

**River Bend Town Council
Regular Meeting Minutes
January 20, 2022
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
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, January 20, 2022 in the Town Hall Meeting Room with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilman Van Slyke moved to add an Accommodation Letter Presentation to item 7 A. The motion carried unanimously.

CONSENT AGENDA

The Mayor presented the Council with the Consent Agenda. Councilman Sheffield **moved to approve the Consent Agenda as presented.** The motion carried unanimously. Within this motion the following items were approved:

- A. Approve
Minutes of the December 9, 2021 Work Session
Minutes of the December 16, 2021 Regular Council Meeting
Minutes of the January 6, 2022 Special Meeting

TOWN MANAGER'S REPORT

The Manager stated that due to Winter Storm Jasper the administrative offices at Town Hall will be working remotely on Friday. He also stated that normal trash collection for the Town would not take place Friday but will resume on the following Friday.

Police Chief Joll presented Sergeant Whitley, Officer Frost, Officer Gonzales and Corporal Baysden a Department Award of Excellence, for excellent service in the line of duty and going above and beyond in service to the Town of River Bend and River Bend citizens. He stated each of these officers stepped up when the department was short staffed from July to November 2021. He stated that the Town is fortunate to have such professionals working for the Town.

Police Chief Joll presented a Certificate of Merit to Corporal Baysden for actions taken when an officer puts himself at risk when a subject that is armed or threatened the officer with deadly force. He stated that Corporal Baysden and Craven County Sheriff's Department took an armed suspect into custody without any further incident. Chief Joll stated he awards Corporal Baysden this Certificate of Merit for his outstanding performance of duty. The Police Chief left the meeting after his presentation.

The Mayor and Councilman Van Slyke presented Town Manager Delane Jackson with a letter of sincere thanks for the strong professional service rendered to the Town of River Bend during his tenure with the Town especially during Hurricane Florence in 2018. The Manager then expressed his gratitude for the Town employees who contributed.

ADMINISTRATIVE REPORTS

FINANCE – COUNCILMAN VAN SLYKE, JR.

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of December. She stated the total of the Town's Cash and Investments as of December 31, 2021 are \$4,052,947 and Ad valorem tax collections for FY21-22 were \$487,063.04 and Vehicle Ad valorem tax collections were \$38,507.56. The Finance Director left the meeting after her presentation.

The Manager presented Budget Amendment 21-B-04.

Vote – Budget Amendment 21-B-04 – Councilman Van Slyke moved to approve Budget Amendment 21-B-04 as presented. The motion carried unanimously. (see attached)

Budget Kick-off

Manager Jackson presented a short PowerPoint presentation outlining the normal budget process. The Council reviewed their Priorities and Vision Statement and the proposed meeting schedule. Councilman Leonard recommended changing the priorities by adding the words "continue to" to two of the priority statements.

Vote – Budget Calendar – Councilwoman Maurer moved to approve FY22-23 budget calendar as presented. The motion carried unanimously.

Vote – Council Priorities – Councilwoman Maurer moved to revise the Council priorities and vision statement for FY22-23 by adding the language as proposed by Councilman Leonard. The motion carried unanimously.

Councilman Van Slyke encouraged all Council members to meet with the Town Manager as soon as possible if they had any requests or projects for the upcoming budget.

PUBLIC SAFETY – COUNCILMAN FOGLE

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

CERT

Longtime CERT member Dick Mazziotti and his wife are moving to Wilmington so he will be resigning from River Bend CERT. We wish Dick and his family all the best in their new home.

The December CERT meeting was cancelled. The next CERT meeting is scheduled for Wednesday, January 28, 2022. It will be held in the Large Conference Room in the Municipal Building and start at 7:00 pm. Check the Town web pages for updates. Anyone interested in joining CERT should contact Mary Holihan.

Community Watch

The next Community Watch meeting is scheduled for February 16, 2022. It will be held in the Large Conference Room in the Municipal Building. Anyone interested in joining Community Watch should contact Egon Lippert.

Councilman Fogle stated that the Town would need to apply for the Gold Leaf Foundation Flood Mitigation Program Grant in the amount of \$250,000. Councilman Leonard asked if the work area was the Channel Run Area. The Town Manager stated this project would be for Phase II of the Channel Run Drainage Project. He also pointed out the cost estimate from the engineer in the amount of nearly \$280,000. He stated his plan was to use the typical \$30,000 for stormwater in the Town's budget to fund the total cost of \$280,000.

Vote – Flood Mitigation Program Grant Application – Councilman Fogle moved to authorize the Town Manager to apply for the Gold Leaf Foundation Flood Mitigation Program Grant in the amount of \$250,000 and designate him as an authorized representative thereof. The motion carried unanimously.

PARKS & RECREATION/CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following reports.

Parks & Recreation

Parks and recreation met on January 5. The budget proposal was discussed and voted. December activity was reviewed with recommendations for next year. The remainder of the agenda covered proposed activities from now to May.

An evening of Pinochle & Poker is scheduled for Friday, January 21 from 6-8pm.

February activities will be a Kids Valentine Craft on Saturday, February 12 from 1-3 pm and a craft workshop called Repurpose Books on Wednesday, February 23 from 1-4 pm. It's amazing what can be created from an old, no-longer wanted book.

The next scheduled meeting is February 2 at 7pm.

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.

Additional information will be submitted.

There are two vacancies on this board. This is an active board. They are developing some significant updates to town owned locations. If you would like to be a part of the process, come to a meeting and file an application to join.

Red Caboose Library (RCL)

The board met on January 6.

The first Annual Report was reviewed and approved.

The agenda consisted of routine business.

The next board meeting is scheduled for Thursday, February 3 at 2 pm.

River Bend Community Organic Garden (RBCOG)

The regular meeting was held on January 3. Seeds have been ordered and plans are progressing for the spring and summer garden. The Green Team from NBHS continues to attend regularly. RBCOG bid farewell to beekeeper Dick Mazziotti. A newcomer to River Bend, Denise Kelly, will take over as beekeeper, assisted by Dee Smith/

The next meeting is scheduled for February 7 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.

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD

Councilman Leonard presented the following report.

EWAB met on January 3rd, 2022 at 7 PM in the large meeting room in the municipal building. There was a quorum. Chairman Stevens opened the meeting at 7 PM. The minutes from the November 2021 meeting were approved. Councilman Leonard gave an update on town business. Old business: bulkhead inspections, waiting for ordinance rewrite. New business: Questions about duck hunting and gun shots. Swalls and drain pipes on Gangplank and Teakwood need cleaning and inspection. Next meeting will be on February 7th, 2022 at 7 PM in the large meeting room in the municipal building, the public is welcome.

Vote – Award Contract for Water Meter Replacement Project – Councilman Leonard moved to award the contract for the Water Meter Replacement Project to Core & Main, LP as presented. The motion carried unanimously.

BOARD OF ADJUSTMENT REPORT – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report.

The River Bend Board of Adjustment met on January 6th at 7:00pm in Town Hall. All regular members and the alternate for the ETJ were present. Chairman Akiss called the meeting to order and outlined the purpose for the meeting, the application for a special use permit by Moffat Properties to construct a Sun Belt Rentals business on lot 4 of the Norbury Business park property on Hwy 17.

All of those who were to provide evidence to the board were sworn in. Manager Jackson testified that all legal obligations for the permit had been met and that the River Bend Planning Board had previously met, reviewed the application in depth, and recommended issuance of the special permit with a special condition, that additional greenery be planted to augment the buffer zone between the proposed business and nearby residences.

Craig Moffat, of Moffat properties and Gary McCabe, of Red Line Engineering, testified as to the specifics of the planned business. Mr. McCabe was aware of the issue about additional greenery for the buffer zone and said that the company would provide it voluntarily. While several members of the general public were in attendance, none chose to testify either for or against the project.

The Board members asked numerous questions of the witnesses. They were particularly concerned about possible leakage of hydraulic fluids from rental equipment and traffic problems that might be created on Highway 17. The board then addressed ten specific criteria that the project must meet to be approved. A board member made a motion for each item in turn and they were voted on. All ten items passed. There was then discussion about the additional greenery for the buffer zone and a motion was made to make it a condition of the permit. The board voted to approve the special use permit with that added condition. The Board adjourned. There are no future meetings for the Board scheduled at this time.

Councilman Sheffield stated that a recent U.S. Supreme Court decision had rendered parts of our sign ordinance unenforceable, particularly in regards to political signs. The Town Manger stated that the ordinance needs to be amended to remove the parts that are no longer valid. He suggested working with the Town Attorney to develop new political sign language that was legal but wanted input from the Council. He said we could try to develop language to regulate signs or we could just eliminate it and let it be the wild west for political signs. The Town Attorney stated that due to the Supreme Court decision that has been handed down it essentially states that you cannot regulate signs based on the content of what the sign says. He stated that you could classify temporary signs versus permanent signs. Councilman Fogle asked what is the penalty is if you do not do anything and a resident is cited. The Town Attorney stated that the Town would send a citation but the citation has no course or effect but it is less of a penalty on the Town to do nothing. Councilman Fogle stated that his concern is that residents would try to be too cute and talk around the Supreme Court decision and it ends up backfiring on everyone. He stated that he agrees with

the Town Attorney with making an ordinance that describes temporary versus permanent signs with some recognition by the Town. He stated that some people will have signs up year-round and he understands that and feels we need to make peace with that. The Town Attorney agreed. Councilman Leonard said he did not want to have an ordinance that is unenforceable and does not want a wild west scenario. Councilman Fogle asked what the actual direction to the Planning Board will be. The Town Manager stated that the Planning Board will meet and make a recommendation to the Council and the Council will be the determining board for the amendments. The Town Attorney stated that the Supreme Court ruling did not apply to just political signs but all signs. He stated his firm had helped other clients develop sign ordinances.

Vote – Sign Ordinance – Councilman Sheffield moved to direct the Planning Board to review the sign ordinance as it pertains to political signs. The motion carried unanimously.

Councilman Sheffield said that a new restaurant was opening in Town and our current sign ordinance prevented them from placing a sign on Shoreline Drive to direct customers to the restaurant on Marina Drive. He said the Town has issued a building permit to allow construction of the restaurant at the end of a dead end street and we should allow them to have a sign. He requested this item to be placed on the February work session agenda.

MAYOR'S REPORT

The Mayor presented the following report.

As we enter the year 2022 it seems quite appropriate to address the state of River Bend. I shall endeavor to describe what I am privileged to see day by day in our Town. The first and most important element of any organization and very important to municipal government is the quality of the municipal staff. It is a statement of fact that we can all be proud of each staff member and each element of the town's organization. The direction that Town Manager Jackson provides to the staff makes for efficient execution of both the daily routine and the more complicated special projects. The staff is well trained and special training is encouraged by the Manager. A very important aspect of staffing any organization is longevity of employment. We have recently experienced the retirement of Margaret Theis (twenty-three years), Kathleen DeYoung (20+ years) and Ann Katsuyoshi (almost twenty years). They represented staff that was very familiar with Town operations. The Manager has promoted Mandy Gilbert as Margaret's replacement. Mandy had twelve years' experience as the fiscal assistant. Rebekah Pierce has replaced Mandy in the assistant's position. Kristie Nobles has replaced Ann as the Town Clerk and Jennifer Barrow as Kathleen's replacement as Deputy Town Clerk. The Police Department, led by Chief Joll, is well trained and operates efficiently in providing police protection for the Town. Brandon Mills leads the Public Works and Water Resources Departments. This staff is also well trained and their operation of the Town's utilities with no recent violations of the numerous state and federal regulations is testimony to their training and dedication. River Bend has operated under the Council-Manager form of governance for the last nineteen years. This change from Mayor-Council form was accomplished when the Town voted in a referendum to request a Town Charter change from the NC General Assembly in 2000. The present day appearance of the Town is testimony to the well balanced maintenance that the manager achieves using staff and contract personnel to accomplish work necessary to maintaining that appearance. The utilities and the Town's streets and other infrastructure are well maintained. When Hurricane Florence pounded Eastern North Carolina, Manager Jackson and the staff worked long hours and committed days to the work associated with all aspects of the recovery. Three years later it is hard to find evidence of the devastation that Florence left in River Bend. We all need to pray that the year 2022 will not bring a major category hurricane to our shore. We all remember Hurricane Florence and the severe flooding damage that storm inflicted on floodplain properties. The Craven County/New Bern area is a great location for all who have selected to live here. River Bend's Town Council has, over the forty years since incorporation, made significant acquisitions and improved construction projects

that make the Town an attractive location for new residents to purchase homes. The Council has demonstrated a willingness to enact new ordinances and modify existing ordinances to protect the Town features that are important to the River Bend of the future. Much of the current strength of the Town can be attributed to the Council decision to change the system of governance from Mayor-Council to Council-Manager. In the twenty years of this form of governance the Town has had four managers. Each of these gentlemen have made significant contributions to the Town that we enjoy today. Manager Jackson, our current manager has 7+ years with us. During his term we experienced the monster Hurricane Florence. Those who were residents then can appreciate how very effective he was in working with staff and contract personnel in accomplishing recovery. It can be said that his contacts in state and federal agencies resulted in large dollar grants that helped in recovery but also allowed construction that will serve long term. The "State of River Bend" is well positioned to move forward and prosper.

PUBLIC COMMENT

No public comments at this time.

CLOSED SESSION

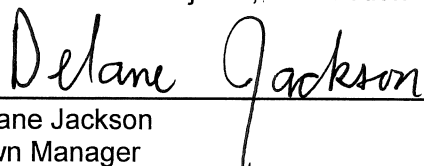
Councilman Sheffield moved to go into a Closed Session under NCSG §143-318.11(a)(3)(5) and to discuss possible acquisition of land owned by Robert Davis on Plantation Drive and land owned by Neil realty on Effird Blvd. The motion carried unanimously. The Council entered Closed Session at 8:10 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:45 p.m. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn, the motion carried unanimously. The meeting adjourned at 8:45 p.m.



Delane Jackson
Town Manager



**TOWN OF RIVER BEND
 BUDGET ORDINANCE AMENDMENT 21-B-04
 FISCAL YEAR 2021-2022**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2021-2022 Budget Ordinance as last amended on October 14, 2021, be amended as follows:

Summary

General Fund	2,041,684
General Capital Reserve Fund	107,187
Law Enforcement Separation Allowance Fund	13,545
Water Fund	673,545
Water Capital Reserve Fund	489
Sewer Fund	733,583
Sewer Capital Reserve Fund	22
Total	<u>3,570,055</u>

Section 1. General Fund

Anticipated Revenues

AD VALOREM Taxes 2021-2022	711,163
AD VALOREM Tax-Motor Vehicle	85,800
Animal Licenses	2,000
Sales Tax 1% Article 39	149,718
Sales Tax 1/2% Article 40	87,158
Sales Tax 1/2% Article 42	74,932
Sales Tax Article 44 105-524	10,235
Sales Tax Hold Harmless Distribution	86,068
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	92,539
Beer and Wine Tax	13,225
Video Programming Sales Tax	53,600
Utilities Franchise Tax	111,000
Telecommunications Sales Tax	9,900
Court Refunds	500
Zoning Permits	5,000
Recovery Grant NCORR-FDLG-004	76,445
Federal Disaster Assistance	35,434
Miscellaneous	10,000
Interest-NCORR-FDLG-004 Investments	30
Interest- Powell Bill Investments	50
Interest-Gen Investments	500
Contributions	421
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Sale of Captial Assets	31,008
Transfer From Capital Reserve Fund	65,342
Appropriated Fund Balance	291,272
Total	<u>2,041,684</u>

Section 1. General Fund (continued)

Authorized Expenditures

Governing Body	32,000
Administration	271,575
Finance	192,018
Tax Listing	11,200
Legal Services	24,000
Elections	3,500
Police	617,944
Public Buildings	124,439
Emergency Services	4,000
Animal Control	11,056
Street Maintenance	181,141
Public Works	161,197
Leaf & Limb and Solid Waste	44,000
Stormwater Management	42,084
Wetlands and Waterways	3,000
Planning & Zoning	50,563
Recovery Grant NCORR-FDLG-004	77,602
Recreation & Special Events	7,500
Parks & Community Appearance	44,699
Contingency	17,666
Transfer To General Capital Reserve Fund	107,000
Transfer To L.E.S.A. Fund	13,500
Total	<u>2,041,684</u>

Section 2. General Capital Reserve Fund

Anticipated Revenues

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

Authorized Expenditures

Transfer to General Fund	65,342
Future Procurement	41,845
Total	<u>107,187</u>

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:

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

Authorized Expenditures:

Separation Allowance	0
Future LEOSSA Payments	13,545
Total	<u>13,545</u>

Section 8. Levy of Taxes

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

Section 9. Fees and Charges

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

Section 10. Special Authorization of the Budget Officer

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

Section 11. Classification and Pay Plan

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

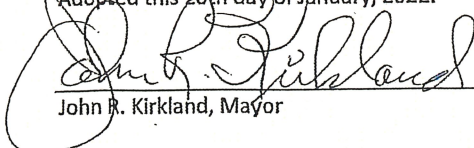
Section 12. Utilization of the Budget Ordinance

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

Section 13. Copies of this Budget Ordinance

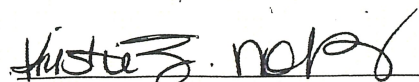
Copies of this Budget Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 20th day of January, 2022.



John B. Kirkland, Mayor

Attest:



Kristie J. Nobles, Town Clerk

