



TOWN OF RIVER BEND

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

**T 252.638.3870
F 252.638.2580**

www.riverbendnc.org

RIVER BEND TOWN COUNCIL AGENDA

Work Session Meeting

October 14, 2021

River Bend Town Hall

5:00 p.m.

1. VOTE – Approval of Agenda – Kirkland
2. DISCUSSION – Site Selection for ARPA Project - Jackson
3. DISCUSSION – Audit Committee Appointment – Van Slyke
4. DISCUSSION – CAC Appointment - Maurer
5. DISCUSSION – Budget Amendment 21-B-03 - Jackson
6. DISCUSSION – Blackboard Notification System User Roster - Jackson
7. DISCUSSION – Parks and Recreation Advisory Board Matter - Kirkland
 - a. VOTE – Approval of Discussion Procedure
 - b. DISCUSSION – Letters from Parks and Recreation Advisory Board Members
8. Review Agenda – Nobles

Pledge: Mayor Kirkland

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 North Carolina Institute of Government model advanced in the publication Suggested Rules of Procedure for Small Local Government Councils model.

Rule 1. Regular Meetings

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 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, 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 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 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.

(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 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.

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(c).

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 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 the purpose of the closed session. If the motion is based on G.S. 143-318.11(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.

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.

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 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. 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 15th day of March, 2018.

John R. Kirkland, Mayor

Attest:

Ann Katsuyoshi,
Town Clerk

**CURRENT APPOINTED BOARD/COMMISSION MEMBERS &
TERM EXPIRATION DATES**

	Original Appointment	Reappointed Date	Term Expiration
AUDIT COMMITTEE			
Chairman: Irving Van Slyke, Finance Officer		7/1/2021	6/30/2023
Brian Leonard, Deputy Finance Officer		7/1/2021	6/30/2023
Margaret Theis, Finance Administrator		7/1/2021	6/30/2023
Delane Jackson, Town Manager		7/1/2021	6/30/2023
Janet Westgate	6/17/2021	7/1/2021	6/30/2023

**CURRENT APPOINTED BOARD/COMMISSION MEMBERS &
TERM EXPIRATION DATES**

	Original Appointment	Reappointed Date	Term Expiration
COMMUNITY APPEARANCE COMMISSION (CAC)			
2 year term - 3rd Wednesday (Jan, March, May, June, Sept, Nov)			
<i>Council Member Liaison: Barbara Maurer (alt Leonard)</i>			
Brenda Hall (chair)	2/18/2021	2/18/2021	6/30/2022
Lona Farula	5/19/2011	7/1/2021	6/30/2023
Meg Williams (alt)	8/16/2018	7/1/2020	6/30/2022
Vacant			6/30/2023
Vacant			6/30/2022
Vacant			6/30/2023
John Meehan	8/16/2018	7/1/2020	6/30/2022
Nancy Dell'Aria	7/1/2019	6/17/2021	6/30/2023



**TOWN OF RIVER BEND
PROPOSED BUDGET ORDINANCE AMENDMENT 21-B-03
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 September 23, 2021, be amended as follows:

Summary

General Fund	2,009,705
General Capital Reserve Fund	107,187
Law Enforcement Separation Allowance Fund	13,545
Water Fund	668,930
Water Capital Reserve Fund	489
Sewer Fund	729,130
Sewer Capital Reserve Fund	22
Total	<hr/> 3,529,008

Section 1.

General Fund

**21-B-03
PROPOSED
CHANGES**

Anticipated Revenues

AD VALOREM Taxes 2021-2022	711,163
AD VALOREM Tax-Motor Vehicle	85,800
Animal Licenses	2,000
Sales Tax 1% Article 39	149,718
Sales Tax 1/2% Article 40	87,158
Sales Tax 1/2% Article 42	74,932
Sales Tax Article 44 105-524	10,235
Sales Tax Hold Harmless Distribution	86,068
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	76,800
Beer and Wine Tax	13,225
Video Programming Sales Tax	53,600
Utilities Franchise Tax	111,000
Telecommunications Sales Tax	9,900
Court Refunds	500
Zoning Permits	5,000
Recovery Grant NCORR-FDLG-004	76,445
Miscellaneous	10,000
Interest-NCORR-FDLG-004 Investments	30
Interest- Powell Bill Investments	50
Interest-Gen Investments	500
Contributions	421
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Sale of Capital Assets	31,008
Transfer From Capital Reserve Fund	65,342
Appropriated Fund Balance	310,466
Total	<hr/> 2,009,705

0

Section 1. General Fund (continued)**21-B-03
PROPOSED
CHANGES**

Authorized Expenditures

Governing Body	32,000	
Administration	262,000	
Finance	185,040	
Tax Listing	11,200	
Legal Services	24,000	
Elections	3,500	
Police	610,509	
Public Buildings (\$5,300 carpet & \$4,700 paint for Town Hall)	118,700	10,000
Emergency Services	4,000	
Animal Control	11,000	
Street Maintenance (budgeted funds over paving bid contract)	181,000	-10,000
Public Works	161,000	
Leaf & Limb and Solid Waste	44,000	
Stormwater Management	42,000	
Wetlands and Waterways	3,000	
Planning & Zoning	50,000	
Recovery Grant NCORR-FDLG-004	76,475	
Recreation & Special Events	7,500	
Parks & Community Appearance	44,615	
Contingency	17,666	
Transfer To General Capital Reserve Fund	107,000	
Transfer To L.E.S.A. Fund	13,500	
Total	2,009,705	0

Section 2. General Capital Reserve Fund

Anticipated Revenues

Contributions from General Fund	107,000
Interest Revenue	187
Total	107,187

Authorized Expenditures

Transfer to General Fund	65,342
Future Procurement	41,845
Total	107,187

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:

Contributions from General Fund	13,500
Interest Revenue	45
Total	13,545

Authorized Expenditures:

Separation Allowance	1,517
Future LEOSA Payments	12,028
Total	13,545

Section 4.**Water Fund****21-B-03
PROPOSED
CHANGES**

Anticipated Revenues

Utility Usage Charges, Classes 1 & 2	199,710
Utility Usage Charges, Classes 3 & 4	8,949
Utility Usage Charges, Class 5	12,209
Utility Usage Charges, Class 8	3,586
Utility Customer Base Charges	231,472
Hydrant Availability Fee	20,496
Taps & Connections Fees	1,250
Nonpayment Fees	10,500
Late payment Fees	6,839
Interest Revenue	1,275
Sale of Capital Asset	0
Appropriated Fund Balance	172,644
Total	668,930

Authorized Expenditures

Administration & Finance [1]	511,030
Operations and Maintenance	154,400
Transfer To Fund Balance for Capital Outlay	3,500
Transfer To Water Capital Reserve Fund	0
Total	668,930

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

Section 5.**Water Capital Reserve Fund**

Anticipated Revenues

Contributions From Water Operations Fund	0
Interest Revenue	489
Total	489

Authorized Expenditures

Future Expansion & Debt Service	489
---------------------------------	-----

Section 6.**Sewer Fund****21-B-03
PROPOSED
CHANGES**

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	258,181
Utility Usage Charges, Classes 3 & 4	20,212
Utility Usage Charges, Class 5	27,576
Utility Usage Charges, Class 8	7,264
Utility Customer Base Charges	294,652
Taps & Connection Fees	1,250
Late payment Fees	7,902
Interest Revenue	1,919
Sale of Capital Asset	0
Appropriated Fund Balance	110,174
Total	729,130

Authorized Expenditures:

Administration & Finance [2]	505,030
Operations and Maintenance	220,600
Transfer to Fund Balance for Capital Outlay	3,500
Transfer to Sewer Capital Reserve Fund	0
Total	729,130

[2] Portion of department for bond debt service: 128,659

Section 7.**Sewer Capital Reserve**

Anticipated Revenues:

Contributions From Sewer Operations Fund	0
Interest Revenue	22
Total	22

Authorized Expenditures:

Future Expansion & Debt Service	22
---------------------------------	----

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.

Proposed this 14th day of October, 2021.

John R. Kirkland, Mayor

Attest:

Kristie J. Nobles, Town Clerk

Delane Jackson

From: connectsupport@blackboard.com
Sent: Monday, April 19, 2021 1:40 PM
To: MANAGER@RIVERBENDNC.ORG; MANAGER@RIVERBENDNC.ORG;
WATERRESOURCES@RIVERBENDNC.ORG
Subject: Blackboard Connect Delivery Results: Annual Flushing of Water System 4/19/2021
1:03:34 PM (ET)
Attachments: email.html

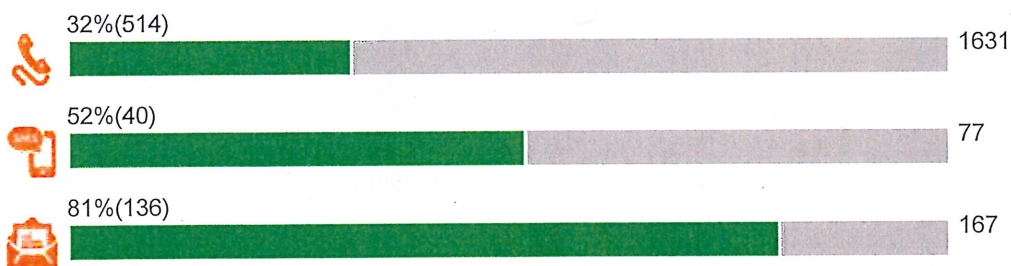
Blackboard connect.))

This message has been sent! Here is a summary of the delivery results. [Click here](#) to view more information online.

DELIVERY SUMMARY

Title	Annual Flushing of Water System
Message Type	Outreach
Site	TOWN OF RIVER BEND
Scheduled By	Amanda Gilbert
Send Time	04/19/2021 01:03 PM (ET)
Voice Completed	04/19/2021 01:40 PM (ET)
Text Completed	04/19/2021 01:09 PM (ET)
Email Completed	04/19/2021 01:04 PM (ET)
Selected Contacts	1729 Successfully reached 635 (37%)
Languages	English*
Mode Prioritization	No

DEVICE DELIVERIES



DETAILED DELIVERY RESULTS



Voice ([listen](#))

Successful Deliveries	32% (514)
Live Delivery	249
Answering Machine	265
Unsuccessful Deliveries	68% (1117)
Hangup	24

Opted-Out	288
Bad Phone Number	593
Portal Subscription Not Set	38
Phone Deactivated	1
Busy	11
No Answer	158
Undeliverable	4



Email

This is a message from the Town of River Bend. Our Water Resources team will begin flushing the water system at 9pm on Monday, April 19th. The operators will work at night to minimize any inconvenience to our customers. We flush our system annually to clear out any sediment that has built-up in the pipes. If you notice that your water is discolored in the morning, simply let it run for a few minutes and it will clear up. This discoloration is not harmful. You also may experience low water pres ...

Email Sent	81% (136)
Email Opted-Out	7% (12)
Portal Subscription Not Set	11% (19)



SMS

River Bend-Annual flushing begins 9pm tonight (4/19) - 6am Saturday (4/24). You may need to let water run if you notice discoloration.

Text Email Sent	1% (1)
Sent to Carrier	3% (2)
Delivery Confirmed	48% (37)
Invalid Text Phone	1% (1)
Portal Subscription Not Set	47% (36)

If you are the sender of this message, please provide feedback by taking a moment to answer a brief, three-question survey. Click [HERE](#) to take the survey.

For support, please call (866) 360-2155 or email connectsupport@blackboard.com



Blackboard Copyright © 2004-2013. Blackboard Connect Inc. All rights reserved.



Town of
River Bend, NC

 [Emergency Info](#)

[Contact Us](#)

[Register for Alerts](#)

 [Make a Payment](#)



[Government](#)

[Departments](#)

[About River Bend](#)

[Advisory Boards](#)

About River Bend

[Calendar](#)

[Contact Us](#)

[News](#)

[Resident Notifications](#)

[Wildwood Storage Facility](#)

[Emergency Info](#)

[Employment Opportunities](#)

[Links](#)

[Public Hearings](#)

[Current Bid Opportunities](#)

[Home](#) > [About River Bend](#) >

Resident Notifications

**Subscribe to our
free weekly E-News.**

Email address:

Name:

SUBSCRIBE TODAY!

Resident Notification System

Blackboard Connect Service

SIGN UP NOW

The Town of River Bend is pleased to offer Blackboard Connect as our resident notification service. With this service, the Town of River Bend can send voice messages, texts and emails (your choice or all three) to subscribers within minutes with specific information about time-sensitive or common-interest issues such as emergencies and local community matters.

Please accept our invitation to participate in this important service. We know that your personal information is confidential, and we will not share it with anyone. Participation in this service is optional / voluntary. You will only get alerts IF you register yourself.

October 11, 2021

MEMO

TO: MEMBERS OF TOWN COUNCIL, COPY TO MANAGER

FROM: MAYOR

SUB: CONDUCT OF WORK SESSION MEETING AGENDA ITEM

This memo is made available to Council members so all will understand the procedures that will be followed during the 14 October Council Work Session. This process will be followed only during deliberation of the Parks and Recreation Advisory Board (P&R) AB agenda item.

This posted procedure is intended to allow a civil and free exchange of your views without advancing a view as to what the resolution of the issues involving P&R. Ultimately, if any change is made to the ordinance governing P&R, the vote of Council will make that change.

Thank you for understanding the reason for this more restrictive meeting process on this agenda item.

DATE October 8, 2021

MEMO

TO: MEMBERS OF TOWN COUNCIL INFO COPY TO MANAGER

FROM: MAYOR

SUB: PARKS AND RECREATION ADVISORY BOARD AGENDA ITEM

- A. This agenda item is an opportunity for the Council to discuss 7 letters that were directed to me from members of the Parks and Recreation Advisory Board P&R AB. In discussion we need to agree that there are factors all need to recognize:
1. As is the case with all aspects of life, change takes place as a normal event accompanying maturity and this is certainly true in government. This is certainly the case with our ABs maturing since they were first established by an early Council.
 2. The board members appointed by the Council to serve on the Abs are not staff, rather they are volunteers.
 3. The role of the Council Liaison is not to direct the work and activities of the AB that they are appointed to serve as liaison. Rather that liaison provides the communication link from the AB to the Council.
 4. By Town Ordinance the specific tasks assigned to the Abs are by vote of Council or direction of the Town Manager.
 5. The recommendations from the Abs to the Council shall all reflect the vote taken by the AB in their regular meeting.
 6. The several Abs, in preparation of their annual budget request provide an explanation of line items that will allow the members of Council to understand what the intended use of requested funding in the line item will achieve.

7. Any major projects that may be recommended after the annual budget is adopted will need Council approval and will require more time to approve.
- B. There is a difference of views related to the Parks and Recreation AB and Councilman Fogle and Councilwoman Maurer have remarks for consideration by Council related to resolving these differences.
- C. Barbara may present her concerns first and Don will follow; each will be limited to six minutes and Town Manager Jackson will be the timer. Following Barbara and Dons presentations other Councilmembers may direct questions to Barbara or Don or advance an opinion that they have on the liaison role for Advisory Boards. The Council Members remarks will start with Councilman Leonard, Councilman Sheffield, and Councilman Van Slyke in that order. If further discussion is desired by council I ask that you raise your hand and I will recognize you for an additional three minutes. Please listen to each other and remain civil during these proceedings.

October 14, 2021

I am speaking to you as a fellow Council member and as the liaison to the Parks and Recreation Advisory Board. This agenda item asks you to address the concerns contained in the letters written by all seven board members.

The River Bend Parks & Advisory Board is a group of seven volunteers who are appointed by a vote of the Town Council. They serve two year terms and many are reappointed several times. Each year these dedicated volunteers are responsible for offering close to twenty programs, events and activities for adults, children and families of River Bend. Major events include the Fourth of July celebration, the children's Easter Egg Hunt, and Trunk or Treat. In partnership with the CAC and the Rhems Fire Department, they have a Christmas Tree lighting with a visit from Santa and Mrs. Claus who arrive by fire truck. They present Concert in the Park and two seasonal concerts by the Fairfield Harbour Chorus. They try to offer two monthly activities that include craft workshops (which are always different) and games or social activities such as Bunco and BINGO which are repeated or changed as defined by their popularity or by requests from participants. This year they added Community Yard Sale Day to their list of annual events and at the last minute's notice, provided refreshments for National Night Out in River Bend. If you exclude the cost of Fourth of July, they produce all the programs for around \$2,000 per year. In addition, they sponsor the River Bend Community Organic Garden, the Red Caboose Library, Yoga, and previously, Zumba and Ryland's karate program. I would be surprised if larger towns with paid staff could say they offer as much.

All seven *VOLUNTEERS* who staff the Parks and Recreation Advisory Board have written letters to ask this Council for help. The letters were written individually and without any direction following their September 1st board meeting. Please take these dedicated *VOLUNTEERS* seriously and consider their requests.

John Kirkland

From: Donald Fogle
Sent: Thursday, September 30, 2021 9:42 AM
To: John Kirkland
Cc: Delane Jackson
Subject: P&R AB Proposal
Attachments: PRAB Proposal2.docx

Good morning, Mayor,

I have attached my proposal to give more guidance to the Parks & Recreation Advisory Board. Some are my ideas, and some came from others. You asked Barbara and I to create these lists when the three of us met a few weeks ago.

Don Fogle
Town Councilman

Proposed Changes to the Parks & Recreation Advisory Board for Council
Consideration Effective January 1, 2022 or Sooner (In random order)

1. Total compliance with the Open Meeting Law.
2. Prepare and publish an accurate agenda at least 7 days before the meeting.
3. Gender Diversity – When less than 2 men or women are on the Advisory Board, the underrepresented gender applicant will receive preference when the next vacancy occurs.
4. Host a minimum of 3 activities a month, 4 if possible.
5. Host a minimum of 1 outdoor activity per month.
6. Develop a volunteer pool similar to what the Red Caboose Library has created so all the work does not rest with the Advisory Board.
7. Rotate the liaison position.
8. Establish a method to poll at least 100 residents annually prior to scheduling activities for the year so that popular activities are pursued.
9. The annual budget request should clearly identify planned activities and estimated costs (no placeholders).
10. If the budget or schedule submitted in #9 above needs to change, the Advisory Board chair must address the Council and seek Council approval to amend (similar to the Town budget process).
11. Prepare an annual report by December 31, 2022, and each year thereafter, summarizing the most popular and successful events/activities and estimate the number of participants. Also, list the activities poorly attended and list ideas on how to improve participation if the event is held in the future. Include how the budget was spent.
12. All cancelled activities shall be rescheduled within the following three months, except for seasonal events such as Easter egg hunt, July 4th, Halloween and Christmas tree lighting.

13. Applicants for vacant seats on the Advisory Board are strongly encouraged to attend the Council meeting where the selection is scheduled in order to introduce themselves and make a short statement.
14. When promoted activities result in a clear "winner", the winner should be acknowledged on the Town of River Bend website. Post a picture if possible.
15. Monthly minutes should reflect a review of the prior month's activities including the event/activity name, estimated number of participants, and any discussion about holding a similar event in the future.

The following comments are applicable to all Boards and Commissions.

Vacancies

All vacancies must be advertised by the Town for a minimum of two weeks. Applicants are encouraged to attend the Council meeting where the appointment will be made to introduce themselves to the Council. When less than two women or two men are on the Board or Commission at the time of a vacancy, the underrepresented gender will receive priority in the appointment process.

Resignations

Board and Commission members may resign at any time for any reason. All resignations must be reported to the Town Manager by the Chair by email or in writing. A Board or Commission member who resigns can only be reinstated after the vacancy has been advertised for a minimum of two weeks, and by a majority vote of the Council after considering all applicants.

Agendas

Accurate agendas shall be prepared in advance of the Board or Commission meeting. The agenda shall be posted on the Town web site no later than 7 days prior to the meeting. Copies of the agenda shall be available at the meeting for public attendees.

Minutes

Approved meeting minutes shall be posted on the Town's web site within three days of approval.

Annual Report

Each Board or Commission shall submit a written report to the Town Manager that summarizes the issues, events and activities the Board or Commission has considered, sponsored or participated in during the preceding calendar year. This report is due by January 15 of each year and will be posted on the Town web site.

Don Fogle
October 5, 2021

September 2, 2021

To: Mayor Kirkland

Council Members

I am here representing each member of the Parks and Recreation Advisory Board. There has been an issue brewing within Parks and Rec for some time now and it has to stop. Don Fogle it seems, has decided to make Parks and Rec his personal mission here in River Bend, we already have a liaison — Barbara Maurer. She supports and stimulates positive actions that will help improve the Town of River Bend through our Parks and Rec activities.

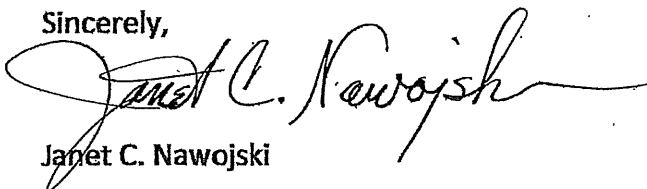
Don and Nancy Fogle recently showed up at our meeting as quote, "private citizens" but Don was much more than a private citizen, he was speaking as a Councilman. Whatever his mission is it has adversely affected our meetings. He insults and diminishes any effectiveness we are trying to accomplish. This behavior is very unbecoming from one of our Town Council members.

It is apparent that Don has had an agenda for quite some time now. At the Advisory Board Chair\ Council meeting I now realize that the questions he asked were just setting us up for later confrontation. He has promised to continue this behavior by coming to all of our future meetings, a quote he made to Fran Rice.

I feel compelled to share this with all of you on the Council to get your support to cease these actions from Don Fogle. Tonight I have brought letters from each of the Advisory Board members and at your request I can certainly read them, they explain how each member feels.

I thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in cursive script, reading "Janet C. Nawojski". The signature is fluid and extends across the width of the text area.

Janet C. Nawojski

Mary Dwyer
101 Courtney Lane
New Bern, NC 28562
September 3, 2021

Mayor John Kirkland
Town of River Bend
45 Shoreline Dr.
New Bern, NC 28562

Mr. Mayor:

I have served the Town of River Bend Parks and Recreation Advisory Board for many years and as such feel that the Board has provided the town with many meaningful and fun activities. Even with the ongoing pandemic we have been able to meet and plan events for the future enjoyment of our stakeholders and hopefully will be able to stage these events as planned.

However, this all changed this past week when Councilman Fogle appeared at our regularly scheduled monthly meeting. From the start it was evident that he has little or no use for the board or its work. His tone was very adversarial, and it was obvious that Councilman Fogle feels that the work of our volunteer board is not up to his standards, and he stated that he would be attending all future meetings, even though Barbara Maurer is our designated council representative.

We, as a group have tried to create programs for all ages, both for families with young children and retirees. I feel that this is important for all the residents of River Bend to feel that they belong here and that this is not just a retirement community. Mr. Fogle apparently feels otherwise, and while he is entitled to his opinion, his demeanor and behavior at our meeting was uncalled for. It is expected that an elected official would exhibit common courtesy and not treat volunteers in the manner we were treated. I am still employed full-time and serve on the Board during what little free time I have. I have thoroughly enjoyed all the town events and would like to continue volunteering. However, if this is the way we will be treated I will strongly consider resigning from the Board.

Sincerely,

Mary Dwyer

Mary Dwyer

cc: Barbara Maurer

Delane Jackson

September 2, 2021

To: Mayor Kirkland
Delane Jackson

I would like to share my personal thoughts concerning the Parks and Recreation meeting I attended on September 1, 2021.

I still consider myself a "new" citizen of River Bend having only lived here for four years. I made the decision to join Parks and Rec advisory board for a few reasons. 1) to increase my participation in town events and become more a part of the community. 2) to learn more about our community (which, by the way, is a great one). I personally know several of the members on the P&R advisory board and felt that I would work well with the P&R team.

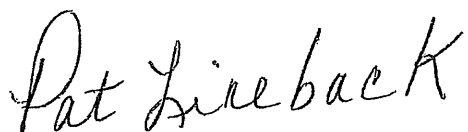
I have to say that after the 9/2/2021 meeting I am questioning my decision. Councilman Fogel attended the meeting. He offered some suggestions and stated that he would like to see P&R provide more activities. He used the example of offering scrabble. He stated that "...numerous people in the community have asked for this...". Our chairperson pointed out that the interest for our upcoming event (bunco) has been minimal (3 people so far) and that she had not received any inquiries from our citizens suggesting more activities and that no citizens had attended our meetings to express an interest. In trying to ascertain how many people were interested in this type of activity (2,5,10,20?) he did not provide an answer to the question.

At this point I feel that he started badgering our chairperson which made for a very uncomfortable, adversarial atmosphere. In addition, he stated that our chairperson and ALL of us are the problem. I find this personally offensive and unprofessional on his part.

I believe that he had an agenda and he wasn't going to be satisfied until he received an immediate YES to all of his suggestions.

I am a volunteer. If this type of atmosphere is what should be expected when this council member, or any other for that matter, attends the meetings then I will find other volunteer activities. Please feel free to do as you see fit with this email.

Regards,
Pat Lineback

A handwritten signature in cursive script that reads "Pat Lineback". The signature is written in dark ink and is positioned below the typed name.

254 Shoreline Drive
River Bend NC
September 8, 2021

River Bend Mayor John Kirkland,
River Bend Town Manager,
River Bend Town Councilors

Dear Mayor,

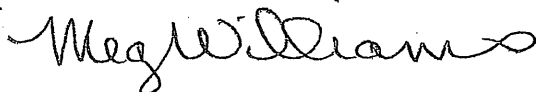
My name is Meg Williams. I currently hold a position as a member of the Town Parks and Recreation Advisory Board. The position is totally voluntary. I have been proud to serve the town in that capacity because I believe that Parks and Rec. programs and activities helps to foster a sense of community and enhances our way of life here in this small town .

Unfortunately, one of the town councilors, Don Fogle, has decided that not only does he not like what the Advisory Board provides for the town of River Bend, he particularly does not like the Parks & Rec. Chairperson, Janet Nawojski. Councilman Fogle and his wife, Nancy, attended the latest Parks & Rec planning meeting. In making many comments directly to Janet during the meeting, Don Fogle implied that Janet was incompetent as Parks & Rec. Chairperson. Town Councilman Fogle was unprofessional and insulting.

Don Fogle also stated that even though he attended the meeting as a citizen of River Bend, he was now speaking as River Bend Town Councilman. He stated that when he showed the current list of activities planned for the town by the Parks & Rec. Advisory Committee, Councilman Fogle said the Town Council was totally "unimpressed". This is not a productive, respectful way to receive communication from the Town Leadership!

River Bend is a small town with a small group of volunteers who coordinate, plan and host town activities and programs for the residents under the Parks & Rec. banner. While any River Bend resident can attend meetings and make suggestions, the volunteers should not have to be verbally attacked by Councilman Fogle while working for the town.

Sincerely,

A handwritten signature in cursive script that reads "Meg Williams".

Meg Williams

Ellen Serra

310 Shoreline Drive

New Bern, NC 28562

Mayor John Kirkland

45 Shoreline Drive

New Bern, NC 28562

Dear Mayor Kirkland,

Two months ago, I had the honor of rejoining the Parks and Recreation Advisory Board after a hiatus of two years. I assumed that I would be joining friends and colleagues in working together smoothly to offer a variety of events and activities which would appeal to a wide demographic of the River Bend population, as we have done in the many previous years I have volunteered on this board. Indeed, such would be the case, as the constitution of the board and our advisor are all committed to working together in a collegial manner, and everyone has a voice and all are respectfully heard.

Unfortunately, Councilman Don Fogle's remarks, demeanor, and constant haranguing during the September 1st meeting were sufficient to both derail the agenda and ruin the cooperative and friendly atmosphere which Parks and Recreation volunteers maintain. Councilman Fogle demanded to know "right now" if we would schedule an event he claimed a citizen had evidenced interest in; he derided and insulted the work of the advisory board, claiming that "we were the problem"; and also insisted that we could hold many more events if we constantly pulled in volunteers from every other advisory group or activity in River Bend. He interrupted frequently, not with suggestions, but with criticism and demands. It was difficult to work under these circumstances, and decidedly unpleasant.

I had been looking forward to continuing the work of the Parks and Recreation Advisory Board, which I believe is an important asset to River Bend. However, if Mr. Fogle is determined to continue to interrupt and disrupt board meetings, and to try to remake the board to his liking, I may reconsider my commitment.

Respectfully,

Ellen Serra

September 3, 2021

To: Mayor John Kirkland, jkirkland@riverbendnc.org
Town Manager, Delane Jackson, manager@riverbendnc.org
Council Liaison Barbara Maurer, bmaurer@riverbendnc.org

I am writing personally and not as a representative of the board. Our Parks and Recreation meeting Wednesday evening was a complete upset.

It was attended by council person Don Fogle who stated he was there as a concerned citizen with no agenda. It's very clear that there is an agenda and that it is to antagonize and insult us until the goal of getting people to resign is achieved. We were told last night that we are a problem and that what we are doing is unimpressive to the council.

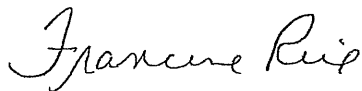
Usually during a meeting if questions are asked, it is fine, but I have a problem when it's clear the questions are asked to trip people up and then accuse them of incompetence.

If the town has a problem with us, I think it would be much more productive to be clear with your goals for this advisory board. If Don wishes to be in charge of Parks & Rec I think he should resign as councilman and run for P&R Chair.

We have always been open for suggestions from town residents, but no one comes to meetings to ask for an event or extend their ideas. We have seven VOLUNTEERS who give of our time because we like our town. I continue to believe that starting up our events slowly, after this past year, is a good idea. Most people are still very concerned about being out and around others. Again, we were told we were "unimpressive". So here we have VOLUNTEERS being judged based on a list of events, coming out of a pandemic year, for people who may not want to leave their homes.

You may or may not care, but I can say for sure, that if this continues, and I was told that night that he will be coming to all further meetings, I for one will probably resign. I worked for many years and am now retired; I have no desire to be around this type of behavior. I have other interests and can use my energy elsewhere.

Sincerely,



Francine Rice



John Kirkland

From: Gloria Kelly <gloriapkelly@gmail.com>
Sent: Thursday, September 16, 2021 5:03 PM
To: John Kirkland
Subject: Park & Rec Advisory Board

Mayor Kirkland,

I am a relatively new member of the Parks & Rec Board. As a result, I am not familiar with the history of the activities that were tried and were successful ... and those that did not generate interest.

I do know, however, that the ladies on the board are hard workers and dedicated to the Town of River Bend.

During our last board meeting, we welcomed guest Mr. Fogle. It was nice to see him take an active interest in our board meeting. But the meeting soon turned into an awkward hour. His comments, directed to the P&R Board President, and long-term active members, were inappropriate as well as confrontational.

I appreciated the fact that Mr. Fogle called me that evening to apologize if he offended me. I personally was not offended (since I am a new member of the board), but it did cause unnecessary disruption and made it uncomfortable for those present.

In summary, I feel that a standing member of the Town's Council should not display a contentious attitude when dealing with volunteer organizations that support the Town of River Bend.

Sincerely,

Gloria Kelly

315 Rockledge Road

September 21, 2021

Mayor John Kirkland
Town of River Bend
45 Shoreline Drive
New Bern, NC 28562

Dear Mayor Kirkland,

I am writing this letter in response to the 6 complaint letters you received about me regarding the September 1, 2021 Parks and Recreation Advisory Board (PRAB) Meeting. I have included Attachment A which gives a narrative description of what occurred during that meeting. **I recommend that you read Attachment A thoroughly to see who established the adversarial tone mentioned in the letters.**

I have attempted to respond point by general point below based on what I gathered the specific complaint was in each letter. As you know, I have been a proponent of increasing the number of recreational activities available to our residents since the day I was appointed. That is no secret. I have tried making general, then specific suggestions in Council meetings with the hope that a “nudge” might get the creative juices flowing. I have spoken directly to the liaison and asked about having some new activities sponsored by the PRAB. I even applied to serve on the PRAB to make sure new activities were considered, and encouraged a young man to apply to the PRAB when a vacancy occurred, only to see an “outsider” not be given an opportunity to join the PRAB. I am frustrated since I have tried every available option from “planting the seed” to asking specific questions of the PRAB with absolutely no recognition from the PRAB that they should at least consider and discuss these issues.

Complaint

1. Speaking as a Councilman: It was never my intent to “speak as a Councilman”, but after the Chair “misrepresented” the Town mask policy, and the liaison did not correct it, I felt I had an ethical obligation to represent the Town and clarify the policy.
2. Behavior: My behavior was no better and no worse than that of the Chair. When her volume went up, my volume went up.
3. Come to future meetings: Yes, I will be at future meetings as is my right as a resident of River Bend. May I remind you that at the Joint Advisory Board/Council meeting, the PRAB Chair told me I could come, and that the meetings allowed visitor participation in an open dialogue format.
4. We (PRAB) are the problem: Regarding the mask policy, in response to the Chair loudly stating “I don’t care what Delane said, the PRAB decides!” and then “The Town Council is the problem!”, I responded with “You should care what Delane says!” followed by “That is the problem with you leading this committee!” The problem comment was clearly directed at the Chair, no one else and certainly not the PRAB as a whole.

5. Personal Agenda: I do not recall being asked if I had an agenda and I did not say I had an agenda, but my purpose in attending this meeting was to ask two questions: 1) Is the PRAB interested in doing more of what it already does (such as Bunco) and 2) Is the PRAB willing to try a new activity (such as Scrabble).
6. Unimpressive: I told the PRAB that I had read their event calendar to the councilmembers and I felt that the councilmembers were unimpressed with the calendar. In hindsight, I should have said that differently.
7. Demanded to know right now: I got an immediate answer from the Chair when I asked if the PRAB would be rescheduling the coming Bunco event if there was insufficient interest. "No" was the answer. I also asked if they would be interested in starting a Scrabble activity to encourage discussion, which I thought was the purpose of the meeting. It was not a demand.
8. Interrupted frequently: The Chair had previously told the Council that the PRAB used an open dialogue format for visitors to comment. I asked questions after others had spoken and do not recall interrupting any other speaker. Early in the meeting, I actually asked for permission to ask a question.
9. Criticism: After stating that I felt the PRAB was the most important board for most residents, I said that I thought they could do better. This seems to be when everyone felt insulted, so some people may consider that a criticism. It was meant to encourage self-review of their operations and to acknowledge that they are important. I didn't say they were bad, not needed, should be eliminated, etc. I have expressed in many Council meetings that they do a good job overall, but I do believe they rely too much on what activities they have done in the past without experimenting with new ideas. I don't know how to say that without it being perceived as a criticism as opposed to an opportunity.
10. Personal agenda: I have raised the issue of new activities, including Scrabble, at many Council sessions. Yes, I did expect that it had been discussed by the PRAB by now. Overall, none of the issues I had brought up should have come as a surprise to anyone if the liaison had passed along my many questions about more and different activities sponsored by PRAB. The liaison told me after the meeting that she had never passed along my many suggestions about Scrabble. She thought I meant Bunco.

I am not perfect. I make mistakes as everyone does. Thank you for giving me the opportunity to explain my side of the story as well as what occurred in the PRAB meeting.

Sincerely,



Don Fogle
Town Councilman
Town of River Bend

Enclosure: Attachment A

ATTACHMENT A
SEQUENCE OF EVENTS NARRATIVE
PARKS & RECREATION ADVISORY BOARD MEETING
SEPTEMBER 1, 2021

When the Joint Advisory Board/Town Council meeting was held on August 10, 2021, it was made clear to all citizens that anyone can attend Advisory Board meetings, and with respect to the PRAB, the Chair stated that they allow participation in an open dialogue format. That is what occurred during the September 1, 2021 meeting.

My wife, Nancy Fogle, and I entered the large Municipal Building Conference Room shortly before 7:00 pm. We were the only visitors. When Janet Nawojski saw us, she said in a sing-songy voice "Oh look, Nancy Fogle is here. Why are you here?" As I placed two chairs about 10 feet from the nearest member, my wife said that we were there as concerned citizens. Janet repeated what Nancy said with a chuckle. We certainly did not receive a warm welcome. I have not said a word at this point. If extra agendas were available, none were offered to us.

I attended this meeting to get answers to two questions. Specifically, is the PRAB interested in doing more of what they already do (like Bunco); and is the PRAB willing to do a new low-effort activity (like Scrabble)?

The first significant discussion that occurred dealt with the upcoming Bunco activity on September 23, 2021. Several people expressed concerns about Covid-19 and lack of attendance. Janet Nawojski stated that she had talked to Delane Jackson, Town Manager, and he told her that they could hold the activity as planned, cancel it, or require masks. Janet then said the PRAB would require masks or cancel if there isn't enough interest. I looked at Barbara and she said nothing regarding Janet's mask requirement. At that point I did speak up "as a Councilman" and asked Janet if she was sure that is what Delane had said. Janet said yes, it is up to the PRAB. I then asked Barbara if she heard Delane say mandatory masks were OK, and she said she wasn't at that meeting. I then explained that since the PRAB and its activities were sponsored by the Town, I didn't think that the PRAB could unilaterally create more restrictive requirements than the Town requires. The Town complies with the Governor's Executive Orders and there are no mandatory mask requirements at this time. This led to a heated exchange between Janet and me which has been incorrectly cited in each letter. Janet shouted "I don't care what Delane says. The PRAB decides!" I then shouted back "You should care what Delane says!" Janet then shouted "The Town Council is the problem!" to which I replied "That is the problem with you leading this committee!" The "you" was specifically directed at Janet Nawojski, not anyone else or the PRAB as a whole.

Meanwhile, Barbara texted Delane for clarification about mandatory masks. Delane said there is no mandatory mask mandate from the Governor's Office so Town-sponsored activities cannot require masks. This text conversation was confirmed to me by both Barbara and Delane. Barbara wrote this information on a slip of paper and slid it over to Janet. Janet then tabled the Bunco discussion. Neither Barbara nor Janet clarified the current rules to the people in attendance. As far as they knew, I was just making things up, which was the exact opposite of what had occurred.

After discussions about Trunk or Treat and the possible replacement of playground equipment, Bunco was back up for discussion. The activity may be cancelled due to lack of interest. In discussing the Bunco flyer, Janet said it should include “masks recommended”. When Francine Rice asked her if she meant “masks required”, Janet said she didn’t say that. I then asked if I could ask a question. Janet said yes. I asked if the Bunco activity would be rescheduled if it were cancelled to which Janet immediately replied “No.” There was no discussion, no checking calendars, no vote, just No.

I then asked if the PRAB would start hosting Scrabble events. I mentioned that I know of one person from Town Hall who wants to play and my wife had seen several other people who expressed interest on Facebook. Janet then asked who was interested from Town Hall. I told her I didn’t think it should matter and before I could finish my sentence, Janet declared she knew who it was. Although in hindsight I see it was a mistake, I decided to play her game and asked her who it was. She kept repeating “I know who it is!” and I kept repeating “Who is it?” This dialogue continued back and forth about 5 times before I said “It is Margaret Theis.” An overjoyed Janet then looked around the room and proclaimed “I knew it! I knew it!”

At least one PRAB member, Francine Rice, expressed an interest in looking into a Scrabble activity. Ellen Sera then said the PRAB had sponsored game nights in the past and they weren’t well attended. Four times I was asked exactly what I was asking for, and four times Ellen called it game night. I then explained that I was asking for Scrabble since I knew that Margaret might consider running it, but I would be happy if they picked any other game to focus on – chess, checkers, Chutes and Ladders, Monopoly – anything where the activity was limited to one game type. I said it was my opinion that if multiple games were available, no two people may want to play the same game. That was the extent of the discussion.

I was getting frustrated and told the PRAB that I consider the PRAB to be the **most important** Board for the enjoyment of the community, but I thought they could do better. I have said this same thing at countless Council meetings, but this statement was interpreted to mean that I have a hidden agenda to destroy the PRAB. I also said that I had read the PRAB activity calendar to the Council and they were unimpressed. The only agenda I have is maximize the number of recreational opportunities available to River Bend residents.

At the conclusion of the meeting, I approached Francine Rice and let her know that her notes were correct – Janet did say the PRAB would require masks at the start of the meeting and I showed her my notes. She then told me she felt insulted by my comment about the PRAB doing better. I apologized to her and told her it was not my intent to insult anyone, but I did think the PRAB could do better by adding more activities and didn’t know any other way to say it. I turned away when I saw Janet, Ellen and Barbara standing in front of my wife, who was still seated, all talking at the same time. By the time I walked over, Janet had left and Nancy was in tears. My wife is a strong woman and she told me what happened as we were driving home. I’ll save that for another time, another place.

ADDENDUM:

As a result of these complaints, Barbara Maurer asked to meet with me with Mayor John Kirkland as mediator. We met at Town Hall on September 15, 2021 at 1:00 pm. After some brief comments from the Mayor, it was Barbara’s turn to ask me questions. She asked me some questions about my thoughts on the PRAB and the Chairperson, then read me a prepared

statement. I answered all of Barbara's questions as thoroughly as possible. Next it was my turn to ask questions of Barbara. My first question was "What was your role in the creation of these letters?" Her response was that she supported the writers but did not give them talking points to use. My second question was "Why didn't you explain the mask policy to the group?" and Barbara replied that her memory was a little hazy. When I asked my third question, Barbara said she wouldn't answer any more questions about the meeting.

The Mayor then asked us to each create a list of things that we would like to see the PRAB do differently, try to reach agreement where we could, and let the Council decide what to do next. After we talked about schedules and conflicts, I asked Barbara one final question. I asked her who made my wife cry at the meeting? Barbara said she was talking to my wife about the Fairfield Harbour Chorus, and Nancy just burst into tears. Sadly, that didn't match what my wife told me as the tears were drying on her cheeks September 1, 2021.

Prepared by:

Donald E Fogle 9-21-21

Don Fogle
Town Councilman
Town of River Bend



RIVER BEND TOWN COUNCIL AGENDA
Regular Meeting
October 21, 2021
River Bend Town Hall
7:00 p.m.

Pledge: Mayor Kirkland

1. CALL TO ORDER (Mayor Kirkland Presiding)
2. RECOGNITION OF NEW RESIDENTS
3. ADDITIONS/DELETIONS TO AGENDA
4. ADDRESSES TO THE COUNCIL
5. PUBLIC HEARINGS
6. CONSENT AGENDA

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

- A. Approve:
Minutes of the September 9, 2021 Work Session
Minutes of the September 16, 2021 Regular Council Meeting
Minutes of the September 23, 2021 Special 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. Public Safety – Councilman Don Fogle
 - A. Community Watch
 - B. CERT
9. Parks & Recreation/CAC – Councilwoman Barbara Maurer
 - A. Parks and Rec Report
 - B. CAC Report
 - C. Organic Garden Report
 - D. Library Report

10. Finance – Councilman Irving Van Slyke, Jr.
 - A. Financial Report - Finance Director
11. Environment and Waterways – Councilman Brian Leonard
 - A. EWAB Report
12. Planning Board – Councilman Buddy Sheffield
 - A. Planning Board Report
13. MAYOR’S REPORT – Mayor Kirkland
14. PUBLIC COMMENT

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

15. ADJOURNMENT