the Town deposits funds in the North Carolina Capital Management Trust. We move funds between our cash accounts and these investment accounts to accommodate cash flow for our payables and as revenues are received in order to maintain an adequate amount of cash for operational needs while attempting to minimize bank fees and maximize interest revenue. Based upon historical cash flow and current encumbrances, our staff anticipates the level of cash needed to meet our obligations without having to make an inordinate number of transfers between accounts.

On the table above, the term cash includes those funds we hold in accounts in our designated banking institution (currently BB&T). We have two accounts with BB&T, a Money Market account that pays a competitive rate of interest, and an operating (checking) account from and to which we make all regular payments and deposits.

The table below shows the balances of each fund account we have in NCCMT at the end of the month. The chart to the right shows how our funds are apportioned between operating cash and investments.



Investments in NCCMT	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
BUS Capital Projects Fund	360,135	300,148	373,653	221,656	221,658	163,659	33,274	-	-			
General Fund	995,282	995,325	956,083	1,019,786	869,009	830,016	978,092	978,099	1,014,882	1,014,890		
Powell Bill	-	-	-	-	-	-	-	-	-	-		
NCORR Recovery Grant	176,103	176,110	154,874	154,875	140,661	140,662	122,981	122,982	122,983	122,984		
Capital Reserve (General Fund)	152,134	152,142	94,145	30,453	30,454	30,454	30,455	30,455	30,455	30,455		
Law Enforcement Separation Allowance	13,390	13,391	13,391	13,392	13,392	13,392	13,392	13,392	9,892	9,892		
Water Fund	762,639	762,749	763,043	763,592	763,597	802,604	802,611	802,667	803,582	804,060		
Water Capital Reserve Fund (CIF)	244,663	244,672	244,677	244,679	244,681	244,683	244,686	244,687	244,690	244,692		
Sewer Fund	949,573	949,613	994,632	994,642	994,650	1,052,659	1,052,667	1,052,676	1,052,684	1,052,693		
Sewer Capital Reserve Fund (CIF)	11,246	11,247	11,247	11,247	11,247	11,247	11,247	11,247	11,248	11,248		
<b>Total Investments</b>	<b>3,665,165</b>	<b>3,605,397</b>	<b>3,605,746</b>	<b>3,454,322</b>	<b>3,289,348</b>	<b>3,289,376</b>	<b>3,289,404</b>	<b>3,256,205</b>	<b>3,290,416</b>	<b>3,290,914</b>		



Town of River Bend  
Financial Report  
Fiscal Year 2020 - 2021



## General Fund

Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	% Budget
	Original	Current													Total	
Ad Valorem Taxes	713,246	713,246	30	1,027	10,653	81,528	38,438	353,796	119,485	77,857	12,194	9,589			704,595	98.8%
Ad Valorem Taxes - Vehicle	83,200	83,200	6,125	8,612	6,956	8,891	0	13,660	7,022	8,005	6,336	9,080			74,688	89.8%
Animal Licenses	2,400	2,400	60	110	10	20	50	50	510	420	695	250			2,175	90.6%
Local Gov't Sales Tax	295,751	295,751	24,717	27,360	30,164	28,535	22,049	28,378	24,600	28,196	34,569	28,157			276,725	93.6%
Hold Harmless Distribution	90,202	90,202	5,354	6,145	7,975	7,514	7,477	7,017	7,451	7,330	7,944	6,857			71,061	78.8%
Solid Waste Disposal Tax	2,500	2,500	0	542	0	0	538	0	0	570	0	0			1,650	66.0%
Powell Bill Fund Appropriation	0	0	0	0	0	0	0	0	0	0	0	0			-	0.0%
Powell Bill Allocation	84,500	84,500	0	0	39,979	0	0	39,979	0	0	0	0			79,957	94.6%
Beer & Wine Tax	13,500	13,500	0	0	0	0	0	0	0	0	0	0			-	0.0%
Video Programming Tax	53,680	53,680	0	0	13,116	0	0	13,999	0	0	12,989	0			40,105	74.7%
Utilities Franchise Tax	114,261	114,261	0	0	21,733	0	0	28,845	0	0	25,549	0			76,127	66.6%
Telecommunications Tax	10,330	10,330	0	0	1,586	0	0	4,001	0	0	2,305	0			7,893	76.4%
Court Cost Fees	500	500	9	32	18	59	18	23	5	27	18	59			266	53.1%
Zoning Permits	5,000	5,000	797	1,640	232	483	723	536	145	419	1,131	1,067			7,172	143.4%
State Grants*	0	72,303	0	0	49,650	0	0	11,497	8,913	0	1,018	0			71,078	98.3%
Federal Gov't Grants- BPV	0	0	0	0	0	0	0	0	0	0	0	0			-	0.0%
Federal Disaster Assistance*	0	14,624	0	0	0	0	0	0	0	14,624	0	0			14,624	100.0%
State Disaster Assistance*	0	4,875	0	0	0	0	0	0	0	4,875	0	0			4,875	100.0%
Recovery Grant NCORR-FLDG-004	99,568	99,568	99,568	0	0	0	0	0	0	0	0	0			99,568	100.0%
Miscellaneous*	8,000	13,500	790	503	571	570	1,626	85	6,134	285	1,045	289			11,897	88.1%
Insurance Settlements	-	-	0	-	0	0	0	0	0	0	0	0			-	0.0%
Interest - Recovery Grant NCORR-FL	1,212	1,212	11	6	3	1	1	1	1	1	1	1			28	2.3%
Interest - Powell Bill	50	50	0	0	0	0	0	0	0	0	0	0			0	0.2%
Interest - Investments	9,755	9,755	96	44	19	10	7	9	11	10	12	12			230	2.4%
Contributions	422	422	0	0	0	0	0	0	0	0	0	0			-	0.0%
Wildwood Storage Rents	18,120	18,120	1,689	1681	1,726	1,452	1,635	1,615	1,646	1,615	1,615	1,661			16,337	90.2%
Rents & Concessions	18,000	18,000	1,500	1500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500			15,000	83.3%
Sale of Capital Assets	0	0	0	0	0	0	0	0	0	0	0	0			-	0.0%
Sales Tax Refund Revenue	0	0	0	0	0	0	0	0	0	0	0	0			-	0.0%
Trans. from Capital Reserve*	42,970	164,663	42970	0	121,693	0	0	0	0	0	0	0			164,663	100.0%
Trans. from L.E.S.A. Fund	0	0	0	0	0	0	0	0	0	0	0	0			-	0.0%
Appropriated Fund Balance*	222,833	446,048	0	0	0	0	0	0	0	0	0	0			-	0.0%
<b>Total</b>	<b>1,890,000</b>	<b>2,332,210</b>	<b>183,716</b>	<b>49,201</b>	<b>307,582</b>	<b>130,562</b>	<b>74,061</b>	<b>504,991</b>	<b>177,423</b>	<b>145,735</b>	<b>108,920</b>	<b>58,521</b>	<b>0</b>	<b>0</b>	<b>1,740,713</b>	<b>74.6%</b>

\*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.



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## 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
Governing Body	28,700	28,700	2,203	994	4,082	733	-824	4,086	-781	-769	8,079	-824			16,979	59.2%
Administration	268,691	268,691	43,727	16,383	21,824	16,049	13,381	38,629	14,912	12,770	20,590	13,755			212,020	78.9%
Finance	120,181	120,181	19,023	7,544	9,283	8,255	7,898	11,127	9,152	7,222	9,448	18,713			107,664	89.6%
Tax Listing	10,880	10,880	0	322	368	1,064	384	3,142	2,367	1,047	371	419			9,484	87.2%
Legal Services	24,000	24,000	1,665	1,649	648	874	990	1,188	837	1,721	1,833	2,267			13,672	57.0%
Elections	0	0	0	0	0	0	0	0	0	0	0	0			0	0.0%
Public Buildings*	84,200	169,208	9,639	17,781	5,265	4,800	6,469	12,786	4,316	3,269	20,019	69,388			153,732	90.9%
Police*	573,245	596,048	110,187	36,326	38,885	36,016	43,410	55,126	37,010	39,100	37,660	35,541			469,261	78.7%
Emergency Management	4,000	4,000	832	1,961	167	526	15	23	15	865	15	15			4,433	110.8%
Animal Control	14,366	14,366	2,216	925	941	929	1,009	1,404	783	679	437	535			9,856	68.6%
Street Maintenance*	221,686	218,686	5,749	6,512	2,312	145,925	2,312	12,950	1,960	2,015	1,092	1,337			182,166	83.3%
Public Works*	167,240	160,240	18,436	12,759	12,695	14,830	11,707	13,186	11,478	12,599	10,047	10,438			128,177	80.0%
Leaf & Limb, Solid Waste*	43,500	62,999	655	17,692	4,118	886	4,562	989	245	6,571	891	4,502			41,110	65.3%
Stormwater Management*	34,971	221,371	3,668	1,891	22,873	1,475	1,518	2,146	1,204	1,040	755	802			37,371	16.9%
Waterways & Wetlands*	3,000	72,000	0	0	0	768	67,188	2,040	950	0	0	0			70,946	98.5%
Planning & Zoning	48,363	48,363	7,356	3,160	2,960	2,991	2,986	5,300	3,226	2,946	3,011	2,944			36,881	76.3%
Recovery Grant NCORR-FLDG-004	100,780	100,780	14,110	7,129	7,143	7,072	7,122	10,756	7,233	7,072	7,088	7,177			81,902	81.3%
Recreation & Special Events*	7,500	15,500	23	0	0	0	131	0	0	0	0	750			904	5.8%
Parks	50,370	50,370	6,687	2,579	2,183	2,302	2,321	4,449	1,724	2,176	2,281	2,353			29,055	57.7%
Transfers	66,359	139,859	66,359	73,500	0	0	0	0	0	0	0	0			139,859	100.0%
Contingency*	17,968	5,968	0	0	0	0	0	0	0	0	0	0			0	0.0%
<b>Total</b>	<b>1,890,000</b>	<b>2,332,210</b>	<b>312,534</b>	<b>209,107</b>	<b>135,748</b>	<b>245,494</b>	<b>172,578</b>	<b>179,327</b>	<b>96,630</b>	<b>100,322</b>	<b>123,617</b>	<b>170,112</b>	<b>0</b>	<b>0</b>	<b>1,745,470</b>	<b>74.8%</b>

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
Capital Outlay	200,292	451,692	37,590	0	25,229	139,477	65,000	7,340	0	0	0				274,635	60.8%
Debt Service - Principle		0	0	0	0	0	0	0	0	0	0				-	0.0%
Debt Service - Interest		0	0	0	0	0	0	0	0	0	0				-	0.0%

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



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## 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
Base Charge	234,862	234,862	39,043	349	39,179	541	38,736	399	38,979	295	39,111	311			196,942	83.9%
Consumption	213,326	213,326	40,429	76	42,636	216	33,744	153	32,777	88	37,053	136			187,309	87.8%
Other, incl. transfers	26,768	26,768	118	5,225	666	3,697	3,585	3,714	32	5,813	102	3,094			26,045	97.3%
Hydrant Fee	21,411	21,411	21,050	0	0	0	-119	0	0	0	0	0			20,930	97.8%
Appropriated Fund Bal.*	75,867	117,267	0	0	0	0	0	0	0	0	0	0			0	0.0%
<b>Total</b>	<b>572,234</b>	<b>613,634</b>	<b>100,639</b>	<b>5,650</b>	<b>82,480</b>	<b>4,454</b>	<b>75,945</b>	<b>4,265</b>	<b>71,788</b>	<b>6,196</b>	<b>76,266</b>	<b>3,542</b>			<b>431,226</b>	<b>70.3%</b>

Expenses	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
Admin & Finance	447,734	447,734	58,499	21,780	21,173	19,854	31,974	30,359	19,947	17,992	21,083	25,662			268,322	59.9%
Supply & Treatment	75,000	75,000	3,793	1,058	5,607	1,825	1,054	2,959	3,931	2,018	2,408	3,051			27,704	36.9%
Distribution*	46,000	87,400	29,434	1,678	1,093	445	226	118	199	71	1,585	339			35,188	40.3%
Transfers / Contingency	3,500	3,500	0	0	0	0	0	0	0	0	0	0			0	0.0%
<b>Total</b>	<b>572,234</b>	<b>613,634</b>	<b>91,726</b>	<b>24,517</b>	<b>27,873</b>	<b>22,123</b>	<b>33,254</b>	<b>33,436</b>	<b>24,077</b>	<b>20,081</b>	<b>25,075</b>	<b>29,051</b>			<b>331,214</b>	<b>54.0%</b>

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
Capital Outlay	23,000	23,000	11,430	250	0	0	0	0	0	0	0	0			11,680	-

### Cash Balances

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
Water Fund	789,864	823,510	827,655	862,269	856,581	876,260	878,165	907,003	917,725	937,914		
Water Capital Reserve Fund (CIF)	244,663	244,672	244,677	244,679	244,681	244,686	244,686	244,687	244,690	244,692		

Water Produced	FY20-21		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Limit														
Total Gallons			8,171,000	7,586,000	7,321,000	7,156,000	6,961,000	7,325,000	7,153,000	6,544,000	6,829,000	8,665,000			73,711,000	
Average daily gallons		925,000*	263,581	244,710	244,033	230,839	232,033	236,290	230,742	233,714	220,290	288,833			242,507	

\* This is the permitted daily limit.



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## 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
Base Charge	292,304	292,304	48,632	298	49,241	746	48,108	515	48,483	301	48,732	344			245,400	84.0%
Consumption	303,101	303,101	53,704	127	57,680	418	44,453	218	46,970	91	53,287	-232			256,716	84.7%
Other, incl. transfers	19,862	19,862	74	1,538	19	1,599	827	1,499	9	1,324	9	1,545			8,443	42.5%
Appropriated Fund Bal.*	66,617	94,217	0				0	0	0	0	0	0			0	0.0%
<b>Total</b>	<b>681,884</b>	<b>709,484</b>	<b>102,410</b>	<b>1,963</b>	<b>106,940</b>	<b>2,763</b>	<b>93,388</b>	<b>2,232</b>	<b>95,462</b>	<b>1,716</b>	<b>102,029</b>	<b>1,657</b>			<b>510,560</b>	<b>72.0%</b>

Expenses	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
Admin & Finance	442,884	442,884	59,377	22,665	22,097	21,162	31,254	33,735	20,951	19,298	22,293	26,423			279,255	63.1%
Collection*	64,000	91,600	5,299	989	675	892	1,555	1,034	862	2,396	2,744	1,060			17,506	19.1%
Treatment	112,000	112,000	4,882	4,121	13,159	4,589	6,050	12,479	3,426	4,865	4,045	4,228			61,842	55.2%
Transfers / Contingency	63,000	63,000	0	0	0	0	0	0	0	0	0	0			0	0.0%
<b>Total</b>	<b>681,884</b>	<b>709,484</b>	<b>69,558</b>	<b>27,775</b>	<b>35,931</b>	<b>26,643</b>	<b>38,859</b>	<b>47,247</b>	<b>25,239</b>	<b>26,560</b>	<b>29,082</b>	<b>31,711</b>			<b>358,603</b>	<b>50.5%</b>

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
Capital Outlay	22,000	22,000	11,430	250	0	0	0	0	0	0	0	0			11,680	53.1%

## Cash Balances

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
Sewer Fund	1,022,560	1,055,928	1,055,812	1,102,445	1,101,477	1,111,914	1,119,723	1,156,879	1,174,372	1,201,690		
Sewer Capital Reserve Fund (CIF)	11,246	11,247	11,247	11,247	11,247	11,247	11,247	11,247	11,248	11,248		

Wastewater Treated		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Limit														
Total Gallons		3,402,000	2,700,000	2,919,000	2,783,000	3,341,000	3,409,000	4,196,000	4,237,000	4,299,000	3,280,000			34,566,000	
Average daily gallons		330,000*	109,742	87,097	97,300	89,774	111,367	109,968	135,355	151,321	138,677	109,333		113,993	

\* This is the permitted daily limit.



## Other Important Proposed Budget Dates

MAY 2021						
SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	<del>27</del>	28	29
30	31					

These dates are subject to change but the budget must be adopted by July 1

May 27- Budget Message &  
Proposed Budget Released

June 10- Budget Public Hearing

2021 JUNE						
SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

June 17- Budget Adoption

# **Town of River Bend, NC Financial and Budgetary Policies**



**Effective May 17, 2018**



## Financial and Budgetary Policies

### I. Introduction

yellow= add green=delete

The Town of River Bend maintains comprehensive financial policies covering a broad range of the elements of the Town's financial plans and financial systems that underlay the management of overall financial resources. These policies have major objectives to be achieved that include:

1. To link long-term financial planning with short-term daily operations and decision-making.
2. To maintain and improve the Town's financial position.
3. To maintain and improve the Town's credit ratings by meeting or exceeding the requirements of rating agencies through sound financial policies.
4. To maintain and increase investor confidence in the Town and to provide credibility to the citizens of the Town regarding financial operations.
5. To comply with the North Carolina Budget and Fiscal Control Act and the policies of the North Carolina Local Government Commission (the "LGC").
6. To effectively conduct asset-liability management of the Town's balance sheet.

### II. Operating Budget

1. The Town's Annual Budget Ordinance will be balanced in accordance with the Local Government Budget and Fiscal Control Act (G.S. 159-8(a)).
2. The Town's Annual Budget Ordinance will be adopted, by fund and department, by each July 1 (G.S. 159-13(a)).
3. In order to force a higher level of planning throughout all levels of Town government, the annual budget process will focus on future needs through a Capital Improvements Plan, as discussed later in this document.
4. The annual budget process will consist of a series of public meetings where Council and staff discuss needs in relation to the Town's mission statement, and Council's adopted priorities.

### III. Revenue Policy

1. Ad Valorem Tax – As provided by the North Carolina Budget and Fiscal Control Act, estimated revenue from the Ad Valorem Tax levy will be budgeted as follows:
  - a. Assessed valuation will be provided by the Craven County Tax Assessor.

- b. The estimated percentage of collection will not exceed the actual collection percentage of the preceding fiscal year, in accordance with State law.
    - c. The property tax rate will be set each year based upon the costs of providing general governmental services, meeting debt service obligations and building or maintaining any reserves or fund balances the Council deems necessary.
2. State revenues fluctuate according to the general economic condition of the state and the county. Accordingly, the Town will budget these revenues in a conservative manner using guidance from the North Carolina League of Municipalities to determine predicted rates of growth in these revenues.
3. User Fees – The Town Council (the “Council”) will set user fees annually by listing such fees within a fee schedule adopted with the Annual Budget Ordinance. In the case of the water and sewer enterprises, the Council will continue to use a professionally designed rate model in order to determine the most appropriate rates based upon current and future expenses. User fees will maximize charges for services that can be individually identified and where costs are directly related to the provision of or to the level of service provided.
  - a. Emphasis of user fees results in the following benefits:
    1. The burden on the Ad Valorem tax is reduced.
    2. User fees are paid by all users, including those exempt from property taxes.
    3. User fees help minimize subsidization in any instance where there are requirements in order to qualify for the use of the service and the service is not provided to the general public.
    4. User fees produce information on the demand level for services and help to make a connection between the amount paid and the services received.
4. Interest Income – Interest income is subject to variability based upon changes in prevailing interest rates, which cannot be predicted with certainty. Such revenue shall therefore be budgeted in a conservative manner within the Annual Budget Ordinance and shall comply with the Asset – Liability Management section of this policy.
5. Grant Funding – Staff will pursue opportunities for grant funding. Application for grant funding will be made after a grant has been evaluated for consistency with the Council’s goals and compatibility with Town programs and objectives. Staff must have Council approval to apply for a grant for any amount over \$50,000 and for any grant that requires a local dollar match. All awarded grants can only be accepted by Council action at which time the related budget shall be established.
  - a. Grants that have been awarded in prior years and are recurring in nature will be included and addressed through the annual budget process.
  - b. Grants that fund operating expenditures but have a funding termination date must fully disclose that fact to the Council prior to acceptance.



- c. The grant manager for each grant shall be the Town Manager. The grant manager is responsible for all grant monitoring, compliance and reporting. The grant manager will provide copies of all documents to the Finance Administrator. The Finance Administrator will maintain a grant file by fiscal year for each active grant.
  - d. For grants involving federal funds, the grant manager is responsible for checking the list of federally debarred contractors prior to awarding any contracts.
- 6. Appropriation of Fund Balance – Assigned fund balance originally appropriated with adoption of the General Fund annual operating budget shall not exceed 3% of the prior fiscal year's budgeted expenditures, unless done per Section 2b of the Reserve/Fund Balance section of this policy. Any further commitment of fund balance in the General Fund during the fiscal year shall require four "yes" votes from the five members of Council.
- 7. Budgetary Responsibilities – The Town Manager shall develop initial budget estimates of applicable revenues. Those estimates are to be supported by variables (base, rate, etc.) that comprise such revenue. Monitoring of the revenue budget shall be performed by the Finance Administrator in a timely manner throughout the fiscal year and shall include an analysis of actual versus budgeted variances. Compliance of revenue with all laws and/or regulations is primarily the responsibility of the revenue-initiating department.

#### **Revenue Spending Policy**

- 1. The Town will follow a revenue spending policy that provides guidance for programs with multiple revenue sources. The Finance Department, as directed by the Finance Officer, will use resources in the following hierarchy as appropriate: bond proceeds, federal funds, State funds, local non-Town funds, and Town funds.
- 2. For purposes of fund balance classification, expenditures are to be spent from restricted fund balance first, followed in order by committed fund balance, assigned fund balance, and lastly, unassigned fund balance. The Finance Officer has the authority to deviate from this policy if it is in the best interest of the Town.

#### **IV. Expenditure Policy**

- 1. Expenditure budgets shall be monitored throughout the fiscal year by department heads, the Finance Administrator and the Town Manager. Budget compliance, which includes electronic obligations, is the responsibility of the department head and the Town Manager.
- 2. Budgeted funds will only be spent for categorical purposes for which they are intended. Budget amendments may be made to reflect unexpected expenses and must be approved by vote of the Council. Appropriations of debt proceeds will be made only for the purpose for which such debt instrument was issued or for the payment of debt principal and interest.
- 3. Budgeted expenditures for debt service for any variable rate debt or synthetic variable rate debt will be set to at least the average of the prior five years.

4. For continuing contracts, funds will be appropriated in the annual budget ordinance to meet current year obligations arising under the contract, in accordance with G.S. 160A-17.
5. Payroll will be processed in accordance with the requirements of the Fair Labor Standards Act. Overtime and benefit payments will be made in accordance with the Town's Personnel Policy.
6. The Town may utilize non-capital operating leases or installment purchase loans for the procurement of copiers, multifunction copiers/printer type machines and for personal computers.
7. The Town will fund current expenditures with current resources and will strive to avoid balancing budgets utilizing one-time revenues.
8. The Town will employ the use of the carryover method for reappropriation of outstanding purchase orders and contracts as of the end of each fiscal year into the new fiscal year. The process shall be explained in each year's budget process.

#### V. Reserve/Fund Balance Policy

1. In accordance with State statute, appropriated fund balance in any fund will not exceed the sum of cash and investments less the sum of liabilities, encumbrances, and deferred revenues arising from cash receipts as those figures stand at the close of the fiscal year next preceding the budget year.
2. The Town will strive to maintain a General Fund unassigned fund balance that significantly exceeds the minimum eight percent (8%) as recommended by the LGC. Unassigned fund balance is defined as the portion of fund balance that remains available for appropriation by the Town Council after all commitments for future expenditures, required reserves defined by State statutes, and Council-established assignments have been calculated. The percentage is to be determined by dividing the unassigned fund balance amount by actual expenditures of the then completed fiscal year. The goal is to maintain a fund balance of no less than 50%, with the total amount of unassigned fund balance at \$2,000,000.
  - a. Purpose of Reserve: These funds will be utilized to avoid cash flow interruptions, generate interest income, eliminate the need for short-term borrowing, and maintain the Town's credit ratings.
  - b. Reserve Drawdown: The available fund balance may be purposefully drawn down below the target percentage for emergencies, economic influences, nonrecurring expenditures, or major capital projects.
  - c. Reserve Replenishment: If the available fund balance percentage falls below the target percentage for two consecutive fiscal years, the Town will replenish funds by direct appropriation in the next budget developed for the fiscal year after the occurrence is known. In that instance, the Town will annually appropriate 25% of the difference between the target percentage level and the actual balance until the



target level is met. In the event appropriating 25% is not feasible, the Town will appropriate a lesser amount and shall reaffirm by Council resolution its commitment to fully replenish the fund balance over a longer period of time.

- d. Any General Fund unassigned fund balance that exceeds the target goal range may be used to reduce general fund debt.
3. The Town will appropriate within the annual budget a Contingency appropriation each fiscal year. The minimum level of contingency is 1% of budgeted general fund expenditures and the maximum is an amount equal to the revenue generated by a \$.01 ad valorem tax rate. plus the approved provision for personnel merit bonuses.
4. The Town's goal will be to maintain a minimum cash balance in both the water and sewer operating funds (separately) of 50% of actual expenditures of the then most recently completed fiscal year. These funds will be utilized to avoid cash flow interruptions, generate interest income, fund capital expenditures, eliminate the need for short-term borrowing and maintain the Town's credit ratings.

## VI. Asset-Liability Management

1. The Town will seek to incorporate coordinated investment and debt structuring decisions with the goal of such coordination being to use each side of the balance sheet to mitigate, or hedge, cash flow risks posed by the other side of the balance sheet.
2. The Town considers short-term investments to be effective hedges to variable rate debt because movements in interest rates should have offsetting impacts upon both.
  - a. Given the prevalent patterns of business, economic and interest rate cycles, the Town may strive to match temporary increases in interest income to temporary increases in interest expense through the use of variable rate debt or synthetic variable rate debt.
  - b. This recognizes that variable rate debt generally offers lower interest costs and that the use of higher interest income to offset higher interest expense is preferable to creating a budget imbalance due to reliance upon temporarily increased interest income.
3. The Finance Officer is designated to monitor and report on financial market conditions and their impact on performance of debt, investments, and any interest rate hedging products implemented or under consideration.
4. The Finance Officer is designated as the individual responsible for negotiating financial products and coordinating investment decisions for debt structure. The Finance Officer is designated as the individual responsible for recommending debt structure to the Council.
5. The Town may incorporate the use of variable rate debt or synthetic variable rate debt, as allowed by the Debt Management Section of the LGC, into its debt structure. Unhedged

variable or synthetic variable rate debt shall not exceed 20% of the Town's total, non-Utility debt outstanding.

## VII. Capital Improvements Policy

### 1. Capital Improvements Plan

- a. The Town will update and readopt annually a five-year capital improvements plan (CIP) which projects capital needs and details the estimated costs, description and anticipated funding sources for capital projects. A separate CIP will be developed for the General Fund, Water Fund, and Sewer Fund.
- b. The annual update of the CIP will be conducted in conjunction with the annual operating budget process.
- c. The first year of the five-year CIP will be the basis of formal fiscal year appropriations during the annual budget process.
- d. A programming or cost estimation study is eligible for inclusion in the CIP for a project for which a future request is being considered. Such a study is encouraged in order to generate reliable cost estimates for the CIP.
- e. The Town expects to see new capital items generally first appear in the last year of the CIP.
- f. The Town acknowledges pay-as-you-go financing as a significant capital financing source, but will ultimately determine the most appropriate financing structure for each capital project both on an individual basis after examining all relevant factors of the project and in conjunction with the funding of the entire CIP.

### 2. Capital Formation

- a. General Fund revenue is the source for the General Fund CIP. The water CIF fee and hydrant fee are is a source of revenue for the water Capital Reserve Fund. The sewer CIF fee is a revenue source for the sewer Capital Reserve Fund. The water and sewer enterprise fund annual budget will also provide CIP revenue in these areas as the use of CIF/Hydrant fee revenue is limited, per Council resolution, to debt reduction or system expansion activities.
- b. The General Fund Capital Reserve Fund is the funding source for pay-as-you-go financing and for debt service payments for debt financed projects in the General Fund CIP.
- c. Given the historical volatility of the state and other revenues, the five year projections of revenue used to complete the CIP shall be very conservative.



### 3. Fixed Assets

- a. The capitalization threshold for fixed assets shall be \$5,000. The threshold will be applied to individual fixed assets and not to groups of fixed assets. Fixed assets will only be capitalized if they have a useful life of at least three years following the date of acquisition. A physical inventory of capitalized fixed assets will be performed, either simultaneously or on a rotating basis, so that all fixed assets are physically accounted for at least once every four years.

## VIII. Debt Policy

1. Debt will only be incurred for financing capital assets that, because of their long-term nature or because of budgetary restraints, cannot be acquired from current or budgeted resources. **Debt will not be used for operational needs.** Debt financing can include general obligation bonds, revenue bonds, certificates of participation, lease/purchase agreements, special obligation bonds, or any other financing instrument allowed under North Carolina law.
2. The Town will seek to structure debt and to determine the best type of financing for each financing need based on the flexibility needed to meet project needs, the timing of the project, taxpayer or rate payer equity, and the structure that will provide the lowest interest cost in the circumstances.
3. Debt financing will be considered in conjunction with the approval by the Council of the Town's CIP.
4. Capital projects financed through the issuance of bonds, installment financings or lease financings will be financed for a period not to exceed the expected useful life of the project.
  - a. General fund debt will normally have a term of 20 years or less. When practical, the term of non-Utility debt will not exceed 30 years.
  - b. Enterprise fund (water and sewer) debt will normally have a term of 30 years or less. When practical, the term of Utility debt will not exceed 40 years.
5. The Town will strive to maintain a high level of pay-as-you-go financing for its capital improvements.
6. Debt Affordability
  - a. The net debt of the Town, as defined in G.S. 159-55, is statutorily limited to 8% of the assessed valuation of the taxable property within the Town. The Town will strive to maintain a net debt level of no greater than 4%.
  - b. Total General Fund debt service will not exceed any limits imposed by the LGC. As a guide, formulas established by the LGC and rating agencies will be monitored and appropriately applied by the Town. Debt service as a percentage of the operating budget will be targeted at less than 15%.
  - c. The Town will strive to achieve amortization of 60% or more of its non-Utility debt principal within ten years.



7. The Town will seek to structure debt in the best and most appropriate manner to be consistent with the Asset – Liability Management section of this policy.
8. If the Town issues Revenue Bonds, and whereas the minimum coverage ratio expected for Town revenue bonds is 1.20 times, upon the calculation of a coverage ratio for any Utilities System Revenue Bonds which is below 1.5 times (Net Revenues as defined by the General Indenture, but excluding cash receipts from special assessments, over Debt Service as defined by the General Indenture), the Finance Officer will notify the Council of such. Within three months of such notification, the Finance Officer will again report to the Council and will have performed the necessary internal study to advise the Council on the actions necessary to restore the coverage ratio to above 1.5 times. This policy is intended to ensure that all reasonable steps necessary are taken to begin the process of reviewing water revenues and rates well before the coverage ratio for outstanding revenue bonds could reach the minimum level of 1.20 times.
9. The Town will seek to employ the best and most appropriate strategy to respond to a declining interest rate environment. That strategy may include, but does not have to be limited to, delaying the planned issuance of fixed rate debt, examining the potential for refunding of outstanding fixed rate debt, and the issuance of variable rate debt. The Town will seek to employ the best and most appropriate strategy to respond to an increasing interest rate environment. That strategy may include, but does not have to be limited to, the issuance of variable rate debt (a historically lower interest cost), and the use of forward delivery fixed rate debt.
10. The Town will monitor the municipal bond market for opportunities to obtain interest rate savings by refunding by forward delivery, currently refunding or advance refunding outstanding debt. The estimation of net present value savings for a traditional fixed rate refunding should be, at a minimum, 3% of the refunded maturities before a refunding process begins. The estimation of net present value savings for a synthetic fixed rate refunding should be, at a minimum, in the range of 5% to 6% of the refunded maturities before a refunding process begins.
11. The Town will strive for the highest possible bond ratings in order to minimize the Town's interest costs.
12. The Town will normally obtain two debt ratings (Fitch Ratings, Moody's, or Standard & Poor's) for all publicly sold debt issues.
13. While some form of outstanding debt exists, the Town will strive to have a portion of that debt in the form of general obligation debt, when fiscally advantageous.
14. For all years that the Town has any publicly sold debt outstanding, the Town will provide annual information updates to each of the debt rating agencies if desired by those agencies.
15. The Town will use the Comprehensive Annual Comprehensive Financial Report (ACFR) as the disclosure document for meeting its obligation under SEC Rule 15c2-12 to provide

certain annual financial information to the secondary debt market via various information repositories.

16. The Town recognizes the significance of the debt portfolio and the need for the ability to properly manage and maintain that portfolio. The Finance Administrator will maintain a current database of all debt.

## **IX. Accounting, Auditing and Financial Reporting**

1. The Town will maintain accounting systems in compliance with the North Carolina Local Government Budget and Fiscal Control Act. The Town will maintain accounting systems that enable the preparation of financial statements in conformity with generally accepted accounting principals (GAAP).
  - a. The basis of accounting within governmental funds will be modified accrual.
  - b. The basis for accounting within all Enterprise and Internal Service Funds will be modified accrual.
2. Financial systems will be maintained to enable the continuous monitoring of revenues and expenditures or expenses with complete sets of monthly reports provided to the Council, and the Town Manager. Monthly expenditure/expense reports will be provided to each department head for their functional area and online, real time, view only, access to the financial system will be made available to department heads and other staff as much as practical and its use encouraged.
3. The Town will place emphasis on maintenance of an accounting system which provides strong internal budgetary and financial controls designed to provide reasonable, but not absolute, assurance regarding both the safeguarding of assets against loss from unauthorized use or disposition and the reliability of financial records for preparing financial statements and reports, as well as the accountability of assets.
4. An annual audit will be performed by an independent certified accounting firm which will issue an opinion on the annual financial statements as required by the Local Government Budget and Fiscal Control Act.
5. The Town will solicit proposals from qualified independent certified public accounting firms for audit services. The principal factor in the audit procurement process will be the auditor's ability to perform a quality audit. The Town may enter into a multiyear agreement with the selected firm for a period of up to three fiscal years. Firms are not barred from consecutive contract awards. The Council, upon recommendation from the Finance Officer and Audit Committee, shall approve the contractual relationship with the auditor.
6. The Town will maintain a standing audit committee. The committee will oversee the independent audit of the Town's financial statements, from the recommendation of the auditor to the resolution of any audit findings.



7. The Finance Officer will conduct some form of internal audit procedures at least one time per year, specifically focusing upon cash receipts procedures.
8. The Town will prepare an ACFR in compliance with established criteria to obtain the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting and will be submitted to that award program each year.
9. Full and complete disclosure will be provided in all regulatory reports, financial statements and debt offering statements.
10. The Town shall use the ACFR as the disclosure document for meeting its obligation to provide certain annual financial information to the secondary debt market via various information repositories. The annual disclosure is a condition of certain debt covenants and contracts that are required by SEC Rule 15c2-12.
11. The Finance Administrator will develop and maintain a Financial Procedures Manual as a central reference point and handbook for all financial, accounting and recording procedures.
12. The Town Manager will establish, document and maintain a Computer Disaster Recovery Plan and will provide for the daily backup of data and the offsite storage of the same.

## **X. Cash Management Policy**

### **1. Receipts**

- a. All aspects of cash receipts shall be subject to proper internal controls with standard controls documented and followed by revenue generating departments.
- b. The Town Manager shall prescribe internal control procedures for departments which address adequate segregation of duties, physical security, daily processing and reconciliation, use of automated resources, and treatment of overpayments.
- c. Cash receipts will be collected as expediently as reasonably possible to provide secure handling of incoming cash and to move these moneys into interest bearing accounts and investments.
- d. All incoming funds will be deposited daily as required by State law.
- e. The Finance Officer is responsible for conducting at least two unannounced random or risk based internal audits of cash receipting locations per fiscal year.
- f. Upon any suspicion of fraud, the department head shall timely notify the Town Manager for further investigation.
- g. Upon any suspicion of non-compliance with internal control directives, the department head shall timely notify the Town Manager for further investigation.

- h. The Town reserves the right to refuse acceptance of more than \$5.00 in coins, damaged currency, suspicious currency or any check for the transaction of business. (added 7-13-2017)

2. Cash Disbursements

- a. The Town's objective is to retain monies for investment for the longest appropriate period of time.
- b. Disbursements will be made timely in advance of or on the agreed-upon contractual date of payment unless earlier payment provides greater economic benefit to the Town.
- c. Inventories and supplies will be maintained at minimally appropriate levels for operations in order to increase cash availability for investments purposes.
- d. Dual signatures are required for Town checks. Electronic signature of checks, drafts and purchase orders, while technically possible, is not deemed appropriate at this time. The Council may provide by appropriate resolution or ordinance for the use of a signature stamp or similar device in signing checks and drafts and in signing the preaudit certificate on contracts or purchase orders. The Council shall charge the Finance Officer with the custody of the stamp or device, and the Finance Officer and sureties on his official bond are liable for any illegal, improper, or unauthorized use.
- e. Electronic payments shall be utilized to the fullest extent possible where it is determined to be cost effective by the Finance Administrator. Such payments shall be integrated with financial systems and shall follow the proper data and internal controls in accordance with the NC Administrative Code 20 NCAC 03.0410.

**XI. Investment Policy**

- 1. Policy - It is the policy of the Town to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow requirements of the Town and conforming to all State statutes governing the investment of idle funds.
- 2. Scope - This investment policy applies to all financial assets of the Town except authorized petty cash, and debt proceeds, which are accounted for and invested separately from pooled cash. The Town pools the cash resources of its various funds and participating component units into a single pool, as deemed appropriate, in order to maximize investment opportunities and returns. Each fund's and participating component unit's portion of total cash and investments is tracked by the financial accounting system.
- 3. Prudence
  - a. The standard of prudence to be used by authorized staff shall be the "prudent person" standard and shall be applied in the context of managing an overall



portfolio. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

- b. Authorized staff acting in accordance with procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion to the Council and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.
4. Authorized Staff - G.S. 159-25(a) 6 delegates management responsibility for the investment program to the Finance Officer. The Finance Officer will establish and maintain procedures for the operation of the investment program that are consistent with this policy. Such procedures will include delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Officer.

The Finance Officer will be responsible for all transactions undertaken and will establish and maintain a system of controls to regulate the activities of subordinates. In the absence of the Finance Officer and those to which he or she has delegated investment authority, the Town Manager or his or her designee is authorized to execute investment activities.

5. Objectives - The Town's objectives in managing the investment portfolio, in order of priority, are safety, liquidity, and yield.
  - Safety - Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To best mitigate against credit risk (the risk of loss due to the failure of the security issuer) diversification is required. To best mitigate against interest rate risk (the risk that changes in interest rates will adversely affect the market value of a security and that the security will have to be liquidated and the loss realized) the second objective, adequate liquidity, must be met.
  - Liquidity - The investment portfolio shall remain sufficiently liquid to meet all operating and debt service cash requirements that may be reasonably anticipated. The portfolio will be structured so that securities mature concurrent with cash needs (static liquidity), with securities with an active secondary market (dynamic liquidity), and with deposits and investments in highly liquid money market and mutual fund accounts.
  - Yield - The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary, economic and interest rate cycles, taking into account investment risk constraints and liquidity needs.
6. Ethics and Conflicts of Interest - Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution



and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose to the Town Manager any interests in financial institutions with which they conduct business material to them. They shall further disclose any personal financial or investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individuals with whom business is conducted on behalf of the Town.

7. Authorized Financial Dealers and Financial Institutions

- a. The Finance Officer will maintain a list of financial institutions that are authorized to provide investment services. Authorized financial institutions will be selected by credit worthiness and must maintain an office in the State of North Carolina. These may include "primary" dealers or regional dealers that qualify under SEC Rule 15C3-1 (uniform net capital rule).
  - b. Any financial institutions and broker dealers that desire to become qualified to conduct investment transactions with the Town must supply the Finance Officer with the following:
    - Audited financial statements;
    - Proof of National Association of Securities Dealers certification;
    - Proof of State registration; and
    - Certification of having read the Town's investment policy.
  - c. Any previously qualified financial institution that fails to comply or is unable to comply with the above items upon request will be removed from the list of qualified financial institutions.
  - d. The Finance Officer shall have discretion in determining the number of authorized financial institutions and may limit that number based upon the practicality of efficiently conducting the investment program. The Finance Officer shall also have the discretion to add or remove authorized financial institutions based upon potential or past performance.
8. Internal Control - The Town Manager is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived and that the valuation of costs and benefits requires the use of estimates and judgments by management.
9. Collateralization - Collateralization is required for certificates of deposit. North Carolina General Statutes allow the State Treasurer and the Local Government Commission to prescribe rules to regulate the collateralization of public deposits in North Carolina banks. These rules are codified in the North Carolina Administrative Code – Title 20, Chapter 7 (20 NCAC 7). The Pooling Method of collateralization under 20 NCAC 7 allows depositories to use an escrow account established with the State Treasurer to secure the deposits of all

units of local government. This method transfers the responsibility for monitoring each bank's collateralization and financial condition from the Town to the State Treasurer. The Town will only maintain deposits with institutions using the Pooling Method of collateralization.

10. Delivery and Custody - All investment security transactions entered into by the Town shall be conducted on a delivery versus payment basis. Securities will be held by a third party custodian designated by the Finance Officer and each transaction will be evidenced by safekeeping receipts and tickets.
11. Authorized Investments - The Town is empowered by North Carolina G.S. 159-30(c) to invest in certain types of investments. The Town Council approves the use of the following investment types, the list of which is more restrictive than G.S. 159-30(c):
  - a. Obligations of the United States or obligations fully guaranteed as to both principal and interest by the United States.
  - b. Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Housing Administration, and the United States Postal Service.
  - c. Obligations of the State of North Carolina.
  - d. Bonds and notes of any North Carolina local government or public authority that are rated "AA" or better by at least two of the nationally recognized ratings services or that carries any "AAA insured" rating.
  - e. Fully collateralized deposits at interest or certificates of deposit with any bank, savings and loan association or trust company that utilizes the Pooling Method of collateralization (section VIII.I).
  - f. Prime quality commercial paper bearing the highest rating of at least one nationally recognized rating service, which rates the particular obligation.
  - g. Banker's acceptance of a commercial bank or its holding company provided that the bank or its holding company is either (i) incorporated in the State of North Carolina or (ii) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligations.
  - h. Participating shares in a mutual fund for local government investment, provided that the investments of the fund are limited to those qualifying for investment under G.S. 150-30(c) and that said fund is certified by the LGC. (The only such certified fund is the North Carolina Capital Management Trust.)



- i. Evidences of ownership of, or fractional undivided interest in, future interest and principal payments on either direct obligations of the United States government or obligations the principal of and the interest on which are guaranteed by the United States, which obligations are held by a bank or trust company organized and existing under the laws of the United States or any state in the capacity of custodian (STRIPS).
- j. Guaranteed investment contracts utilizing repurchase agreements but only for the investment of debt proceeds which are to be collateralized at 105% and marked to market on a daily basis.

12. Prohibited Forms of Authorized Investments

- a. The use of repurchase agreements in the normal investment portfolio (not debt proceeds) is prohibited.
- b. The use of collateralized mortgage obligations is prohibited.
- c. The use of any type of securities lending practices is prohibited.

13. Diversification - Investments will be diversified by security type and by institution.

- a. With the exception of United States treasury securities and the North Carolina Capital Management Trust, no more than 30% of the Town's total investment portfolio will be invested in a single security type or with a single financial institution.
- b. The total investment in certificates of deposit shall not exceed 25% of the Town's total investment portfolio and the investment in certificates of deposit with a single financial institution shall not exceed FDIC insurance limitations.
- c. The Finance Officer is responsible for monitoring compliance with the above restrictions. If a violation occurs, the Finance Officer shall report such to the Town Manager and to the Council along with a plan to address the violation.

14. Maximum Maturities - To the extent possible, the Town will attempt to match its investments with anticipated cash flow requirements. Beyond identified cash flow needs, investments will be purchased so that maturities are staggered. The following maturity limits are set for the Town's investment portfolio:

- a. At least 60% of the investment portfolio will have maturities of no more than 3 years from the date of purchase.
- b. At least 80% of the investment portfolio will have maturities of no more than 5 years from the date of purchase.
- c. At least 95% of the investment portfolio will have maturities of no more than 10 years from the date of purchase.

- d. No investments maturing more than 15 years from the date of purchase may be purchased.
  - e. For purposes of this section, for any variable rate demand obligation, the purchase date is considered to be the last reset and remarketing date and the maturity date is considered to be the next reset and remarketing date.
  - f. If any change is made to the Town's policy for unassigned fund balance in the General Fund then other sections of this policy must be concurrently revised.
15. Selection of Securities - The Finance Officer or his or her designee will determine which investments shall be purchased and sold and the desired maturity date(s) that are in the best interest of the Town. The selection of an investment will involve the evaluation of, but not limited to, the following factors: cash flow projections and requirements; current market conditions; and overall portfolio balance and makeup.
16. Responses to Changes in Short Term Interest Rates
- a. The Town will seek to employ the best and most appropriate strategy to respond to a declining short-term interest rate environment. The strategy may include, but does not have to be limited to, purchases of callable "cushion" bonds, lengthening of maturities in the portfolio, and increases in the percentage of ownership of treasury notes relative to that of treasury bills.
  - b. The Town will seek to employ the best and most appropriate strategy to respond to an increasing short-term interest rate environment. That strategy may include, but does not have to be limited to, purchases of "step-up" securities, shortening of maturities in the portfolio, the use of floating rate investments, and increases in the percentage of ownership of treasury bills relative to that of treasury notes.
17. Performance Standards - The investment portfolio will be managed in accordance with the parameters specified within this policy. The investment portfolio will strive to obtain a market average rate of return within the constraints of the Town's investment risk profile and cash flow needs. The performance benchmarks for the performance of the portfolio will be rates of return on 90-day commercial paper and on three-year treasury notes.
18. Active Trading of Securities - It is the Town's intent, at the time of purchase, to hold all investments until maturity to ensure the return of all invested principal. However, if economic or market conditions change making it in the Town's best interest to sell or to trade a security before maturity, that action may be taken.
19. Pooled Cash and Allocation of Interest Income - All moneys earned and collected from investments other than bond proceeds will be allocated monthly to the various participating funds and component units based upon the average cash balance of each fund and component unit as a percentage of the total pooled portfolio. Earnings on bond proceeds will be directly credited to the same proceeds.



20. Marking to Market - A report of the market value of the portfolio will be generated at least semi-annually by the Finance Administrator. The Finance Officer will use the reports to review the investment portfolio in terms of value and price volatility, as well as for compliance with GASB Statement #31.
21. Software - The Town recognizes the significance of the size of its investment portfolio and of the requirements contained in this policy. The Town will utilize investment software which enables efficient transaction processing and recording, sufficient portfolio monitoring and the ability to maintain reporting compliance with this policy.
22. Reporting - The Finance Administrator will prepare a quarterly investment report that will be submitted with the Board's monthly report package.
  - a. The quarterly investment report will include a listing of all investments and will show the investment number, the investment description, the purchase, call and maturity dates, the yields to call and to maturity, the weighted average yields to call and to maturity by investment type and in total, the coupon rate, the par value and the ending amortized value. The report will also include earnings information for the last twelve months with that information compared to the established benchmarks.
  - b. The quarterly investment report will include reporting on the status of diversification compliance.
23. Policy Considerations
  - a. A maturity or diversification violation created by fluctuations in the size of the portfolio does not require corrective action. The violation may be cured through an increase in the portfolio size or the maturity of an investment.

## **XII. Review and Revision**

The Town will formally review this set of financial and budgetary policies at least once every three years.



## Glossary

### **ACFR: Annual Comprehensive Financial Report**

This report moves one-step beyond the typical “audit report” and includes all the information from an audit, plus additional statistical and general information about the unit.

### **CIF: Capital Improvement Fund**

As fee is paid for all new connections to the water and sewer systems that goes directly into separate capital improvement funds. These funds, by resolution of the Town Council, are only for projects related to system expansion or the retirement of debt. The water CIF is also funded by the annual hydrant fee paid by owners of developed lots that are not connected to the water system.

### **CIP: Capital Improvement Plan**

The purpose of the capital improvement plan (CIP) is to forecast and match projected revenues and major capital needs over a five-year period. Generally defined, CIP capital expenditures are any expenditure of major value that recurs irregularly, results in the acquisition (or significant modification) of a fixed asset, and has a useful life greater than one (1) year.

### **GAAP: Generally Accepted Accounting Principles**

This is a standard related to how financial statements are prepared and included conventions and rules that accountants use in the preparation and interpretation of these statements.

### **FDIC: Federal Deposit Insurance Corporation**

The Federal Deposit Insurance Corporation (FDIC) is an independent agency created by the Congress to maintain stability and public confidence in the nation's financial system by: insuring deposits, examining and supervising financial institutions for safety and soundness and consumer protection, and managing receiverships.

**Fund Balance:** Fund Balance is, simply explained, the amount of assets in excess of liabilities in a given fund.

Adopted: July 16, 2009

Updated: July 1, 2013

Updated: May 19, 2016

Amended: July 13, 2017 (Section X)

Amended: May 17, 2018 {Various changes to comply with electronic pre-audit changes in purchasing policy: Section V(2), X(2)(e) and IV(1) and to change language from unrestricted to unassigned, reference fund balance}

Amended: May 20, 2021 Section VII 2 (a), Section V 2 and 3 and changes to add ACFR.

## Planning Board Report – May 2021

The regular meeting of the Planning Board was held on May 6<sup>th</sup> at 6:00 pm at Municipal Building. A quorum was present. There were no visitors. Chairman Lippert called the meeting to order. The usual reports were given.

There was only one item on the agenda. Assistant Zoning Administrator McCollum had prepared a lengthy draft of changes to River Bend's zoning ordinances suggested and or mandated by the State legislature. Board members had several days to study the draft and each one gave their corrections and suggestions. Very few changes were suggested. The board approved a resolution stating that River Bend's zoning ordinances comply with state requirements. A public hearing and approval by the Town Council will be required before the changes are officially adopted.

## GENERAL PROVISIONS

### § 15.01.001 TITLE.

This chapter shall be known and may be cited as the Subdivision Regulations for the Town of River Bend, North Carolina, and may be referred to as the Subdivision Chapter.

### § 15.01.002 PURPOSE.

- A. The purpose of this chapter is to establish procedures and standards for the development and subdivision of land within the territorial and extraterritorial jurisdiction of the Town of River Bend.
- B. It is further designed to provide for the orderly growth and development of the Town of River Bend; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety and the general welfare.
- C. This chapter is designed to further facilitate adequate provision for water, sewerage, stormwater management, parks and playgrounds and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

### § 15.01.003 AUTHORITY.

This chapter is hereby adopted under the authority and provisions of the G.S. Chapter ~~§ 160A~~160D, Article ~~198~~, ~~Part 2~~8.

### § 15.01.004 JURISDICTION.

The regulations contained herein as provided in G.S. ~~§ 160A~~160D, Article ~~19-8~~ shall govern each and every subdivision within the territorial and extraterritorial jurisdiction of the Town of River Bend as the areas of the jurisdiction from time to time are determined.

Penalty, see § 1.01.999



**§ 15.01.032 EFFECT OF PLAT APPROVAL ON DEDICATIONS.**

- A. Pursuant to G.S. ~~§160A160D-374~~806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the Town of River Bend or public of the dedication of any street or other ground, public utility line or other public facility shown on the plat.
- B. The Town Council may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines or other public purposes, when the lands of facilities are located within its jurisdictional area.
- C. Acceptance of dedication of lands or facilities located within the jurisdictional area but outside the corporate limits of the Town of River Bend shall not place on the Town of River Bend any duty to open, operate, repair or maintain any street, utility line or other land or facility, and the Town of River Bend shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside of its corporate limits.

**§ 15.01.033 SEPARABILITY.**

Should any section or provision of this chapter be decided by a court of competent jurisdiction to be unconstitutional or invalid, the decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**§ 15.01.034 VARIANCES.**

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this chapter would cause an unnecessary hardship, the Board of Adjustment may authorize a variance to the terms of this chapter only to the extent that it is absolutely necessary and not to an extent which would violate the intent of this chapter.

**§ 15.01.035 AMENDMENTS.**

The Town Council from time to time may amend the terms of this chapter, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have 30 days within which to submit its report. If the Planning Board fails to submit a report within the specific time, it shall be deemed to have approved the amendment.

**§ 15.01.036 ABROGATION.**

- A. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law.
- B. Where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

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**BUILDING, PRINCIPAL/MAIN.** A building in which is conducted the principal or main use of the lot on which it is located. Principal and main are synonymous here and in all other usage throughout the code.

**BUILDING SETBACK LINE.** A line parallel to the front property line in front of which no structure shall be erected.

**CHILD DAY CARE CENTERS AND NURSERIES.** Child day care centers or nurseries shall comply with the G.S. § 110, Article 7, which governs the licensing of day care facilities.

**COMMERCIAL USE.** Any use permitted by this chapter in a commercial district.

**COMMERCIAL VEHICLE.** A vehicle:

- (1) With lettering or signage indicating use for commercial purposes; or
- (2) In excess of ½ ton load capacity of a type customarily used for commercial purposes.

**CONDITIONAL ZONING. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.**

**COUNTY.** Craven County, North Carolina.

**DIMENSIONAL NON-CONFORMITY.** A non-conforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

**DWELLING.** A building or portion thereof designed, arranged or used for permanent living quarters for 1 or more families. The term **DWELLING** shall not be deemed to include a motel, hotel, tourist home or any structures designed for transient residence.

**DWELLING, MULTIPLE.** A building, including an apartment house, or portion of 1 used or designed as a residence for 3 or more families living independently of each other and doing their own cooking therein.

**DWELLING, SINGLE-FAMILY.** A building used or designated as a residence for a single family.

**DWELLING, 2-FAMILY.** A building or portion thereof used or designed as a residence for 2 families living independently of each other and doing their own cooking therein.

**ELEVATION.** In relation to mean sea level, new construction shall have the minimum elevation no less than 10.5 feet to the floor joist or no less than 11 feet to the lowest habitable floor, whichever is more restrictive.

**FAMILY.** One or more persons occupying a single family dwelling unit, provided that, unless all members are related by blood or marriage, no family shall contain more than 5 persons.

**FRONT LOT LINE.** The line of a lot contiguous with the street right-of-way.

**IMPERVIOUS SURFACE.** Any surface which because of its material or composition or compacted nature impedes or prevents natural infiltration of storm water into the soil. Impervious surfaces include, but

and bears a seal or label issued by the Department of Insurance pursuant to G.S. § 143-139.1, and which is transported to its site on an integral/permanent chassis, or any other type of modular unit that does not expressly meet the definition of off-frame modular home as defined herein.

- (2) For purposes of this chapter, an on-frame modular home constitutes a manufactured home as well, and is regulated herein as a manufactured home.

**PERSONAL SERVICES.** Occupations dealing with the body and/or physical appearance of a person that are regulated by the State of North Carolina by certification and/or registration.

**PRIVATE CLUBS AND LODGES.** Fraternal, athletic, dining and civic organizations or societies which are not inimical to the public health, welfare, safety, order or convenience.

**PROFESSIONAL SERVICES.** Occupations requiring special knowledge and academic degree and are regulated by the State of North Carolina by certification and/or registration.

**QUASI-JUDICIAL DECISION.** A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision making board.

**REGULATED TREE.** Regulated trees shall be defined as any tree with a circumference of 12.5 inches or greater, measured at 54 inches above the ground.

*Added 01/17/2008, Amended 04/16/2009*

**SPECIAL USE PERMIT.** A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as "conditional use permits" or "special exceptions."

**STREET.** A road or highway which affords the principal means for vehicular traffic access to abutting property and which has been dedicated to public use. **STREET**, road and highway are synonymous.

**STREET LIGHTING.** Night time street illumination intensity meeting NCDOT requirements. Placed on town right-of-way so as not to interfere with traffic or property access.

**STRUCTURE.** Includes but not limited to a building, deck, swimming pool, bulkhead, dock, wall or fence, storage shed, tennis court, gazebo, and satellite antenna, but excluding specifically satellite antennas with dishes of 24 inches or less in diameter.

**TIMBER HARVESTING.** Timber Harvesting shall be defined as the cutting and removal of a quantity of timber: (i) for delivery of merchantable timber to market, or (ii) pursuant to a practice that reduces tree



- A. This chapter shall not repeal, annul, or impair any existing provisions of law, ordinance or rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; provided, however, wherever the terms of this chapter require a greater width or size of yards, courts or other open spaces, or impose other higher standards than are required in any other statute or local ordinance or regulations, the provisions of this chapter shall govern.
- B. Wherever the provisions of any other statute, local ordinance or regulations require greater width or size yards, courts or other open space, or require a greater percentage of plot to be left unoccupied, or impose other higher standards than are required in this chapter, the provisions of the statute, local ordinance or regulation shall govern.
- C. All modifications heretofore granted by the Town Council shall remain in effect and binding.
- D. This chapter shall remain in effect insofar as required for the initiation of any proceedings against any violations and for the prosecution of violations heretofore commenced.
- E. Nothing in this chapter shall modify or repeal any deed restriction on land within the area of jurisdiction of this chapter, but no deed restriction shall constitute a basis for failing to comply with the chapter.

#### **§ 15.02.024 DEVELOPMENT APPROVALS RUN WITH THE LAND.**

Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this Chapter attach to and run with the land.

### **ESTABLISHMENT OF DISTRICTS**

#### **§ 15.02.035 GENERALLY.**

- A. For the purpose of this chapter, the town is divided into use districts.
- B. Each type of district is listed with permitted uses and dimensional requirements.
- C. Any use not specifically permitted by this chapter is prohibited.

#### **§ 15.02.036 RESIDENTIAL DISTRICTS.**

<i>Use District</i>	<i>Permitted Uses</i>	<i>Dimensional Requirements</i>
R-20	Single Family Residential	20,000 square feet minimum lot area
R-20A		
R-15	Single Family Residential	15,000 square feet minimum lot area
PDR-SF	Planned Development Residential	Single family district is intended to provide for the unified development of permanent residential neighborhoods containing only single family detached dwellings. No tract shall be considered



**§ 15.02.042 PERMITTED USES FOR INSTITUTIONAL DISTRICTS.**

Permitted uses for Institutional Districts:

- A. Private clubs and lodges;
- B. Academic day or preparatory schools;
- C. Health related facilities; and
- D. Churches.

Penalty, see § 1.01.999

**§ 15.02.043 PERMITTED USES FOR BUSINESS DISTRICTS.**

Permitted uses for Business Districts:

- A. Commercial development for stores, personal services, banks, restaurants, social and business associations and offices; and
- B.
  - 1. Residential use in a business district is allowed as long as the use is incidental to the intended business use.
  - 2. Where more than 1 business is located on a property or within a structure, such as but not limited to, a strip mall or office complex, this residential allowance shall be applied to each individual business location within the property or structure.

Penalty, see § 1.01.999

**§ 15.02.044 PERMITTED USES FOR WILDLIFE PRESERVE DISTRICTS.**

Only development or other uses as are allowed by the United States Army Corps of Engineers and the North Carolina Department of Natural Resources and Community Development and for which required permits of the aforesaid agencies and/or the Town of River Bend have been issued.

Penalty, see § 1.01.999

**§ 15.02.045 PERMITTED USES FOR AGRICULTURAL DISTRICTS.**

Crop production, gardening, orchards, forestry and logging. Property that is located in the Town's extraterritorial planning and development regulation jurisdiction and that is used for bona fide farms purposes is exempt from the Town's zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to this section. Property that ceases to be used for bona fide farm purposes shall become subject to exercise of the Town's extraterritorial planning and development regulation jurisdiction under this Chapter.

Penalty, see § 1.01.999

**§ 15.02.046 ZONING MAPS.**

- A. The districts are bounded and defined as shown on a map entitled map of the Town of River Bend, Craven County, North Carolina which, with all explanatory matter thereon, hereby is adopted and made a part of this chapter.
- B. The zoning map shall be identified by the signature of the Mayor attested by the Town Clerk and shall bear the seal of the town under the following words: "This is to certify that this is the Official Zoning Map referred to in §§ 15.02.035 et seq. of the Zoning Chapter of the Town of River Bend, North Carolina," together with the date of adoption of this chapter.
- C. Zoning district maps, both current and prior, shall be maintained for public inspection in the office of the local government clerk or such other office as specified in the development regulation. The maps may be in paper or a digital format approved by the local government.
- D. Development regulations adopted pursuant to this Chapter may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by state and federal agencies. For these maps, a regulation text or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps. When zoning district boundaries are based on these maps, the regulation may provide that the zoning district boundaries are automatically amended to remain consistent with changes in the official promulgated state or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection as provided in subsection (C) of this section.

**§ 15.02.047 DISTRICT REQUIREMENTS.**

For convenience in the administration of this chapter, there is hereby established and made a part of this chapter the following schedule for the several districts setting forth minimum limitations and requirements. The requirements listed for each district as designated are subject to all provisions of this chapter and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

<i>Schedule of District Requirements</i>										
	R-20	R-20A	R-15	PDR-MF	PDR-SF	ID	BD	WP	AGR	PD-BD
Min. Lot Area (SF)	20,000	20,000	15,000	-	6,500	20,000	20,000	-	-	20,000
District Size	-	-	-	5 acres	10 acres	-	-	-	-	4 acres
Density	-	-	-	*	†	-	‡	-	-	‡
Min. Front Lot Line (FT)	90**	90**	85**	50††	50††	-	100	-	-	100
Min. Bldg. Set Back (FT)	30	30	30	25	25	40	40	-	-	40



- e) Location of all existing buildings and structures;
- f) Location of all existing and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences and walls. Location, type and screening details for waste disposal;
- g) Locations, dimensions and sketches of all proposed signage;
- h) A planting and berm plan showing all existing natural features, trees and water resources, and all proposed changes to those features including size and type of plant material;
- i) Zoning district classifications of subject site and abutting properties;
- j) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, and curbing on the site;
- k) Elevation plans to a minimum scale of 1/8 inch equals 1 foot for all exterior facades of proposed or existing structures and additions;
- l) Approximate percentage of land to be covered by buildings;
- m) Proposed uses;
- n) Anticipated architectural style(s).

E. *Enforcement.*

- 1. The Zoning Administrator may revoke any zoning, special use, or conditional ~~use~~-zoning permit to insure compliance with the plan and stated conditions of approval.
- 2. The Zoning Administrator may also suspend any permit or license when work is not performed within 1 year of approval of the site plan.
- 3. The permit issuing authority may extend the 1 year prior for good cause.
- 4. Appeals to the decisions of the permit issuing authority may be made to the Board of Adjustment through procedures outlined in §§ 15.02.173 et seq. of this chapter.

F. *Design guidelines and performance standards.*

- 1. The following are the design guidelines and performance standards.
- 2. Exceptions to these guidelines may be granted by the Board of Adjustment after reviewing the petition of the developer along with the recommendations of the Zoning Administrator.
  - a) Required standards.
    - (1) For those developments abutting Highway 17, entrance shall be from Pirates Road or Efird Boulevard. An exception may be granted for any single property not directly connected to Pirates Road or Efird Boulevard.
    - (2)
      - (a) For all developments, each development under single ownership shall be limited generally to 1 driveway access to provide both ingress and egress.
      - (b) In cases where it is determined by the Zoning Administrator that more than 1 driveway access would provide a more efficient circulation pattern within the development and would promote improved traffic safety, 1 additional driveway access may be permitted.
    - (3)



## GENERAL DISTRICT REGULATIONS

### § 15.02.060 APPLICATION.

The regulations set forth in this subchapter shall affect all land, every building and every use of land and/or building existing at the time of the adoption of this chapter, and to new construction as follows.

- A. *New uses or construction.* After the effective date of this chapter, all new construction of buildings or structures and/or all use of land shall conform with the requirements for the district in which it is located.
- B. *Access and parking.* Each lot shall provide access to an approved street and shall provide adequate off-street parking. Each front lot line shall abut an approved street right-of-way line.
- C. *Completion of existing construction.* Nothing herein shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this chapter, or of a building for which a building permit has been issued and in which the entire building is completed within 1 year from the date of the adoption of this chapter.
- D. *Conforming uses or structures.* After the effective date of this chapter, any existing structures or uses of land or structures which then conform with the regulations for that district may be continued without specific permit, provided that any subsequent alteration or change in use shall conform with the requirements of this chapter.
- E. *Added territory.* All territory which hereinafter may be included within the town's jurisdiction either through annexation or extension of the town's extraterritorial area shall be classified into zoning districts determined by the Town Council, after the Town Council receives recommendations from the Planning Board and after advertised public hearing. The Town of River Bend must provide mailed notice to owners of all parcels of land proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax records, thirty days prior to the date of the extraterritorial jurisdiction (ETJ) hearing, and may hold one hearing (with single mailed notice) regarding ETJ and initial zoning amendment.

Penalty, see § 1.01.999

### § 15.02.061 PRINCIPAL AND ACCESSORY BUILDINGS.

- A. *Principal building.* No lot in any residential district shall be occupied by more than 1 principal building.
- B. *Manufactured home.* An off-frame manufactured home must meet the following additional requirements:
  - 1. Assembled on a permanent foundation consisting of a continuous perimeter weight bearing wall with storm ties embedded;
  - 2. Permanent underpinning of solid masonry;
  - 3. Permanent interior foundation support of solid masonry or its equivalent;

provide stability, such as is accomplished with a retaining wall; create a landscaping or ornamental effect.

C. Fences are a permitted use in all zoning districts, provided that:

1. No fences shall be allowed in any front yard.
2. Fences shall be limited to six (6) feet in height within any side or rear yard.
3. Fences shall be constructed of wood, brick, vinyl, ornamental iron or metal railing, chain link or stone. The exposed framing of each section of fence shall face the interior yard or property, e.g. the finished side shall face out.
4. The owner of the property on which the fence is located is required to maintain the fence in a safe condition and plumb (vertical) to the ground. For fences erected close to a property line, fence owners are advised to consider future access to the exterior side of the fence for maintenance.
5. Retaining walls over five (5) feet in height shall be designed and constructed under the responsible charge of a NC registered professional engineer.
6. Fences built in conjunction with electric or gas substations, public works facilities, public recreation facilities or other similar uses shall not exceed ten (10) feet in height without specific approval of the Town Manager.
7. No fence shall be constructed within or upon any street right-of-way. In addition, no fence shall be constructed within ten (10) feet of any street pavement.
8. No fence or wall shall alter or impede the natural flow of water in any stream, creek, drainage swale, ditch or similar drainage feature.
9. The exposed framing of each section of fence shall face the interior yard or property, e.g. the finished side shall face out.
10. In residential zoning districts, fences shall not be constructed of material which may be dangerous or hazardous to the public, such as barbed or razor wire or other similar materials except in association with those uses permitted as a special ~~exception~~use.
11. Fences constructed on or over utility easements are subject to be removed at the owner's expense subject to the terms of the easement.
12. Nothing in this section shall prevent the installation of temporary fences related to construction sites or sediment and erosion control. Temporary fences shall be removed within ten (10) days of the issuance of a certificate of zoning compliance for the project. For projects that do not require a zoning permit, temporary fences must be removed within (90) days of their installation. A temporary permit may be extended for thirty (30) days.
13. It is the responsibility of the fence owner to insure that the fence is installed on their property.
14. A zoning permit is required for the installation of any fence.

*Amended 09/21/17*

D. Visibility at intersections.



Temporary use of property for construction offices may be permitted and shall be limited to the construction site. Temporary construction offices shall be removed immediately upon completion or abandonment of construction.

Penalty, see § 1.01.999

#### § 15.02.066 WATER SUPPLY AND SEWAGE DISPOSAL.

- A. *Approval.* Each application for an initial zoning permit or a special ~~exception~~-use permit shall be accompanied with plans of the proposed method of water supply and sewage disposal. All new construction having available public and/or community water and/or sewage disposal systems upon payment of applicable tap-on and other user fees and charges shall provide for connection to the water systems and/or sewage disposal systems and in accordance with § 5.01.007 of this Code, remain connected to said system(s) as the sole means of supplying potable water to and/or wastewater removal from all improvements on the property. No excavation for or construction of any building or use of land shall be commenced until approval of the Craven County Health Department is noted on the plans and an initial zoning permit is issued.

*Amended 06/18/2009*

B. *Method to be specified.*

1. Any application shall specify the method or methods to be used and shall describe any special conditions to be met.
2. Subject to the provisions of division (A) above requiring connection to available public and/or community and/or sewage disposal systems, the methods and the approvals required, include the following:
  - a) Connection to public water or sewage disposal systems operated by the town, or other governmental unit or agency with connection approval by an authorized officer of each system.
  - b) Connection to community water or sewage disposal systems operated by a person, firm or corporation other entity other than a governmental unit or agency with connection approval by an authorized officer of each system.
  - c) Installation of other than public water or sewage disposal systems of each appropriate authorizing agency.

Penalty, see § 1.01.999

#### § 15.02.067 HOME OCCUPATIONS.

- A. Customary occupations and offices of a professional person such as a physician, dentist, architect, lawyer, engineer, artist, musician, real estate, insurance agent, accountant and the like, are permitted, provided the use is clearly incidental and subordinate to the residential use



the appraised valuation of the structure prior to damage and/or renovation, may be done only in accordance with a zoning permit issued pursuant to this section.

2. For purposes of division (E)(1) above:
    - a) The cost of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish the renovation, repair, or replacement.
    - b) The cost of renovation or repair or replacement shall mean the total cost of all the intended work, and no person may seek to avoid the intent of division (E)(1) by doing the work incrementally.
    - c)
      - (1) The appraised valuation shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation or the valuation determined by a professionally recognized property appraiser.
      - (2) It shall be the responsibility of the property owner to supply the town with the appraised valuation of the property. The valuation shall include the necessary documentation to support the valuation.
      - (3) The Zoning Administrator may issue a permit authorized by this section if he finds that, in completing the renovation, repair or replacement work:
        - (a) No violation of division (D) above will occur; and
        - (b) The permittee will comply to the extent possible with all provisions of this chapter applicable to the existing use except that the permittee shall not lose his right to continue a non-conforming use, except for those reasons outlined in division (G) below with a requirement of this division is not possible if compliance cannot be achieved without adding additional land to the lot where the non-conforming situation is maintained or moving a substantial structure that is on a permanent foundation.
- F. Change in use of property where a non-conforming situation exists.
1.
    - a) A change in use of property that is sufficiently substantial to require a new zoning permit (§ 15.02.166) or special ~~exception~~-use permit (§§ 15.02.120 et seq.) may not be made except in accordance with divisions (F)(2) and (3) below.
    - b) However, this requirement shall not apply if only a sign permit is needed.
  2. If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this ordinance applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this chapter is achieved, the property may not revert to its non-conforming status.
  3. If the intended change in use is to a principle use that is permissible in the district where the property is located, but all of the requirements of this chapter applicable to that use cannot

be complied with, then the Zoning Administrator may issue a permit authorizing the change. If the Zoning Administrator finds, in addition to any other findings that may be required by this chapter, that:

- a) The intended change will not result in a violation of division (D) above; and
  - b) All of the applicable requirements of this chapter that can be complied with will be complied with. Compliance with a requirement of this chapter is not possible if compliance cannot be achieved without adding additional land to the lot where the non-conforming situation is maintained or moving a substantial structure that is on a permanent foundation. And in no case may an applicant be given permission pursuant to this division to construct a building or add to an existing building if additional non-conformities would thereby be created.
4. A change in use to another principal use that is also non-conforming is not permissible.
- G. Abandonment and discontinuance of non-conforming situations.
1. When a non-conforming use is discontinued for a continuous period of 180 days, the property involved may thereafter be used only for conforming purposes.
  2. If a non-conforming use is maintained in conjunction with a conforming use, discontinuance of a non-conforming use for the required 180 day period shall terminate the right to maintain it thereafter.
  3. When a structure or operation made non-conforming by this chapter is vacant or discontinued at the effective date of this chapter, the 180-day period for purposes of this division begins to run at the effective date of this chapter.
- H. Completion of non-conforming projects.
1. All non-conforming projects on which construction was begun at least 180 days before the effective date of this chapter as well as all non-conforming projects that are at least 25% completed in terms of the total expected cost of the project on the effective date of this chapter may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this division shall apply only to the particular phase under construction.
  2. Except as provided in division (H)(1) above, all work on any non-conforming project shall cease on the effective date of this chapter, and all permits previously issued for work on non-conforming projects shall be revoked as of that date. Thereafter, work on non-conforming projects may begin or may be continued only pursuant to a zoning, special ~~exception~~-use or sign permit issued in accordance with this section by the individual or Board authorized by this chapter to issue permits for the type of development proposed. The Zoning Administrator may issue a permit if he finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land use law as it existed before the effective date of this chapter and thereby would be unreasonably



prejudiced if not allowed to complete his project as proposed. In considering whether these findings may be made, the Zoning Administrator shall be guided by the following, as well as other relevant considerations.

- a) All expenditures made pursuant to a validly issued and unrevoked building, zoning, sign or a special ~~exception~~-use permit shall be considered as evidence of reliance on the land use law that existed before this chapter became effective.
  - b) Except as provided in division (H)(2)(a) above, no expenditures made more than 180 days before the effective date of this chapter may be considered as evidence of reliance on the land use law that existed before this ordinance became effective. An expenditure is made at the time a party incurs a binding obligation to make that expenditure.
  - c) To the extent that expenditures are recoverable, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property.
  - d) To the extent that a non-conforming project can be made conforming and that expenditures made or obligations incurred can be effectively utilized in the completion of a conforming project, a party shall not be considered prejudiced by having made these expenditures.
  - e) An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of:
    - (1) The total estimated cost of the proposed project; and
    - (2) The ordinary business practices of the developer.
  - f) A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed development site could not be attributed to him.
  - g) Even though a person had actual knowledge of a proposed change in the land use affecting a development site, the Zoning Administrator may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed chapter. The Zoning Administrator may find that the developer did not proceed in an attempt to undermine the proposed chapter if he determines that:
    - (1) At the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended development; and
    - (2) The developer had legitimate business reasons for making expenditures.
3. The Zoning Administrator shall not consider any application for the permit authorized by division (H)(2) above that is submitted more than 60 days after the effective date of this



## § 15.02.080 OFF-STREET PARKING REQUIREMENTS.

- A. There shall be provided at the time of the erection of any building permanent off-street parking space in the amount specified by this section.
- B. The parking space may be provided in a parking garage or properly paved open area.
- C. Except for residential parking spaces, all the parking area shall be in accordance with North Carolina State Department of Transportation standards.
  1. Each application for an initial zoning permit shall include information as to the location and dimension of off-street parking and loading space and the means of ingress and egress to the space. This information shall be sufficient detail to enable a determination whether or not the requirements of this section are met.
  2. The required parking space for any number of separate uses may be combined in 1 lot but the required space assigned to 1 use may not be assigned to another use, except that ½ of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.
  3. If the off-street parking space required by this chapter cannot be reasonably provided on the same lot on which the principal use is located, the Board of Adjustment may, as a special exception use, permit the space to be provided on any land within 400 feet of the main entrance to the principal use, provided the land is in association with the principal use and is zoned for the principal use involved. The land shall be used for no other purpose so long as no other adequate provision for parking space meeting the requirements of this chapter has been made for the principal use and is zoned for the principal use involved.
  4.
    - a) The minimum number of required off-street parking spaces shall be calculated from the following table. In the case of a building or use not expressly provided for, the number of off-street spaces shall be the same as for a similar use of inclusive category which is provided for.
    - b) Where there is more than 1 use in a single structure or on a single tract, or 2 or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses.
  5. The following parking requirements shall be applied as indicated in the schedule of district use regulations of this chapter.

Minimum Off-street Parking Facility Requirements	
Category	Parking Spaces Required
A	2 parking spaces per dwelling unit
B	2 parking spaces per dwelling unit plus 1 for each 4 dwelling units
C	1 parking space per room plus 10% of the number of employees

Minimum Off-street Parking Facility Requirements	
Category	Parking Spaces Required
D	3 parking spaces in addition to residence requirements
E	1 parking space for each 4 seats in the principal place of assembly
F	Parking space requirements are conditional with individual special <del>exception</del> -use permits granted
G	1 parking space for each 200 square feet of gross floor area
H	1 parking space for each 600 square feet of gross floor area
I	1 parking space for each 1,000 square feet of gross floor area
J	2 parking spaces for the lot plus 1 parking space for each service bay area

Penalty, see § 1.01.999

#### § 15.02.081 OFF-STREET LOADING REQUIREMENTS.

A.

1. The number of off-street loading berths required by this section shall be considered as the absolute minimum.
2. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of 12 feet by 25 feet and 14 feet overhead clearance with adequate means for ingress and egress.

- B. For non-residential structures containing not more than 25,000 square feet of gross floor area, 1 berth shall be required.
- C. For non-residential structures containing 25,000 or more square feet of gross floor area, the number of berths specified in the table below shall be provided.

Square Feet of Gross Floor Area	Required Number of Berths
25,000 – 40,000	1
40,000 – 100,000	2
100,000 – 160,000	3
160,000 – 240,000	4
240,000 – 320,000	5
320,000 – 400,000	6
Each 90,000 and above 400,000	1

Penalty, see § 1.01.999

**§ 15.02.097 SIGNS EXEMPT FROM REGULATION.***Amended 04/18/2013*

The following signs are exempt from regulation under this subchapter except for the regulations embodied in § 15.02.107:

- A. Signs not exceeding 2 square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or paper tubes and signs posted on private property related to private parking or warning the public against trespassing or danger from animals.
- B. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory signs.
- C. Official signs of an informational nature erected by public utilities.
- D. Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- E. Signs directing and guiding traffic on private property that do not exceed 2 square feet each and that bear no advertising information.
- F. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

**§ 15.02.098 CERTAIN TEMPORARY SIGNS; PERMIT EXEMPTIONS AND ADDITIONAL REGULATIONS.***Amended 04/18/2013*

- A. The following temporary signs are permitted without a zoning, special use, conditional ~~use~~ zoning or sign permit. However, these signs shall conform to the requirements set forth below as well as all other applicable requirements of this subchapter except those contained in §§ 15.02.101 and 15.02.103.
  - 1. Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease or rent, together with information identifying the owner or agent. Real estate signs advertising residential properties shall not exceed 4 square feet in area and shall not be illuminated. Real estate signs advertising commercial property shall not exceed 32 square feet in area and shall not be illuminated. All real estate signs shall be removed within 10 days of sale, lease or rental. Only 1 real estate sign is permitted for each property with the exception of properties abutting waterways or the golf course, which may have 2 signs.
  - 2. Construction site identification signs. These signs may identify the project, the owner or the developer, architect, engineer, contractor, and subcontractors and funding sources and may contain related information. Not more than 1 sign may be erected per site and may not exceed 32 square feet in area. These signs may be erected no more than 30 days prior to the



- F. All signs not properly maintained and determined to be a nuisance by the Zoning Administrator are subject to repair and/or removal by the town at the expense of the owner of the sign. The sign owner will be provided with written notice by the town 10 working days prior to the sign's removal. Furthermore, whenever an outdoor advertising structure has outlived any useful purpose for which it was intended, it shall be removed forthwith.
- G. No sign may be erected on town-maintained or private rights-of-way so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- H.
  - 1. Signs on the town's water towers are permitted.
  - 2. The water tower sign may only identify the Town of River Bend and should not be more than 10% of the total surface area of the vessel containing the water.
- I.
  - 1. In addition to signs already permitted, churches, schools and other non-commercial institutions may have 1 on-site bulletin board not exceeding 12 square feet in area.
  - 2. The bulletin board may be illuminated, shall be set back a minimum of 15 feet from the right-of-way and shall not exceed 10 feet in height.
- J. For each lot located in an area zoned ID, 1 sign or bulletin board not exceeding 54 square feet in area and 15 feet in height measured from the grade of the street from which access to the property is provided, may be erected.
- K. Violations of any provision of this section shall be subject to all penalties under this chapter, as provided for in § 1.01.999.

Penalty, see § 1.01.999

*Cross-reference:* General District regulations, see § 15.02.060 et seq.

## SPECIAL ~~EXCEPTION~~-USE REGULATION

### § 15.02.120 GENERAL REGULATIONS.

- A. Permission may be granted by the Board of Adjustment for the establishment of uses listed as special ~~exception~~-uses (SEU) in the district use regulation tables in this subchapter, after Planning Board review and recommendations and after a public hearing held by the Board of Adjustment. And further, that the Board of Adjustment finds that:
  - 1. The proposed use does not affect adversely the general plans for the physical development of the town as embodied in these regulations or in any plan or portion thereof adopted by the Planning Board and/or the Town Council;
  - 2. The proposed use will not be contrary to the purposes stated in these regulations;
  - 3. The proposed use will not affect adversely the health and safety of residents and workers in the zoned area;

4. The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
  5. The proposed use will not be affected adversely by the existing uses;
  6. The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use;
  7. The proposed use will not constitute a nuisance or hazard because of number of persons who will attend or use these facilities, vehicular movement, noise or fume generation or type of physical activity;
  8. The standards set forth for each particular use for which a permit may be granted have been or will be met;
  9. The proposed use shall be subject to the minimum area, setback and other dimensional requirements of the zoning district in which it will be located; and
  10. The proposed use shall be subject to the off-street parking and service requirements of these regulations.
- B. The Board of Adjustment shall impose or require any additional restrictions and standards as may be necessary to protect the health and safety of workers and residents of the community, and to protect the value and use of property in the general neighborhood.
  - C. Whenever the Board of Adjustment shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions or restrictions upon which the permit was granted are not being complied with, the Board shall rescind and revoke the permit after giving due notice to all parties concerned.
  - D. If construction of a use authorized by a special ~~exception~~-use permit does not begin within 6 months of the time the permit is issued, the permit shall be revoked.

Penalty, see § 1.01.999

#### § 15.02.121 APPLICATION FOR SPECIAL ~~EXCEPTION~~-USE PERMITS.

- A.
  1. An application for special ~~exception~~-use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator.
  2. If rezoning is to be requested in connection with the request for a special ~~exception~~-use, the request shall be made concurrent with the application for the special ~~exception~~-use.
- B. A fee shall be paid the Town of River Bend for each application for a special ~~exception~~-use permit. In addition, costs for retaining legal, planning, engineering and other technical or professional services in connection with the review of special ~~exception~~-use permit applications may be charged to the applicant.

Penalty, see § 1.01.999

#### § 15.02.122 REVIEW AND APPROVAL OF SPECIAL ~~EXCEPTION~~-USES.



- A.
  1. The application forms for a special ~~exception~~-use permit shall be transferred along with required plans, plats and the like to the Planning Board by the Zoning Administrator 7 days before a regularly scheduled Planning Board meeting so that the application can be placed on the Board's agenda.
  2. At this meeting, the owner of the property for which the special ~~exception~~-use is sought or his agent shall appear.
- B. The Planning Board shall review the application for details, where applicable, of the site, situation, existing and proposed structures, architectural plans, neighboring land and water uses, proposed parking areas, driveway locations, highway access, traffic generation and circulation potential, drainage, waste disposal, water supply systems and the effects of the proposed use, structure, operation and potential changes in water quality, shoreland cover, natural beauty and wildlife habitat.
- C.
  1. The Planning Board shall consider recommending conditions that may be placed in the granting of the special ~~exception~~-use permit by the Board of Adjustment.
  2. These conditions may include items such as landscaping, architectural design, type of construction, construction commencement and proposed completion dates, sureties, lighting, fencing, location, size and number of signs; water supply and waste disposal systems, performance standards, street dedication, certified survey maps, floodproofing, ground cover, sedimentation control from the project construction, terraces, stream bank protection, planting of buffer screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, yard sizes or additional parking.
- D. In addition, the Planning Board shall check for compliance of the requested special ~~exception~~ use with all other relevant provisions of this subchapter, such as lot dimensional requirements, building heights, parking and loading standards.
- E. The Planning Board shall consider the application at the first regular meeting of the Planning Board after receiving the completed application. Within 45 days after the meeting at which the application is considered, the Planning Board shall make its written recommendations and pass them on to the Board of Adjustment.
- F. The Zoning Administrator shall set a date and advertise for Board of Adjustment public hearing. The Board of Adjustment shall review the application and all recommendations from the Planning Board.
- G. The Board of Adjustment shall approve or deny the application following a public hearing provided for in division (F) above.
- H. After approval or conditional approval of the special ~~exception~~-use by the Board of Adjustment, the Board shall notify the Zoning Administrator of the approval. Notification shall be by a written letter signed by the Chairperson of the Board of Adjustment, and a copy of the approval letter shall be forwarded to the special ~~exception~~-use permit applicant and the Planning Board



Chairperson. Applicant/landowner must give written consent to conditions related to the special use permit to ensure enforceability.

I.

1. Rejection of an application for a special ~~exception~~-use permit shall be recorded in the minutes of the Board of Adjustment meeting during which the decision was made.
2. Notification of the rejection or denial of an application for a special ~~exception~~-use permit shall be a letter signed by the Chairperson of the Board of Adjustment.
3. The letter shall state reasons for denial and reference the specific sections or paragraphs in this chapter that would be violated if the special ~~exception~~-use were granted.
4. The denial letter shall be forwarded to the applicant by certified or registered mail and copies of the letter shall be forwarded to the Chairperson of the Planning Board and the Zoning Administrator.
5. One copy shall be retained in the files of the Board of Adjustment.

Penalty, see § 1.01.999

#### § 15.02.123 SPECIFIC REQUIREMENTS FOR SOME SPECIAL ~~EXCEPTION~~-USES.

##### A. *Accessory building in Business Districts (BD).*

1. May be allowed in the event that state or federal regulations require storage of flammable or other dangerous materials outside of the principal building and where these materials are necessary for the principal use to be continued.
2. Accessory building shall not be allowed in the front yard.

##### B. *Churches.*

1. Minimum side and rear yards of at least 50 feet.
2. All buildings and related uses shall be no closer than 25 feet from the nearest property line.

##### C. *Day care centers and nurseries.* Day care centers or nurseries shall comply with the G.S., Chapter §110, Article 7, which governs the licensing of day care facilities.

##### D. *Hospitals, nursing homes and/or extended medical facilities.* Side, front and rear yards shall be at least 50 feet.

##### E. *Schools, public or private.*

1. Minimum side and rear yards of at least 50 feet.
2. All accessory buildings and related uses shall be at least 25 feet from the nearest property line.

3. An off-street loading and unloading area for vehicles carrying pupils shall be provided.

##### F. *Service stations and other automotive-oriented business establishments.* Due to the nature of the materials handled, the light, noise and other nuisances that sometimes are related to service stations, automobile repair facilities, automobile washing facilities and similar establishments catering to the needs of the motoring public, certain minimum standards for development of these business uses are established as follows:

1. A buffer shall be provided along all property lines of the uses which abut a residential district or lot which is occupied by a residential use;
  2. All gasoline pumps and other stationary equipment shall be at least 24 feet off the edge of pavement and 12 feet off the edge of right of way; and
  3. All areas subject to daily or frequent use of vehicles shall be paved.
- G. *Janitorial supplies.* Due to the nature of the materials handled which could be a safety hazard, the business owner must demonstrate strict control of chemical supplies by showing capability to comply with all federal and state regulations.

Penalty, see § 1.01.999

#### § 15.02.124 DISTRICT USE REGULATIONS.

For convenience in the administration of this chapter, there hereby is established and made a part of this chapter the following schedule of district use regulations.

SCHEDULE OF DISTRICT USE REGULATIONS									
<b>KEY:</b> <b>P</b> – Use permitted by right <b>SE-SU</b> – Special <del>exception</del> use permitted upon approval by Board of Adjustment after recommendation of the Planning Board <b>Blank/Unlisted</b> – Prohibited use									
Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Accessory Building	P	P	P	P	SESU	SESU	SESU	P	
Adult Day Care					P	P	P		G
Bakery, Retail						P	P		G
Financial Services						P	P		G
Barber Shop/Beauty Shop						P	P		G
Boats and Trailer Sales						SESU	SESU		G
Cabinet, Woodworking or Upholstery Shops						P	P		G
Child Day Care						SESU			
Churches	SESU	SESU	SESU	SESU	P	SESU	SESU		E

### SCHEDULE OF DISTRICT USE REGULATIONS

**KEY:**

P – Use permitted by right

**SE-SU** – Special ~~exception~~ use permitted upon approval by Board of Adjustment after recommendation of the Planning Board**Blank/Unlisted** – Prohibited use

Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Clubs and Lounges, Private					P	<b>SE-SU</b>	<b>SE-SU</b>		F
Clothing Store						P	P		G
Computer Sales and Service						P	P		G
Dairy Bar and Ice Cream Parlors						P	P		G
Drug Store						P	P		F
Dry Cleaners/Drop Off/Pick Up Only						P	P		G
Dwellings, Single- Family	P	P	P	P		<b>SE-SU</b>			A
Dwellings, 2-Family				P		<b>SE-SU</b>			A
Dwellings, Multi- Family				P		<b>SE-SU</b>			A
Fire Department Buildings	<b>SE-SU</b>	<b>SE-SU</b>	<b>SE-SU</b>	<b>SE-SU</b>	<b>SE-SU</b>	<b>SE-SU</b>	<b>SE-SU</b>		F
Fitness Center						P	P		G
Florists/Gift Shop						P	P		G
Furniture Store						P	P		G
Golf Course	<b>SE-SU</b>	<b>SE-SU</b>	<b>SE-SU</b>	<b>SE-SU</b>	P	<b>SE-SU</b>	<b>SE-SU</b>		F
Grocery Store						P	P		G
Hardware Sales						P	P		G
Home Occupations	P	P	P		P				G



## SCHEDULE OF DISTRICT USE REGULATIONS

**KEY:****P** – Use permitted by right**SESU** – Special ~~exception~~ use permitted upon approval by Board of Adjustment after recommendation of the Planning Board**Blank/Unlisted** – Prohibited use

Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Jewelry and Watch Repair						P	P		G
Libraries	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>		P	P		G
Marina						P			G
Nursing Home and Rest Home					P				G
Office for Business, Professional and Personal Services						P	P		G
Pet Shops (excluding Veterinary Services)						P	P		G
Pharmacy						P	P		G
Photo Shop/Supply						P	P		G
Police Station	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>		F
Public Enterprise**	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>		<del>SESU</del>	<del>SESU</del>		F
Public Utility	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>		F
Restaurants					P	P	P		F
Schools	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>	<del>SESU</del>				F
Service Station						<del>SESU</del>	<del>SESU</del>		J
Shoe Sales and Repair						P	P		G
Sporting Goods Sales						P	P		G

SCHEDULE OF DISTRICT USE REGULATIONS									
<b>KEY:</b> P – Use permitted by right <del>SE-SU</del> – Special <del>exception</del> -use permitted upon approval by Board of Adjustment after recommendation of the Planning Board Blank/Unlisted – Prohibited use									
Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Storage Rental Units/Areas						P	P		G
Travel Agency						P	P		G
Utility Tanks, Pumps, Electrical Substations & Related Services	<del>SE-SU</del>	<del>SE-SU</del>	<del>SE-SU</del>	<del>SE-SU</del>	<del>SE-SU</del>	<del>SE-SU</del>	<del>SE-SU</del>	<del>SE-SU</del>	
Wholesale and/or Retail Janitorial Sales & Services						<del>SE-SU</del>	<del>SE-SU</del>		F
Youth Center					P	P	P		G
*Parking code described in §15.02.080 ** As defined by G.S. § 160A-311									

Penalty, see § 1.01.999

Amended 11/18/10

#### § 15.02.125 CONTROL OF BACKFLOW AND CROSS-CONNECTIONS.

##### A. Purpose.

1. The purpose of this section is to protect the public potable water supply of the town from the possibility of contamination or pollution by isolating within the consumer's internal distribution system(s) or the consumer's private water system(s) such contaminants or pollutants which could backflow into the public water system.
2. This section shall apply to all users connected to the town's public potable water supply regardless of whether the user is located within the town limits or outside the town limits.

- B. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AIR-GAP SEPARATION.** An unobstructed vertical distance through the atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. An approved air-gap vertical separation shall be at least double the diameter of the supply pipe. In no case shall the air-gap be less than 1 inch.

be and remain the property of the town. Prior to installation of any such irrigation meter, the customer shall pay to the town all charges specified in the schedule of fees established (and as modified from time-to-time) by the Town Council.

- C. *Other customers.* Except as provided in subsection (b) hereof, any other utility customer of the town in good standing may request the town to install and operate a town-approved irrigation meter at any property owned by such customer to which the town provides utility services, pursuant to procedures established (and as modified from time-to-time) by the Town's Water Resources Department. All such irrigation meters, meter boxes, pipes and other equipment furnished or used by the town in installing any such irrigation meter shall be and remain the property of the town. Prior to installation of any such irrigation meter, the customer shall pay to the town all charges specified in the schedule of fees established (and as modified from time-to-time) by the Town Council.
- D. *Capital Investment Fees.* Prior to installation of any irrigation meter pursuant to this section, any new water customer shall pay to the town a Capital Investment Fee (CIF) to cover a portion of the costs associated with providing additional water capacity to such customers, in the amount specified in the schedule of fees established (and as modified from time-to-time) by the Town Council and approved by the town council. Such CIF shall be payable in addition to (i) all charges specified in the schedule of fees established (and as modified from time-to-time) by the Town Council. Payment of capital fees does not relieve the owner of the obligation to build water line extensions in accordance with the town's ordinances, regulations, rules, policies and procedures. In no instance shall a property owner be charged a CIF for a potable water meter and a second CIF for an irrigation water meter.

## PLANNED DEVELOPMENT PROJECT

### § 15.02.135 PLANNED DEVELOPMENT AUTHORIZATION.

- A. The Town Council may authorize the issuance of conditional ~~use-zoning~~ permits for Planned Developments in accordance with the procedures and development standards specified in this subchapter.
- B. Whenever the Town Council shall find, in the case of any permit granted pursuant to the provisions of the regulations, that any of the terms, conditions or restrictions, upon which the permit were granted are not being complied with, the Town Council shall have the authority to rescind, after granting the permittee notice and hearing.

### § 15.02.136 PLANNED DEVELOPMENTS, GENERALLY.

- A. *Intent.*
  - 1. Within districts now existing or which hereafter may be created, it is intended to permit and encourage, on application and approval of detailed development plans, establishment of



new Planned Developments for specified purposes where tracts of land suitable in location, area and character are to be planned and developed as a whole and in a unified manner. Suitability of these tracts for Planned Development purposes shall be determined primarily by reference to the Town of River Bend land development plan and the developer's master land use plan as approved by the Town Council.

2. Where Planned Developments are permitted, regulations adopted for unified developments are intended to accomplish the purposes of zoning and subdivision regulations, and other applicable regulations, to the same degree as in cases in which those regulations are intended to control development on a lot-by-lot rather than unified basis.

**B. Planning Board action.**

1. The Planning Board shall review and take action on each preliminary plat within 45 days after first consideration by the Planning Board. First consideration shall be at the next regularly scheduled meeting of the Planning Board that follows at least 14 days after the plat is submitted. The Planning Board, Community Appearance Commission, Public Works Advisory Board, Parks and Recreation Board, Waterways/Environment Board and the Town Council shall review the master land use plan preliminary and final site plans for the proposed planned development for conformity with the Town of River Bend land development plan. The other Town Boards will give their recommendations before the next Planning Board meeting.
2. If there is no response from the other Town Boards, the Planning Board will assume that there are no comments. The Planned Development shall provide appropriate relationships between uses around the boundaries and uses within the Planned Development so as to insure that no property shall be adversely affected.

**C. Basis for control.** The approved master land use plan, preliminary and final site plans shall be the basis for control of land development within Planned Developments.

**C.D. Permit choice.** If an application made in accordance with local regulation is submitted for a development approval required pursuant to this Chapter and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit.

Penalty, see § 1.01.999

**§ 15.02.137 APPLICATION REQUIREMENTS FOR PLANNED DEVELOPMENTS.**

Applications for development approvals may be made by the landowner, a lessee or a person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement

holder may also apply for development approval for such development as is authorized by the easement.

A. *Step I - Master land use plan.*

1. *Applicant action.*

- a) The applicant shall submit 10 copies of the master land use plan and supplementary materials to the Zoning Administrator at least 15 days before the regular meeting of the Planning Board at which the master land use plan is to be considered. The Zoning Administrator shall place the master land use plan on the agenda of the next regular meeting of the Planning Board and contact the Planning Board Chairperson as to the receipt of the master land use plan, and shall present the Planning Board with copies of the plan and materials.
- b) If rezoning is a prerequisite of Planned Development approval, the Zoning Administrator will advertise for a public hearing and follow the standard zoning ordinance amendment requirements.

2. *Information required of the applicant.* The information required for presentation by the developer shall include the following:

- a) For all Planned Developments, a master land use plan.
  - (1) The master land use plan shall be mapped to 1 inch = 100 feet scale and show the proposed development and how it relates to its surroundings. The map(s) should show where major building types and approximate densities are anticipated. In addition, the following information shall be mapped at this same scale:
    - (a) Acreage of tract;
    - (b) Major traffic, parking and pedestrian circulation plans within the Planned Development;
    - (c) Major physical features including soils, topography, existing structures and use, drainage, flora and fauna and other physical information to help describe the suitability of the site for Planned Development;
    - (d) Ownership arrangements for the Planned Development, both present and planned;
    - (e) Planned open space, parks and active recreation areas to be preserved or developed either by the developer or by dedication to the town of their development as required by the Subdivision Chapter;
    - (f) Sketch plans for construction of water and sewage disposal systems to comply with town standards, and the appropriate state and county authorizing agency;
    - (g) Sketch plans for access of firefighting equipment and refuse disposal such as compactors and waste disposal dumpsters;
    - (h) Sketch plans for underground utilities and lighting to comply with state and town requirements (for additional details, see § 15.01.080); and
    - (i) Sketch plans for proposed drainage plan which shall be in conformity with the North Carolina Stormwater Site Planning Guidance Manual to show how the



- (5) A preliminary architectural design sketch of how a typical building will look after completion; plus a preliminary architectural design sketch of how the whole project will look after completion, or a photographic display of a similar completed development that the applicant has already been involved with, or equivalent information as allowed by the Planning Board.
- (6) Copies of any declarations to be recorded pursuant to the North Carolina Unit Ownership Act being G.S. §§ 47-A et seq.
- c) *Supplementary materials to be provided for:*
  - (1) Condominium projects or similar cooperative ownership projects. A copy of the proposed declaration of bylaws and covenants and method of changing outdated bylaws and covenants;
  - (2) Townhouses or rowhouses in condominiums projects. A copy of the proposed easements for the common walls and a copy of the proposed deed for sale of a unit; and
  - (3) Rental or leased units or buildings. A declaration by the developer or owner of the provisions for maintaining the development.
3. *Town of River Bend actions.*
  - a) Before recommending the approval of any preliminary site plan, the Planning Board may make reasonable additional requirements in cooperation with the developer, and concerning, but not limited to, the limitations of use, unit densities, landscaping, paving and location of access ways, taking into consideration the character of the surrounding area so as to provide proper transition of land uses that will fit into the town's land development plan.
  - b) The preliminary site plan shall be checked by the Planning Board for compliance of design standards and other requirements of this chapter and the Town of River Bend Subdivision Chapter.
  - c) The Planning Board shall submit all materials and its recommendations for approval or disapproval to the Town Council. The Town Council shall review and take action on each preliminary site plan within 45 days after it has been received from the Planning Board. Approvals shall be issued in writing and may contain a provision that the development shall comply with all applicable State and local laws. The Town Council may issue development approvals in print or electronic form. If issued exclusively in electronic form it shall be protected from further editing once issued. If the preliminary site plan is disapproved, the Town Council shall specify the reasons for the action in writing. One copy of the reasons shall be retained by the Town Council, 1 copy shall be given to the Planning Board, and 1 copy shall be given to the developer. If the preliminary site plan is disapproved, the developer may make necessary changes and submit a revised preliminary site plan or appeal the decision of the Town Council to the Board of Adjustment.
- C. Step III - final plat. Shall comply with the Town of River Bend Subdivision Chapter.



3. The pitch of the roof has a minimum vertical rise of 3 feet for each 12 feet of horizontal run (3:12) and the roof is finished with a type of shingle that is commonly used in standard residential construction;
  4. All roof structures shall provide an eave projection of no less than 6 inches, which may include a gutter;
  5. The exterior siding consists of material comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
  6. The manufactured home is setup in accordance with the standards set by the North Carolina Department of Insurance and a continuous masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
  7. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored to the ground; and
  8. The moving hitch, wheels and axles and transporting lights have been removed.
- B. It is the intent of these criteria to insure that a manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single family dwelling.

Penalty, see § 1.01.999

## ADMINISTRATION OF THE ZONING CHAPTER

### § 15.02.160 CONFLICTS OF INTEREST

- A. *Governing board.* A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- B. *Appointed boards.* Members of appointed boards shall not vote on advisory or legislative decisions regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

C. *Administrative staff.* No staff member shall make a final decision on an administrative decision required by this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

1. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.
2. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

D. *Quasi-judicial decisions.* A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

E. *Resolution of Objection.* If an objection is raised to a board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

F. *Familial relationship.* For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

#### **§ 15.02.~~165~~-164 ZONING ADMINISTRATOR.**

A Zoning Administrator shall be appointed in accordance with § 3.01.078 of this Ordinance, to administer and enforce this chapter. He may be provided with the assistance of other persons as the Town Council may approve. If he finds that any of the provisions of this chapter are being violated, he shall notify in writing the person or persons responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. In reviewing a permit, the Zoning Administrator shall consult a registered professional engineer, licensed to practice in North Carolina, when necessary.

*Amended 09/17/2009*

#### **§ 15.02.~~166~~-165 DUTIES OF ZONING ADMINISTRATOR.**



- I. Serving notice to owner of any non-compliance with approved plans, issuing stop-work orders for work in progress until corrective actions are initiated or revoking the permits where satisfactory resolution of a dispute cannot be reached.
- J. Monitoring the construction of buildings/projects to assure that grading and drainage features are built as planned and that as built survey data is taken to verify the elevation of the lowest habitable floor of buildings located in Zone A on the flood insurance rate map where data is not already on file.
- K. Conducting hearings and taking other prescribed actions related to violations.

#### § 15.02. ~~167-166~~ ENFORCEMENT.

A. Notices of violation. When staff determines work or activity has been undertaken in violation of a development regulation adopted pursuant to this Chapter or other local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal deliver, electronic delivery, or first class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-11-23, 160D-12-6, or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to G.S. 160D-4-5.

~~A-B.~~ Inspection of work. The Zoning Administrator shall make as many inspections as he determines are necessary to ensure the work is being done according to the provisions of any permit. The Zoning Administrator has a right to enter on any premises at any reasonable hour for the purposes of inspection or other enforcement action, upon presentation of proper credentials, provided the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

~~B-C.~~ Stop-work orders. When an area is being developed or a building is being constructed, renovated or added to in violation of this chapter, the Zoning Administrator may order the work to be stopped immediately. The stop order shall be in writing and directed to the owner. It shall state the specific work to be stopped, the specific reason for the stoppage and the conditions under which the work may be resumed.

~~C-D.~~ Revocation of permits. The Zoning Administrator may revoke and require the return of any permit issued in accordance with this chapter by notifying the permit holder in writing stating the reason for the revocation. Permits may be revoked for substantial departure from the approved permit plans or specifications, for refusal or failure to comply with the requirements of state or local laws or for false statements or misrepresentations made in securing the permit. The local government shall follow the same development review and



approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

- D.E. Failure to take corrective action.** If the owner of a building or property fails to take prompt corrective action, the Zoning Administrator shall give written notice by certified or registered mail to the owner's last known address or by personal services:
1. That the building or property is in violation of this chapter;
  2. That a hearing will be held before the Zoning Administrator at a designated place and time, not later than 30 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
  3. That following the hearing, the Zoning Administrator may issue an order to alter, vacate or demolish the building or property or to take other corrective action as appears appropriate.

**E.F. Order to take corrective action.** If a hearing is held pursuant to the notice prescribed above, and the Zoning Administrator finds the building or property is in violation of this chapter, he shall issue an order in writing to the owner requiring the owner to remedy the violation within a period of up to 60 days. Where the Zoning Administrator finds there is imminent danger to life or other property, he is authorized to order that corrective action be taken in a shorter time.

**F.G. Appeal.** An owner who has received an order to take corrective action may appeal the order to the Town Council by giving notice of appeal in writing to the Zoning Administrator and the Town Clerk within 10 days following issuance of the order. The Town Council shall hear the appeal within a reasonable time and may affirm, modify or revoke the order, as long as the ruling is in compliance with the State of North Carolina Statutes.

**G.H. Changes to established drainage features.** The Zoning Administrator may issue a letter to any property owner who changes an established drainage feature stating that an unauthorized change has been made to drainage features on or abutting the property and that the feature must be restored within 30 days or the town could do so and bill the owner for the costs involved. Failure of the owner to pay the town for the work could result in a lien being placed on the property.

#### **§ 15.02.167 PLANNING**

- A. Preparation of plans and studies.** As a condition of adopting and applying zoning regulations under this Chapter, a local government shall adopt and reasonably maintain a comprehensive plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction.
- B. Adoption and effect of plans.** Plans shall be adopted by the governing board with the advice and consultation of the planning board. Adoption and amendment of a comprehensive plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-6-1. Plans adopted under this Chapter may be undertaken and adopted as part of or in conjunction with plans required under other statutes, including but not limited to the plans required by G.S. 113A-110. Plans adopted under this Chapter shall be advisory in nature without

independent regulatory effect. Plans adopted under this Chapter do not expand, diminish, or alter the scope of authority for development regulations adopted under this Chapter. Plans adopted under this section shall be considered by the planning board and governing board when considering proposed amendments to zoning regulations as required by G.S. 160D-6-4 and 160D-6-5.

If a plan is deemed amended by G.S. 160D-6-5 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed.

#### § 15.02.168 INITIAL ZONING PERMIT.

##### A. Generally.

1. Before the erection, construction or alteration of any building or structure, or part of same, or modification of or addition to a driveway or parking area, there shall be submitted to the Zoning Administrator by the owner or authorized agent an application for a zoning permit on appropriate forms to be furnished by the Zoning Administrator. Each application for a zoning permit shall be accompanied with a plat signed and sealed by a licensed surveyor drawn to scale showing accurate dimensions of the lot, applicable easements, elevations of site including driveways and drainage features, relationship to adjoining lots and accurate dimensions of the building to be so erected, constructed or altered, including its location on the lot, and the percentage of impervious surface. It shall be determined that the plan will be in conformance with the North Carolina Stormwater Site Planning Guidance Manual and will not adversely impact the flow of stormwater in areas outside the new project. This plan shall be signed and sealed by a professional engineer, licensed to practice in North Carolina.

*Amended 03/18/2010 and 07/18/2013*

2. Projects that involve modification of existing structures and, construction cost is estimated to be less than \$10,000, the Zoning Administrator shall review the proposed construction site and advise the applicant within 3 working days if a certified drainage plan will be required for the proposed project.
  - a) For additions to a developed property the percentage of impervious surface, before and after the project shall be listed.

*Added 03/18/10*

- b) On property improved before 02/28/2010, the impervious surface amount may be exceeded by 10 percent of the existing percentage if the following conditions apply:
    - (1) The increase was caused by implementation of changes to the Town's Ordinances.
    - (2) Other approved stormwater BMP's (Best Management Practices) are in place.
    - (3) Creates a significant hardship to the owner.
    - (4) Is approved in writing by the Town's Zoning Administrator.

*Added 07/15/2010*



for an extension of his original permit. Any extension will be for a period not to exceed six (6) months, by which time all work (including applicable site restoration) will be complete.

*Amended 09/17/2009*

#### **§ 15.02.172 REMEDIES.**

If a building or structure is erected, constructed, renovated or maintained, or any building, structure or land is in violation of this part or of any chapter or other regulation, the Zoning Administrator or any other appropriate authority of the Town of River Bend, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, renovation, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.

### **~~BOARD OF ADJUSTMENT~~ BOARDS AND ORGANIZATIONAL ARRANGEMENTS**

*Added 08/20/2015*

#### **§ 15.02.173 PLANNING BOARDS**

- A. *Composition.* A local government may by ordinance provide for the appointment and compensation of a planning board or may designate one or more boards or commissions to perform the duties of a planning board. A planning board established pursuant to this section may include, but shall not be limited to, one or more of the following:
  - 1. A planning board of any size (with no fewer than three members) or composition deemed appropriate, organized in any manner deemed appropriate;
  - 2. A joint planning board created by two or more local governments pursuant to Article 20, Part 1, of Chapter 160A.
- B. *Duties.* A planning board may be assigned the following powers and duties:
  - 1. Prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis;
  - 2. Facilitate and coordinate citizen engagement and participation in the planning process;
  - 3. Develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
  - 4. Advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-6-4.
  - 5. Exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct;
  - 6. Provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board;
  - 7. Perform any other related duties that the governing board may direct.



## § 15.02. ~~173-174~~ CREATION; COMPOSITION; BOARDS OF ADJUSTMENT

A. Composition. A Board of Adjustment ("Board") is hereby established pursuant to G.S. ~~§160A-388~~ 160D-302, consisting of six (6) regular members and three (3) alternates. Five (5) regular members and two (2) alternates shall be citizens of the Town, appointed by the Town Council. One (1) regular member and one (1) alternate shall be residents of the Town's extraterritorial jurisdiction, and shall be appointed by the Craven County Board of Commissioners. Alternates shall serve on the Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member; however, vacancies shall be filled for the unexpired term only. All appointments to the Board shall be for a period of three (3) years commencing on July 1 of the year of appointment, and all members of the Board, including alternates, shall have equal rights, privileges and duties with regard to all matters within the Town and area of extraterritorial jurisdiction. Members of the Board may be compensated according to a schedule adopted by the Town Council from time to time. Members of the Board may be removed for cause by the Town Council upon written charges and after public hearing.

## §15.02. ~~174~~ MEETINGS; OFFICERS

B. Meetings; Officers. The Board shall elect one (1) of its members as Chair, one (1) of its members as a Vice-Chair, and shall appoint a Secretary and other subordinates as it deems in its best interest. The Board shall adopt any rules of procedure under which it will operate. Meetings of the Board shall be held at the call of the Chair, or in his absence the Vice-Chair, or at least two (2) members of the Board. All meetings of the Board shall be open to the public. The Board shall keep full and accurate minutes of its proceedings.

## §15.02. ~~175~~ POWERS AND DUTIES

C. Powers and Duties. The Board shall have the following powers and duties:

1. *Administrative Review.* To hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of this Chapter.
2. *Interpretation.* To interpret the terms of this Chapter and zoning maps and to pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of this Chapter.
3. *Special ~~Exception~~ Use Permits.* To hear and decide special and conditional ~~use~~ zoning permits in accordance with standards and procedures specified in this Chapter. Reasonable and appropriate conditions may be imposed upon these permits.
4. *Exceptions from the application requirements for Business District Areas zoned BD-PD in heavily trafficked areas.* To hear and decide on requests for exceptions from the design guidelines and performance standards required under §15.02.048.

5. *Subpoena.* To subpoena witnesses and compel the production of evidence, through the chair, or in the chair's absence anyone acting as the chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. ~~§160A-393(d)~~160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties
6. *Oath.* The chair of the Board, or any member acting as chair, and the clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board, willfully swears falsely is guilty of a Class 1 misdemeanor.
7. *Variance – In General.* When unnecessary hardships would result from carrying out the strict letter of this Chapter, the Board may vary any of the provisions herein upon a showing of all of the following:
  - a) Unnecessary hardship would result from the strict application of this Chapter. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
  - b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
  - c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
  - d) The requested variance is consistent with the spirit, purpose, and intent of this Chapter, such that public safety is secured, and substantial justice is achieved.

Provided, however, no change in permitted uses may be authorized by variance.

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

8. *Variance – Federal Fair Housing Act.* Notwithstanding the provisions of subparagraph (g) above, the Board may provide for a variance under the Federal Fair Housing Act upon the following:
  - a) *Application Requirements; Determination of Completeness.*
    - (1) *Persons Authorized to File Applications.* An application for a reasonable accommodation may be filed only by the owner of the land affected by the



9. *Decision.* As used in this Chapter, the term "decision" includes any final and binding order, requirement, or determination. The Board shall follow quasi-judicial procedures when deciding appeals and requests for variances and special and conditional ~~use~~-zoning permits. The Board shall hear and decide all matters upon which it is required to pass under any statute or this Ordinance.

#### **§15.02.175 EXTRATERRITORIAL REPRESENTATION ON BOARDS**

- A. *Proportional representation.* When a municipality elects to exercise extraterritorial powers under this Chapter, it shall provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated. The population estimates for the calculation shall be updated no less frequently than after each decennial census. Representation shall be provided by appointing at least one resident of the entire extraterritorial planning and development regulation area to the planning board and board of adjustment.

#### **§15.02.176 NOTICE OF HEARING QUASI-JUDICIAL PROCEDURE**

- A. *Notice of Hearing.* Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
- B. *Administrative materials.* The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
- C. *Presentation of evidence.* The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-14-2(d) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and



substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-14-2. Objections based on jurisdictional issues may be raised for the first time on judicial review.

#### **§15.02.177 VOTING**

- A. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For all other matters, a majority of the members shall be required. For the purposes of this Section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. Abstentions by a member not otherwise excused from voting shall be counted as a vote in favor of any motion or action.
- B. A member of the Board shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
- C. The Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made.

#### **§15.02.178 QUASI-JUDICIAL DECISIONS AND JUDICIAL REVIEW**

- A. The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision

becomes effective. The person required to provide notice shall certify that proper notice has been made.

- B. Every quasi-judicial decision shall be subject to review by the Craven County Superior Court by proceedings in the nature of certiorari pursuant to G.S. ~~§160A-393~~ 160D-1402. A petition for review shall be filed with the Clerk of Craven County Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with §15.02.178(a). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

#### **§15.02.179 APPEALS**

The Board shall hear and decide appeals from decisions of administrative officials charged with enforcement of this Ordinance, pursuant to all of the following:

- A. Any person who has standing under G.S. ~~§160A-393(d)~~ 160D-1402(c) or the city may appeal a decision to the Board. An appeal is taken by filing a notice of appeal with the Town Clerk and payment of any applicable fees; provided however, where interpretation of the terms of this Chapter is required specifically by this Chapter to be determined by the Board, the required fee will be waived. The notice of appeal shall state the grounds for the appeal.
- B. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- C. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- D. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.
- E. The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- F. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause



imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

- G. Subject to the provisions of subdivision (f) of this section, the Board shall hear and decide the appeal within a reasonable time.
- H. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.
- I. When hearing an appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. ~~§160A-393(k)~~ §160D-1402(j).
- J. The parties to an appeal that has been made under this Chapter may agree to mediation or other forms of alternative dispute resolution.

*Amended 08/20/2015*

#### **§15.02.180 RULES OF PROCEDURE**

Rules of procedure that are consistent with the provisions of this Chapter may be adopted by the governing board for any or all boards created under this Article. In the absence of action by the governing board, each board created under this Article is authorized to adopt its own rules of procedure that are consistent with the provisions of this Chapter. A copy of any adopted rules of procedure shall be maintained by the local government clerk or such other official as designated by ordinance and posted on the local government web site if one exists. Each board shall keep minutes of its proceedings.

#### **§15.02.181 OATH OF OFFICE**

All members appointed to boards under this Article shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and 160A-61.



## CHANGES AND AMENDMENTS

### § 15.02.190 GENERALLY.

The Town Council may amend, supplement or change the text of this chapter and/or the zoning map in accordance with the following procedures.

### § 15.02.191 APPLICATION.

- A. *Amendment initiation.* Proposed changes to this chapter may be initiated by the Town Council, Planning Board, Board of Adjustment, or by any 1 or more owners of property within the area proposed to be rezoned, changed or affected.
- B. *Petition for amendment of this chapter.*
  1. *Amendments.* Petitions to amend this chapter shall be submitted to the Planning Board for review and recommendation at least 15 days prior to the next regularly scheduled meeting of the Planning Board.
  2. *Required information.* The application shall contain a statement of the present regulation or zoning classification, the proposed amendment to it, and the name and address of the party requesting the change.
- C. *Petitions.* Petition for change or amendment of a zoning classification shall contain a legal description of the property to be affected by the change or amendment, the names of all owners of parcels of land within the property and of all owners of parcels of land abutting same as shown on the county tax listing, together with last known addresses listed for the owners on the county tax abstract. For the purpose of this section, properties are “abutting” even if separated by a street, railroad, or other transportation corridor.
- D. *Notification.*
  1. The person or persons requesting a change or amendment to the zoning classification shall notify all owners listed in division (C) above of the proposed change or amendment by first class mail at their last known addresses.
  2. These mailings will occur not less than 10 days nor more than 25 days before the date fixed for the public hearing for consideration of a rezoning action.
  3. When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the local government shall post sufficient notices to provide reasonable notice to interested persons.
  - ~~2.~~4. Actual notice. Except for a government-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by

the landowner or authorized agent, the applicant shall certify to the local government that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of the hearing.

- E. *Fee.* With each application for a change or amendment to this ordinance, a fee of \$35 shall accompany the application and made payable to the Town of River Bend, North Carolina, to cover the costs of advertising and administrative expenses.

Penalty, see § 1.01.999

#### § 15.02.192 PLANNING BOARD REVIEW AND RECOMMENDATION.

- A. The Planning Board may call for a public hearing on any proposed amendments and shall be held jointly with the Town Council. A notice of public hearing shall be given once a week for 2 successive weeks in a newspaper distributed in the Town of River Bend, the notice to be published the first time not less than 10 days nor more than 25 days prior to the day fixed for the public hearing. If the amendment is for re-zoning, the advertisement shall not be less than a one-half page advertisement.
- B. The Planning Board may have 45 days from the date of receipt of the petition within which to submit its recommendation. Failure of the Board to submit its recommendation within this time period shall constitute a favorable recommendation. The Planning Board's report shall be submitted in writing to the Town Council. Pursuant to G.S. § ~~160A-383~~160D-1402, zoning regulations shall be made in accordance with the town's comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.
- C. Pursuant to G.S. § ~~160A-381(d)~~160D-109(a), members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- ~~C.~~ D. Notwithstanding the authority to assign duties of the planning board to the governing board as provided by this Chapter, the review and comment required by this section shall not be assigned to the governing board and must be performed by a separate board.

#### § 15.02.193 PUBLIC HEARING BY TOWN COUNCIL.

- A. *Advertisement.* Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of public hearing shall be given once a week for 2 successive calendar weeks in a newspaper distributed in the Town of River Bend, North Carolina, the notice to be published for the first time not less than 10 days nor more than 25 days prior to the date fixed for the hearing. In computing the period, the day of publication is not to be included but the day of the hearing



shall be included. Notice of public hearing by the Town Council need not be made if a joint public hearing with the Planning Board is to be held as noted in § 15.02.192.

- B. *Vote of the Board.* A simple majority of the Town Council shall be required to reject a recommendation of the Planning Board.
- C. *A development regulation adopted pursuant to this Chapter shall be adopted by ordinance.*

#### § 15.02.194 GOVERNING BOARD STATEMENT.

- A. *Plan consistency.* When adopting or rejecting any zoning text or map amendment, the governing board shall also approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-6-2(b), the governing board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.
- B. *Statement of reasonableness.* When adopting or rejecting any petition for a zoning text or map amendment, a brief statement explaining the reasonableness of the proposed rezoning shall be approved by the governing board. The statement of reasonableness may consider, among other factors: (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-6-2(b), the governing board statement on reasonableness may address the overall rezoning.
- ~~B.~~C. *Single statement permissible.* The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

### SCHEDULE OF FEES

#### § 15.02.205 SCHEDULE.

- A.



1. There shall be levied and collected fees as are specified in the schedule of fees established (and as modified from time to time) by the Town Council.

*Amended 02/16/2012*

2. The schedule of fees shall be kept on file in the office of the Town Clerk where it shall be available for public inspection during the normal office hours of the Town Clerk.

Schedule of Fees Subdivision and Zoning		
Subdivision Application		
10 or fewer lots	\$300	
11 or more lots	\$300 plus \$25/lot over 10	
Subdivision Preliminary Plat	\$100	
Stormwater Review (if engineering review needed)	\$350	
Amendments/Modifications or Additions	\$150	
Planned Developments		
Planned Development – Residential	\$400 plus \$5/unit and cost of required legal advertisement and postage to notify abutting land owners	
Planned Development – Commercial	\$400 plus \$20/acre over 5 acres and cost of required legal advertisement and postage to notify abutting land owners	
Stormwater Review (if engineering review needed)	\$350	
Amendments/Modification or Additions	\$200	
Zoning Application		
Special <del>Exception</del> Use Permit	\$200 plus cost of required legal advertisement and postage to notify abutting land owners	
Variance	\$200 plus cost of required legal advertisement and postage to notify abutting land owners	
Appeal to Board of Adjustment	\$200 plus cost of required legal advertisement and postage to notify abutting land owners	
Residential Application	Based on amount of project as follows:	
	Base Fee	\$30
	\$2 for every \$1,000 of project value between \$1,000 and \$100,000	
	\$1 for every \$1,000 above \$100,000 (all values rounded to nearest \$1,000)	
Residential Flood Plain Application w/ Zoning Permit	40% of the fee for the Town’s residential zoning permit; in addition to the zoning permit fee	

**TOWN OF RIVER BEND  
PLANNING BOARD**

**RESOLUTION ADVISING THAT THE PROPOSED AMENDMENTS  
TO THE CODE OF ORDINANCES ARE IN ACCORDANCE WITH  
ALL OFFICIALLY ADOPTED PLANS, INCLUDING THE  
COMPREHENSIVE LAND USE PLAN; ARE REASONABLE;  
AND ARE IN THE PUBLIC INTEREST.**

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

WHEREAS, N.C.G.S. § 160D-604(d) requires the Town of River Bend Planning Board ("Board") to advise the Town of River Bend Town Council by written statement describing whether the proposed amendments to the Town's Code of Ordinances as related to zoning are consistent with all officially adopted plans, including the comprehensive land use plan, and

WHEREAS, the Board has in fact met to consider and evaluate the proposed revision of Chapter 15: Land Usage to incorporate required language prescribed by the North Carolina General Assembly.

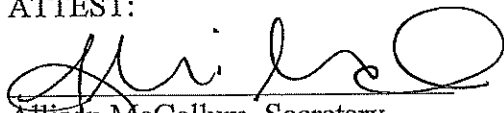
NOW THEREFORE, BE IT HEREBY RESOLVED, that the Board finds that the proposed amendments to the Code of Ordinances are in accordance with and consistent with all officially adopted Town plans, including any comprehensive land use plan, and therefore recommends adoption by the Town Council.

This Resolution is effective upon its adoption this 6th day of May, 2021.

**TOWN OF RIVER BEND  
PLANNING BOARD**

  
Egon Lippert, Chairman

ATTEST:

  
Allison McCollum, Secretary

## **Council Meeting – 5/20/21**

### **CAC**

The CAC met on Wednesday, April 28 at 1:30 pm. The members discussed how spend the balance of this year's budget. Members would like to return the Christmas "tree" to Town Commons and place a larger "tree" at the front entrance. Other decorations were also discussed, with the knowledge that better quality products are significantly more expensive. Members discussed placement of the veteran's memorial and its barren appearance. Lynn will not remain on the board when her term expires in June. She suggested the decision about meeting dates and times be postponed until there's a new chairperson.

### **Parks & Rec**

P&R met on Wed, May 5. Town Manager Delane Jackson attended the meeting.

River Bend will celebrate the Fourth of July this year if it is safe to do so. This event will be very different from previous years. It will take place in the evening and will feature a band and fireworks. It will take place at the country club. Food and beverages will be sold in the restaurant. It is unclear at this time whether other refreshments and entertainment will be provided.

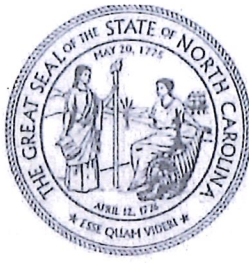
### **RBCOG**

Everything is growing. The garden has added four volunteers this spring. The Green Team asked if they could continue working in the garden biweekly throughout the summer. It is not for credit.

### **Red Caboose Library**

The RCL placed their book inventory on their page of the town's website. Hours of operation are also posted there. The next library board meeting is scheduled for June 10<sup>th</sup>.





# State of North Carolina

**ROY COOPER**  
GOVERNOR

May 14, 2021

## **EXECUTIVE ORDER NO. 215**

### **LIFTING COVID-19 RESTRICTIONS TO REFLECT NEW PUBLIC HEALTH RECOMMENDATIONS**

**WHEREAS**, on March 10, 2020, the undersigned issued Exec. Order No. 116, 34 N.C. Reg. 1744-1749 (April 1, 2020), which declared a State of Emergency to coordinate the state's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

**WHEREAS**, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

**WHEREAS**, in responding to the COVID-19 pandemic, and for the purpose of protecting the health, safety, and welfare of the people of North Carolina, the undersigned has issued Executive Order Nos. 116-122, 124-125, 129-131, 133-136, 138-144, 146-153, 155-157, 161-165, 169-173, 176-177, 180-181, 183-185, 188-193, 195, 197-198, 200, 204-207, and 209-212; and

**WHEREAS**, the undersigned has taken a science and data-driven approach to implementing public health measures to curb the spread of the virus and to advance the state's economy in a safe and effective way, which is in the best interests of all North Carolinians; and

#### Improvements in Key COVID-19 Metrics

**WHEREAS**, over recent months in North Carolina, due to the measures taken to date by the undersigned and due to the resilience and persistence of all North Carolinians, there have been improvements in the state's key COVID-19 metrics; and

**WHEREAS**, specifically, as of the date of this Executive Order, the state is experiencing lower rates of the percent of emergency department visits that are due to COVID-like illness, the number of COVID-19 daily diagnoses, the percent of total COVID-19 tests that are positive, and the number of COVID-19-associated hospitalizations; and

**WHEREAS**, these improvements are occurring across North Carolina communities, as evidenced by the fact that between April 25, 2021 and May 8, 2021, no counties in the state are rated to have a “critical” rate of COVID-19 community spread, according to the County Alert System developed by the North Carolina Department of Health and Human Services (“NCDHHS”), which evaluates a county’s COVID-19 case counts, percent positives, and hospital occupancy; and

#### Progress in COVID-19 Vaccination

**WHEREAS**, COVID-19 vaccines are now widely available at no cost to all eligible North Carolinians who wish to receive one, and all eligible North Carolinians are encouraged to get vaccinated; and

**WHEREAS**, the state has mounted a robust vaccination effort to distribute the state’s allocated supply of COVID-19 vaccines authorized by the Food and Drug Administration (“FDA”) to all people living in or spending significant time in North Carolina; and

**WHEREAS**, North Carolinians have made great progress in getting vaccinated, and every day, more North Carolinians are protected from this deadly disease; and

**WHEREAS**, as of the date of this Executive Order, forty-six percent (46%) of the state’s population over age eighteen (18) is fully vaccinated, and fifty-one percent (51%) of the state’s population over age eighteen (18) is partially vaccinated; and

**WHEREAS**, as of the date of this Executive Order, over seventy-five percent (75%) of the state’s population age sixty-five (65) and older is fully vaccinated, and over seventy-nine percent (79%) of the state’s population age sixty-five (65) and older is partially vaccinated; and

#### New Public Health Guidance for Fully Vaccinated People

**WHEREAS**, over the course of the pandemic, North Carolina’s public health experts have gained enhanced knowledge of the COVID-19 virus, including a better understanding of what settings and activities pose the greatest risk of transmitting the virus, and what mitigation strategies are most effective to curb spread; and

**WHEREAS**, on May 13, 2021, the U.S. Centers for Disease Control and Prevention (“CDC”) issued new Interim Public Health Recommendations for Fully Vaccinated People; and

**WHEREAS**, the new CDC recommendations advise that currently authorized vaccines in the United States are highly effective at protecting vaccinated people against symptomatic and severe COVID-19; and

**WHEREAS**, the new CDC recommendations advise that a growing body of evidence suggests that fully vaccinated people are less likely to transmit COVID-19 to others; and

**WHEREAS**, based on this evidence, the new CDC recommendations advise that “[i]ndoor and outdoor activities pose minimal risk to fully vaccinated people,” and that in most settings, “fully vaccinated people can resume activities without wearing face coverings or physically distancing”; and

**WHEREAS**, the new CDC guidance indicates that the Face Covering requirement and social distancing requirements can be lifted for fully vaccinated people; and

**WHEREAS**, more than half of all North Carolinians have now received one vaccination dose, and North Carolina is on track to have more and more people be fully vaccinated and at low risk from the disease; and

**WHEREAS**, given current obstacles, distinguishing between vaccinated and unvaccinated North Carolinians raises enforcement concerns for law enforcement, businesses, and employers; and



**WHEREAS**, in the totality of these circumstances, the undersigned has determined that at this time the Face Covering requirement should be lifted in most settings, and the capacity restrictions, and social distancing requirements should be lifted for all settings; and

Continuing Dangers of COVID-19

**WHEREAS**, despite the recent improving trends, COVID-19 is a deadly and dangerous disease; and

**WHEREAS**, more than nine hundred eighty-nine thousand (989,000) people in North Carolina have had COVID-19, and more than twelve thousand eight hundred (12,800) people in North Carolina have died from the disease; and

**WHEREAS**, the new CDC recommendations issued on May 13, 2021 confirm that unvaccinated people put themselves at great risk if they do not wear Face Coverings in recommended settings and do not socially distance; and

**WHEREAS**, for these reasons, the COVID-19 State of Emergency must continue, and this Executive Order modifies only Face Covering requirements, capacity restrictions, and social distancing requirements; and

**WHEREAS**, it remains critical that North Carolinians exercise personal responsibility to protect themselves and their friends and neighbors from the spread of COVID-19, and the undersigned and the Secretary of the Department of Health and Human Services continue to identify Face Coverings, social distancing, and washing hands as best practices; and

**WHEREAS**, although a majority of adult North Carolinians have received at least one vaccination dose, vaccination efforts are just beginning for children; and

**WHEREAS**, children age twelve (12) to fifteen (15) have only recently been allowed to receive a COVID-19 vaccine from one approved manufacturer, and children age twelve (12) and younger have not yet been approved to receive a COVID-19 vaccine; and

**WHEREAS**, it is necessary to continue some COVID-19 requirements in schools, child care, and day or overnight camps, since for the next few weeks, almost all children will be unvaccinated and able to spread COVID-19; and

**WHEREAS**, the new CDC recommendations also suggest that in some settings where people congregate, including transportation and health care, people should continue to wear Face Coverings and socially distance; and

**WHEREAS**, if the state's COVID-19 case rate increases, if the state's vaccination rate slows, or if new evidence arises regarding the risks of COVID-19 and its variants, it may be necessary to reevaluate whether additional restrictions are necessary to reduce the risk of death and serious illness from COVID-19; and

Statutory Authority and Determinations

**WHEREAS**, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(2), the undersigned may make, amend, or rescind necessary orders, rules, and regulations within the limits of the authority conferred upon the Governor in the Emergency Management Act; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate Gubernatorial vested authority under the Emergency Management Act and to provide for the sub-delegation of that authority; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.23 in conjunction with N.C. Gen. Stat. §§ 75-37 and 75-38, the undersigned may issue a declaration that shall trigger the prohibitions



against excessive pricing during states of disaster, states of emergency or abnormal market disruptions; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of state agencies or units thereof for the purpose of performing or facilitating emergency services; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the undersigned may take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of the Emergency Management Act and with the orders, rules, and regulations made thereunder; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(i), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because not all local authorities have enacted such appropriate ordinances or issued such appropriate declarations restricting the operation of businesses and limiting person-to-person contact, thus needed control cannot be imposed locally; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(ii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because some but not all local authorities have taken implementing steps under such ordinances or declarations, if enacted or declared, in order to effectuate control over the emergency that has arisen; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iii), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection for lives and property of North Carolinians because the area in which the emergency exists spreads across local jurisdictional boundaries and the legal control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(iv), the undersigned has determined that local control of the emergency is insufficient to assure adequate protection of lives and property of North Carolinians because the scale of the emergency is so great that it exceeds the capability of local authorities to cope with it; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1) authorizes the undersigned to prohibit and restrict the movement of people in public places; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(1)(d) authorizes the undersigned to control the movement of persons within the emergency area; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(2) authorizes the undersigned to prohibit and restrict the operation of offices, business establishments, and other places to and from which people may travel or at which they may congregate; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(c) in conjunction with N.C. Gen. Stat. § 166A-19.31(b)(5) authorizes the undersigned to prohibit and restrict other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(c)(1), when the undersigned imposes the prohibitions and restrictions enumerated in N.C. Gen. Stat. § 166A-19.31(b), the undersigned may amend or rescind the prohibitions and restrictions imposed by local authorities.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, and for the reasons and pursuant to the authority set forth above, **IT IS ORDERED:**

### **Section 1. Introduction.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

#### **1.1. Definitions.**

- a. “Face Covering” means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears and fits snugly against the side of a person’s face. A Face Covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Face Coverings are most effective when they fit snugly against a person’s face and have two (2) or more layers. This can be achieved by wearing a cloth Face Covering with two or more layers or by wearing one disposable mask underneath a cloth mask. A cloth Face Covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels. These Face Coverings are not intended for use by healthcare providers in the care of patients.

Based on recommendations from the CDC, face shields do not meet the requirements for Face Coverings.

- b. “Guest” means any attendee, customer, guest, member, patron, spectator, or other person lawfully on the property of another that does not own the property or work at the property.
- c. “Surgical Mask” means American Society for Testing and Materials (“ASTM”) Level 1, 2, or 3 approved procedural and surgical masks.

#### **1.2. Exemptions.**

Worship, religious, and spiritual gatherings, funeral ceremonies, wedding ceremonies, and other activities constituting the exercise of First Amendment rights are exempt from all the requirements of this Executive Order, notwithstanding any other provision of this Executive Order.

#### **1.3. Structure of This Executive Order.**

This Executive Order fully lifts the capacity limitations and social distancing requirements on businesses in Executive Order No. 209, and lifts the indoor Face Covering requirement on most businesses and operations. To control the spread of COVID-19 and protect lives during the State of Emergency, this Executive Order lists restrictions on the operations of certain business establishments and other places to or from which people may travel or at which they may congregate. Businesses or operations within the scope of Sections 2 and 3 are prohibited from operating unless they follow all applicable restrictions stated in these Sections.

### **Section 2. Face Coverings.**

In public school units, as defined by N.C. Gen. Stat § 115C- 5(7a), and non-public schools covered by Article 39 of Chapter 115C of the General Statutes, the StrongSchoolsNC Public Health Toolkit (K-12) (“Toolkit”) sets any Face Covering requirements. As of the date of this Executive Order, the Toolkit currently requires Face Coverings indoors. Any future changes to the Face Covering requirement in schools will be issued in the Toolkit.

In addition, Face Coverings are also required in the settings listed in Section 3 of this Executive Order below. In all settings where Face Coverings apply, the exceptions listed in Sections 2.3 to 2.5 of Executive Order No. 209 apply. Otherwise, the Face Covering requirements in Executive Order No. 209 are rescinded.

attached to end

### **Section 3. Restrictions on Certain Businesses and Operations.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

#### **3.1. Child Care Facilities.**

- a. **Child Care Facilities May Open and May Serve All Children.** Child care facilities may open or reopen, and they may serve all children in North Carolina. All references to “covered children” in Executive Order Nos. 130 and 138 shall refer to all children.
- b. **Additional Health and Safety Requirements.** Operators of child care facilities must follow all applicable NCDHHS guidelines.
- c. **Relationship to Other Executive Orders.** Subsections 3.3(a) and (b) above completely replace Subsections 2(C) and 2(D) of Executive Order No. 130. Subsections 2(A)-(B) and 2(E)-(H) of Executive Order No. 130 and Section 3 of Executive Order No. 139 shall continue in effect as specified in Executive Order Nos. 152, 177, 193, 211, and any subsequent executive orders.

#### **3.2. Children’s Day or Overnight Camps.**

- a. **Requirements.** Operators of day camps and overnight camps must follow all applicable NCDHHS guidelines.

#### **3.3. Health Care Settings.**

- a. **Infection Prevention in Health Care Facilities.** All residents, workers, and visitors in health care settings including hospitals, outpatient healthcare settings, Long Term Care (“LTC”) Facilities, skilled nursing facilities (“SNF”), and intermediate care facilities for individuals with intellectual disabilities (“ICF/IID”), must follow the requirements in the CDC Healthcare Infection and Prevention Control Recommendations in Response to COVID-19 Vaccination, <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-after-vaccination.html>.
- b. **Other Requirements.** Additional requirements in health care settings can be found in Executive Order Nos. 130 and 139 and in the Secretarial Orders issued under Executive Order Nos. 152, 165, 177, 193, 211, and any subsequent extensions thereof.

#### **3.4. Transportation.**

All workers and riders on public or private transportation regulated by the State of North Carolina, as well as all people in North Carolina airports, bus and train stations or stops, must wear Face Coverings indoors at all times, unless an exception applies. This provision does not apply to people traveling in their personal vehicles, alone or with family or friends, but does apply to ride-shares, cabs, vans, and shuttles, even if the vehicles are privately owned. Guests may be removed from or denied entry to public transportation if they refuse to wear a Face Covering.

#### **3.5 State and Local Correctional and Detention Facilities and Homeless Service Providers.**

All persons indoors on-premises at state and local correctional and detention facilities must wear Face Coverings at all times, unless an exception applies. All workers of homeless service providers and clients of homeless service providers must wear Face Coverings indoors any time they are not in their room or on their bed mat in shared sleeping areas, unless an exception applies. A Face Covering is not required to be worn by an individual when sleeping alone on-site at a correctional or detention facility or a facility serving the homeless.



### **3.6 Private Businesses May Require Face Coverings.**

Nothing in this Executive Order is intended to prohibit or discourage private businesses not covered by Sections 2 or 3 herein from requiring Face Coverings for their employees or Guests, unless an exception applies for that individual, or to prevent such businesses from enforcing any existing rights under the law to prohibit Guests from entering without Face Coverings.

### **Section 4. Recommendations for Large Venues.**

It is strongly recommended that all individuals continue to wear Face Coverings in all large indoor seating facilities with a seating capacity of over five thousand (5,000) seats, unless an exception applies.

### **Section 5. Miscellaneous Provisions.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

5.1. **Statewide Standing Order for COVID-19 Testing.** In order to further protect the public health by providing greater access to COVID-19 testing, the undersigned orders the State Health Director, in addition to and in accordance with her powers set out in N.C. Gen. Stat. Chapter 130A, to issue any statewide standing order needed in her medical judgment that would allow individuals who meet NCDHHS criteria for testing to access and undergo testing for COVID-19, subject to the terms of the standing order. This standing order may continue for the duration of the State of Emergency.

5.2. **School and Health Officials to Continue Efforts.** NCDHHS, the North Carolina Department of Public Instruction, and the North Carolina State Board of Education are directed to continue to work together during this State of Emergency to maintain and implement measures to provide for the health, nutrition, safety, educational needs, and well-being of children being taught by remote learning.

### **5.3. Effect on Local Emergency Management Orders.**

- a. **Most of the Restrictions in This Executive Order Are Minimum Requirements. And Local Governments Can Impose Greater Restrictions.** The undersigned recognizes that the impact of COVID-19 has been and will likely continue to be different in different parts of North Carolina. Over the course of the COVID-19 emergency in North Carolina, COVID-19 outbreaks have occurred, at different times, in urban and rural areas; in coastal areas, the piedmont, and the mountains; and in a variety of employment and living settings. As such, the undersigned acknowledges that counties and cities may deem it necessary to adopt ordinances and issue state of emergency declarations which impose restrictions or prohibitions to the extent authorized under North Carolina law, such as on the activity of people and businesses, to a greater degree than in this Executive Order. To that end, nothing herein, except where specifically stated below in this Subsection 5.3, is intended to limit or prohibit counties and cities in North Carolina from enacting ordinances and issuing state of emergency declarations which impose greater restrictions or prohibitions to the extent authorized under North Carolina law.
- b. **Local Restrictions Cannot Restrict State or Federal Government Operations.** Notwithstanding Subsection 5.3(a) above, no county or city ordinance or declaration shall have the effect of restricting or prohibiting governmental operations of the State or the United States.
- c. **Local Restrictions Cannot Prevent COVID-19 Testing.** To ensure that COVID-19 testing is available to the maximum extent possible, and to create certainty and uniformity across the state for businesses and operations that are providing this valuable testing, the undersigned specifically prohibits all local prohibitions and restrictions that would prevent or restrict businesses or operations from providing COVID-19 testing or would prevent or restrict businesses or operations from advertising COVID-19 testing services that they are providing to the public. This

preemption includes, but is not limited to, building permits, signage restrictions, and zoning requirements. However, the preemption provided by this Section is available only to COVID-19 testing sites that are operated in accordance with state and federal law and in cooperation with the NCDHHS or a local public health department.

- d. Local Restrictions Cannot Prevent COVID-19 Vaccine Administration. To ensure that COVID-19 vaccines are available to the maximum extent possible, and to create certainty and uniformity across the state for businesses and operations that are providing this valuable service, the undersigned specifically prohibits all local prohibitions and restrictions that would prevent or restrict businesses or operations from providing COVID-19 vaccines or would prevent or restrict businesses or operations from advertising COVID-19 vaccines that they are providing to the public. This preemption includes, but is not limited to, building permits, signage restrictions and zoning requirements. However, the preemption provided by this Section is available only to COVID-19 vaccination sites that are operated in accordance with state and federal law and in cooperation with the NCDHHS or a local public health department.

5.4. Previous Executive Orders. Except for the exceptions to Sections 2.3 to 2.5 of Executive Order No. 209, which remain in place, this Executive Order amends, restates, and replaces Executive Order Nos. 141, 153, 162, 163, 169, 170, 176, 180, 181, 188, 189, 195, 204, and 209 in full. The State of Emergency established in Executive Order No. 116 remains in effect, and no other Executive Orders are modified or rescinded by this Executive Order except as expressly stated herein.

#### **Section 6. Extension of Price Gouging Period.**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

Pursuant to N.C. Gen. Stat. § 166A-19.23, the undersigned extends the prohibition against excessive pricing, as provided in N.C. Gen. Stat. §§ 75-37 and 75-38, from the issuance of Executive Order No. 116 through June 11, 2021 at 5:00 pm.

The undersigned further hereby encourages the North Carolina Attorney General to use all resources available to monitor reports of abusive trade practices towards consumers and make readily available opportunities to report to the public any price gouging and unfair or deceptive trade practices under Chapter 75 of the North Carolina General Statutes.

#### **Section 7. No Private Right of Action.**

This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of North Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any emergency management worker (as defined in N.C. Gen. Stat. § 166A-19.60) or any other person.

#### **Section 8. Savings Clause.**

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

#### **Section 9. Distribution.**

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.



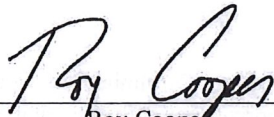
**Section 10. Enforcement.**

- 10.1. Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), the provisions of this Executive Order shall be enforced by state and local law enforcement officers.
- 10.2. A violation of this Executive Order may be subject to prosecution pursuant to N.C. Gen. Stat. § 166A-19.30(d), and is punishable as a Class 2 misdemeanor in accordance with N.C. Gen. Stat. § 14-288.20A. Local governments are specifically authorized and encouraged to adopt ordinances that provide law enforcement officials with flexibility to use civil, rather than criminal, penalties to enforce violations of this Executive Order.
- 10.3. Nothing in this Executive Order shall be construed to preempt or overrule a court order regarding an individual's conduct (e.g., a Domestic Violence Protection Order or similar orders limiting an individual's access to a particular place).

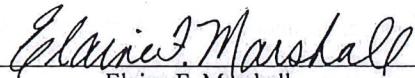
**Section 11. Effective Date.**

This Executive Order is effective May 14, 2021, at 1:30 pm. This Executive Order shall remain in effect through June 11, 2021, at 5:00 pm, unless repealed, replaced, or rescinded by another applicable Executive Order. An Executive Order rescinding the Declaration of the State of Emergency will automatically rescind this Executive Order.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 14<sup>th</sup> day of May in the year of our Lord two thousand and twenty-one.

  
\_\_\_\_\_  
Roy Cooper  
Governor

ATTEST:

  
\_\_\_\_\_  
Elaine F. Marshall  
Secretary of State





**1.5. General Recommendations.**

All North Carolinians are strongly encouraged to follow the recommendations for reducing the spread of COVID-19 issued by NCDHHS. These include the following Recommendations to Wear Face Coverings, Promote Social Distancing and Reduce Transmission:

- a. Wear a Face Covering over the nose and mouth inside all public settings such as grocery stores, pharmacies, or other retail or public-serving businesses.
- b. Although not required, people who have not been fully vaccinated should wear a Face Covering outdoors when they cannot maintain at least six (6) feet of social distancing from non-household members, and all individuals should wear Face Coverings outdoors in crowded, dense, and higher-risk settings including outdoor Bars and large venues.
- c. Maintain at least six (6) feet social distancing from other individuals, with the exception of family or household members.
- d. Wash hands using soap and water for at least twenty (20) seconds as frequently as possible. Carry hand sanitizer with you when leaving home, and use it frequently.
- e. Isolate and get tested if you have symptoms of COVID-19 and participate in testing and screening programs offered at settings such as work or school.
- f. People who have not been fully vaccinated should get tested if they have traveled, gathered with large groups of unvaccinated individuals, or been exposed to someone who tests positive for COVID-19.
- g. People who have not been fully vaccinated should quarantine after being exposed to someone who tests positive for COVID-19.

**Section 2. Face Coverings.**

For the avoidance of doubt, this Section generally requires North Carolinians to wear Face Coverings in public places, while indoors. This Section also authorizes law enforcement to enforce Face Covering requirements against individuals who fail to wear a Face Covering indoors in any public setting without any applicable exception. Where a question might arise as to whether an individual who is able to wear a Face Covering in North Carolina is required to wear one in a certain context, this Executive Order seeks to promote the wearing of Face Coverings.

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

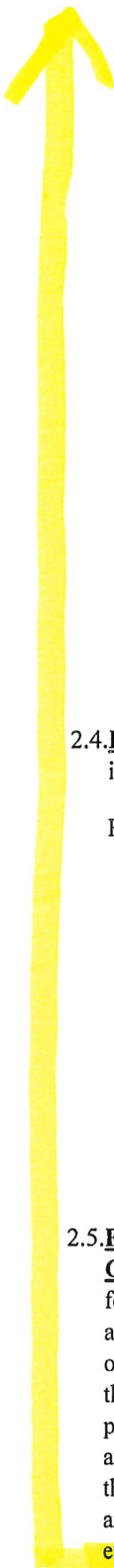
**2.1. Face Coverings Required In Public Places, Indoors Only.**

- a. The undersigned enacts the following restriction on the movement of people in public places and restriction on the operation of offices, business establishments, schools, and other places where people may travel or congregate: for any place outside the home or living accommodations, including but not limited to businesses, schools, and other establishments and spaces, Face Coverings must be worn indoors if anyone else is in that space who is not a member of the same household.
- b. These requirements shall apply to all people at least five (5) years old, unless an exception applies. These requirements are recommended for all people over the age of two (2) years old.

**2.2. Employer Good Faith Obligation to Provide Face Coverings.** Employers who have workers who perform work outside of their home in North Carolina and have not already provided Face Coverings for their workers shall make good-faith efforts to provide a one-week supply of reusable Face Coverings or a new disposable Face Covering daily as soon as possible for workers to use at their place of employment. New Face Coverings should be provided during the work day if the worker's Face Covering becomes soiled, torn, or wet.

**2.3. Exceptions.** This Executive Order does not require Face Coverings for—and a Face Covering does not need to be worn by—a worker or Guest who:

- a. Should not wear a Face Covering due to any medical or behavioral condition or disability (including, but not limited to, any person who has trouble breathing, or is



unconscious or incapacitated, or is otherwise unable to put on or remove the Face Covering without assistance);

- b. Is under five (5) years of age;
- c. Is actively eating or drinking;
- d. Is seeking to communicate with someone who is hearing-impaired in a way that requires the mouth to be visible;
- e. Is giving a speech for a broadcast or to an audience;
- f. Is working at home or is in a personal vehicle;
- g. Is temporarily removing his or her Face Covering to secure government or medical services or for identification purposes;
- h. Would be at risk from wearing a Face Covering at work, as determined by local, state, or federal regulations or workplace safety guidelines;
- i. Has found that his or her Face Covering is impeding visibility to operate equipment or a vehicle; or
- j. Is a child whose parent, guardian, or responsible person has been unable to place the Face Covering safely on the child's face.

Anyone who declines to wear a Face Covering for these reasons should not be required to produce documentation or any other proof of a condition.

Children under two (2) years of age should not wear a Face Covering.

**2.4. Face Coverings and Exercise.** People must wear Face Coverings while exercising if they are indoors and not within their own home.

However, people need not wear a Face Covering while exercising if:

- One of the exceptions stated in Subsection 2.4 applies;
- They have symptoms while strenuously exercising such as trouble breathing, dizziness, or lightheadedness;
- They are wearing equipment like a mouthguard or helmet and are having trouble breathing;
- They are doing any activity in which the Face Covering could become entangled and a choking hazard or impair vision in high risk activities such as gymnastics, cheerleading, or tumbling; or
- They are doing activities that may cause the Face Covering to become wet, like swimming or other activities in a pool, lake, water attraction, or similar body of water.

**2.5. Face Coverings for Recreational, School, Professional, and Collegiate Athletes Under a COVID-19 Health and Safety Protocol.** Face Coverings are recommended, but not required for professional or collegiate athletes in indoor or outdoor settings, or for recreational or school athletes five (5) years or older when exercising outdoors if (1) they are strenuously exercising or recovering from exercise and (2) those athletes are training for or participating in a sport that is under the oversight of a league, association, or other organizer that required teams and players to follow a protocol for reducing risk from COVID-19. Professional and collegiate athletes must wear Face Coverings indoors, including on sidelines and in practice, at any time that they are not strenuously exercising or recovering from recent exercise, and recreational and school athletes five (5) years or older should continue to wear a Face Covering while exercising indoors, unless an exception applies.

**2.6. How Businesses May Accommodate Exceptions.** If a Guest states that an exception applies, a business may choose to offer curbside service, provide home delivery, or use some other reasonable measure to deliver its goods or services.

**2.7. Enforcement of Face Covering Requirements.**

If a person does not wear a Face Covering in a situation where a Face Covering is required under this Executive Order, and if an exception to the Face Covering requirement does not apply:

# THE NEW NORMAL IN 2021

The COVID-19 virus has changed what will be the “norm” from 2021 forward. It seems that human nature is dedicated to resisting change but some wise person once stated that “the only thing constant is change.”

The change that we are confronting has been some time in development and has a number of contributing factors. A number of those contributing factors follow:

- A. Reliable Communication; Today communication from the remote corners of the world is instantaneous and reliable. A hundred years ago the Titanic was lost and nearby ships could not be alerted to rescue survivors.
- B. Travel in the Victorian era could easily have taken 80 days to go around the world. Today, with a little planning, a trip around the world can take less than 80 hours. With this rapid interface of world travel comes the transport of the COVID-19 virus and its future successors around the world.

As we consider how the world can adapt to the new norm we need to recognize that adjustments need to be made to conduct operations at every level of society. The following events demonstrate how vulnerable we are as we ignore change and cling to a past norm:

1. The world is a single marketplace and depends on manufacturing of products produced half a world away. The recent grounding of the giant container shipping vessel Evergiven in the Suez Cannel demonstrated that change to the week-long event denied markets the cargo on that vessel and all of the other vessels while the Evergiven blocked transit through the canal.
2. Continuing with ships, we should consider how the pandemic, communications and the U S Navy come together to illustrate the need for new planning considerations. In the age of sail, naval vessels of every nation were sent on voyages of discovery and they might be at sea for more than a year with no new or updated communication from superior command. In our time the Commanding Officer aboard the attack carrier Theodore Roosevelt had a pandemic problem and proposed a need to bring the infected crew members to port for treatment. He relied on the instant communication with the “chain” and sent a message. He sent the recommendation for the change to senior command and received no quick turnaround. He then released the communications to channel outside the official “chain.” This resulted in his relief from command. This illustration is not intended to be critical of the U S Navy. Certainly the same need to upgrade policy exists in the State Department and I am confident that every major industry in the country suffers from the need for upgrade.
3. The new norm will require solutions that demand international cooperation. Every aspect of society will either face this need and work through the implementing detail or struggle with trying to continue to operate with their Pre-Pandemic procedures.

The exercise of management has always demanded integrity and hard work. Those demands are more in vogue today than ever before. These are exciting times and the rewards of engineering the new norm will result in a more equitable standard of living for every person in every city and town of our country, and also in every corner of the world.