



TOWN OF RIVER BEND

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River Bend, NC 28562**

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RIVER BEND TOWN COUNCIL PROPOSED AGENDA

Work Session Meeting

March 14, 2024

River Bend Town Hall – 45 Shoreline Drive

7:00 p.m.

1. **VOTE** – Agenda: Additions / Deletions / Adoption
2. Discussion – Cruddy Can Solid Waste Removal - Weaver
3. Discussion – Town Council Rules of Procedure Amendment - Leonard
4. Discussion – Wastewater Treatment Plant Grant Funding - Jackson
5. Discussion – Town Park Rules - Weaver
6. REVIEW AGENDA – Nobles
7. **CLOSED SESSION** – NCGS § 143-318.11(a)(3)(5) –To Discuss the Acquisition of Real Property located at 403 Old Pollocksville Road, Owned by Robert Davis and Kimberly Dow for use as Water Treatment Facility.

Pledge: Sheffield

Delane Jackson

From: Jeff Weaver
Sent: Thursday, February 29, 2024 10:27 PM
To: Delane Jackson
Cc: contact@cruddycans.com; donnycindiemoore@gmail.com
Subject: Agenda Item

Delane,

I recently met with business owners Shawn Stengle and Donny Moore of Cruddy Cans. During our meeting, they presented their in-depth business model that included trash removal, bulk waste removal, curbside appliance removal and other sanitation related programs.

I was unaware prior to this meeting that we were participants in a cooperative that prevents competitors from offering services to our citizens. Long story short, I would like to add an item to both the work session (3/14/2024) and council meeting (3/21/2024) that would allow these gentlemen to present a short presentation of the services they have to offer.

I am asking they be granted the time to make a presentation at both meetings, the work session so the council members have a chance to digest the information and during the regular council meeting so its captured on video and addressed to the citizens. Mr. Moore told me the presentation should only take about 15 minutes. Prior to their presentation I will address the council and explain my view on this matter.

Thanks,
Jeff

ITEM



<https://cruddycans.com/>



RAISE YOUR HAND

Sign Our Petition For Waste Removal Options In Your Area
(Town of River Bend, Fairfield Harbour, Trent Woods)

Sign Petition Below & Read Articles

SIGN PETITION
([HTTPS://FORMS.GLE/GA9C3EXFKP4B4PQY9](https://forms.gle/GA9C3EXFKP4B4PQY9))

CRAVEN COUNTY ORDINANCE
([HTTPS://LIBRARY.MUNICODE.COM/NC/CRAVEN_COUNTY/CODES/CODE_OF_ORDINANCES?NODEID=CD_ORD_CH32SOWA](https://library.municode.com/nc/craven_county/codes/code_of_ordinances?nodeid=CD_ORD_CH32SOWA))

STATE STATUTE 153A-122
([HTTPS://WWW.NCLEG.GOV/ENACTEDLEGISLATION/STATUTES/PDF/BYARTICLE/CHAPTER_153A/ARTICLE_6.PDF](https://www.ncleg.gov/enactedlegislation/statutes/pdf/byarticle/chapter_153a/article_6.pdf))

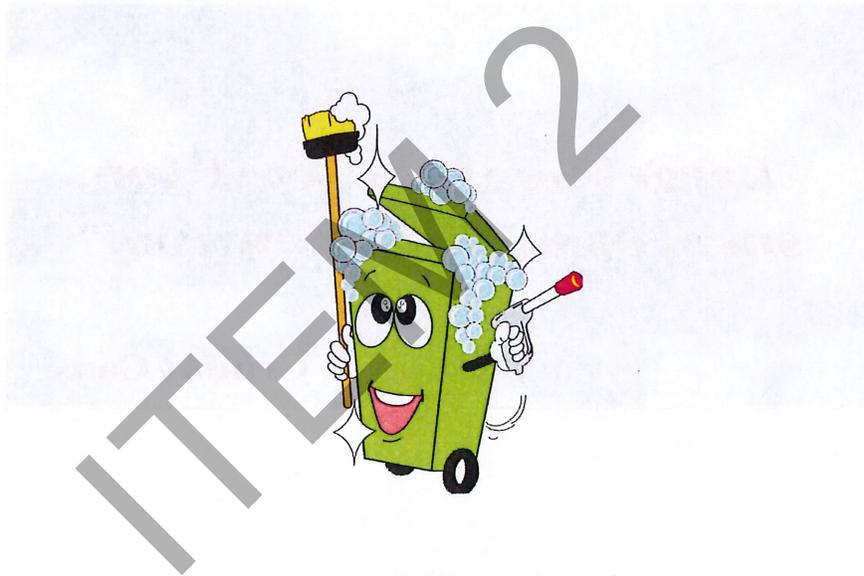
AS FEATURE IN:



OUR ECO-FRIENDLY TRASH BIN CLEANING PROCESS



PREPARE



CLEAN



SANITIZE

See Pricing Plans
(<https://cruddycans.com/pricing/>)

Our Customers Love US

I use Cruddy Cans for their monthly trash bin cleanings and they are wonderful. I also had them power wash my driveway and it looks brand new now.

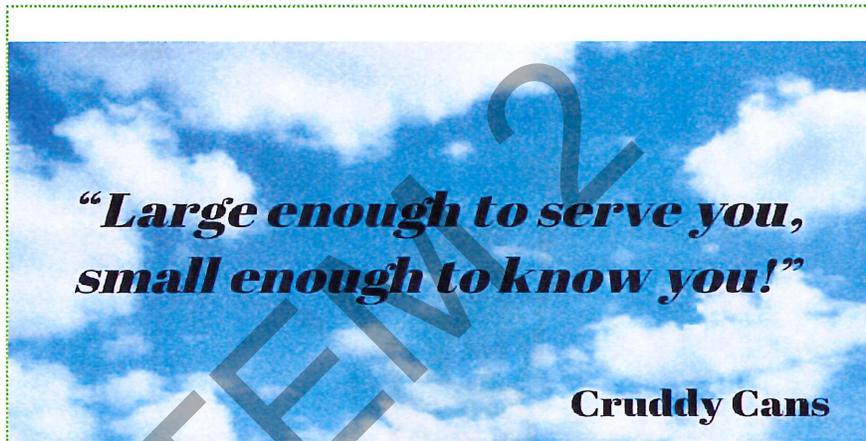
CRUDDY CANS

We Keep Your Garbage Cans Sanitized

Our trash bin and pressure washing services were designed to keep your property clean and sanitized. We use the most environmentally friendly high-speed cleaning equipment available on the market.

Contact Us today to see why our customers love Cruddy Cans!

[READ MORE](#)



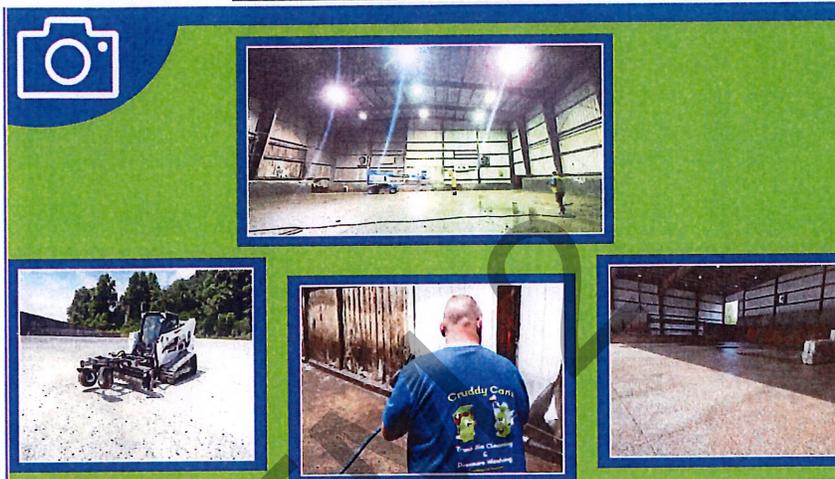
OUR SERVICES



TRASH BIN CLEANING

(<https://cruddycans.com/trash-bin-cleaning-service/>)

TRASH BIN CLEANING ([HTTPS://CRUDDYCANS.COM/TRASH-BIN-CLEANING-SERVICE/](https://cruddycans.com/trash-bin-cleaning-service/))



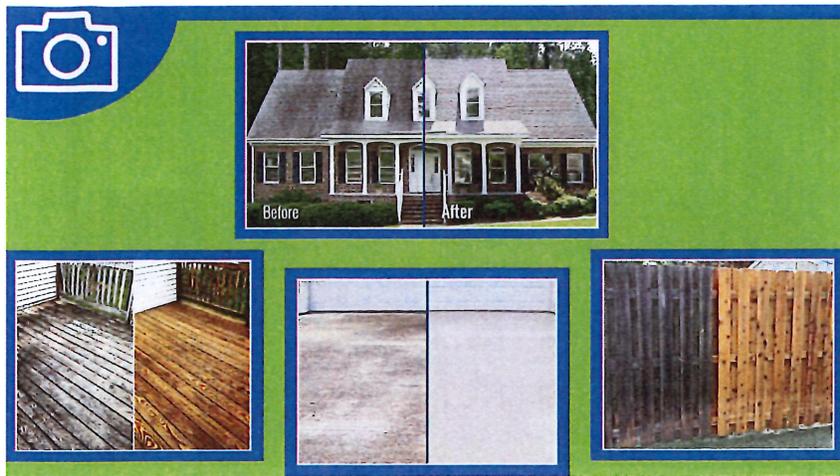
(<https://cruddycans.com/residential-curb-side-waste-removal/>)

**COMMERCIAL POWER WASHING
([HTTPS://CRUDDYCANS.COM/RESIDENTIAL-CURBSIDE-WASTE-REMOVAL/](https://cruddycans.com/residential-curb-side-waste-removal/))**



(<https://cruddycans.com/dumpster-cleaning-service/>)

**COMMERCIAL DUMPSTER CLEANING
([HTTPS://CRUDDYCANS.COM/DUMPSTER-CLEANING-SERVICE/](https://cruddycans.com/dumpster-cleaning-service/))**



(<https://cruddycans.com/residential-pressure-washing/>).

RESIDENTIAL POWER WASHING ([HTTPS://CRUDDYCANS.COM/RESIDENTIAL-PRESSURE-WASHING/](https://CRUDDYCANS.COM/RESIDENTIAL-PRESSURE-WASHING/))



Cruddy Cans 2209 Oakview Dr
New Bern, NC 28562

252-474-7717 (tel:2524747717)

contact@cruddycans.com (mailto:contact@cruddycans.com)

Mon - Fri | 9am - 5pm

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ITEM 2

RECEIVED JAN 31 1997

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

INTERLOCAL SOLID WASTE AGREEMENT

This agreement made and entered into ^{December} this 18th day of 1996, by and between CRAVEN COUNTY, a North Carolina body politic (hereinafter referred to as "County"); and The Town of River Bend, a municipal Corporation having a charter granted by the State of North Carolina (hereinafter referred to as "Municipality"):

**ARTICLE I
AUTHORITY**

Without limitation, the following portions of the Constitution and General Statutes of North Carolina are recited herein as authority for this Agreement:

1.

N.C.G.S. §130A-309.03 - Findings, purposes

(a) The General Assembly finds that:

(1) Inefficient and improper methods of managing solid waste create hazards to public health, cause pollution of air and water resources, constitute a waste of natural resources, have an adverse effect on land values, and create public nuisances...

(3) The continuing technological progress and improvements in methods of manufacture, packaging, and marketing of consumer products have resulted in an ever-mounting increase of the mass of material discarded by the purchasers of the products...

(4) The economic growth and population growth of our State have required increased industrial production together with related commercial and agricultural operations to meet our need, which have resulted in a rising tide of unwanted and discarded materials.

(5) The failure or inability to economically recover material and energy resources from solid waste results in the unnecessary waste and depletion of our natural resources; such that, maximum resource recovery from solid waste and maximum recycling and reuse of the resources must be considered goals of the State.

(6) Certain solid waste, due to its quantity; concentration; or physical, chemical, biological, or infectious characteristics; is

exceptionally hazardous to human health, safety, and to the environment; such that exceptional attention to the transportation, disposal, storage, and treatment of the waste is necessary to protect human health, safety, and welfare; and to protect the environment...

(b) It is the purpose of this Part to:

(1) Regulate in the most economically feasible, cost-effective, and environmentally safe manner the storage, collection, transport, separation, processing recycling and disposal of solid waste in order to protect the public health, safety, and welfare; enhance the environment for the people of this State; and recover resources which have the potential for further usefulness...

(3) Require counties and municipalities to adequately plan and provide efficient, environmentally acceptable solid waste management programs; and require counties to plan for proper hazardous waste management...

(7) Promote the reduction, recycling, reuse, or treatment of solid waste, specifically including hazardous waste, in lieu of disposal of the waste...

(9) Encourage counties and municipalities to utilize all means reasonably available to promote efficient and proper methods of managing solid waste and to promote the economical recovery of material and energy resources from solid waste, including contracting with persons to provide or operate resource recovery services or facilities on behalf of the county or municipality.

(10) Promote the education of the general public and the training of solid waste professionals to reduce the production of solid waste, to ensure proper disposal of solid waste, and to encourage recycling...

(14) Require counties to develop and implement recycling programs so that valuable materials may be returned to productive use, energy and natural resources conserved, and the useful life of solid waste management facilities extended...

(16) Require counties, municipalities, and State agencies to determine the full cost of providing storage, collection, transport, separation, processing, recycling, and disposal of solid waste in an environmentally safe manner; and to encourage counties, municipalities, and State agencies to contract with private persons for any or all the services in order to assure that the services are provided in the most cost-effective manner.

N.C.G.S. §153A-122 - Territorial jurisdiction of county ordinances

"Except as otherwise provided in this Article, the board of commissioners may make any ordinance adopted pursuant to this Article

applicable to any part of the county not within a city. In addition, the governing board of a city may by resolution permit a county ordinance adopted pursuant to this Article to be applicable within the city. **The city may by resolution withdraw its permission to such an ordinance.** If it does so, the city shall give written notice to the county of its withdrawal of permission; 30 days after the day the county receives this notice the county ordinance ceases to be applicable within the city.

ARTICLE II
RECITALS

The following recitals are herewith set forth as statements of existing facts and are hereby incorporated as substantive parts of this Agreement:

1.

In accordance with the preceding statutes, the county has developed a comprehensive county solid waste management plan for which the approval of the municipalities within the county is necessary in order to make all aspects of the plan county-wide in scope. The aforesaid county solid waste management plan consists of the following agreements:

- a. Ordinance Relating to the Franchising of Private Solid Waste and Recyclable Material Collectors and the Collection and Disposal of Solid Waste and Recyclable Materials Within Craven County, and
- b. Recycling Franchise Agreement, and
- c. Solid Waste Franchise Agreements

2.

The county is contracting with private entities for the establishment of county-wide curbside recycling and solid waste collection and disposal services.

3.

Any municipality may choose to contract with a private entity for the establishment of curbside recycling and solid waste collection and disposal services.

NOW, THEREFORE, in consideration of the terms, conditions and covenants expressed herein, the parties agree as follows:

ARTICLE III

Purpose of Agreement

The purpose of this agreement is to evidence Municipality's approval of County's agreements and ordinance for recycling and solid waste collection for all residences and hand commercial establishments in the County, and to evidence its express permission for the agreements and ordinance to be applicable within the corporate limits of the Municipality in accordance with North Carolina General Statute §153A-122. The agreements and ordinance are hereby incorporated by reference. Municipality hereby adopts said agreements and further agrees that the contracts shall cover all areas within the corporate limits of the Municipality as said corporate limits may change from time to time as the result of annexation or otherwise.

ARTICLE IV

Term

Subject to the provisions of N.C.G.S. 153A-122, this agreement shall be in effect until 30 days after notice of termination by the governing body of the Municipality.

ARTICLE V

Amendment

This agreement may not be modified except by subsequent written agreement authorized by the governing bodies of each party and signed by authorized representatives of both parties.

ARTICLE VI

Integration

This contract contains the entire agreement of the parties; and no representation, inducements, or other covenants between the parties not included herein shall be of any force and effect.

ARTICLE VII

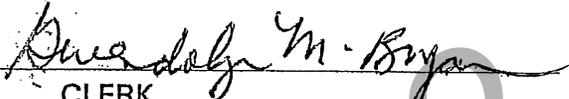
Governing Law

This agreement shall be governed in accordance with the law of the State of North Carolina.

IN WITNESS WHEREOF, the parties hereto have executed this agreement, the same having been approved by their respective governing bodies of both the County and the Municipality.

CRAVEN COUNTY

BY: 
Chairman of the Craven County Board of Commissioners

ATTEST: 
CLERK

THE TOWN OF RIVER BEND

BY:  (Title) MAYOR
WILLIAM H. RITCHIE, JR.

ATTEST:  (Title) TOWN CLERK
NANCY C. ORR CMC/AAE



RULES OF PROCEDURE FOR THE TOWN OF RIVER BEND COUNCIL

These rules shall govern the conduct of the River Bend Town Council in the conduct of official meetings. This document has used the University of North Carolina School Institute of Government model advanced in the publication *Suggested Rules of Procedure for a City Council, Fourth Edition, 2017* Small Local Government Councils as a guide. model.

Rule 1. Regular Meetings

The River Bend Town Council typically meets twice per month, on the second and third Thursday of each month. The meeting on the second Thursday is known as the Council Work Session. The meeting on the third Thursday is known as the Regular Council Meeting. In accordance with North Carolian General Statutes (NCGS), both of these meetings are defined as regular meetings. The Council, at its discretion, and in accordance with NCGS, may take action at any official Council meeting. The Council shall adopt at its regular December Council Meeting a schedule of meeting dates for Regular Council Meetings and Council Work Sessions for the next calendar year. The schedule shall give the time and location where meetings will be held. This schedule shall reflect any deviation that holiday events would cause from a normal monthly cycle. Following the adoption of the annual schedule by the Council, the schedule shall be published in compliance with publication mandates of the State of North Carolina.

Rule 2. Special, Emergency, and Recessed (or Adjourned) Meetings

(a) Special Meetings.

- (1) The Mayor, the Mayor pro tempore, or any two members of the Council may at any time call a special Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each councilman or left at his usual dwelling place at least six hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice.
- (2) Special meetings may be held at any time when the Mayor and all members of the Council are present and consent thereto, or when those not present have signed a written waiver of notice.
- (3) During any regular meeting, or any duly called special meeting, the Council may call or schedule a special meeting, provided that the motion or resolution calling or scheduling any such special meeting shall specify the time, place and purpose or purposes of such meeting and shall be adopted during an open session.

(b) **Emergency Meetings.** The Mayor, the Mayor pro tempore, or any two members of the Council may at any time call an emergency Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. Emergency meetings may be called only because of generally unexpected circumstances that require immediate consideration by the Council. Only business connected with the emergency may be considered at an emergency meeting.

(c) A person or persons calling a **All** special or emergency meeting of the Council shall comply with the notice requirements of Article 33C of General Statutes Chapter 143.

(d) **Recessed (or Adjourned) Meetings.** A properly called regular, special, or emergency meeting may be recessed (or adjourned) to a time and place certain by a procedural motion made and adopted as provided in Rule 16(b), Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed (or adjourned) session of a properly called regular, special, or emergency meeting.

Rule 3. Organizational Meeting

On the date and at the time of the first regular meeting in December (third Thursday), the newly elected members shall take and subscribe the oath of office as the first order of new business.

Rule 4. Agenda

(a) **Proposed Agenda.** The Town Clerk shall prepare a proposed agenda for each meeting. A request to have an item of business placed on the agenda must be received at least two working days before the meeting. Any Council member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed discussion items shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each Council member shall receive a copy of the proposed agenda and agenda package and it shall be available for public inspection when it is distributed to the Council members. The Town's agenda policy will be followed.

(b) **Adoption of the Agenda.** As the first order of business at each meeting, the Council shall, as specified in Rule 6, discuss and revise the proposed agenda and adopt an agenda for the meeting. The Council may by majority vote add items to or delete items from the proposed agenda, except that the Council may not add items on the agenda of a special meeting unless (a) all members are present or have signed a written waiver of notice, and (b) the Council determines in good faith at the meeting that it is essential to discuss or act on the item immediately. If items are proposed to be added to the agenda, the Council may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Council members.

The Council may designate certain agenda items for "discussion" and/or "vote." possible action." Such designation means that the Council intends to discuss the general subject area of that agenda item before making any motion concerning that item. However, the Council may vote on any agenda item, as authorized by NCGS, regardless of how it is labeled on the agenda.

(c) **Open Meetings Requirement.** The Council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the

intention of making it impossible for persons attending a meeting of the Council to understand what is being deliberated, voted, or acted on. However, the Council may deliberate, vote or otherwise take action by reference to an agenda, if copies of the agenda – sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on – are available for public inspection at the meeting.

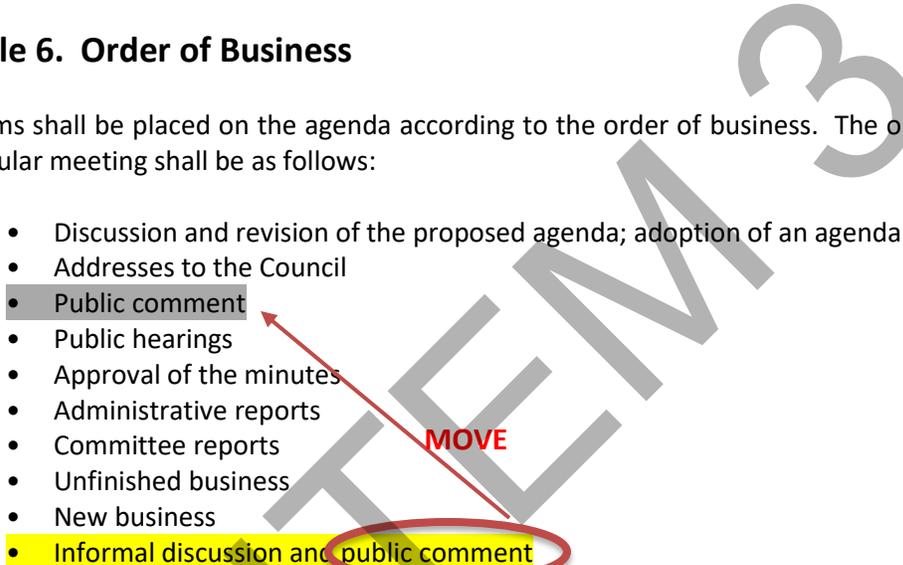
Rule 5. Public Address to the Council

(a) Any individual or group who wishes to address the Council can make a request, to the Clerk, at least two days in advance of the regular meeting to be on the agenda. However, the Council shall determine at the meeting whether it will hear the individual or group. Unless determined otherwise by the Council, each speaker will have a maximum of five minutes to address the Council.

(b) The Council shall provide a public comment period during its regular Council meeting, which is the third Thursday of each month. The Town’s public comment policy will be followed.

Rule 6. Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

- Discussion and revision of the proposed agenda; adoption of an agenda
 - Addresses to the Council
 - Public comment
 - Public hearings
 - Approval of the minutes
 - Administrative reports
 - Committee reports
 - Unfinished business
 - New business
 - Informal discussion and public comment
- 

By general consent of the Council, items may be considered out of the order prescribed above.

Rule 7. Presiding Officer

The Mayor shall preside at Council meetings if he or she is present, unless he or she becomes actively engaged in debate on a particular matter. The Mayor may only vote to break a tie. In order to address the Council, a member must be recognized by the Mayor.

If the Mayor is absent, the Mayor Pro Tem shall preside. If both the Mayor and the Mayor Pro Tem are absent, another member designated by vote of the Council shall preside. The Mayor Pro Tem or other member who is temporarily presiding retains all of his or her rights as a member, including the right to make motions and the right to vote.

If the presiding person becomes actively involved in debate on a particular matter, he or she may designate another Council member to preside over the debate. The presiding individual shall resume presiding as soon as action on the matter is concluded.

The presiding officer shall have the following powers:

- To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this grounds;
- To entertain and answer questions of parliamentary law or procedure;
- To call a brief recess at any time;
- To adjourn in an emergency
- Direct any person who willfully disturbs a meeting to leave the room
- And any others prescribed by NCGS-160A-67 thru 70.

A decision by the presiding officer under any of the first three powers listed may be appealed to the Council upon motion of any member, pursuant to Rule 16, Motion 1. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

Rule 8. Action by the Council

The Council shall proceed by motion, except as otherwise provided for in Rules 3, 4 and 25. Any member, excluding the Mayor, may make a motion.

Rule 9. Second Not Required

A motion does not require a second.

Rule 10. One Motion at a Time

A member may make only one motion at a time.

Rule 11. Substantive Motions

A substantive motion is out of order while another substantive motion is pending.

Rule 12. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 22 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

Rule 13. Voting by Written Ballot

The Council may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Council shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the Town Clerk immediately following the meeting at

which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 14. Debate

The Mayor shall state the motion and then open the floor to debate. The Mayor shall preside over the debate according to the following principles:

- The maker of the motion is entitled to speak first;
- A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- To the extent possible, the debate shall alternate between proponents and opponents of the measure.

Rule 15. Ratification of Actions

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 16. Procedural Motions

(a) **Certain Motions Allowed.** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

(b) **Order of Priority of Motions.** In order of priority (if applicable), the procedural motions are:

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council, as specified in Rule 7. This appeal is in order immediately after a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Motion 2. To Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess or adjourn to a time and place certain shall also comply with the requirements of Rule 2(d).

Motion 3. To Take a Brief Recess.

Motion 4. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.

Motion 5. To Suspend the Rules. The Council may not suspend provisions of the rules that state requirements imposed by law on the Council. For adoption, the motion requires an affirmative vote equal to two-thirds of the entire membership of the Council.

Motion 6. To Go into Closed Session. The Council may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting.

A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the Council expects to receive advice during the closed session, if in fact such advice is to be received.

Motion 7. To Leave Closed Session.

Motion 8. To Divide a Complex Motion and Consider It by Paragraph. The motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Motion 9. To Defer Consideration. The Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending. A person who wishes to revisit the matter during that time must take action to revive consideration of the original motion (Rule 16(b), Motion 14), or else move to suspend the rules (Rule 16(b), Motion 5).

Motion 10. Motion for the Previous Question. The motion is not in order until there has been at least 20 minutes of debate and/or every member has had an opportunity to speak once.

Motion 11. To Postpone to a Certain Time or Day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the specified time or move to suspend the rules.

Motion 12. To Refer a Motion to a Committee. The Council may vote to refer a substantive motion to a committee for its study and recommendation. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire Council, whether or not the committee has reported the matter to the Council.

Motion 13. To Amend.

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with the amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(c) Any amendment to a proposed ordinance, policy, regulation or resolution shall be reduced to writing before the vote on the amendment.

Motion 14. To Revive Consideration. The Council may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 16(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

Motion 15. To Reconsider. The Council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the “no’s” prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess or adjournment to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

Motion 16. To Rescind or Repeal. The Council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Motion 17. To Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption, an affirmative vote equal to two thirds of the entire membership of the Council. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organization meeting of the Council, whichever occurs first.

Rule 17. Renewal of Motion

A motion that is defeated may be renewed at any later a meeting unless a motion to prevent reconsideration has been adopted.

Rule 18. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the Mayor puts the motion to a vote, whichever occurs first.

Rule 19. Duty to Vote

Every member must vote unless excused by the remaining members of the Council. A member who wishes to be excused from voting shall so inform the Mayor, before the vote is taken. The Mayor shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the Council or by law, or the member’s official conduct, as defined by the Council. In all other cases a failure to vote by a member who is physically present in the Council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

Rule 20. Special Rules of Procedure

The Council may adopt special rules of procedure as circumstances warrant.

Rule 21. Closed Sessions

The Council may hold closed sessions as provided by law. The Council shall commence a closed session only after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state cite the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1), closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record; it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3), consultation with attorney; handling or settlement of claims, judicial actions, mediations, arbitrations, or administrative procedures, it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by a majority of those present and voting. The Council shall terminate the closed session by a majority vote, using Motion 7 of rule 16(b).

Only those actions authorized by statute may be taken in closed session (Rule 16(b), Motion 2).

Rule 22. Quorum

A majority of the actual membership of the Council (excluding vacant seats) shall constitute a quorum. A majority is more than half. The Mayor shall be considered a member of the Council in determining the number on which a majority is based and in counting the number of members actually present. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present. When no seats are vacant, a quorum for the River Bend Council is 4 (5 Council Seats + 1 Mayor= 6 total. More than half of 6 being 4).

Rule 23. Remote Participation in Council Meeting

A member who is not physically present for a Council meeting may participate in the meeting by electronic means in accordance with the Town's remote participation policy. The Council may choose to conduct remote meetings in accordance with NCGS 166A-19.24.

Rule 24. Public Hearings

Public hearings required by law or deemed advisable by the Council shall be organized by a special order that sets forth the subject, date, place, and time of the hearing. The special order is adopted by a majority vote of the Council. At the time appointed for the hearing, the Council shall vote to open the hearing and the Mayor or his or her designee shall call the hearing to order and preside over it. When the hearing is complete, the presiding officer shall entertain a motion to end the hearing. The Town's public hearing policy shall be followed.

Rule 25. Minutes

Full and accurate minutes of the Council proceedings, including closed sessions, shall be kept. The Council shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to

inspection of the public, except as otherwise provided in the rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Council, the entire Council shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes if the Council approves.

Minutes and general accounts of closed sessions may be sealed by action of the Council. Such sealed minutes and general accounts may be withheld from public inspection as allowed by the NCGS or so long as public inspection would frustrate the purpose of the closed session.

Rule 26. Appointments

The Council may consider and make appointments to other bodies, including its own committees, if any, at any regular meeting. The Council shall use one of following procedures to make appointments to various other boards and committees:

A candidate for appointment to one of the Town's advisory boards shall submit an Application for Appointment to either the board chairman or the Town Clerk. The Council liaison to that advisory board shall consult with the advisory board chairman on the appropriateness of the appointment. If the candidate's appointment is deemed beneficial to the advisory board, the Council liaison shall make a motion at a regular council meeting to approve the appointment. Chapter 3.05.070 of the Town Ordinance, Appointment to Board shall be followed. Appointments for candidates to fill unexpired terms will be made to the completion of that term.

For appointments to special Council committees, Council members may choose to either submit names for nomination, or may accept volunteers. The final committee roster shall be voted on by the Council.

Rule 27. Committees and Boards

(a) Establishment and Appointment. The Council may establish and appoint members for such temporary and standing committees and boards as are required by law or needed to help carry out the Council's work. Any specific provisions of law relating to particular committees and boards shall be followed.

(b) Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, councils, or other bodies of the Town that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law's requirements shall not apply to a meeting solely among the Town's professional staff.

Rule 28. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, unless a statute or a rule of the body that created the board provides otherwise. Adoption of an amendment shall require an affirmative vote equal to two-thirds of the entire membership of the Council.

Adopted this the 21st day of March, 2024.

John R. Kirkland, Mayor

Attest:

Kristie J. Nobles
Town Clerk

ITEM 3



ENGINEERS

PLANNERS

SURVEYORS

LANDSCAPE ARCHITECTS

**Preliminary Opinion of Probable Project Cost
WWTP Enhancements
Town of River Bend, North Carolina
December 14, 2023**

Updated

Item No.	Description	Estimated Cost
Phase I - Initial Grading and Pre-load/Surcharge		
1.	Clearing and Grubbing w/Offsite Disposal	\$14,000
2.	Removal of Aggregate, Debris, Spoil Piles	\$13,000
3.	Muckout Ditches w/ Offsite Disposal	\$14,000
4.	Undercut Excavation w/ Offsite Disposal	\$9,500
5.	Offsite Select Borrow Material	\$22,000
6.	Offsite Borrow & Backfill for WWTP Structures	\$84,000
7.	Unclassified Excavation w/ Onsite Disposal	\$5,000
9.	Erosion Control	\$13,000
10.	Seeding and Mulching	\$5,000
Phase II - WWTP Enhancements		
11.	Mobilization	\$257,000
12.	Demolition	\$30,000
13.	Sitework	\$65,000
14.	Yard Piping	\$430,000
15.	Influent Flow Meter and Vault	\$29,000
16.	Preliminary Treatment Unit	\$458,000
17.	Equalization Basin Renovations	\$150,000
18.	Treatment Unit #1 Rehabilitation	\$1,090,000
19.	Treatment Unit #2 Rehabilitation	\$1,075,000
20.	Positive Displacement Blower Package (TU #1-2, EQ Basin, Reaeration Basin)	\$150,000
21.	Alum Feed System	\$112,000
22.	Filter Feed Pump Station	\$200,000
23.	Methanol Feed System	\$48,000
24.	Tertiary Denitrification Filters	\$1,815,000
25.	Methanol Sample System	\$13,500
26.	Chlorine Feed System Modifications	\$50,000
27.	Chlorine Contact Tank/Reaeration Basin	\$200,000
28.	Dechlorination Feed System Modifications	\$3,000
29.	Non-potable Water System	\$42,000
30.	Aerobic Digester	\$785,000
31.	Positive Displacement Blower Package (Aerobic Digester)	\$100,000
32.	Instrumentation, Controls, Cellular RTUs	\$110,000
33.	Electrical Systems	\$1,128,000
34.	Utility Service Entrance Allowance	\$10,000
35.	Spare Parts Allowance	\$5,000
36.	Testing Allowance	\$8,000

P:\Muni\River_Bend-WWTP_2022_Enhncmnts-2022129\ADMINIK-Design Data\Sewer\Cost Estimate_121423\Updated Preliminary Opinion of Probable Project Cost 121423.xls

Updated, cont.

Subtotal - Construction	\$8,543,000
Contingencies @ 10% +/-	<u>\$854,400</u>
Total Estimated Construction Construction Cost	\$9,397,400
Technical Services:	
Study and Report Phase	\$20,000
Preliminary and Final Design Phase	\$88,000
Bidding or Negotiating Phase	\$32,000
Construction Administration	\$190,000
Resident Project Representation	\$260,000
Environmental, Wetland and Construction Permitting	\$19,000
Additional Boundary and Topographic Surveys	\$13,000
Record Drawing Preparation	<u>\$17,000</u>
Subtotal - Technical Services	\$639,000
Wetland Mitigation Cost	\$54,600
Total Preliminary Opinion of Probable Project Cost	\$10,091,000
<u>Add Alternate:</u>	
37. Remove & Dispose of Existing Blowers & Air Piping within Blower Building	\$15,000

Updated - December, 2023

Updated cost — \$10,091,000
Original cost — \$9,108,500
Difference — + \$982,500

Updated cost submitted to state, as required, when we submitted our engineering plans and specifications for review as part of our construction. We received final permit on Feb. 29, 2024 2

Original

8a. Project Budget (for Construction Projects and Pre-Construction Planning Grants only)			
	Division Funding Requested	Other Secured Funding Source(s)	Total Cost Amount
Indicate construction costs by line item (e.g., linear feet of different-sized lines)			
Construction Costs			
Contract I – Clearing & Intermediate Site Grading:			
1. Mobilization	\$5,000	\$0	\$5,000
2. Clearing & Grubbing w/ Offsite Disposal	\$12,000	\$0	\$12,000
3. Removal of Aggregate, Debris, Spoil Piles	\$11,250	\$0	\$11,250
4. Muck out Ditches w/ Offsite Disposal	\$12,500	\$0	\$12,500
5. Undercut Excavation w/ Offsite Disposal	\$8,000	\$0	\$8,000
6. Offsite Select Borrow Material	\$20,000	\$0	\$20,000
7. Offsite Borrow & Backfill for WWTP Structures	\$80,000	\$0	\$80,000
8. Unclassified Excavation w/ Onsite Disposal	\$4,800	\$0	\$4,800
9. Erosion Control	\$12,000	\$0	\$12,000
10. Seeding and Mulching	\$2,200	\$0	\$2,200
Contract II – WWTP Enhancements (* => 20 yrs old)			
11. Mobilization	\$224,000	\$0	\$224,000
12. Demolition *	\$18,000	\$0	\$18,000
13. Sitework	\$60,000	\$0	\$60,000
14. Yard Piping	\$370,000	\$0	\$370,000
15. Influent Flow Meter & Vault	\$27,000	\$0	\$27,000
16. Preliminary Treatment Unit *	\$390,000	\$0	\$390,000
17. Equalization Basin Renovations *	\$140,000	\$0	\$140,000
18. Treatment Unit #1 Rehabilitation *	\$1,040,000	\$0	\$1,040,000
19. Treatment Unit #2 Rehabilitation *	\$1,025,000	\$0	\$1,025,000
20. Alum Feed System	\$107,000	\$0	\$107,000
21. Filter Feed Pump Station	\$195,000	\$0	\$195,000
22. Methanol Feed System	\$45,000	\$0	\$45,000
23. Tertiary Denitrification Filters	\$1,730,000	\$0	\$1,730,000
24. Methanol Sample System	\$12,000	\$0	\$12,000
25. Chlorine Feed System Modifications *	\$27,000	\$0	\$27,000
26. Chlorine Contact Tank/Reaeration Basin *	\$190,000	\$0	\$190,000
27. De-chlorination Feed System Modifications *	\$2,000	\$0	\$2,000
28. Non-potable Water System	\$40,000	\$0	\$40,000
29. Aerobic Digester *	\$750,000	\$0	\$750,000
30. Dual Positive Displacement Blowers/Piping *	\$103,000	\$0	\$103,000
31. Instrumentation and Controls *	\$75,000	\$0	\$75,000
32. Electrical Systems *	\$822,000	\$0	\$822,000
33. Water/Wastewater Sampling Lab Building/Site*	\$80,000	\$0	\$80,000
Contingency (10% of construction costs):	\$763,750	\$0	\$763,750

Original, cont.

<i>Construction Subtotal:</i>	<i>\$8,403,500</i>	<i>\$0</i>	<i>\$8,403,500</i>
Engineering Costs			
Engineering Design Revisions	\$60,000	\$0	\$60,000
Permitting Revisions	\$15,000	\$0	\$15,000
Bidding or Negotiation (2)	\$40,000	\$0	\$40,000
Construction Administration	\$248,000	\$0	\$248,000
Resident Project Representation	\$241,000	\$0	\$241,000
Record Drawing Preparation	\$17,000	\$0	\$17,000
<i>Engineering Subtotal:</i>	<i>\$621,000</i>	<i>\$0</i>	<i>\$621,000</i>
Administration Costs			
Engineering Report Preparation	\$20,000	\$0	\$20,000
Environmental Documentation Preparation	\$10,000	\$0	\$10,000
Wetland Mitigation	\$54,000	\$0	\$54,000
<i>Administration Subtotal:</i>	<i>\$84,000</i>	<i>\$0</i>	<i>\$84,000</i>
TOTAL PROJECT COST:	\$9,108,500	\$0	\$9,108,500
<p>A Professional Engineer signature and seal for the estimate <u>must be provided</u> in the space to the right for the application to be considered complete.</p>			

Old cost estimate was from April, 2022 and included in our application in May, 2022.

6 months after application submission, we received our LOIF in October, 2022.

In December, 2023 we submitted an updated cost estimate.

**AN ORDINANCE TO ESTABLISH
RULES AND REGULATIONS APPLICABLE TO TOWN PARKS**

Section 1. Regulating of Use

The park is open from sunrise to sunset only. It is closed from sunset to sunrise.

Section 2. Swimming, etc.

Swimming, wading or boating in the town park are prohibited.

Section 3. Fishing

Fishing in the town park is permitted subject to the following conditions:

- 3-1. Hours. Fishing in town park shall be permitted only between sunrise and sunset.
- 3-2. Children Twelve Years Old or Younger. Children of the age of twelve years or younger shall be accompanied by an adult when fishing.
- 3-3. Fishing from Banks, etc. Fishing shall be allowed only from the docks on the pond and the southern bank of the pond. The northern bank is private property and fishing is prohibited.
- 3-4. State Fishing Laws. All persons fishing in the town pond shall abide by the state fishing laws.

Section 4. Trash, etc.

No person shall deposit, or throw, into town pond any bottle, can, paper cup or any trash or rubbish of any nature whatsoever. Littering in the park is prohibited by Subsection 3-9, Article III, Chapter 4 of the Town Code.

Section 5. Vehicles; Use of Roads Only and Sidewalks

It shall be unlawful for any person to operate any unauthorized motorized vehicle, or other power driven vehicle upon the grass or footways of the town park or elsewhere other than on the public roads and streets. Sidewalks are for the use of pedestrians, handicapped persons in wheelchairs and children in strollers or carriages only.

Section 6. Parking Regulations

Parking is limited to the park parking lot only. Parking on any street, the town park parking area or any play area for the purpose of vending goods, wares or merchandise is prohibited except with an authorized permit.

Section 7. Tree Climbing and Injury to Plants and Shrubs

Tree climbing is not permitted. Injury to or destruction of flowers, fruits, plants and shrubs is unlawful.

Section 8. Making Fires in Parks Regulated

It shall be unlawful for any person to make a fire for any purpose except with the use of cooking facilities at designated locations.

Section 9. Permit Required for Certain Uses of Park

- 9-1. Required; Scope. Any individual, organization, corporation, association, society, fraternity, club, order or group of whatever kind desiring the use of the public park owned or controlled by the town as the location for a rally, demonstration, march, public speech, public meeting or other similar activity shall make written request therefor not less than seventy two (72) hours prior to the date of the intended use. This section shall apply only to assemblages where the expected attendance will be more than twenty five people. For twenty six to one hundred people a fee of twenty five dollars (\$25.00) will be charged to the applicant if the request is granted, and for more than one hundred people, a fee of fifty dollars (\$50.00) will be charged to the applicant if the request is granted.

The park must be returned to its original condition after the event.

There will be no waiver of usage fees except for River Bend resident functions.

- 9-2. Application for Use Permit. The application shall be obtained from the Town Clerk's office and will be approved by one of the following: the Town Clerk, the Chief of Police, Zoning Administrator or Town Manager. The application shall state the name of the organization and provide other pertinent information to identify clearly the individuals responsible for the conduct of the affairs of the organization.

The request shall state the purpose and use to which the property shall be put and the date and hour requested as well as expected duration of use.

Permission will be granted if it is concluded that the requested use will not impede any regular use of the park and will not affect the care, protection or maintenance or create a nuisance; otherwise, the request shall be denied.

- 9-3 Weapons Prohibited. No person, except sworn law enforcement officers, shall carry into or have on or about his person at any such meeting or assemblage, any firearms or other weapons or any article, including but not limited to knives, blackjacks or nightsticks, which by their use might constitute a deadly weapon.
- 9-4. Hunting and Taking of Animals Prohibited. It shall be unlawful for anyone to hunt, destroy, trap or otherwise capture or take any animal, wildlife, migratory birds or other fowl within the town park except when specifically authorized by the Town Manager.
- 9-5. Domestic Animal Prohibited. No domestic animals will be allowed in the park without a permit. The exception being seeing-eye dogs and dogs used by handicapped people. Permits may be issued for special usage such as animal shows, exhibitions or acts for special

occasions. Application for permit shall be the same procedure as Section 9-2.

Section 10. Alcoholic Beverages; Use of

No alcoholic beverages of any kind may be consumed on town park property.

ADOPTED: 06-19-85

AMENDED: 12-18-85

08-20-86

07-20-88

08-17-88

04-18-90

08-19-92

04-21-99

10-17-01 & Effective on 02-18-02 (When Town Manager assumed position)

**AMENDMENT TO "AN ORDINANCE TO ESTABLISH RULES AND
REGULATIONS APPLICABLE TO TOWN PARKS"
TOWN OF RIVER BEND, N.C.**

BE IT ORDAINED by the Town Council of the Town of River Bend that "An Ordinance To Establish Rules And Regulations Applicable To Town Parks" be amended to read as follows:

**AN ORDINANCE TO ESTABLISH
RULES AND REGULATIONS APPLICABLE TO TOWN PARKS
(Adopted June 19, 1985)**

Section 1. Regulating of Use

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The park must be returned to its original condition after the event.

There will be no waiver of usage fees except for River Bend resident functions.

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The request shall state the purpose and use to which the property shall be put and the date and hour requested as well as expected duration of use.

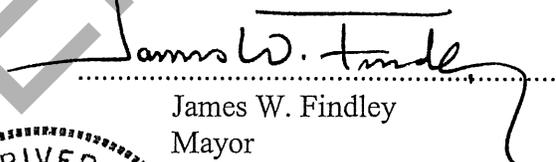
Permission will be granted if it is concluded that the requested use will not impede any regular use of the park and will not affect the care, protection or maintenance or create a nuisance; otherwise, the request shall be denied.

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- 9-4. Hunting and Taking of Animals Prohibited. It shall be unlawful for anyone to hunt, destroy, trap or otherwise capture or take any animal, wildlife, migratory birds or other fowl within the town park except when specifically authorized by Council the Town Manager.
- 9-5. Domestic Animal Prohibited. No domestic animals will be allowed in the park without a permit. The exception being seeing-eye dogs and dogs used by handicapped people. Permits may be issued for special usage such as animal shows, exhibitions or acts for special occasions. Application for permit shall be the same procedure as Section 9-2.

Section 10. Alcoholic Beverages; Use of

No alcoholic beverages of any kind may be consumed on town park property.

Adopted this 17th day of October, 2001 and to be effective when the Town manager assumes position.


James W. Findley
Mayor

Attest:


Nancy C. Orr, CMC
Town Clerk



September 19, 2001: 1st Reading & Call for Public Hearing
October 17, 2001: 2nd Reading at Public Hearing & Vote in Regular Meeting

Current

TOWN OF RIVER BEND SKATE PARK RULES

Use of this facility is at your own risk

Users of this facility need to recognize that skateboarding and skating are hazardous recreational activities and accept the risks inherent in such, including serious injury. Users have a duty to exercise good judgment and act in a responsible manner, following all rules governing use of this facility. The Town of River Bend does not assume any responsibility for injuries.

All users must have *in their possession* a valid registration card issued by the River Bend Police Dept.
(Cards are issued by the Police Department upon completion of a Skate Park Waiver form)

- ◆ Normal operating hours are from sunrise to sunset.
- ◆ The Town does not supervise the skate park on a regular basis.
- ◆ The park may be temporarily closed by order of the Town Manager, or his designee, for any reason.
- ◆ All users must wear safety equipment including an approved and properly fitted helmet with a fastened chin strap, knee pads, and elbow pads.
- ◆ All users must provide their own equipment.
- ◆ Skateboards and in-line skates ONLY. No bicycles, scooters, or motorized vehicles permitted inside the skate park at any time.
- ◆ Amplified music is not permitted.
- ◆ No pets are allowed in the skate park.
- ◆ No food, drinks or glass containers are permitted inside the skate park.
- ◆ Possession of alcohol, tobacco, drugs or weapons of any kind are strictly prohibited.
- ◆ Graffiti, tagging, littering, and stickers are not allowed in the skate park.
- ◆ Profanity and/or abusive language, fighting and/or disruptive behavior is prohibited.
- ◆ Unauthorized equipment and/or modification to park equipment is prohibited.

Failure to comply with these rules may result in the loss of Skate Park Card, a citation for violating the Town's Ordinance on Hazardous Recreational Activities, and/or civil and/or criminal penalties.

Please report violations of these rules to the
River Bend Police Department
by calling (252) 638-1108.

In case of Emergency Dial 911

Current

Town of River Bend Dog Park Rules

- Hours: **Sunrise to Sunset**
- Users enter at their own risk
- Handlers are responsible for any injuries or damages caused by dogs they bring into the park
- Dogs must have a valid license and/or rabies tag.
- Dogs must be leashed when entering and exiting the Dog Park.
- Maximum of three dogs per handler.
- Small dog area is reserved for dogs up to 25 pounds. (Small dogs are also allowed in large dog area, but large dogs are not allowed in small dog area).
- For the safety of your dog(s) and other park visitors, choke, prong (pinch) and spike collars are strictly prohibited. If you use these types of collars, remove them before entering the dog park.
- No Children under the age of 16 are permitted unless accompanied by an adult. Children have a tendency to scream and run when excited, which can trigger a dog's prey drive or natural instinct to chase. For this

reason and for the safety of your children, we do not recommend bringing small children and infants into the dog park.

- Aggressive dogs are not permitted on the premises. Dogs must be removed at the first sign of aggression.
- Female dogs in heat are prohibited from entering the park.
- Sick dogs, or dogs with parasites (worms, ticks, fleas, etc.) are not allowed in the park.
- Dog owners must be in the area of the park and within view of their dogs at all times.
- All off-leash dogs must be under voice control of their owners. If you cannot control your dog off leash, keep your pet leashed at all times.
- Dog owners must keep their leash in hand at all times.
- Please do not bring dog food or human food into the park and please, no smoking in the park.
- Owner must clean up dog feces. Seal waste in the provided plastic bags before disposing in designated receptacle.
- Fill any holes your dog digs.

- Proof of a current rabies vaccination and license is required upon request of a police or animal control officer. Tags may serve as proof.
- Failure to abide by the park rules may result in loss of privileges and/or owners may be ticketed.

Please report any violations to the River Bend Police Department at 638-1108.



§13.01.008 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES, MALT BEVERAGES AND UNFORTIFIED WINE.

Added 08/08/13

- A. *Definitions.* In addition to the common meanings of the words, the following definitions shall be applicable herein.

ALCOHOLIC BEVERAGE. Any beverage containing at least 0.5% alcohol by volume as defined in G.S. Ch. 18B.

MALT BEVERAGE. Beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent, and not more than six percent, alcohol by volume.

OPEN CONTAINER. A container whose seal has been broken or a container other than the manufacturer's unopened original container.

PUBLIC STREET. Any highway, road, street, avenue, boulevard, alley, bridge, or other way within and/or under the control of the Town and open to public use, including the sidewalks of any such street.

UNFORTIFIED WINE. Wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar, and that has an alcoholic content of not more than 17 percent alcohol by volume.

- B. *Consumption on the public streets and on municipal property prohibited.* It shall be unlawful for any person to consume an alcoholic beverage, malt beverage, or unfortified wine on the public streets or on any property owned, occupied, or controlled by the Town, including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, and other athletic fields.
- C. *Possession of open containers on the public streets and on municipal property prohibited.* It shall be unlawful for any person to possess any open container of alcoholic beverage, malt beverage, or unfortified wine on the public streets or on any property owned, occupied, or controlled by the Town, including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, and other athletic fields.
- D. *Possession during special events prohibited.* It shall be unlawful for any person to possess alcoholic beverages, malt beverages, or unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, unless the governing body adopts a resolution making other provisions for the possession of alcoholic beverages at the special event.
- E. *Violations.* Violation of this section shall constitute a misdemeanor punishable in accordance with G.S. § 14-4.

(Prior Code, Ch. 11, § 9) Penalty, see § 1.01.999

Grey= add Yellow= delete Blue= Further Discussion

**AN ORDINANCE TO ESTABLISH
RULES AND REGULATIONS APPLICABLE TO TOWN PARKS**

Section 1. Regulating of Use

The park is open from _____?_____ to _____?_____ sunrise to sunset only. It is closed from sunset to sunrise.

Section 2. Swimming, etc.

Swimming, wading or boating in the town park are prohibited.

Section 3. Fishing

Fishing in the town park is permitted subject to the following conditions:

- 3-1. Hours. Fishing in town park shall be permitted only when the park is open between sunrise and sunset.
- 3-2. Children Twelve Years Old or Younger. Children of the age of twelve years or younger shall be accompanied by an adult when fishing.
- 3-3. Fishing from Banks, etc. Fishing shall be allowed only from the docks on the pond and the southern bank of the pond. The northern bank is private property and fishing is prohibited.
- 3-4. State Fishing Laws. All persons fishing in the town pond shall abide by the North Carolina Inland Fishing Regulations state fishing laws.

Section 4. Trash, etc.

No person shall deposit, or throw, into town pond any bottle, can, paper cup or any trash or rubbish of any nature whatsoever. Littering in the park is prohibited by § 9.02.015 (E) Subsection 3-9, Article III, Chapter 4 of the Town Code.

Section 5. Vehicles; Use of Roads Only and Sidewalks

It shall be unlawful for any person to operate any unauthorized motorized vehicle, or other power driven vehicle upon the grass or footways of the town park or elsewhere other than on the public roads and streets. Sidewalks are for the use of pedestrians, handicapped persons in wheelchairs and children in strollers or carriages only.

Section 6. Parking Regulations

Parking is limited to the park parking lot only. Parking on any street, the town park parking area or

any play area for the purpose of vending goods, wares or merchandise is prohibited except with an authorized permit.

Section 7. Tree Climbing and Injury to Plants and Shrubs

Tree climbing is not permitted. Injury to or destruction of flowers, fruits, plants and shrubs is unlawful.

Section 8. Making Fires in Parks Regulated

It shall be unlawful for any person to make a fire for any purpose except with the use of cooking facilities at designated locations.

Section 9. Permit Required for Certain Uses of Park

- 9-1. Required; Scope. Any individual, organization, corporation, association, society, fraternity, club, order or group of whatever kind desiring the use of the public park owned or controlled by the town as the location for a rally, demonstration, march, public speech, public meeting or other similar activity shall make written request therefor not less than seventy two (72) hours prior to the date of the intended use. This section shall apply only to assemblages where the expected attendance will be more than twenty five people. For twenty six to one hundred people a fee of twenty five dollars (\$25.00) will be charged to the applicant if the request is granted, and for more than one hundred people, a fee of fifty dollars (\$50.00) will be charged to the applicant if the request is granted.

The park must be returned to its original condition after the event.

There will be no waiver of usage fees except for River Bend resident functions.

- 9-2. Application for Use Permit. The application shall be obtained from the Town Clerk's office and will be approved by one of the following: the Town Clerk, the Chief of Police, Zoning Administrator or Town Manager. The application shall state the name of the organization and provide other pertinent information to identify clearly the individuals responsible for the conduct of the affairs of the organization.

The request shall state the purpose and use to which the property shall be put and the date and hour requested as well as expected duration of use.

Permission will be granted if it is concluded that the requested use will not impede any regular use of the park and will not affect the care, protection or maintenance or create a nuisance; otherwise, the request shall be denied.

- 9-3 Weapons Prohibited. No person, except sworn law enforcement officers, shall carry into or have on or about his person at any such meeting or assemblage, any firearms or other weapons or any article, including but not limited to knives, blackjacks or nightsticks, which by their use might constitute a deadly weapon.
- 9-4. Hunting and Taking of Animals Prohibited. It shall be unlawful for anyone to hunt, destroy, trap or otherwise capture or take any animal, wildlife, migratory birds or other fowl within the

town park except when specifically authorized by the Town Manager.

- 9-5. Domestic Animal Prohibited. No domestic animals will be allowed in the park without a permit. The exception being seeing-eye dogs and dogs used by handicapped people. Permits may be issued for special usage such as animal shows, exhibitions or acts for special occasions. Application for permit shall be the same procedure as Section 9-2.

Section 10. Alcoholic Beverages; Use of

No alcoholic beverages of any kind may be consumed on town park property.

ADOPTED: 06-19-85

AMENDED: 12-18-85

08-20-86

07-20-88

08-17-88

04-18-90

08-19-92

04-21-99

10-17-01 & Effective on 02-18-02 (When Town Manager assumed position)

River Bend Town Council Work Session
March 8, 2012
Page 1 of 5 pages

**River Bend Town Council
Work Session
March 8, 2012**

Present Council Members: Mayor John Kirkland
Brenda Garvey
Phil Seymour
Barbara Maurer
Karl Wolfer

Absent Council Members: Barbara Maurer

Town Manager: Drew Havens

Town Clerk: Ann Katsuyoshi

Police: Chief Duke Pratt

Town Attorney: Dave Baxter

BUDGET ORDINANCE AMENDMENT 11-B-03

Councilman Van Slyke told the Council that this Budget Amendment is to transfer \$12,700 into the Water Fund Operations and Maintenance budget line to pay for new filter media for Well 1. After trying to clean the filter media, it became apparent that it needed to be replaced.

ARBOR DAY PROCLAMATION

Town Manager Drew Havens said that the Council routinely adopts an Arbor Day Proclamation. Moreover, it is required by our Tree City designation.

APPOINT CLARK SAYLOR TO THE EWAB

Councilman Seymour said that Clark Saylor has requested to join the EWAB. Mr. Saylor is a biologist and will be an asset to the Advisory Board.

DISCUSSION – WATERFRONT ACCESS PROJECT

Mr. Havens reported that bids for the Waterfront Access project were opened on February 28th. We received two bids. These bids from Williams Service Company and Cahoon Construction were nearly twice the project engineer's estimate of the costs based on similar projects that were recently completed. The engineer said that it is his opinion that area builders currently have a full schedule of jobs and are, therefore, charging premium prices. He suggested that the Town wait and rebid the project in the fall which construction work traditionally slows down. The Council heeded this advice and voted to reject the two bids. The project will be rebid sometime in the fall of 2012. Councilman Van Slyke **moved to reject the bids received on February 28, 2012 for the Waterfront Access Project.** The motion carried unanimously.

DISCUSSION – PROPOSED AMENDMENT TO TITLE XIII GENERAL OFFENSES, CHAPTER 13.01 GENERAL OFFENSES, SECTION 13.01.008 WEAPONS ON TOWN PROPERTY

Councilman Seymour referred to the Public Hearing that had been held and tabled on February 16, 2012 regarding prohibiting concealed weapons on Town property. He noted that there were

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many emotional appeals from those who believed their Constitutional rights were being violated, but no coherent arguments about why some residents felt it was necessary to carry concealed weapons on Town property. He also pointed out that such a restriction is common and that the courts have stated on numerous occasions that it is not a violation of Second Amendment rights.

Janey Anderson, 98 Quarterdeck, said that she works for the City of New Bern and has been confronted on several occasions with threatening individuals. She said that she would not feel any safer if the City has such a ban.

George Fetrow, 116 Gatewood Drive, said that it is his opinion that this Ordinance Amendment is overreach on the part of the Town and doesn't think it is enforceable.

Walt Nawojski, 105 Commanders Circle, said that, in his opinion, the Town has gone overboard and that citizens are losing more and more rights.

Wade Ehlen, 106 Mariners Court, asked the Police Chief what his opinion was on this subject. Chief Pratt said that he worries that citizens might intervene in a dangerous situation.

Jim Dancy, 20 Masters Court, said that he thinks arming citizens saves lives.

After brief discussion, it was the consensus of the Council that this proposed Ordinance Amendment be dropped for the time being.

COMPREHENSIVE PLAN REVISION

Town Manager Havens said that one of the things the Planning Board is working on is a revision of the Town's Comprehensive Plan. All of the Town's capital projects are based on that Plan. It is also required whenever the Town applies for grants. The Planning Board has requested external assistance with this project. Mr. Havens spoke with Judy Hills of the East Carolina Council who has experience in this area. Ms. Hills has agreed to assist the Town and the Planning Board with the revisions and facilitate two public meetings. The cost of this contract will be \$6,000, with half being paid this fiscal year and half being paid in the next fiscal year. The Town Manager pointed out that the Town recently received payment for a lien that was placed against the Okano property several years ago. He suggested that those funds could be used for this project.

After brief discussion, it was the consensus of the Council that the Town enter into a contract with the ECC to facilitate revision of the Town's Comprehensive Plan in an amount not to exceed \$6,000 and that the Mayor should sign on behalf of the Town.

REVIEW MARCH 15, 2012 REGULAR MEETING AGENDA

The Mayor and Council reviewed the Agenda for the March 15, 2012 Council meeting.

last time in mins.

Draft from
2012

§ 13.01.008 WEAPONS ON TOWN PROPERTY.

(A) It shall be unlawful for a person to possess a firearm or other deadly weapon, concealed or otherwise, ~~on~~ at any Town building and its appurtenant premises, as well as at any Town recreational facility, property owned, leased or possessed by the town. For purposes of this Subsection A, "recreational facility" shall be deemed to mean any Town playground, athletic field, swimming pool, and athletic facility, or any other similar recreational property as may be defined as such in G.S. §14-415.23. This section does not apply to duly sworn law enforcement officers or to any firearm or deadly weapon secured in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on a motor vehicle.

(B) The town manager, or his designee, is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of a building owned, leased as lessee, operated, occupied, managed, or controlled by the town, as well as the appurtenant premises to such buildings, indicating that carrying a firearm or other deadly weapon is prohibited therein.

(1) Signs on buildings shall be visibly posted on the exterior or each entrance by which the general public can access the building. The manager or his designee shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks.

(C) Subsection A shall not apply to any firearm or deadly weapon used solely for instructional or officially sanctioned ceremonial purposes.

(D) Notwithstanding the provisions of Section 1.01.999, a violation of this Section 13.01.008 shall constitute a Class 3 misdemeanor and shall subject the offender to a fine of \$500.00 as authorized by N.C.G.S. Section 14-4.



**RIVER BEND TOWN COUNCIL
DRAFT PROPOSED AGENDA
Regular Meeting
March 21, 2024
River Bend Town Hall – 45 Shoreline Drive
7:00 p.m.**

Pledge: Sheffield

1. Call to Order (Mayor Kirkland Presiding)
2. Recognition of New Residents
3. Additions / Deletions / Adoption to Agenda
4. Addresses to the Council
5. Public Hearings – None
6. Consent Agenda

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

A. Approve:

*Minutes of the February 8, 2024 Work Session Meeting
Minutes of the February 15, 2024 Regular Council Meeting*

7. Town Manager's Report – Delane Jackson

Activity Reports

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

Administrative Reports:

8. Finance – Councilman Leonard
 - A. Financial Report - Finance Director
9. Environment And Waterways – Councilman Leonard
 - A. EWAB Report
10. Planning Board – Councilman Sheffield
 - A. Planning Board Report
11. Public Safety – Councilwoman Benton
 - A. Community Watch

12. Parks & Recreation – Councilman Weaver
 - A. Parks and Rec Report
 - B. Organic Garden Report
13. CAC – Councilwoman Maurer
 - A. CAC Report
14. Mayor’s Report – Mayor Kirkland
15. Public Comment

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

16. Adjournment

ITEM 6

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

§ 143-318.11. Closed sessions.

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

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

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

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

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

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

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