

**River Bend Town Council  
Regular Meeting Minutes  
December 16, 2021  
Town Hall  
7:00 p.m.**

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

Town Manager: Delane Jackson  
Town Clerk: Kristie Nobles  
Finance Director: Mandy Gilbert  
Police Chief: Sean Joll

**CALL TO ORDER**

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, December 16, 2021 in the Town Hall Meeting Room with a quorum present.

**RECOGNITION OF RESIDENTS**

- Francis LaValle - 103 Courtney Lane
- Dave Land – 235 Lakemere
- John Daugherty - 220 Lakemere
- Marie Vecchio – 106 Courtney Lane

**ADDITIONS/DELETIONS TO AGENDA**

**Vote – Addition to Agenda** – Councilman Fogle moved to add Update on 25 Shoreline Drive Site to the agenda as item 4(A). The motion carried unanimously.

**ADDRESSES TO THE COUNCIL**

The Manager stated that he reported at the December 9, 2021 Work Session Council Meeting that he had spoken with Jaime Midgette with the North Carolina Public Water Supply Section regarding building at the 25 Shoreline Drive site and Mr. Midgette did not think that there would be an issue with building at that site. The Manager stated that since that conversation he has been notified by Mr. Midgette that the Town would not be permitted to build at that site.

**Vote – Addresses to the Council** – Councilman Leonard moved to eliminate 25 Shoreline Drive from consideration as a building site. The motion carried unanimously.

**PUBLIC HEARING – 25 Shoreline Drive Building Site**

Councilman Sheffield moved to open the Public Hearing to discuss the proposed building site at 25 Shoreline Drive. The motion carried unanimously.

He stated that the building site at 25 Shoreline Drive is no longer permitted but he invited anyone who wished to address the proposed building site at 25 Shoreline Drive to step to the podium to be heard.

River Bend resident Marie Vecchio, stepped to the podium. She stated that her main concern is the intent to continue to beautify the Town and if you had built on the 25 Shoreline Drive site, she feels it would have taken away a lot of the beauty from Shoreline Drive in River Bend. She asked the Council to be mindful of the beauty of River Bend when reviewing proposed building sites in the future. She then thanked to Council for all the efforts they put into the Town.

Councilman Sheffield moved to close the Public Hearing. The motion carried unanimously.

At this time, most of the public audience left the meeting.

### **CONSENT AGENDA**

The Mayor presented the Council with the Consent Agenda. Councilman Leonard **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 November 10, 2021 Work Session*  
*Minutes of the November 18, 2021 Regular Council Meeting*  
*Minutes of the November 22, 2021 Special Meeting*

### **TOWN MANAGER'S REPORT**

The Manager stated that the Board of Adjustment will hold a quasi-judicial Public Hearing on January 4, 2022 at 7:00 p.m. at Town Hall. He stated the purpose of the Public Hearing is to discuss the special use permit the Town has received from Moffat Properties to construct a commercial building located on US Highway 17.

The Manager stated that the second bid opening for the water meter replacement contract was held on December 14, 2021 at Town Hall and that only one bid was received. That bid was opened and the engineer is currently working on the bid tabulation. He stated that the bid could not be awarded by the Council until the state reviews the process.

The Manager stated that the Annual Budget-Kickoff meeting will be at the January 13, 2022 Council Work Session.

Councilman Sheffield asked the Manager what is the new plan for selecting a new site for the Water and Sewer Administration Building. The Manager stated that based on the new information regarding the previous site he will need to contact the engineer to discuss other possible sites. The Mayor stated that he would suggest having a special meeting to discuss possible site locations. Councilman Leonard stated that he would like to schedule the meeting at a time that would accommodate River Bend residents. Councilman Fogle stated that he talked with the Town Manager regarding a new site location. He stated that he suggested using the location of the playground and the area next to Town Hall and building a new updated playground in the future.

### **ADMINISTRATIVE REPORTS**

#### **PLANNING BOARD – COUNCILMAN SHEFFIELD**

Councilman Sheffield presented the following report.

The regular meeting of the Planning board was held on Dec. 2nd at 6:00pm at the community building. A quorum was present. The town manager was present as were representatives from Moffat Properties, who wish to build a new Sunbelt Rentals on Highway 17 in River Bend. Chairman Lippert called the meeting to order. The owner of Moffat Properties spoke to the board about his plans and gave a description of the proposed business. The company's engineer then gave an extensive slide presentation, which included architectural drawings, a site map and photos of other Sunbelt Rentals sites in other parts of North Carolina. Board members asked

questions and received answers. There was talk about a 50 foot buffer zone, with trees, which would separate the business from adjoining residences. There was concern about some open spaces in the buffer zone. Chairman Lippert explained that the Planning Board will be making a recommendation to the Board of Adjustment regarding a special use permit requires for the business. The board voted unanimously to recommend approval of the permit with the special consideration that additional trees and greenery be added to the buffer zone. The guests were excused and the board continued with its other business. The usual reports were given. The board voted to adjourn. The next meeting is set for Jan. 6<sup>th</sup>. The public is invited.

#### **BOARD OF ADJUSTMENT REPORT – COUNCILMAN SHEFFIELD**

Councilman Sheffield presented the following report.

The River Bend Board of Adjustment met on Nov. 29<sup>th</sup> at 7:00 pm in Town Hall. All regular members were present. They are: Helmut Weisser, Chris Barta, Cinda Hill, Kelly Forrest, Paige Akiss and Patty Leonard. The alternate member for the ETJ, Rick Fisher, was also in attendance. Mayor Kirkland administered the oath of office to the members. In lieu of a sitting chairman, Manager Jackson conducted an election of officers. Paige Ackiss was elected chairman, Patty Leonard vice chairman and Allison McCollum secretary. Town attorney, Dave Baxter, gave a thorough lesson on the duties of a board of adjustment under North Carolina law with the aid of a PowerPoint presentation. As a quasi-judicial body the duties are significant and the board members seemed to take them very seriously. Primary among these duties is the need for absolute impartiality and the making of decisions based on clear evidence without regard for opinions. Manager Jackson then informed the board of an upcoming action that will be necessary. A company, Sunbelt Rentals, is applying for a special use permit for a parcel of land adjacent to the Shell station on Highway 17. He explained that the Planning Board would be reviewing the application and making its recommendation to the BOA. A meeting could not be set for the BOA action at that time due to the extensive requirements for notification of interested parties, including nearby property owners. Those notifications are now being made and the meeting of the BOA has been set for Jan. 4<sup>th</sup>. At Town Hall. The public is welcome to attend.

#### **PUBLIC SAFETY – COUNCILMAN FOGLE**

Councilman Fogle presented the following reports on Community Watch and CERT.

##### **CERT**

The CERT meeting scheduled for December 22, 2021, has been cancelled. Check the Town web pages for updates. Anyone interested in joining CERT should contact Mary Holihan.

##### **Community Watch**

Community Watch volunteers assisted with traffic control at the Christmas tree lighting ceremony. Their next meeting is scheduled for February 16, 2022 at 7:00 pm in the Municipal Building. Anyone interested in joining Community Watch should contact Egon Lippert.

#### **PARKS & RECREATION/CAC – COUNCILWOMAN MAURER**

Councilwoman Maurer presented the following reports.

##### **Parks & Recreation**

Parks & Rec held two meetings. The first was a special planning meeting for the Christmas tree lighting event and the second was the regular monthly meeting on December 1<sup>st</sup> which involved the final plans for the tree lighting evening as well as work on the calendar of activities for the next few months. By now everyone knows the Christmas tree lighting was a success. Special thanks to Public Works for the several days' work it took to set up the two Christmas trees and the other decorations, to Town Manager Delane Jackson for the music that had everyone smiling and singing, to the Mayor for lighting the tree, to the Rhems Fire Department for providing transportation to Santa and Mrs. Claus, and to the volunteers of Parks & Recreation, CAC, and the Red Caboose Library for an evening of fun and community for the children and the young at

heart who attended. The Fairfield Harbour Chorus was cancelled when the new pastor informed the chorus that they could not use the church. The first activity of 2022 will be An Evening of Pinochle and Poker on January 21<sup>st</sup>. More information will be posted soon. The next scheduled meeting is Wed. January 5 at 7pm. As part of regular business, planning will begin for River Bend Fourth of July celebration. Parks and Rec has two vacancies. Anyone who would like to participate in planning and presenting activities is invited to file an application.

#### Community Appearance Commission (CAC)

The CAC is scheduled to meet on Wednesday, January 19 at 4pm. There are two vacancies on this board. This group functions to organize and implement projects related to the appearance of our town, primarily related to landscaping. They meet bimonthly. If you would like to participate, please file an application.

#### Red Caboose Library (RCL)

The board met on December 2. Discussion included the ongoing inventory update and planning for a children's reading and activity program. Fundraising is a concern as the library has no regular source of income and has to rely on the generosity of donors to pay the rent and keep its doors open. The next board meeting is scheduled for Thursday, January 6 at 2 pm.

#### River Bend Community Organic Garden (RBCOG)

The regular meeting was held on December 6. Routine business was discussed. Dee Smith announced our benefactor has gifted the garden with additional funds from the sale of her monarch note cards and a relative of the donor made another donation. Volunteers have worked over 2900 hours from January to November 30 this year. The next meeting is scheduled for January 3 at 1:30 pm. The agenda will include planting plans for 2022, possibility of resuming workshops and consideration of a special project for the greenhouse.

#### **FINANCE – COUNCILMAN VAN SLYKE, JR.**

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of November. She stated the total of the Town's Cash and Investments as of November 30, 2021 are \$3,688,203 and Ad valorem tax collections for FY21-22 were \$122,271 and Vehicle Ad valorem tax collections were \$24,637.

Councilman Van Slyke stated that Town of River Bend has received the GFOA certificate of achievement of excellence in financial reporting for the fiscal year ending June 30, 2020 and this certificate of achievement is the highest form of recognition in governmental accounting and financial reporting. He then thanked the finance department and town staff for coming together to obtain this award.

#### **ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD**

Councilman Leonard stated that EWAB was scheduled to meet on December 6, 2021 but did not have a quorum, therefore they did not meet. The next meeting is January 3, 2022.

#### **MAYOR'S REPORT**

The Mayor presented the following report.

In September this year, I read an article in "Governing News" relating to the recently enacted Texas law that gives poll watchers enforcement authority. That authority has traditionally been vested in law enforcement. The nation has recently watched a long and frequently audited review of election results in several states and cities and those audits found no case of frequent or other than very low number of questionable ballot irregularities. During my thirty year military career I voted in precincts in five states. I felt that they were all well managed and I was confident that the individuals operating the polling places were competent and dedicated to proper performance of

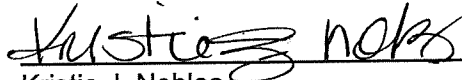
their responsibilities. I have voted in every election in River Bend for the last 26 years and I am of the opinion that the Craven County Elections Board officials have consistently operated a fair and legal administration in the conduct of County and municipal elections. The article that I referenced earlier states; "Nowadays, there's greater willingness to threaten public officials and according to polls, increasing approval among the public for using violence to achieve political ends. Prior to 9/11, the deadliest terrorist attack on U.S. soil since the Civil War was the bombing of the Federal Building in Oklahoma City in 1995," I recognize that there are opinions contrary to my opinion. In North Carolina and in Craven County we have witnessed consistent good management of elections. In our state appropriate discipline resulted when improper conduct of elections was found on the part of another county's elections board. It is apparent that the State Board of Elections will not tolerate improper actions on the part of a local board of elections. The authors of the Constitution gave the nation a system of "checks and balances" among the three branches of government. That "balance" has met the test of time for more than two hundred years and it would seem ill advised to substitute another system. If we look objectively at the performance of government under the United States Constitution we must conclude that the men who worked to draft that document did a great work. They also provided for a system to amend the document that has only been applied 27 times in the 232 years that the nation has been guided by the 1788 Constitution. This proven system should be used if any change in the elections process is deemed necessary.

**PUBLIC COMMENT**

No public comments at this time.

**ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield moved to adjourn, the motion carried unanimously. The meeting adjourned at 7:41 p.m.

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