

**River Bend Town Council
Regular Meeting Minutes
July 15, 2021
River Bend Town Hall
7:00 P.M.**

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

Absent Council Member: Buddy Sheffield

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Town Attorney: Dave Baxter
Finance Administrator: Margaret Theis
Police Chief: Sean Joll

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, July 15, 2021 in the Town Hall Meeting Room with a quorum present.

RECOGNITION OF NEW RESIDENTS

Scott and Wendy Atwood, 161 Quarterdeck, stated they moved to town over a year ago. Mr. Atwood is active duty military and the family plans to retire in River Bend. He stated that he wished to become active in town.

ADDITIONS / DELETIONS TO AGENDA

Councilwoman Maurer stated she wished to remove item 11E, Parks and Recreation and Community Appearance Commission Advisory Boards appointments. She stated that the advisory boards have not had enough time to meet with each applicant. Councilman Fogle stated that he disagreed and felt that some applications were received over a month ago and have had ample time for review and that meeting with the applicants was not the procedure used in the past. Councilwoman Maurer stated that she felt that the three applicants should attend an advisory board meeting. Councilman Fogle stated that he felt the appointments should be based on the details provided on the applications. Councilman Leonard stated that he agrees to delete the item and have the applicants meet with the advisory board before appointing an applicant to the advisory boards.

VOTE – Delete Item 11E from Agenda - Councilwoman Maurer motioned to delete item 11E, Parks and Recreation and Community Appearance Commission Advisory Boards appointments from the agenda. The vote was tied with 2 ayes (Maurer, Leonard) and 2 nays (Fogle, Van Slyke). The Mayor broke the tie by voting nay. The motion failed 3 to 2.

The Manager stated that the 2021 Paving Program bid opening was held on Monday, July 15, 2021 and the Council could award the bid. He stated it could be added to the agenda as item 10D. The Manager also stated that for item 15 – Closed Session§143-318.11(a)(6) that subsection (3) needed to be added also.

VOTE- Additions to Agenda – Councilman Leonard motioned to add the Paving Award as item 10D and add subsection (3) to item 15 Closed Session. The motion passed unanimously.

CONSENT AGENDA

The Mayor presented the Council with the Consent Agenda. Councilwoman Maurer **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 June 10, 2021 Work Session

Minutes of the June 17, 2021 Regular Meeting

TOWN MANAGER'S REPORT

The Manager stated that he has rescheduled the band from the postponed Independence Day Celebration to October 2, 2021. He stated that at this time, the fireworks have not been rescheduled but if the Council would like the fireworks display it would require council action due to the costs.

ARPA- American Rescue Plan Act

The Manager stated that the town is expected to receive funds soon from an ARPA grant to construct a new Public Works building. The Manager stated that he received the Request for Qualifications for bids for this project with eight firms responding.

ASADRA- Additional Supplemental Appropriations for Disaster Relief Act

The Manager stated that he and the finance staff met with a software company today regarding the software for the water meter replacement received through the ASADRA grant. He stated that he approves of the software and will send the plans to the state for approval.

BRIC- Building Resilient Infrastructure and Communities

The Manager stated that about a year ago, he submitted a grant application to the state for the BRIC grant and the application was not approved. He stated that he is submitting another application this year for this grant.

AIA- Asset Inventory Analysis

The Manager stated he met with the town's engineer to discuss the application for the water and sewer grant for \$150,000 each and they will be submitting the applications.

Councilman Leonard asked if the town could incorporate the Town's 40 Anniversary with a fireworks display at the October 2 celebration with the band. The Manager stated that Parks and Recreation Advisory Board has been discussing this and Councilwoman Maurer has included that in her Parks and Recreation Advisory Board Report.

ADMINISTRATIVE REPORTS

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD – COUNCILMAN LEONARD

Councilman Leonard stated that the Environmental and Waterways Advisory Board did not meet in July but will meet on August 2, 2021 at 7:00 p.m. at the Municipal Building.

Councilman Leonard presented the Absentee Voting Resolution. He stated in the 2022 Municipal Election absentee voting would be allowed.

Vote – Absentee Voting Resolution – Councilman Leonard motioned to approve the Absentee Voting Resolution as presented. The motion carried unanimously. (see attached)

PLANNING BOARD – COUNCILMAN LEONARD (FOR COUNCILMAN SHEFFIELD)
There was no Planning Board report.

Councilman Leonard stated that the Council has requested a Special Meeting with advisory board chairpersons. Councilman Leonard presented the Public Notice for the Special Meeting.

Vote – Schedule Special Meeting – Councilman Leonard motioned to schedule a Special Meeting on August 10, 2021 at 3:00 p.m. at Town Hall as presented. The motion carried unanimously. (see attached)

PUBLIC SAFETY – COUNCILMAN FOGLE

Councilman Fogle stated that CERT and Community Watch did not meet in July. CERT is scheduled to meet on August 25, 2021 at 7:00 p.m. at the Municipal Building.

Discussion – Title VI Policy – Councilman Fogle presented the Title VI Policy to prohibit discrimination in programs and services and in activities receiving federal financial assistance for the Town of River Bend.

VOTE – Title VI Policy

Councilman Fogle motioned to approve the Title VI policy as presented.

Councilwoman Maurer asked if the resolution was a template from NCDOT. The Manager stated that it is a template from NCDOT used to create the resolution and policy and he stated that NCDOT has approved the policy as presented. Councilwoman Maurer asked why sexual orientation was not in the protected category. The Manager stated that the resolution could be revised if the Council approved. The Town Attorney stated that the language stated on the basis of sex includes sexual orientation. Councilwoman Maurer asked if the note in the protected category “sex” could be removed. The Manager stated that the policy could be revised.

AMENDED MOTION – Title VI Policy

Councilman Fogle motioned to approve the Title VI policy with the change to the chart on page 3 under protected category “sex” to delete the Note: Sex under this program does not include sexual orientation.

Councilman Leonard asked if GINA - Genetic Information Nondiscrimination Act would be included in this policy as well. The Attorney stated that is not included in this policy. After discussion, the Mayor suggested that this policy be tabled until the Attorney and Council can review these details further. Councilman Fogle withdrew his motion.

VOTE – Title VI Policy

Councilman Fogle motioned to table the Title VI policy as presented. The motion carried unanimously.

VOTE – 2021 Paving Program Award

Councilman Fogle motioned to approve the 2021 Paving Program and accept the low bidder as presented. The motion carried unanimously.

PARKS & RECREATION/CAC – COUNCILWOMAN MAURER

Councilwoman Maurer stated a member of each group attended the Open Meetings Law session presented by Town Manager Jackson on June 16.

Parks & Recreation - There is one vacancy. Three applications have been received. One more is expected. Activities will restart in the fall. Information will be posted on the town website and published in River Bend Enews. Meeting for July is cancelled. The next scheduled meeting is Wed. August 4 at 7pm.

CAC – Community Appearance Commission - The CAC did not meet in July. The next meeting is scheduled for Wednesday, September 15th. There are three vacancies. The CAC is charged with advising the Town Council and Manager on community appearance issues to include recommendations for planting trees, shrubs or other plants on town property and other matters that affect the appearance of the town. They also work on other related issues as assigned by the Council or Manager. You are probably familiar with the Christmas decorations we see at the front entrance and around Town Hall. For many years the CAC has been in charge of holiday decorations for the town. If you are interested in joining this board, you can obtain an application from the Town Clerk. There is one pending application.

RBCOG – River Bend Community Organic Garden - A teamwork day was very successful. Many varieties of vegetables and herbs are now being harvested. Several visitors have toured the garden and observed the monarch habitat. One group expressed their appreciation for the garden's mission and its commitment to the New Bern community with a generous donation and another guest who toured the garden also gave a generous donation. Visitors are always welcome at the garden or at the reconvened monthly meetings of garden volunteers which are scheduled for the first Monday of each month at 1:30 pm in the Municipal building.

Red Caboose Library - A board meeting took place on Thursday July 8. The agenda covered routine business. There were some changes in meeting format to comply with the Open Meetings Law. Sarah Jean Bittman-Hartley, owner of Craft Benders in the unit that adjoins the library, held a fundraiser on July 4th for the benefit of the library. She gave away grilled hot dogs and recipients had a chance to tour the library. Many expressed their support with donations. The next board meeting is scheduled for August 12. Details will be published in River Bend ENews and posted on the town website.

Discussion – Parks and Recreation Advisory Board and Community Appearance Commission Advisory Board Appointments

Councilwoman Maurer stated that the Community Appearance Commission has received one application for the advisory board vacancy. She stated that she spoke with the applicant, Lindsey Gadwell, and the applicant is not sure she can accommodate the meeting schedule. Councilman Fogle asked if the applicant withdrew her application. Councilwoman Maurer stated that she did not state she wished to withdraw her application. Councilwoman Maurer stated she would like to table this appointment until she can confirm with the applicant that she wished to be appointed. With no objection from the Council, this item will be tabled until further notice.

Councilwoman Maurer stated that the Parks and Recreation Advisory Board has received three applications for one vacancy. The applicants are Ellen Serra, Scott Atwood (present at meeting) and Lindsey Gadwell. Councilwoman Maurer reviewed each of the applicant's qualifications and skills from the applications.

VOTE – Parks and Recreation Advisory Board Appointment

Councilwoman Maurer motioned to appoint Ellen Serra to the Parks and Recreation Advisory Board for a term beginning July 15, 2021 and expiring June 30, 2022. The motion passed with 3 ayes (Maurer, Van Slyke, Leonard) and 1 nay (Fogle).

Councilwoman Maurer stated that the Town's 40th Anniversary is approaching and the Parks and Recreation Advisory Board would like to incorporate this milestone at the October 2, 2021 town function. Councilman Leonard stated that he would like to include the fireworks display at the town function. The Mayor stated that these celebrations for the town includes a lot of staff time and dedication and he wants the Council to realize all that it includes. The Manager stated that the 40th anniversary of the town could be acknowledged if the Council wished, but the Council would need to take action to include the fireworks display. Councilman Fogle stated that he had heard a lot of negative community feedback regarding the amount of people the fireworks display would draw to the community. Councilman Leonard stated that the 40th anniversary would be a great reason for the celebration and would encourage residents to attend. Councilwoman Maurer asked that this celebration be added to the work session agenda to be discussed further.

FINANCE – COUNCILMAN VAN SLYKE, JR.

Financial Report – Finance Administrator, Margaret Theis told the Council that the total of the General Fund Cash Balances as of June 30, 2021 are \$3,412,316 and Ad valorem tax collections for FY20-21 were \$713,941 and Vehicle Ad valorem tax collections were \$90,625.

Vote – Award of Surplus Automobile Bid – Councilman Van Slyke motioned to accept the bid in the amount of \$31,008 for the surplus vehicle and to purchase a 2021 Ford Police Interceptor with up-fitting as presented. The motion carried unanimously.

Vote – Accept 2020 Craven County Tax Settlement – Councilman Van Slyke motioned to accept the 2020 Craven County Tax Settlement as presented. The motion carried unanimously.

MAYOR'S REPORT

The Town of River Bend is now, and from its origin has been, a bedroom community to New Bern. It thrives when the governing body accepts that fact and it struggles when the governing body believes that a commercial development will allow the town to stand separate from New Bern. River Bend was incorporated and chartered by the N.C. General Assembly in 1981 as a Town governed by the Mayor-Council form of governance. In Oct. 2001 the Council voted to hold a referendum to incorporate as a Council Manager form of governance. This action was supported by a 2 to 1 approval of person's casting votes and the General Assembly granted the change of the Town Charter. The Council in Nov. 2004 agreed that extending the terms of the Council office from two years to staggered four year terms would "stabilize" the conduct of actions of Council. Again the referendum on this proposal was approved by voters on a 2 to 1 margin and the General Assembly again modified the Town Charter to reflect this change in terms of office.

The Town operates the water and wastewater utilities as enterprise funds. This arrangement resulted when the Town purchased the utilities from Carolina Water Service in 1995 funded by the issuance of bonds. These utilities operate under permits issued by the State Agency responsible for regulating all water and wastewater utilities in the state.

The Town is unique in the area of street maintenance. The only street maintained by NCDOT is "Old Pollocksville Road" going south from Shoreline DRIVE. All of the other streets are maintained by the Town. Like all other North Carolina municipalities the Town receives "Powell Bill" funds under the formula that is based on population and the miles of streets maintained. The

maintenance of streets requires that all the Powell Bill funds; in most years nearly \$50,000 of general fund money is added to keep streets in good repair.

The Town collects and pays for disposal of vegetative debris (leaf and limb pick up) from all residential areas of Town. As the plantings around Town age more debris will be generated and the cost of this service will continue to increase.

The Town Council needs to approach the development of the annual budget considering all the variables that will impact the budget being developed for the following fiscal year. Certain specific budget inputs will not be known and best estimates must be made to finalize the budget as required by the State. A "healthy" reserve fund should be retained to meet unexpected emergency expenditures. This need for reserve funds is often questioned by citizens who will advance a recommendation that the tax rate should be reduced and the reserves reduced thus making the rate reduction possible.

The Town has been blessed by having a talented Manager and Staff who remain current on state regulatory requirements and current practices of professional groups that they communicate with. The Town's future will be secure and prosperous if the elected Council will follow sound budget practices and work with the regional cities and towns to achieve positive solutions to issues that impact all municipalities. This practice of cooperation is often at risk when a member, or members, of the area municipalities endeavor to pursue a parochial developmental approach to planning. The Town Council must act with an eye toward the future aiming at their vision of the future. They need to recognize that the foundation of good planning is constantly changing. The result is the need to be well informed of the constantly changing environment in which they must budget. Perhaps the most difficult task for a Council Member is to inform a fellow resident or friend that the favor he/she requests is not a request that can be granted by a single member of Council. It is also possible that the requested favor is contrary to one or more of the Town's ordinances. The Council member office places a demand for time on every member and a lot of reading in preparation in advance of meeting votes. What the Council does in a given year will directly impact what the Town will be in the future.

PUBLIC COMMENT

No public comments at this time

CLOSED SESSION

Councilman Fogle **moved to go into a Closed Session under NCSG §143-318.11(a)(3)(6).** The motion carried unanimously. The Council entered Closed Session at 8:21 p.m.

OPEN SESSION

Councilman Leonard moved to return to Open Session at 8:53 p.m. The motion carried unanimously.

Vote – Finance Administrator Title Change – Councilman Leonard motioned to change the title of the Finance Administrator to the Finance Director. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Leonard **moved to adjourn.** The meeting adjourned at 8:55 p.m.




Kristie J. Nobles
Town Clerk



TOWN OF RIVER BEND

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PUBLIC NOTICE

The Town of River Bend Town Council will meet in special session on August 10, 2021 at 3:00 p.m. at Town Hall located at 45 Shoreline Drive. The meeting is open to the public.

The agenda for the meeting is as follows:

AGENDA

1. Call to Order
2. Review of Advisory Boards Ordinance
3. Adjournment