

**River Bend Town Council
Special Meeting Minutes
January 6, 2022
Town Hall
7:00 p.m.**

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

Town Manager: Delane Jackson
Public Works Director: Brandon Mills

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, January 6, 2022 at the River Bend Town Hall with a quorum present.

The Town Manager requested adding "LGC loan application approval" to the agenda.

VOTE – Addition to Agenda

Councilman Sheffield motioned to approve the agenda as presented with the addition of loan application approval. The motion carried unanimously.

The Manager informed the Council that the low bid for the water meter replacement project was higher than the grant amount. The Manager stated that the funding source has a low interest loan program which the town can apply for to receive the rest of the funding, which is approximately \$131,000.

VOTE – Loan Application

Councilman Sheffield motioned to approve the loan application and authorize the Mayor to sign. The motion carried unanimously.

VOTE – Site Selection Analysis

Councilman Fogle presented the following motion- I move that if there is a vote tonight and it is not unanimous each alternative that receives a vote shall be forwarded to the engineer for a more detailed analysis. The motioned failed by a vote of 2 to 3. Councilmen Fogle and Van Slyke voting aye. Council members Leonard, Sheffield and Maurer voting nay.

The Town Manager presented a PowerPoint presentation containing maps and information for options A-J as identified:

- A- Wildwood Drive site near volleyball court
- B- Plantation Drive site in northwest corner of soccer field
- C- Plantation Drive where water tank is located
- D- Wildwood Drive where existing basketball court is located
- E- Plantation Drive next to Town Hall where existing picnic shelter is located
- F- Plantation Drive where existing dog park is located
- G- Wildwood Drive immediately in front of existing Public Works Building

H- Plantation Drive requiring land from Robert Davis across the street from existing water tank site

I- Highway 17 site requiring additional land from Frank Effird to be combined with town owned land

J- Highway 17 site near Shell station on land owned by Mattocks Family Properties

There was a lengthy discussion among the Council about the pros and cons of each site and how each site was impacted by the flood maps. Following the discussion, each Council member was given 3 minutes to make remarks. The order was based on the number they drew at the beginning of the meeting.

Councilman Van Slyke stated his preference was option D.

Councilman Sheffield stated his preferred options were I then D.

Councilman Fogle stated his preferred options were H then I.

Councilman Leonard stated his preferred options were I, H and D.

Councilwoman Maurer stated her preferred options were I, H, J then D.

Councilman Sheffield motioned to direct the Manager to further investigate options I, H and D.

During discussion, it was agreed upon by all to check with the landowners of sites I and H to see if the land was available for purchase prior to spending any money investigating those site. The Manager reminded the Council that if necessary the Council could exercise their legal power of eminent domain to secure the property regardless of what the owner wanted to do.

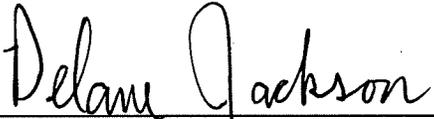
The Mayor called for public comments. Steven Taylor stated that he did not want the town to build on the existing basketball court site. Mary Iorio requested that if the Council selects a site that requires the relocation of an existing town facility that the Council states where the existing facility will be located prior to building the new building. Patty Leonard said she preferred site H.

VOTE – Public Hearing

Councilman Fogle motioned to conduct a public hearing prior to the final vote on the 3 identified sites. Councilman Sheffield stated that he was opposed to a public hearing on multiple sites and that the Council was elected to make these type decisions. The motion passed by a 4 to 1 vote with Council Sheffield voting nay.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn, the motion carried unanimously. The meeting adjourned at 8:30 p.m.



Delane Jackson
Town Manager

**River Bend Town Council
Regular Meeting Minutes
January 20, 2022
Town Hall
7:00 p.m.**

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

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

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, January 20, 2022 in the Town Hall Meeting Room with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

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

CONSENT AGENDA

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

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

TOWN MANAGER'S REPORT

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

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

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

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

ADMINISTRATIVE REPORTS

FINANCE – COUNCILMAN VAN SLYKE, JR.

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

The Manager presented Budget Amendment 21-B-04.

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

Budget Kick-off

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

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

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

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

PUBLIC SAFETY – COUNCILMAN FOGLE

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

CERT

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

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

Community Watch

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

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

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

PARKS & RECREATION/CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following reports.

Parks & Recreation

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

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

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

The next scheduled meeting is February 2 at 7pm.

Parks and Rec has two vacancies. Anyone who would like to participate in planning and presenting activities is invited to file an application.

Community Appearance Commission (CAC)

The CAC is scheduled to meet on Wednesday, January 19 at 4pm.

Additional information will be submitted.

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

Red Caboose Library (RCL)

The board met on January 6.

The first Annual Report was reviewed and approved.

The agenda consisted of routine business.

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

River Bend Community Organic Garden (RBCOG)

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

The next meeting is scheduled for February 7 at 1:30 pm. The agenda will include planting plans for 2022, possibility of resuming workshops and consideration of a special project for the greenhouse.

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD

Councilman Leonard presented the following report.

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

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

BOARD OF ADJUSTMENT REPORT – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report.

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

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

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

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

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

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

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

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

MAYOR'S REPORT

The Mayor presented the following report.

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

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

PUBLIC COMMENT

No public comments at this time.

CLOSED SESSION

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

OPEN SESSION

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

ADJOURNMENT/RECESS

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



Delane Jackson
Town Manager

**River Bend Town Council
Special Meeting Minutes
January 28, 2022
Town Hall
2:00 p.m.**

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

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles

CALL TO ORDER

Mayor Kirkland called the meeting to order at 2:00 p.m. on Friday, January 28, 2022 at the River Bend Town Hall with a quorum present.

The Manager presented the Council with the ASADRA Capital Project Fund Ordinance for the Water Meter Replacement Project.

VOTE – Capital Project Fund Ordinance

Councilman Van Slyke motioned to approve the Capital Project Fund Ordinance as presented. The motion carried unanimously. (see attached)

The Manager presented two new site locations for the Water and Sewer Administration Building that are available for the Town to purchase. The Manager stated that one of the sites is 2 acres of a lot located at 403 Old Pollocksville Road and is owned by Robert and Melba Davis. The Davis' agreed to sale the property for \$60,000. He stated that the only change to the property layout provided is that the owners requested to retain a 10 feet wide stripe on the southwest side of the property and shift the 2 acre tract to the east by 10 feet.

The Manager stated that the second site is also 2 acres of a lot located on Effird Boulevard and owned by Neil Realty and they offered to sell it for \$125,000.

Councilman Leonard asked if the Davis Property has access to sewage and what are the cost of adding utility services. The Manager stated he has received an estimate of around \$20,000 to pump sewage and \$10,000 for a septic tank to be installed. He also stated there has not been a perk test completed and he feels the southeast corner would be suitable for a septic tank. The Manager stated he thinks the development and site prep would cost around the same for both sites.

VOTE – Public Hearing

Councilman Sheffield moved to delay the Public Hearing until after site selection. The motion carried unanimously.

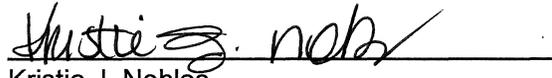
VOTE – Site Selection

Councilman Leonard motioned to authorize the Town Manager to proceed with the acquisition of 2 acres of land from the lot located at 403 Old Pollocksville Road, identified by Craven County Property Identification Number 8-200-029 owned by Robert and Melba Davis at the cost of \$60,000 for the purpose of constructing a new building funded by the ARPA Grant and for the Mayor to sign on behalf of the Town as needed. The motion carried unanimously.

The Manager asked the Council if they wanted to conduct the Public Hearing at the Work Session on February 10, 2022. All agreed.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn, the motion carried unanimously. The meeting adjourned at 2:21 p.m.

A handwritten signature in black ink, appearing to read "Kristie J. Nobles", written over a horizontal line.

Kristie J. Nobles
Town Clerk

**River Bend Town Council
Work Session Minutes
February 10, 2022
Town Hall
6:00 p.m.**

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

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

CALL TO ORDER

Mayor Kirkland called the meeting to order at 6:00 p.m. on Thursday, February 10, 2022 at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as presented. The motion carried unanimously.

PUBLIC HEARING – Plantation Drive Site for Public Works Building

Councilman Sheffield moved to open the Public Hearing to discuss the Plantation Drive site for a Public Works Building. The motion carried unanimously.

He then invited anyone who wished to address the proposed Plantation Drive site for the Public Works Building to step to the podium to be heard.

With no one stepping forward, Councilman Sheffield moved to close the Public Hearing. The motion carried unanimously.

DISCUSSION – ARP Funds to Offset Revenue Loss

The Manager stated that the Town is using the American Rescue Plan (ARP) funds to construct the new Public Works Administration Building and recently the US Treasury had approved a standard allowance of up to \$10,000,000. The Manager stated that the entire ARP funding for the new Public Works Administration Building is less than \$1,000,000 so the standard allowance would cover all of the funds. The Manager stated that the School of Government recommends that the Manager get Council approval to utilize this allowance, although it is not required.

VOTE – Use ARP Funds to Offset Revenue Loss

Councilman Van Slyke motioned to approve the use of ARP funds as a standard allowance to offset revenue loss. The motion passed unanimously.

VOTE – Board of Adjustment Appointment

Councilman Sheffield motioned to appoint Jon Hall to the Board of Adjustment for the appropriate term. The motion passed unanimously.

DISCUSSION – Sign Ordinance

Councilman Sheffield stated that the Planning Board is currently reviewing the Town’s Sign Ordinance. He stated that he would like to find a way to provide the new restaurant in Town a way to display a sign on property not directly adjoined to the current restaurant property. After discussing multiple options by Council, it was decided to send this issue to the Planning Board to study the signage issue for the restaurant.

VOTE – Direct Planning Board to Study Signage Issue

Councilman Sheffield motioned to direct the Planning Board to study the issue of signage for the marina restaurant. The motion passed unanimously.

Councilman Fogle stated that he would like the Planning Board to also investigate the signage of non-operating businesses within Town limits.

VOTE – Direct Planning Board to Study Non-Operating Business Signage

Councilman Fogle motioned for the Planning Board to consider the status of the Marina Place sign that advertises a business that may or may not exist and if that is something, the Planning Board could modify. The motion passed unanimously.

DISCUSSION – Short-term Rentals

Councilman Leonard stated that the Town of River Bend ordinance does not allow short-term rentals at this time. He feels that the Town should not restrict AIRBNB / FRBO type of short-term rentals. He recommends that the Council send this topic to the Planning Board for their recommendation on what we should do about it. Councilman Leonard stated that he wants short-term rentals to be allowed.

VOTE – Short-term Rentals to Planning Board

Councilman Leonard motioned to direct the Planning Board to study the issue of short-term rentals. The motion passed unanimously.

The Manager asked for a two-minute recess.

DISCUSSION – Advisory Board Ordinance Amendments

The Manager stated that the Council and Advisory Boards have been discussing the Advisory Board Ordinances for a few months now. He stated each Advisory Board and Council have submitted suggestions to amend the ordinance. The Manager stated he had included the changes within the document in the agenda package.

VOTE – Advisory Board Ordinance Amendment - Agenda

Councilman Fogle motioned to retain the language “a written agenda shall be prepared and published no less than” 5 days prior to the meeting. The motion failed. Three nays (Sheffield, Leonard, Maurer)

VOTE – Advisory Board Ordinance Amendment - Minutes

Councilman Fogle motioned to retain the language “and shall include information on attendance, findings, recommendations and actions taken by the board”. The motion passed unanimously.

VOTE – Advisory Board Ordinance Amendment – Town Website

Councilman Fogle motioned to add the language “and shall be published on the Town’s website” at the end of paragraph C on page 3. The motion passed unanimously.

The Manager reviewed Councilman Fogle’s additional recommendations for the Advisory Board Ordinances, which stated that when there are vacancies on an Advisory Board the Council would promote diversity when making a selection. After a consensus of the Council, the Town Attorney

stated he would format the proper wording to be added to the ordinance. Councilman Fogle reviewed his resignation recommendation and after brief discussion, the Council agreed to have the language added to the Advisory Board Ordinance. Councilman Fogle reviewed his annual report recommendation and stated that he feels the Advisory Boards should submit an annual report. The Manager stated that some of the Advisory Boards already submit annual reports and he suggests the reports are submitted by June 30. Councilman Fogle stated he suggested January 15 due to preparation of the budget. After a discussion, the majority of the Council decided that the Town Manager would move forward with incorporating the annual report requirement into the Advisory Board Ordinance.

The Manager reviewed Councilwoman Maurer's recommendations for procedures for applications to Advisory Boards and stated that there is not currently a procedure for applicants to follow. The Council reviewed all of the recommendations and removed item #6 "stating the Council liaison makes motion for an applicant", stating that any Council Member can make the motion. Councilman Fogle stated he recommends adding to the procedure that the applicants are encouraged to attend Council meetings when the applicants are appointed. The Council agreed with adding this statement. The Council agreed to move forward with a procedure for applicants to an Advisory Board.

The Council agreed to table the liaison policy until the Advisory Board Ordinance has been amended.

DISCUSSION – July 4 Activities

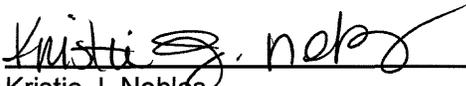
Councilwoman Maurer stated that the Parks and Recreation Advisory Board is seeking direction from the Council regarding the Fourth of July celebration. It was determined that the Council wants a celebration with the traditional parade and picnic with a band. Councilman Fogle stated that he would like the Manager to be responsible for securing a band in an amount not to exceed \$2,000. The Council agreed.

REVIEW AGENDA FOR THE FEBRUARY 17, 2022 COUNCIL MEETING

The Council reviewed the agenda for the February 17, 2022 Council meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn, the motion carried unanimously. The meeting adjourned at 7:46 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Regular Meeting Minutes
February 17, 2022
Town Hall
7:00 p.m.**

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

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

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, February 17, 2022 in the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Deletion to Agenda – Councilman Leonard moved to delete item 12B Advisory Board Ordinance Amendments from the agenda. The motion carried unanimously.

CONSENT AGENDA

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

- A. Approve
Minutes of the January 20, 2022 Regular Council Meeting
Minutes of the January 28, 2022 Special Council Meeting
Minutes of the January 20, 2022 Closed Session Minutes

TOWN MANAGER'S REPORT

The Manager stated that he met with the engineering firm that is overseeing the water meter replacement project and has sent a notice of award to the low bidder. He has received the official documentation approving additional funding for this project. He stated that the previously approved resolution would need to be amended to reflect new funding amounts. He also stated that the loan was approved for a zero percent interest rate.

He stated that he had received notification that the Town was not approved for either of the two AIA grants that were applied for. He stated each grant was for \$150,000 each for the water system and sewer system.

The Manager stated that he has received the Offer -to-Purchase for the 2 acre Davis property off Plantation Drive and he has completed the perk application with Craven County. He stated he should have those results within 4 weeks and the Town may be able to close on the property around the end of April.

The Manager stated that he has been working on completing the Golden Leaf Grant application for Phase II storm water improvements in the Channel Run area and the maximum amount that can be requested is \$250,000. He hopes to have the application submitted by the end of February.

The Manager stated that the Mayor and he met with MetroNet regarding service in the Town. At this time, they are waiting on more information from the MetroNet representative.

ADMINISTRATIVE REPORTS

PLANNING BOARD REPORT – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report.

The regular meeting of the Planning Board was held on Feb 3rd at 6:00pm in the Municipal Building. A quorum was present. Chairman Lippert called the meeting to order. The usual reports were given. There was only one item on the agenda. The Council has asked the Planning Board to study and make recommendations for the Town's sign ordinance. Assistant Zoning Administrator McCollum explained that parts of our ordinance are now unenforceable due to rulings by The Supreme Court regarding signs as free speech. The Board was asked to study the ordinance with this new information in mind and be prepared to propose changes at the March Meeting.

BOARD OF ADJUSTMENT REPORT – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report.

The River Bend Board of Adjustment met Feb. 3rd at 5:45 in the Community Building. Present were Chairman Ackiss and members Weisser and Forrest. Member Leonard participated remotely. The only order of business was the approval of the minutes of the January 4th meeting. A motion was made and seconded. The motion passed. The meeting was adjourned.

PUBLIC SAFETY – COUNCILMAN FOGLE

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

CERT

CERT met on January 26, 2022 with six members and the liaison present. It was decided that future CERT meetings will be focused on training. Also, Mary Holihan will check with other CERTs around the state to see what activities or training events they have had. The next CERT meeting is scheduled for Wednesday, February 23, 2022. It will be held in the Large Conference Room in the Municipal Building and start at 7:00 pm. Check the Town web pages for updates. Anyone interested in joining CERT should contact Mary Holihan.

Community Watch

Community Watch reported 1159 patrol hours for 2021. The next Community Watch meeting is scheduled for February 16, 2022. It will be held in the Large Conference Room in the Municipal Building. Anyone interested in joining Community Watch should contact Egon Lippert.

PARKS & RECREATION/CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following reports.

Parks & Recreation

Parks and Recreation met on February 2. The February activity is a craft workshop called Repurpose Books on Wednesday, February 23 from 1-4 pm. It's amazing what can be created from an old, no-longer wanted book. St Patrick's Day bingo will be offered on March 17, 2022 from 1-4 PM. If you are interested please contact Gloria Kelly to sign up. She can be reached at 252-876-3267 or gloriakelly@gmail.com. That information is posted on the town website and in the weekly River Bend ENews. Plans are in process for the annual Easter Egg Hunt and Sunday in the Park. The Fourth of July celebration will return this year. If you are interested in helping with

planning please contact Gloria or another member of Parks & Rec or me and I will pass your name and contact information to the board. The next scheduled meeting is March 2 at 7pm. Parks and Rec has two vacancies. Anyone who would like to participate in planning and presenting activities is invited to file an application.

Community Appearance Commission (CAC)

The CAC is scheduled to meet on Wednesday, March 19 at 4pm. There are two vacancies on this board. This is an active board. They are working on plans for some significant updates to town owned locations. If you would like to be a part of the process, come to a meeting and file an application to join.

River Bend Community Organic Garden (RBCOG)

The regular meeting was held on February 7. The bees are active. A package of queen and workers has been ordered for the other hive and will arrive in the spring. New beekeeper Denise Kelly has been taking a beekeeping class. The Green Team had 2 productive sessions. Root knot resistant seeds arrived and were delivered to a nurseryman who will be starting them. Volunteer Jackie was thanked for cleaning and organizing the greenhouse and shed. The next meeting is scheduled for March 7 at 1:30 pm.

Red Caboose Library (RCL)

The board met on February 3. The agenda consisted of routine business. Council members recently received a report from the library board. They hoped you found it informative and plan to make it an annual report. They request your feedback with suggestions for any additional information so they can incorporate changes into the next report. The next board meeting is scheduled for Thursday, March 3 at 2 pm. All meetings are open to the public and anyone is welcome to attend.

FINANCE – COUNCILMAN VAN SLYKE, JR.

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of January. She stated the total of the Town's Cash and Investments as of January 31, 2022 are \$4,116,745 and Ad valorem tax collections for FY21-22 were \$587,708.82 and Vehicle Ad valorem tax collections were \$46,108.34.

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD

Councilman Leonard stated that EWAB did not meet in February. The next scheduled meeting is Monday, March 7th at 7:00 p.m. at the Municipal Building.

MAYOR'S REPORT

The Mayor presented the following report.

Many cities and towns in the United States and most likely around the world are in a period of transition that has not been experienced until recent times. Our River Bend is not immune from that substantial change.

The transition is driven by several forces that have occurred almost at the same time. Those forces would certainly include:

1. The COVID-19 pandemic
2. The rise of the volume of misinformation on social media (SM) postings
3. The seeming willingness of great numbers of citizens to accept as truth the material posted on SM without researching it.
4. The speed we now experience in communication and speed of transportation connecting even the most remote parts of the world.

Looking first at the COVID impact, we have been trying to respond to the many facets imposed by the pandemic while having no recent model of previous threats to provide the path to solutions. Our Manager and staff have been very effective in providing timely information coming from Federal, State and County health departments. Shaping our response to that direction has served the Town well.

A look back at the rise of social media whether it be for the good or the opposite of good: The Pew Research Center published data shows that American adults using the internet in 2000 was just over 50% and by 2015 that number was 80%. We also need to recognize that during this same period several commercial corporations entered the internet field and greatly expanded the public access and use of this communication media. It is likely that few of the persons engaged on social media will spend time in research to validate the truth of what they read on the monitor screen.

The advent of rapid communication and travel and that impact on decisions: Those of us old enough to remember the film "Around the World in Eighty Days" will recall that the film was set in the Victorian era and portrayed the many modes of travel needed to complete their trip. Today, with help of a travel agent one could make the same trip in eighty hours.

Things in 2030 will most certainly be different than today and that difference will likely impact every municipality in the nation. At the same time every level of government will interface with many members of the electorate believing that the norm can go back to "the good old days" if you guy and gals in government would just try.

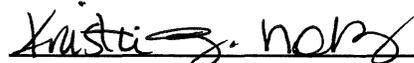
In closing, we must work together to chart our way into the future without the aid of a guide, and try our honest best to find the right solutions.

PUBLIC COMMENT

No public comments at this time.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn, the motion carried unanimously. The meeting adjourned at 7:46 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Work Session Minutes
March 10, 2022
Town Hall
5:00 p.m.**

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

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

Members of the Public Present: 1

CALL TO ORDER

Mayor Kirkland called the meeting to order at 5:00 p.m. on Thursday, March 10, 2022 at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as presented. The motion carried unanimously.

VOTE – Resolution for Water Meter Replacement Project

Councilman Leonard motioned to approve the Water Meter Replacement Project Resolution as presented. The motion passed unanimously. (see attached)

DISCUSSION – Eastern Carolina Council of Government (ECCOG) Resolution

The Manager reviewed the sample resolution that the ECCOG sent for the Council to consider adopting. The Mayor stated that the ECCOG is making changes to restructure and rebuild the Council and that he attended a workshop recently in support of the ECCOG. The Manager stated that the resolution would be presented at the next Council meeting.

VOTE – Budget Amendment #21-B-05

Councilman Van Slyke motioned to approve Budget Amendment #21-B-05 as presented. The motion passed unanimously. (see attached)

DISCUSSION – Arbor Day Proclamation

The Mayor stated that the Arbor Day Proclamation is an annual proclamation that is needed for the Tree City USA award that the Town has received for the past 11 years. Councilman Fogle asked if the Town could plant a tree in honor of Arbor Day in the Town. The Council supported the suggestion.

DISCUSSION – Surplus Property Resolution

The Manager stated that the Town is now the owner of the Wolfer Property located at 111 Starboard Drive after a public auction. He stated that the Town could sale the property by accepting sealed bids with the right to reject any and all bids if the Town chooses. Councilman Fogle asked if the Council could set a minimum bid. The Council agreed that they would not accept any less than the Town has invested in the property.

DISCUSSION – Sign Ordinance and Short-term Rental Updates

The Manager stated that the Planning Board met on March 3rd and approved the rezoning request for property on Highway 17 that will be presented at the April Council meeting along with conducting a Public Hearing. He also stated that the Planning Board discussed the sign ordinance that addresses all signs in general but specifically addresses political signs and the location of signs. He stated that an amended ordinance would be presented at the April Council Meeting. The Manager stated that the Council asked the Planning Board to reevaluate the Town's ordinance involving short-term rentals. He stated that there is currently an on-going court case that could affect the Town's regulations on short-term rentals. He stated that the Planning Board has decided to wait until that court decision has been made to make a decision regarding this ordinance.

DISCUSSION – City Vision Conference Update

The Manager stated that he plans to attend the City Vision Conference in Wilmington on April 27-28. Councilman Leonard and Councilwoman Maurer are interested in attending also.

DISCUSSION – Advisory Board Ordinance Amendments

The Manager stated that the amended Advisory Board Ordinance Amendment presented includes the revised language the Council agreed on previously. Councilman Leonard stated that at the last EWAB meeting the members expressed their concerns about the annual report requirements and its value to the Town. Councilwoman Maurer stated that she feels that the annual report is redundant with regards to the minutes but she is more concerned with the date that the annual report is required. She stated she feels when the advisory boards submit budget request reports for annual funding, is the time to know what the advisory board has accomplished in the past year and what they have planned for the upcoming year. She feels all of this could be included in one report submitted annually. She referred to the Parks and Recreation Advisory Board Ordinance Powers and Duties section E, stating that the advisory board can organize and administer events approved by the Council or Manager, she asked when is it determined the need to get approval. The Manager stated that when the Advisory Board submits their annual budget requests and its approved, if an event is canceled those funds could be used for another event. He stated if the advisory board wants to add additional events, those would need the Council or Managers approval. Councilman Fogle stated that if an advisory board cancels and does not reschedule that event he feels the budget should be adjusted or there should be a commitment from that advisory board to reschedule that event within a certain amount of time. He stated he would address this at the Budget Meetings. Councilman Sheffield referred to the Planning Board Advisory Board Ordinance requiring a written Annual Report by April 1st. He asked if that section could be removed from the Planning Board section. He stated that he feels this language should only apply to Advisory Boards receiving Town funding and the Planning Board does not receive funding. The Manager stated that section E could be removed for the Planning Board if the Council wished to remove it.

VOTE – Advisory Board Ordinance Amendment

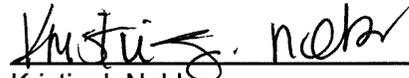
Councilman Sheffield motioned to remove section E from the Planning Board Advisory Ordinance. The motion failed. Three nays (Leonard, Van Slyke, Fogle) 2 ayes (Maurer, Sheffield)

REVIEW AGENDA FOR THE MARCH 17, 2022 COUNCIL MEETING

The Council reviewed the agenda for the March 17, 2022 Council meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 6:15 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Regular Meeting Minutes
March 17, 2022
Town Hall
7:00 p.m.**

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

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

Members of the Public Present: 3

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, March 17, 2022 in the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Deletion to Agenda – Councilwoman Maurer moved to delete item 9B Advisory Board Ordinance Amendments from the agenda. The motion carried unanimously.

Vote – Addition to Agenda – Councilman Sheffield moved to add Design Fee Proposal to the agenda as item 12B. The motion carried unanimously.

Vote – Addition to Agenda – Councilman Fogle moved to add Applicants for Advisory Boards Discussion and Resolution. The motion carried unanimously.

Vote – Modified Agenda – Councilman Sheffield moved to approve the Modified Agenda as discussed. The motion carried unanimously.

CONSENT AGENDA

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

A. Approve

Minutes of the February 10, 2022 Work Session

Minutes of the February 17, 2022 Regular Council Meeting

TOWN MANAGER'S REPORT

The Manager stated that he had received the revised Design Fee Proposal from the Walker Group for the construction of a Water / Sewer Administration Building at the Shoreline Drive site. He stated that the Council had instructed the architect and engineer to do more in-depth studies and this revised fee proposal includes those. He stated that the revised proposal includes an additional

cost for a high-density stormwater design versus a low-density stormwater design on the previous proposal.

The Manager stated that he has submitted the Golden Leaf grant application for Phase II of the Channel Run Drainage Project and has since responded to additional questions from the funding agency. He stated that the committee will not meet until June to review applications.

The Manager also stated he has met with the new owners of the restaurant and they are hoping to open very soon. They applied for the ABC permit today and expect it back soon.

ADMINISTRATIVE REPORTS

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD

Councilman Leonard presented the following report.

Chairman Stevens called the meeting to order at 7 PM in the large conference room in the municipal building. There was a quorum. The minutes from the January 2022 meeting were read and approved. Councilman Leonard gave an update of council and town activities.

Old business:

Bulkhead survey. The board is concerned that the survey will not be done and/or enforced once the ordinance change occurs. The board also had questions about the possibility of having to produce an annual report under the proposed EWAB ordinance.

New business:

Zoning and code enforcement is not being done in a consistent manner even when brought to the attention of proper authorities. Councilman Leonard will address this issue with the town manager. The issue of flooding behind the cul-de-sac on Masters Court was brought up, Councilman Leonard will check to see who owns that property. The flooding was reported to only occur after heavy rain.

Next meeting:

April 4th, 2022 at 7 PM in the large conference room in the municipal building. The public is welcome to attend.

Councilman Leonard presented a resolution in support of the Eastern Carolina Council of Government.

Vote – ECCOG Resolution – Councilman Leonard moved to approve the Eastern Carolina Council of Government resolution as presented. The motion carried unanimously. (see attached)

PLANNING BOARD REPORT – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report.

The regular meeting of the Planning board was held on March 3rd at 6:00pm in the Municipal Building. A quorum was present. Manager/zoning admin. Jackson and town attorney Baxter were also present. Chairman Lippert called the meeting to order.

The first order of business was consideration of a zoning change for a property on Highway 17 adjacent to Guy C. Lee. The request was to rezone the 4 acre property from Agricultural to business. The property is owned by the Hoffman family, several of whom were present to support their request.

Zoning administrator Jackson briefed the board on the request. The board voted unanimously to recommend that the town council grant the request. The Hoffman family was excused and the board continued its agenda.

The usual reports were given, including the permit report by Ms. McCollum that included a permit issued for the 3 million dollar SunBelt rentals project.

The board then took up the matter of changes to the town's sign ordinance. Manager Jackson and Attorney Baxter briefed the council on recent rulings by The Supreme Court which impact the sign ordinance as it now stands. At the request of the manager, Mr. Baxter had prepared new language that he felt would comply with the court rulings. The new language relaxes limits on political signs during the election period but limits the number to 2 signs during the rest of the year. The board voted to adopt the changes. The matter now goes to the Town Council.

The next item on the agenda was whether or not to allow temporary rentals such as Air BnB and VRBO in River Bend. There was lengthy discussion. The board decided not to change the current ordinance at this time. Temporary rentals are not currently allowed.

The meeting was adjourned. The next meeting is scheduled for April 7 at 6:00 pm. The public is invited.

PUBLIC SAFETY – COUNCILMAN FOGLE

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

CERT

CERT did not meet in February. The next meeting is scheduled for March 23, 2022 in the Municipal Building, Large Conference Room. CERT is looking for new members. If you are interested, please contact Chief Joll or Mary Holihan.

Community Watch

Community Watch meets quarterly and did not meet in February. The next meeting is scheduled for June 15, 2022 in the Municipal Building, Large Conference Room. Community Watch is looking for new members. If you are interested, please contact Chief Joll or Egon Lippert

Councilman Fogle presented the resolution to declare 111 Starboard Drive surplus property and authorize the sale of the property.

Vote – Surplus Property Resolution – Councilman Fogle moved to approve the Surplus Property Resolution as presented. The motion carried unanimously. (see attached)

PARKS & RECREATION/CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following reports.

Parks & Recreation

The February activity, a craft workshop called Repurpose Books, was well received and very successful. The March activity, St Patrick's Day bingo, was held earlier today. The annual Easter Egg Hunt is scheduled for Saturday, April 16 starting at 10:30 am. Volunteers will fill 1,000 eggs for three age groups and special needs children. Next month we'll tell you about the May Sunday in the Park concert. The traditional annual Fourth of July celebration will resume this year. Plans are under way to the and community assistance is needed to engage groups for the parade, to help in the food tent and to supervise some activities. If you are want to help, please contact Gloria Kelly to sign up. She can be reached at 252-876-3267 or gloriakelly@gmail.com or me at bmaurer@riverbendnc.org or 252-670-0757. The next scheduled meeting is April 6 at 7pm. Parks and Rec has two vacancies. Anyone who would like to participate in planning and presenting activities is invited to file an application.

Community Appearance Commission (CAC)

The CAC met on Wednesday, March 16 at 4pm. There are two vacancies on this board. If you would like to be a part of the planning process for the town's appearance, come to a meeting or file an application to become a member of the board.

River Bend Community Organic Garden (RBCOG)

The regular meeting was held on March 7. Spring planting began with lettuce and onions. The Green Team is scheduled to plant potatoes at their next session. Additional bees will arrive on March 25 to start a second hive. Volunteers filled three pickup truck loads with aged horse manure and obtained 35 bales of hay from a horse owner who is moving from the area. A work day is scheduled for Saturday, March 19. The next meeting is scheduled for April 4 at 1:30 pm.

Red Caboose Library (RCL)

The board met on March 3. The agenda included discussion of a young people's reading group with the first session scheduled for Saturday, April 2nd from 1-2 pm. Two groups will be offered concurrently, one for pre-school age children and one for ages up to 12 years. Stories will be read to each group, followed by story related activities. An author speaking series is also in the planning stage. The next board meeting is scheduled for Thursday, April 7 at 2 pm. All meetings are open to the public and anyone is welcome to attend.

The Manager stated that the Town had a study and a complete analysis of upgrades to the Waste Water Treatment Plant completed years ago. He stated that the Town had received an authorization to construct for that project and now there is a grant the Town can apply for to fund the project. He stated this resolution is needed to apply for the grant to complete the scope of work included in the agenda package.

Vote – Grant Application Resolution – Councilwoman Maurer moved to approve the support of grant application resolution as presented. The motion carried unanimously. (see attached)

Councilwoman Maurer stated that Lawrence Fischer had previously applied for the Parks and Recreation Advisory Board and has since revised his application with more information.

Vote – Parks & Recreation Advisory Board Appointment – Councilwoman Maurer moved to appoint Lawrence Fischer to the Parks and Recreation Advisory Board for the appropriate term. The motion carried unanimously.

FINANCE – COUNCILMAN VAN SLYKE, JR.

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of February. She stated the total of the Town's Cash and Investments as of February 28, 2022 are \$4,226,119 and Ad valorem tax collections for FY21-22 were \$679,367.05 and Vehicle Ad valorem tax collections were \$53,177.96.

Councilman Van Slyke stated that the Revised Walker Group Design Fee Proposal was received earlier today and discussed earlier and added to the agenda.

Vote – Walker Group Proposal – Councilman Van Slyke moved to approve the Revised Walker Group Design Fee Proposal as presented. The motion carried unanimously.

MAYOR'S REPORT

The Mayor presented the following report.

We watch the news broadcast and read the news printed in newspapers and think that the world has never experienced times such as we witness now. Some are old enough to remember the lead-up to WWII. The transmission of news was very much slower than the instant reports being

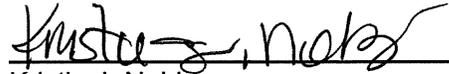
received today. It is fair to say that our nations reaction to the WWII early days was very much more divided than what we experience today. Certainly, the Ukrainian people have demonstrated exceptional resolve while facing a clearly superior and aggressive attacking national force along a long common border and a long beach on the Black Sea where the aggressor has a much superior naval presence. The armed forces of the Ukrainian military have shown extraordinary resolve in the defense of their homeland. There can be no doubt that the civilian population of the Ukraine have suffered greatly and anything resembling normal family activity has been shattered. The flow of millions of refugees across Europe has impacted all the nations receiving the refugees and the disrupted normal commerce throughout the continent. We all need to pray for God's intervention on behalf of Ukraine and the restoration of peace in Europe.

PUBLIC COMMENT

Ms. ET Mitchell of New Bern expressed the importance of voting at the Primary Election on May 17th.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn, the motion carried unanimously. The meeting adjourned at 7:49 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Work Session Minutes
April 14, 2022
Town Hall
5:00 p.m.**

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

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Finance Director: Mandy Gilbert
Town Attorney: Dave Baxter

Members of the Public Present: 3

CALL TO ORDER

Mayor Kirkland called the meeting to order at 5:00 p.m. on Thursday, April 14, 2022 at the River Bend Town Hall with a quorum present.

VOTE – Addition to Agenda

Councilman Sheffield motioned to amend the agenda by adding item 11A Budget Amendment. The motion carried unanimously.

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the amended agenda as presented. The motion carried unanimously.

Discussion – CAC Appointment

Councilwoman Maurer stated that the Community Appearance Commission (CAC) had received an application for the CAC Advisory Board. She stated that Ms. Donna Perry was in attendance and had attended previous CAC meetings. She stated that the CAC recommends appointing Ms. Perry to the CAC Advisory Board. Councilman Fogle expressed his gratitude to Ms. Perry for volunteering her time to the CAC board.

VOTE – CAC Appointment

Councilwoman Maurer motioned to appoint Donna Perry to the Community Appearance Commission for the appropriate term. The motion passed unanimously.

DISCUSSION – Public Hearing – Re-Zoning

The Manager stated that a Public Hearing is scheduled for Thursday April 21st regarding the re-zoning of 5530 US Highway 17 South. He stated that the adjacent property owners have been mailed a letter and the Planning Board has approved the re-zoning request. Councilman Leonard asked if the property owners have plans for development of that property. The Manager stated that the landowner has expressed an interest in using the property for a storage facility.

DISCUSSION – Public Hearing Policy

The Manager stated that the current Public Hearing Policy was adopted in 2017 prior to the pandemic. He stated that the policy needs to be revised and presented his recommendation.

VOTE – Public Hearing Policy

Councilman Sheffield motioned to adopt the Public Hearing Policy Amendment as presented. The motion carried unanimously. (see attached)

DISCUSSION – Audit Contract Approval for FY 21-22

The Manager stated that Petway, Mills and Pearson has been performing the Town’s audit over the years and he is pleased with their service. He stated they have provided a contract price for year 2022 and the price has only increased \$200. He stated that the contract would be on the agenda at the next council meeting.

DISCUSSION – ARPA Grant Policies

The Manager stated that the following polices are from the US Treasury and are required for the Town to use the ARPA funding received.

VOTE – Allowable Cost Policy

Councilman Fogle motioned to adopt the Allowable Cost Policy as presented. The motion carried unanimously. (see attached)

VOTE – Nondiscrimination Policy

Councilman Fogle motioned to adopt the Nondiscrimination Policy as presented. The motion carried unanimously. (see attached)

VOTE – Eligible Use Policy

Councilman Leonard motioned to adopt the Eligible Use Policy as presented. The motion carried unanimously. (see attached)

VOTE – Records Retention Policy

Councilman Leonard motioned to adopt the Records Retention Policy as presented. The motion carried unanimously. (see attached)

VOTE – Conflicts of Interest Policy

Councilman Leonard motioned to adopt the Conflicts of Interest Policy as presented. The motion carried unanimously. (see attached)

VOTE– Budget Amendment 21-B-06

Councilman Van Slyke motioned to approve Budget Amendment 21-B-06 as presented. The motion carried unanimously. (see attached)

VOTE– American Rescue Plan Act Grant Project Ordinance

Councilman Van Slyke motioned to approve the American Rescue Plan Act Grant Project Ordinance as presented. The motion carried unanimously. (see attached)

VOTE – Public Works Capital Project Fund Ordinance

Councilman Van Slyke motioned to approve the Public Works Capital Project Fund Ordinance as presented. The motion carried unanimously. (see attached)

DISCUSSION – Leaf and Limb

The Manager stated that the contracts for KA Jones Design and Management for leaf and limb collection, mowing and landscaping for the Town are included in the agenda package. He stated that Mr. Jones has proposed to purchase a leaf vacuum machine that would suck up the leaves instead of requiring residents to bag and label leaves. He also stated that the new contracts would be a four-year contract period versus the previous two-year term and these contracts include automatic adjustment based on inflation.

VOTE – Leaf and Limb Contract Amendment

Councilwoman Maurer motioned to approve the Leaf and Limb Contract Amendment as presented. The motion carried unanimously. (see attached)

VOTE – Mowing Contract Amendment

Councilwoman Maurer motioned to approve the Mowing Contract Amendment as presented. The motion carried unanimously. (see attached)

VOTE – Landscaping Contract Amendment

Councilwoman Maurer motioned to approve the Landscaping Contract Amendment as presented. The motion carried unanimously. (see attached)

DISCUSSION – Leaf and Limb Schedule

The Manager stated that the 2022 – 2023 Leaf and Limb schedule is included in the agenda. The Manager stated that since the Council approved the leaf and limb and it prohibits bagging leaves, the schedule would need to be revised to reflect that.

DISCUSSION – WWTP Grant

The Manager stated that he is in the process of applying for a grant to revitalize the Waste Water Treatment Plant (WWTP). He stated the maximum grant amount is \$5,000,000 and that is what he will apply for. He stated he has been working with Rivers and Associates on the application and is trying to make changes to improve our scoring. He stated that the Town had spent \$250,000 a few years ago developing a set of plans and specifications for a project to revitalize the WWTP. He stated that the Town received an authorization to construct that project but the Town decided not to fund it. He stated that the grant application would basically be to fund that same project. He stated he has received an updated estimate for the project of around \$9,000,000. He stated that the Town could receive additional points by changing our Sewer Capital Improvement Plan to 10 years. He stated that the water rates are lower now than what they were 5 years ago and if we raise the rates, back to what they were the Town would receive additional points. He asked the Council for input on raising the rates. Councilman Van Slyke stated that the debt service bond is set to expire in 2027. He stated they need to look at the life span of the facility and receiving this grant would allow the Town to revitalize the plant and expand its life span. The Manager stated that completion of this project would basically bring most of the WWTP back to a new condition. The Mayor stated that the treatment facility is a very harsh environment and it will eventually need to be rebuilt or revitalized. Councilman Sheffield asked the Manager if the Town is awarded the grant in the amount of \$5,000,000, how would the Town secure the remaining funds for the project. The Manager stated that the state may offer a low interest loan to make up the difference, but if they do not offer that option, the Town could secure a loan to make up the difference. Councilman Leonard stated that the Council needs to consider that there is a potential for a substantial amount of new development in the Northwest Quadrant that will put significantly more pressure on the existing system. He stated that he feels it would be an investment and a wise decision for the Council to make. Councilman Fogle stated that he agreed with Councilman Leonard. Councilman Leonard, Fogle, Van Slyke and Councilwoman Maurer agreed to revise the fee schedule. The Manager stated he would present the revised rates at the next Council meeting for Council action.

DISCUSSION – Advisory Board Ordinance Amendment

The Manager stated the revised Advisory Board Ordinance is included in the agenda with the revisions requested from the Council. Councilwoman Maurer suggested revising the required 5 days to submit approved minutes to 10 days. She stated that this recommendation came from two of the Advisory Boards she is the liaison to. Councilman Leonard stated that he approves the 10-day requirement but he would like to see the written annual report requirement removed. Councilman Sheffield agreed. Councilman Fogle stated that he feels the annual report is not a

burden or extra work for the Advisory Boards. He stated that he felt this report is for the community to understand what the Advisory Boards actual do.

VOTE – Advisory Board Minutes

Councilwoman Maurer motioned to change the time for the draft minutes from 5 business days to 10 business days following the meeting for submission to the Town Clerk. The motion carried unanimously.

VOTE – Advisory Board Annual Report

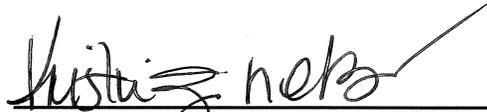
Councilman Leonard motioned to remove the Annual Report requirement from the powers and duties section for all of the Advisory Boards. The motion passed. (4 ayes – Leonard, Maurer, Sheffield, Van Slyke; 1 nay – Fogle)

REVIEW AGENDA FOR THE APRIL 21, 2022 COUNCIL MEETING

The Council reviewed the agenda for the April 21, 2022 Council meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 6:39 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Regular Meeting Minutes
April 21, 2022
Town Hall
7:00 p.m.**

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

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

Members of the Public Present: 8

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, April 21, 2022 in the River Bend Town Hall with a quorum present.

RECOGNITION OF NEW RESIDENTS

Larry Fischer – Compass Court

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as presented. The motion carried unanimously.

PUBLIC HEARING – Proposed Re-Zoning – 5530 US Highway 17 South

Councilman Sheffield moved to open the Public Hearing to discuss the proposed re-zoning of 5530 US Highway 17 South. The motion carried unanimously.

He then invited anyone who wished to address the proposed re-zoning of 5530 US Highway 17 South to step to the podium to be heard.

With no one stepping forward, Councilman Sheffield moved to close the Public Hearing. The motion carried unanimously.

CONSENT AGENDA

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

A. Approve

Minutes of the March 10, 2022 Work Session

Minutes of the March 17, 2022 Regular Council Meeting

TOWN MANAGER'S REPORT

The Manager stated that first Budget Workshop is scheduled for Tuesday, April 26, starting at 4:00 p.m. at Town Hall.

The Manager stated that the Police Department had received a card from a resident that expressed her gratitude and thankfulness to the department. He stated that the Police Chief, Sergeant and an Officer recently saved her life. The Mayor thanked the Police Chief and his department for saving her life.

ADMINISTRATIVE REPORTS

FINANCE – COUNCILMAN VAN SLYKE, JR.

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of March. She stated the total of the Town's Cash and Investments as of March 31, 2022 are \$4,150,681 and Ad valorem tax collections for FY21-22 were \$690,503.44 and Vehicle Ad valorem tax collections were \$60,061.98.

Councilman Van Slyke stated that Petway, Mills and Pearson has completed the Town's audits for the past few years. He stated that they have submitted an audit contract for the year of 2022 in the amount of \$14,700 and stated this is only a \$200 increase from the previous year.

Vote – Audit Contract

Councilman Van Slyke moved to approve the audit contract with Petway, Mills and Pearson, PA as presented. The motion carried unanimously. (see attached)

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD

Councilman Leonard stated that EWAB did not meet in April and the next meeting is May 2 at 7:00 p.m.

The Manager stated that the Leaf and Limb Ordinance is included in the agenda with revisions to bagging leaves and grass clippings. He also stated that there was new information added to this ordinance to codify that white and brown goods are not collected by the Town. The Town Attorney suggested including a reference to §1904 of the North Carolina Administrative Code to Section D of the ordinance.

Vote – Leaf and Limb Ordinance

Councilman Leonard moved to approve the Leaf and Limb Ordinance as amended. The motion carried unanimously. (see attached)

The Manager stated that the Leaf and Limb schedule included in the agenda has the revised leaf and grass clipping collection method included.

Vote – Leaf and Limb Schedule

Councilman Leonard moved to approve the Leaf and Limb Schedule as presented. The motion carried unanimously. (see attached)

PLANNING BOARD REPORT – COUNCILMAN SHEFFIELD

Councilman Sheffield stated that the Planning Board did not meet in April.

Councilman Sheffield stated that there was a Public Hearing held at the beginning of this meeting regarding the re-zoning of 5530 US Highway 17 South. He stated that the Planning Board has approved and recommends re-zoning this property as Business.

Vote – Re-Zoning 5530 US Highway 17 South

Councilman Sheffield moved to approve the re-zoning of 5530 US Highway 17 South as Business. The motion carried unanimously.

Councilman Sheffield stated that the Council has been reviewing the Advisory Board Ordinance for months and the final revision is included in the agenda package.

Vote – Advisory Board Ordinance Amendment

Councilman Sheffield moved to approve the Advisory Board Ordinance as presented. The motion passed. Four Ayes (Leonard, Van Slyke, Maurer, Sheffield) one nay (Fogle) (see attached)

PUBLIC SAFETY – COUNCILMAN FOGLE

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

CERT

CERT met on March 23, 2022 in the Municipal Building, Large Conference Room. Three people were in attendance. Discussions focused on how to get better attendance and recruit new members. CERT is looking for new members. If you are interested, please contact Chief Joll or Mary Holihan.

COMMUNITY WATCH

Community Watch meets quarterly and did not meet in March. The next meeting is scheduled for June 15, 2022 in the Municipal Building, Large Conference Room. Community Watch is looking for new members. If you are interested, please contact Chief Joll or Egon Lippert.

The Manager stated that the amended Capital Improvement Plan is included in the agenda package with the proposed fee increase that Council discussed at last week's Council meeting. He stated that the Town is applying for a grant that could award the Town up to \$5,000,000 for Waste Water Treatment Plant enhancements. He stated that the grant is awarded based on a point system and the proposed fee increase could earn the Town additional points for the grant.

Vote – Water and Sewer Fee Schedule

Councilman Fogle moved to approve the Water and Sewer Rates and Fees Schedule as presented. The motion passed. Four Ayes (Leonard, Van Slyke, Maurer, Fogle) one nay (Sheffield) (see attached)

The Manager stated that he would like some direction from the Council on the minimum amount the Town would accept in grant funds. He stated that he has to designate an amount for the grant application. He stated that the most he can request is \$5,000,000.

Vote – Grant Application

Councilman Sheffield moved to accept Manager Jackson's recommendation of \$5,000,000 as the minimum the Town would accept. The motion carried unanimously.

PARKS & RECREATION/CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following reports.

Parks & Recreation

Parks and Recreation met on April 6. They welcomed new member, Larry Fischer. The March activity, St Patrick's Day BINGO, was well attended by all new participants. Requests were made to repeat this event. The annual Easter Egg Hunt took place on a beautiful Saturday. Over one hundred children of different age groups plus special needs children searched for 1200 candy filled eggs. Prize tickets were also included in some eggs. Sunday in the Park concert will resume on May 15 with Joe Baes, a popular musician and River Bend resident. Music will start at 4:30 pm. The traditional annual Fourth of July celebration resumes this year with a parade, picnic and live music. Community assistance is needed to engage groups for the parade, to help in the food tent and to supervise some activities. If you want to march in the parade, you can fill out a parade entry form online on the town website, download the form and return it to Town Hall in person or pick up a form at Town Hall. If you want to help in any of these areas, please contact

Gloria Kelly to sign up. She can be reached at 252-876-3267 or gloriakelly@gmail.com or me at bmaurer@riverbendnc.org or 252-670-0757. The next scheduled meeting is May 4 at 7pm. Parks and Recreation has one vacancy. Anyone who would like to participate in planning and presenting activities is invited to file an application.

Community Appearance Commission (CAC)

The CAC met on Wednesday, March 16 at 4pm. They are proceeding with projects that were previously approved. One project, the addition of Christmas ball lights for the entrance to the town, will be conducted jointly with Parks & Rec. Several workshops will be scheduled for residents so they can make the balls. Each participant will make two, one to keep and one for the town. The first workshops are scheduled for June. More information will be posted as the project progresses. A second project the CAC is excited about and one that will be a multi-year effort, is a review and redesign of the Plantation median. The first stage will be an assessment of all the trees and shrubs along the median with recommendations to remove the ones that are diseased and badly damaged and plans to remediate those that are healthy or salvageable. A third project in the early stages of development is for a landscape award program to recognize residents for the appearance of their front yards. A new resident attended the meeting and at its conclusion she submitted her application to join the CAC. On April 14, the Council voted to approve her application. Another member submitted his resignation due to family issues. There are still two vacancies. If any of the projects mentioned in this report appeal to you, please contact Brenda Hall or myself to volunteer or submit an application. Applications are available on the town website.

River Bend Community Organic Garden (RBCOG)

The regular meeting was held on April 4. The Green Team participated in two sessions in March. Additional bees arrived on March 25 and were successfully installed in a second hive. Thirteen Volunteers participated in a productive work day on March 19. The next workday is set for April 21. The next meeting is scheduled for May 2 at 1:30 pm.

Red Caboose Library (RCL)

The board met on April 7. The first young people's reading group took place on April 2nd. It was well attended by children and their parents who enjoyed the reading and activities that followed. Additional sessions will be announced. Plans are progressing for an authors' reading series. Local authors will be invited to present a reading from their books. The genres identified at an earlier board meeting were discussed, including children and young adult, local history, poetry, mysteries, travel and more. A speakers' series is expected to kick off in June. You will hear about a special event at the Council meeting. The next board meeting is scheduled for Thursday, May 5 at 2 pm.

All meetings are open to the public and anyone is welcome to attend.

MAYOR'S REPORT

The Mayor presented the following report.

We who live in the twenty first century and are citizens of the United States should occasionally pause and consider the leadership qualities of the "founding fathers" of this great democracy experiment. To read "John Adams" and "Hamilton" by author David Mc McCullough gives excellent insight to the exceptional leadership qualities of the men who framed the U S Constitution. These men and their colleagues rode horses to arrive at meeting locations and worked without air conditioning through the Philadelphia summers. They couldn't fly home on Thursday afternoons and fly back on Monday then work for a full day on Tuesday and Wednesday. Rather they worked probably more than five days a week. Historic documents demonstrate that these men spoke forcefully in support of their individual positions, however they did not resort to being bullies. It is amazing that in our time, leaders who parade as bullies attract armies of followers. These followers will join the bully leader and support the turmoil that results to the

detriment of quality leadership. We can certainly look abroad today and see the semi-war with the engagement between Russia and Ukraine. The Russian President certainly qualifies as a bully while the president of Ukraine leads from a position of rational thought. The under equipped army of the Ukraine fights with a high sense of morale and are quite effective. The army of Russia, with superior numbers and more weapons, finds it difficult to advance against Ukraine resistance. We should all pray that the motto of the U S Military Academy (Duty, Honor, Country) will always guide our military and we will be a stronger nation if every citizen would commit to these values. Then we would be free from bullies. These words were the title Gen. Douglas MacArthur used in his farewell speech to Cadets and staff at West Point on 12 May 1962. All Americans would do well to read his speech and ponder shouldn't we all hear the call to Duty, Honor, Country.

Councilman Leonard asked if there are plans to have the Annual Volunteer Picnic that has been paused due to Covid-19. The Mayor stated that it will be discussed at the next Council Work Meeting.

PUBLIC COMMENT

No public comments at this time.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 7:53 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Budget Workshop Minutes
May 10, 2022
River Bend Town Hall
4:00 P.M.**

Present Council Members: Mayor John Kirkland
Don Fogle
Brian Leonard-via phone
Barbara Maurer
Buddy Sheffield
Bud Van Slyke

Town Manager: Delane Jackson
Public Works Director: Brandon Mills
Finance Director: Mandy Gilbert

Members of the Public Present 1

The Mayor called the meeting back to order at 4:00 p.m. and recognized the Town Manager.

The Manager then began discussions of the Proposed Budget for FY2022-2023 in the enterprise funds, which included a PowerPoint presentation. The Manager also stated that Public Works Director Brandon Mills was here to answer any questions related to water or sewer operations.

The Manager followed the advertised agenda and presented details related to water and sewer funds cash levels, all water and sewer fund departments, water and sewer capital improvement plans, the utility rate model and revenues for the water and sewer funds. During the discussions the Manager explained that the proposal contained \$15,000 for the Town's closing cost fees for the ASADRA grant.

The Manager presented the water and sewer rate model and stated that his proposal contained no changes to the rates which were approved on April 21, 2022 by Council. There was some discussion about the need to build a larger reserve in the sewer fund in expectation of needed repairs at the waste water treatment plant. The Manager stated that the recent estimate for extensive repairs was \$9,000,000 and reminded the Council that we had applied for a \$5,000,000 grant to fund that project. Councilman Sheffield said that he did not want to take on a new debt until after the current debt was paid off in 2027. The Council agreed that we should wait until next year to make any major decisions because at that time we will know if we were approved for the grant.

On motion by Councilman Sheffield, the Council voted to forgo the May 12 budget work shop.
Unanimous.

The Manager asked if everyone was satisfied with his proposal as presented. Councilwoman Maurer requested that the budget for CAC be increased from \$2,000 to \$3,500. Councilman Fogle objected and said he was satisfied with the Manager's recommendation for CAC. He also said if the Council is going to consider any changes that he wanted lights installed around the new walking trail. Councilman Sheffield said he was opposed to spending the money the CAC requested on a project that has not been approved by Council. Councilman Fogle stated that he was concerned about the \$25,000 budgeted amount for a new fishing dock and stated that he did not want to build a much smaller dock. The Manager said the

proposal was to build a 20' x 20' dock or as big as could be built for \$25,000. Councilman Sheffield stated that he was satisfied with the \$25,000 allocation.

The Manager stated that he was at a point in the process where he was ready to draft his recommended budget. He said if the Council had any suggestions for changes, he would prefer to have them now rather than later. The Mayor asked if everyone was satisfied with the proposal as presented. The Mayor polled the Council, all members stated they were satisfied. The Manager stated that he could present his draft budget message at the May 19 Council meeting and thus avoid the need for the May 19 budget work shop. The Council agreed to that.

With no further questions, Councilman Sheffield motioned to adjourn. The motion was unanimously approved. The meeting adjourned at 6:15 p.m.



Delane Jackson
Town Manager

**River Bend Town Council
Work Session Minutes
May 12, 2022
Town Hall
5:00 p.m.**

Present Council Members: Mayor John Kirkland
Don Fogle
Brian Leonard (via telephone)
Barbara Maurer
Buddy Sheffield
Bud Van Slyke

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Finance Director: Mandy Gilbert
Town Attorney: Dave Baxter

Members of the Public Present: 0

CALL TO ORDER

Mayor Kirkland called the meeting to order at 5:00 p.m. on Thursday, May 12, 2022 at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as presented. Upon a roll call vote, the motion carried unanimously.

Discussion – Proposed Public Works Building

The Manager presented a PowerPoint presentation of the proposed Public Works Building Plans, describing the layout of the building. He stated that the Public Works Director, Brandon Mills has reviewed and approved these plans. The Manager stated that the building would be constructed of steel and Councilman Sheffield stated that he agrees that steel would be the best choice for the material. He stated he is happy with the plans and Councilwoman Maurer agreed. Councilman Leonard asked if the estimated cost included a shelter and the Manager stated that the estimated cost did not include a shelter. Councilman Leonard stated that he feels the shelter is needed to protect the Town's investments and equipment.

VOTE – Proposed Public Works Building

Councilman Fogle motioned to approve the Public Works Building Plans as presented. Upon a roll call vote, the motion carried unanimously.

DISCUSSION – Short-term Rental Court Case

The Town Attorney stated that the Planning Board has been recently discussing short-term rentals in the Town and decided to take no action until the recent court case of Schroeder versus the City of Wilmington was completed. He stated that the court case is closed and he recommends that the Town review its ordinances to allow or prohibit short-term rentals. Councilman Sheffield asked if a renter violates the noise ordinance, who is responsible and the Town Attorney stated that the Town has a noise ordinance in place that would hold the property owner responsible. Councilman Leonard stated that he would like to find a way to accommodate residents to continue with short-term rentals. Councilman Fogle stated he agreed with Councilman Leonard. The Town Manager stated that the Planning Board will meet on June 2 and this will be an item on the agenda. He also stated the Planning Board would make a recommendation to the Council and they would make the final decision.

DISCUSSION – Essentials of Municipal Government Training

The Mayor stated that the Essentials of Municipal Government training scheduled for June 9 and 10 in New Bern has been cancelled and he would update the Council if it is rescheduled.

DISCUSSION – Advisory Board Appointments

The Manager stated that a list of all advisory board members was included in the agenda package and the terms that expire on June 30 are highlighted. He asked the liaisons to discuss with each member whose term is expiring if they wished to be reappointed.

DISCUSSION – Water and Wastewater Rate Dashboard

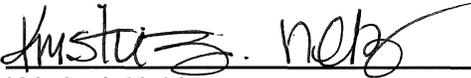
The Manager reviewed an interactive dashboard that the Environmental Finance Center from the School of Government publishes every year. He pointed out how the Town of River Bend compares to other towns of similar population.

REVIEW AGENDA FOR THE MAY 19, 2022 COUNCIL MEETING

The Council reviewed the agenda for the May 19, 2022 Council meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 6:19 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Regular Meeting Minutes
May 19, 2022
Town Hall
7:00 p.m.**

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

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

Members of the Public Present: 6

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, May 19, 2022 in the River Bend Town Hall with a quorum present.

RECOGNITION OF NEW RESIDENTS

Dave Zinni – Gangplank Road
Martin Degraw - Tar Landing

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as presented. The motion carried unanimously.

CONSENT AGENDA

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

- A. Approve
 - Minutes of the April 14, 2022 Work Session*
 - Minutes of the April 21, 2022 Regular Council Meeting*
 - Minutes of the April 26, 2022 Budget Workshop*
 - Minutes of the May 3, 2022 Budget Workshop*
 - Minutes of the May 10, 2022 Budget Workshop*

TOWN MANAGER'S REPORT

The Manager stated that there is a Public Hearing scheduled for the FY22-23 Proposed Budget on June 9, 2022 at 5:00 p.m. He also stated that there is a preconstruction meeting on May 25, 2022 for the ASADRA Grant. The Manager stated that there is a Planning Board meeting on June 2, 2022 at 6: 00 p.m. and they plan to discuss the re-zoning request for the 100 acre Davis Property in the North West Quadrant, short-term rentals and the Special Use Permit from the Town for the construction of a new Public Works Building. He also stated that the new Leaf and Limb contract is effective July 1 with the new regulations, which does not require bagging of leaves and grass clippings.

The Police Chief stated that the Town has been approved for an on-site unused medicine drop off box. He stated that the Police Department would soon have the ability to receive prescription medication for disposal.

ADMINISTRATIVE REPORTS

PARKS & RECREATION/CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following reports.

Parks & Recreation

Parks and Recreation met on May 4. The next few months will be very active. May 15 - Sunday in the Park – music by Joe Baes, 4-5:30 pm. June 1 & 4 – Christmas globes workshop in conjunction with the CAC. Participants will make two globes, one for the town and the other for themselves. The additional lights will be added to the lights at the front entrance of town during the upcoming Christmas season. On June 11 there will be a *Get to Know Your Neighbors* meet & greet from 9 am to 1 pm. in the River Brew parking lot. There will be live music. More information will be forthcoming in River Bend News, on the town website and in social media. Preparations are progressing for the Fourth of July celebration. To march in the parade, complete the parade entry form that is online on the town website, or download the form and return it to Town Hall. If you want to help with marchers, food and beverage service or activities, contact Gloria Kelly at 252-876-3267 or gloriakelly@gmail.com or me at bmaurer@riverbendnc.org or 252-670-0757. Residents who would like to contribute food or desserts should look for the posters in RB News and social media. On July 9th the annual severe weather workshop will be co-presented by CERT and Parks & Rec. It will be a two hour presentation by the Craven County Disaster Recovery Alliance, starting at 10 am. This is an important informational seminar for people who are not familiar with hurricane preparations or for navigating the myriad bureaucracies necessary to get relief after a major storm. The next scheduled meeting is June 1 at 7pm. Parks and Recreation has one vacancy. Anyone who would like to participate in planning and presenting activities is invited to file an application.

Community Appearance Commission (CAC) The CAC met on May 10.

They are proceeding with projects that were previously approved. Chairperson Brenda Hall made a presentation to the Council at the budget workshop on May 3. The purpose of her power point display was to request an increase in the budget cover the cost of projects they are working on. Projects are Christmas light globes, yard beautification and festive yard awards, and a study and update of Plantation median. The terms of two members expire on June 30. They both agreed to be reappointed. The next meeting is scheduled for July 20 at 4 pm.

River Bend Community Organic Garden (RBCOG)

The regular meeting was held on May 2. The Green Team participated in two sessions in April. The bee hives are thriving. RBCOG had a display table at Earth Day in Union Point Park. It was staffed by two garden volunteers, two members of the Green Team and their teacher-sponsor. The River Bend Garden Club is scheduled to do a garden tour on May 26 starting at 9:30 am. The next meeting is scheduled for June 6 at 1:30 pm.

Red Caboose Library (RCL)

The board met on May 4. Councilman Buddy Sheffield attended the meeting to discuss his one man show, *Mark Twain*, on May 20 and May 21. The show is free but all donations will go to support the library. It is a reprisal of the show he presented in the early days of his career. There will be a Q&A following the show. Light refreshments will be offered. A new children's program is scheduled on June 25 featuring a local author who will accompany his story with music. The date is still tbd for a presentation by the first and only River Bend resident to reside in the red caboose.

All meetings are open to the public and anyone is welcome to attend.

FINANCE – COUNCILMAN VAN SLYKE, JR.

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of April. She stated the total of the Town's Cash and Investments as of April 30, 2022 are \$4,186,493 and Ad valorem tax collections for FY21-22 were \$712,613 and Vehicle Ad valorem tax collections were \$70,350.

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD

Councilman Leonard presented the following report. Chairman Stevens called the meeting to order at 7 PM in the small conference room in the municipal building. All members were present. There were no visitors. The minutes from the March 2022 meeting were read and approved. Councilman Leonard gave a status report of the activities of the town Council and town. Old business: Bulkhead survey and canal depths. New business: Water levels in the water supply systems and saltwater intrusion. Volunteer picnic on May 14, 2022. Voted to suspend meetings after the June 2022 meeting until October 2022. The next meeting will be on June 6th, 2022 in the small conference room in the municipal building.

PUBLIC SAFETY – COUNCILMAN FOGLE

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

CERT

CERT did not meet in April. The next meeting is scheduled for May 25, 2022 in the Municipal Building, Large Conference Room. CERT is looking for new members. If you are interested, please contact Chief Joll or Mary Holihan.

COMMUNITY WATCH

Community Watch meets quarterly and did not meet in May. The next meeting is scheduled for June 15, 2022 in the Municipal Building, Large Conference Room. Community Watch is looking for new members. If you are interested, please contact Chief Joll or Egon Lippert.

MAYOR'S REPORT

The Mayor presented the following report.

I have had the opportunity to hear the exchange that some angry citizens have with members of the Town staff when they raise their voices and demand a response to a request that is contrary to policy or billing rates that have been set by the Town Council. This type of exchange is not appropriate and does not help the individual making a complaint understand the employee's response. Very often it is apparent the complaining individual does not listen when the explanation is offered. Town Staff members try very hard to explain the rationale for the misunderstood issue that is the basis of a citizen's complaint. But when anger and raised voice enters the beginning of a discussion, very seldom will the citizen leave feeling better informed about the misunderstood issue that led to the visit with the Town Staff Member. We are all surely aware that the television broadcast of citizens addressing members of Congress, members of the General Assembly and general discussions with representatives of any governing body often demonstrate the hostile "raised voice delivery" that I have mentioned earlier. The "social media" is a favored platform to spread the inappropriate nature of the dialogue already mentioned. Therefore many in the general population have come to accept that shouting is the appropriate way to address any government employee when they have a problem. My request is that we in River Bend don't imitate what we see on television by individuals in Washington or in Raleigh. At times even members of the Congress or the General Assembly use voice or gestures in debate with colleagues in a fashion not appropriate in seeking an agreed to resolution to the proposed legislative issue. What is inappropriate in Washington, Raleigh or in River Bend will not be a helpful element of problem solving in any locale. And think of how demoralizing it is to the government or agency employee who must listen to the disturbed citizen. Let us all do better. Thank you for reading and pass these thoughts along to others who may not have access to this web page.

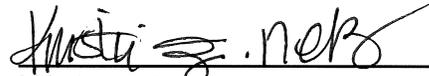
PUBLIC COMMENT

Patty Leonard – Knotline Road – expressed gratitude to the Council and Staff for the volunteer picnic the Town hosted.

Martin Degraw – Tar Landing – expressed the need for a convenience center / trash /debris collection site closer to the Town for residents.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 7:33 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Closed Session Minutes
June 9, 2022
Town Hall**

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

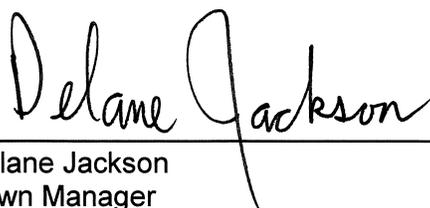
Town Manager: Delane Jackson
Town Attorney: David Baxter

The Town Manager informed the Council that former police department employee; Johnathan Whitley had obtained an attorney and had submitted a request for an appeal to the disciplinary action that resulted in his termination. The Manager distributed a copy of Johnathan's request to the Council. Town Attorney, David Baxter informed the Council that he has spoken with Johnathan's attorney, Gary Clemmons about the matter. The Town Manager briefed the Council on the town's grievance procedure.

The Town Manager and Town Attorney informed the Council that by North Carolina law all of the town's employees are at-will employees and work at the will of the Town Manager. The Manager told the Council that the town's personnel policy was clear about the at-will status of all employees. The Manager stated that before being hired, all employees are given a written conditional job offer describing the position, pay, benefits, etc. of the job and that each job offer ended with a paragraph stating that the person's employment could be terminated at any time and with or without cause. He further explained that each job offer ends with a place for the prospective employee to sign stating that they accept and acknowledge the "At-Will" disclaimer. He further stated that if the prospect does not sign, they are not hired. He stated that Johnathan signed the document prior to being hired.

Police Chief, Sean Joll was invited into the closed session. There was a discussion about his competence, performance, character and fitness to perform his job during this time of transition and depleted staff in the Police Department. All Town Council members expressed their praise and appreciation for Chief Joll and encouraged him to keep up the good work.

There was no further business for closed session.



Delane Jackson
Town Manager

**River Bend Town Council
Work Session Minutes
June 9, 2022
Town Hall
5:00 p.m.**

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

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Finance Director: Mandy Gilbert
Police Chief: Sean Joll
Town Attorney: Dave Baxter
Deputy Town Clerk: Jennifer Barrow

Members of the Public Present: 20

CALL TO ORDER

Mayor Kirkland called the meeting to order at 5:00 p.m. on Thursday, June 9, 2022 at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

Councilwoman Maurer motioned to accept the agenda as presented. The motion carried unanimously.

PUBLIC HEARING – Proposed FY2022-2023 Budget

Councilman Van Slyke moved to open the Public Hearing to discuss the proposed FY2022-2023 Budget. The motion carried unanimously.

He then invited anyone who wished to address the proposed FY2022-2023 budget to step to the podium to be heard.

With no one stepping forward, Councilman Van Slyke moved to close the Public Hearing. The motion carried unanimously.

Discussion / VOTE – Planning Board Recommendation on Rezoning Request and Establish Date for Public Hearing

The Manager stated that the Planning Board met on June 2, 2022 to review the request for rezoning of property located at 403 Old Pollocksville Road. The Manager stated that after a discussion between the Planning Board, the applicant and residents, the Planning Board voted to recommend the rezoning of the property as requested. He stated that the next step is to conduct a Public Hearing, and he anticipates a larger audience so he suggested a special meeting for the Public Hearing. He stated that the Planning Board has been reviewing several items with this rezoning being one of those. He stated that the Planning Board is also reviewing a Special Use Permit that the Town of River Bend has submitted for the construction of a Public Works Building on 2 acres of land at the end of Plantation Drive. He stated that the Board of Adjustment has scheduled a special meeting on June 28, 2022 to hold a Public Hearing for that Special Use Permit. He stated that there is a sign posted on the property advertising the Public Hearing and it is posted on the most visible area of the property. He stated that once Council sets a date for the

Public Hearing for the proposed rezoning of 403 Old Pollockville Road he will need to advertise that Public Hearing just as he has for the Special Use Permit for the new Public Works Building. Councilman Fogle stated that he did not think that the Council has had enough time to learn about all the facets of this rezoning proposal at this point. Councilman Fogle initiated a motion to deny the rezoning request and the Town Manager and Town Attorney stated that that you cannot deny the request until a Public Hearing has been held. Councilman Fogle stated that he does not feel comfortable at this point setting a Public Hearing when they don't know what the proposal really is. The Manager stated that there is a possibility to get three sketch drawings of how they could possibly use the 100 acres. He stated that a Public Hearing is a statutory requirement before any action can be taken on the rezoning request. He also stated that there could be a Q&A special meeting with the Council, so the developer can answer any questions you may have. He stated that the Council could have several meetings with the developer but since the Planning Board made the recommendation for the rezoning the absolute minimum the Council must do is conduct a Public Hearing. Councilman Sheffield stated that the Council would have two additional meetings and another month to learn more about the proposed rezoning. Councilman Sheffield polled the Council to see if everyone is available on July 28, 2022 to schedule the Public Hearing; all agreed except Councilman Fogle stating he is available but felt that was too soon without the proposed sketches in hand. Councilman Fogle asked the Manager how his specific concerns, objections and suggestions could be relayed to the developer and he stated that he felt it is inappropriate to put multifamily housing in the backyards of residents like Councilman Van Slyke. Councilman Van Slyke stated he felt that it would be helpful to know what exactly the developer had planned for each colored area on the map. The Manager stated that the Council could schedule special meetings with the developer to review their concerns. Councilman Leonard asked if the developer decides to pull his rezoning request, could they still develop the property under the current zoning plat. The Manager stated that is correct. Councilman Leonard stated that the only difference would be the density levels and they would not be able to have multifamily or smaller lots. The Manager stated that is correct. Councilman Sheffield stated that the minimum would be half-acre lots and the Manager stated just a little less than a half-acre. He stated that the property is now zoned R-20A and multifamily is not allowed. Councilman Leonard stated that there are other multifamily housing districts in River Bend currently. He asked if those homes were developed at the same time as the Town was built or added on after. The Mayor stated that Lakemere was not in the Town when it was built, it was added on at a later date. Councilman Van Slyke stated that in the Manager's memo in the agenda package it states that the rezoning request is for PDR-MF which allows single family, two family and multifamily. The Manager stated that his memo states what is allowed for that zoning. Councilman Fogle stated that he would be more comfortable having the Public Hearing on August 25, 2022. Councilman Sheffield stated that the Public Hearing is a requirement and needs to be publicized for a certain amount of time and there is no requirement to vote on the rezoning at the Public Hearing. Councilman Leonard stated that Council has the authority to approve the rezoning or leave the zoning as it is zoned currently and when the developer approaches Council with his plat and plans we will have the opportunity to say this is unacceptable or not. The Town Attorney stated you do have that authority but you have to follow the subdivision ordinance. He stated that if it complies with the subdivision ordinance and is not detrimental to the safety and welfare of the citizens the recommendation should be approved but you will have more detailed information per your subdivision process at a later date. He stated that in the past developers have come in during the zoning request and assured the Council what their future plans were and those plans have changed due to conditions on the land. They start moving land and realize easements will not work in this area so the plans change. Councilman Leonard stated that he would like to have these sketches prior to the Public Hearing and he would like to hear from the public sooner rather than later. Councilwoman Maurer stated she would like more information from the developer. She asked if the rezoning is approved to multifamily based on the sketches the developer has provided, can they change the plan once it has been rezoned. The Manager stated that they will be required to meet our minimum and that is all we can hold them to. Councilman Fogle stated that once the rezoning has been approved that is all the Council can do and there is no changing it. The Manager stated that once the rezoning is approved the developer would have the legal right to develop anything in those zoning

districts that are permitted by the Town's ordinance. He stated once the rezoning is approved the developer would provide a subdivision plat and if that plat meets the Town's requirements we do not have the authority to deny that plat, and if the Council does, it will probably end up in court. He stated the Council has a lot more discretion at the rezoning approval than the Council will have at the subdivision plat approval. Councilman Van Slyke stated that he thinks it is important to be able to see the specific type of structures the developer is proposing. The Manager stated that there is not any guarantee but they will have to meet the minimum requirements of the subdivision ordinance. The Manager stated that it is standard procedure across the country that the developer and the homebuilder are two separate entities. He stated that when the homebuilder applies for a building permit the Town could exercise some control over what the Town has control over, but the style of the home is not one them. Councilman Fogle stated that he feels the Council should plan for the worst-case scenario and if the worst case scenario is unacceptable after the Public Hearing then he doesn't think the Council should approve the rezoning. Councilman Sheffield stated that once the rezoning has been approved there is no changing it. He stated he would like to hold the Public Hearing on July 28. Councilman Leonard asked if there was any liability if the Town did not approve the rezoning and did not offer a legitimate, valid reason, other than the Council just does not want it. The Town Attorney stated the Council has a lot of discretion on rezoning it, it just has to be a reasonable reason, typically the land in and around it is one of the best reasons for denial or to allow rezoning. Councilman Leonard stated he felt that if the developer relocated the multifamily to a different location that would make it more acceptable. Councilman Sheffield stated that at the Planning Board meeting the developer was asked if the rezoning was not approved would the developer still be interested in the property and they essentially stated no. Councilman Leonard stated that it appears to him that the opposition and concern of the multifamily homes is the location of those more so than the fact they are multifamily homes. He stated that there are currently several areas in the Town of River Bend that are single family and multifamily homes. The Manager stated that the developer is not requesting anything that is not already in the Town. He stated that if the Council scheduled the Public Hearing for July 28th it would be completing the step that is statutorily required. He stated that the Council could have other meetings after that with the developer to answer any questions the Council has if the Council wished. Councilman Fogle asked when that meeting could take place and the Manager stated anytime the Council approves. Councilman Fogle asked why hasn't this meeting taken place before now and the Manager stated that this is the first time the recommendation has come before the Council. Councilman Fogle stated that the Council has known about it for a while now and the Manager stated that the Council has known about the possibility of the development and could not have seen plans on a project until the Planning Board made their recommendation and now they have.

VOTE – Rezoning 403 Old Pollocksville Road Public Hearing Date

Councilman Sheffield motioned to schedule a Public Hearing on the rezoning of 403 Old Pollocksville Road on July 28 at 6:00 p.m. at Town Hall. The motion carried unanimously.

DISCUSSION – Planning Board Recommendation on Special Use Permit

The Manager stated that the Planning Board met on June 2, 2022 and made a favorable recommendation with no conditions to the Board of Adjustment for the Special Use Permit for the construction of a new Public Works Administration Building. The Board of Adjustment will be meeting on June 28 at 6:00 p.m. at Town Hall to conduct a quasi-judicial evidentiary hearing on the Special Use Permit submitted by the Town of River Bend.

DISCUSSION – Planning Board Recommendation on Short-term Rentals

The Manager stated that the Planning Board met on June 2, 2022 and directed the staff to develop a local ordinance that would prohibit short-term rentals as a permitted use in River Bend. Councilman Leonard asked if the current ordinance has language regarding short-term rentals and the Manager stated that our current ordinance language prohibits them but needs to be amended for more clarity. Councilman Leonard stated he is concerned with enforcement of the ordinance and the Manager agreed that it would be very difficult to enforce.

VOTE- Statewide Mutual Aid Agreement

Councilman Fogle moved to approve the Statewide Mutual Aid Agreement as presented. The motion passed unanimously. (see attached)

DISCUSSION – Advisory Board Appointments

The Manager stated that a list of all advisory board members was included in the agenda package and the terms that expire on June 30 are highlighted. He asked the liaisons to state who wished to be reappointed.

Councilman Leonard stated that the Environmental Waterways Advisory Board has four positions available for reappointment. Patty Leonard, James Stevens, Raymond Jaklitsch and Mary Holihan all agree to be reappointed with Paige Ackiss serving as chair..

Councilwoman Maurer stated that the Community Appearance Commission has two positions available for reappointment. Brenda Hall and Meg Williams agree to be reappointed.

Councilwoman Maurer stated that the Parks and Recreation Advisory Board has three positions available for reappointment. Mary Dwyer and Pat Lineback agree to be reappointed and Ellen Serra does not.

Councilman Sheffield stated that the Planning Board has three positions available for reappointment. Robert Kohn, Egon Lippert and Linda Cummings all agree to be reappointed.

Councilman Sheffield stated that the Board of Adjustment has three positions available for reappointment. Cinda Hill and Paige Ackiss agree to be reappointed and Helmut Weisser does not. Councilman Sheffield stated that Jon Hall is an alternate Town appointed member and should be moved to a full-time member creating a vacancy for the alternate member.

DISCUSSION – Advisory Board Ordinance Amendment

Councilwoman Maurer stated that she would like the Advisory Board Ordinance to be consistent with 10 days to submit draft minutes and final minutes; currently it states 5 days for draft minutes and 10 days for final minutes to be submitted to the Town Clerk.

VOTE – Advisory Board Ordinance Amendment

Councilwoman Maurer motioned to approve the suggested changes to the Advisory Board Ordinance Amendment as presented. The motion carried unanimously.

REVIEW AGENDA FOR THE JUNE 16, 2022 COUNCIL MEETING

The Council reviewed the agenda for the June 16, 2022 Council meeting.

CLOSED SESSION

Councilman Leonard moved to go into a Closed Session under NCSG §143-318.11(a)(3)(6). The Council entered Closed Session at 5:52 p.m.

OPEN SESSION

Councilman Leonard moved to return to Open Session at 6:43 p.m. The motion carried unanimously.

VOTE – Letter of Appreciation

Councilman Sheffield motioned to draft a letter of appreciation to Chief Joll for a job well done. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 6:45 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Regular Meeting Minutes
June 16, 2022
Town Hall
7:00 p.m.**

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

Absent Council Member: Bud Van Slyke

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

Members of the Public Present: 16

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, June 16, 2022 in the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilman Sheffield moved to add item 3A Recognition of the Police Chief to the agenda. The motion carried unanimously.

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as amended. The motion carried unanimously.

Councilman Sheffield presented Police Chief Joll with a Letter of Recognition and thanked him for his service and dedication to the Town of River Bend.

PUBLIC HEARING – CDBG-NR – Program Close-Out – Old Pollocksville Road

Mr. Ben Jones with The Adams Company stated that the CDBG-NR (Community Development Block Grant Neighborhood Revitalization) project on Old Pollocksville Road has been completed. He stated that two homes were rehabbed and three homes were completely rebuilt. The program was awarded \$750,000 and all of those funds were exhausted.

Councilman Fogle moved to open the Public Hearing to discuss the CDBG-NR Program Close-Out – Old Pollocksville Road. The motion carried unanimously.

He then invited anyone who wished to address the CDBG-NR – Program Close-Out – Old Pollocksville Road to step to the podium to be heard.

Councilman Fogle asked Mr. Jones if he knew how many residents benefitted from this project and Mr. Jones responded with 12 residents. An unknown audience member asked if any resident in the Town of River Bend was available for this program and Mr. Jones stated that CDBG money is allocated to low and moderate-income individuals and the NR program is a scattered site program, which means if someone lives in the town and met the requirements they could be

eligible also. Councilman Leonard asked Mr. Jones if he knew how many additional homes on Old Pollocksville Road would qualify and Mr. Jones stated that he did not know an exact number but there are several others that could qualify. Councilman Leonard asked how could those homes get accepted into the program and Mr. Jones stated that there is a waiting period from the last award and the Town could reapply for funding in 2023. Mr. David Zinni (audience member) asked Mr. Jones how much the grant was awarded for and Mr. Jones stated \$750,000. Mr. Zinni then asked if that money was exhausted and Mr. Jones stated it was. Mr. Zinni then asked if it was for five homes and Mr. Jones stated yes it was. Mr. Zinni asked if all of that money was accounted for and if it is public information and Mr. Jones stated that the funds are accounted for and it is public information.

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

CONSENT AGENDA

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

A. Approve:

Minutes of the May 12, 2022 Work Session

Minutes of the May 19, 2022 Regular Council Meeting

B. Advisory Board Appointments and Reappointments

PLANNING BOARD: Reappoint Robert Kohn, Linda Cummings and Egon Lippert beginning July 1, 2022 and ending on June 30, 2024;

PARKS AND RECREATION: Reappoint Mary Dwyer and Pat Lineback to terms beginning July 1, 2022 and ending on June 30, 2024;

ENVIRONMENT AND WATERWAYS ADVISORY BOARD: Reappoint Patty Leonard, James Stevens, Raymond Jaklitsch and Mary Holihan to terms beginning July 1, 2022 and ending on June 30, 2024;

COMMUNITY APPEARANCE COMMISSION: Reappoint Brenda Hall and Meg Williams to terms beginning July 1, 2022 and ending June 30, 2024;

BOARD OF ADJUSTMENT: Reappoint Cinda Hill and Paige Ackiss to terms beginning July 1, 2022 and ending on June 30, 2024; Appoint Jon Hall as a member for a term beginning July 1, 2022 and ending on June 30, 2024;

TOWN MANAGER'S REPORT

The Manager stated that there is a Board of Adjustment Special Meeting to conduct the Public Hearing for the Special Use Permit the Town has submitted for the construction of a Public Works Administration Building at 1504 Plantation Drive on June 28, 2022 at 6:00 p.m. at Town Hall. He stated that there will be a Special Meeting on July 14, 2022 at 6:00 p.m. at Town Hall to conduct a question and answer session with the potential developer, Ellis Development and the Council regarding the 101 acres on Old Pollocksville Road. He stated that on July 28, 2022 at 6:00 p.m. at Town Hall there will be a Public Hearing for the proposed rezoning of 403 Old Pollocksville Road.

ADMINISTRATIVE REPORTS

PUBLIC SAFETY – COUNCILMAN FOGLE

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

CERT

CERT met on May 25, 2022. Seven people were present. CERT will have an entry in the July 4th parade. On July 9, 2022, CERT is planning to have a "Preparedness & Mitigation for Storms" workshop from 10:00 am to noon. The guest speaker will be a Craven County Emergency Management specialist. There was some discussion about adding emergency contact forms in the Town water bills in order to update the current list. Mary Holihan will follow up with the Town Manager. The next CERT meeting will be on June 22, 2022 in the Municipal Building. It will start at 7:00 pm. CERT is always looking for volunteers to serve the community in the event of major emergencies such as hurricanes, severe storms, etc. Interested parties should contact Chief Joll or Mary Holihan directly.

COMMUNITY WATCH

Community Watch last met on February 16, 2022 and will meet on June 15, 2022. Community Watch volunteers will be assisting with the July 4th event and will set up an information table at CERT's July 9 workshop.

Community Watch is always looking for volunteers to assist the River Bend Police Department as an extra set of eyes monitoring unusual activity in our community. Interested parties should contact Chief Joll or Egon Lippert directly.

PARKS & RECREATION/CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following reports.

Parks & Recreation

Parks and Recreation met on June 1. Sunday in the Park was well received with requests to have another concert this fall. Two Christmas globes workshops conducted in conjunction with CAC were filled to capacity. Approximately twenty-eight globes were added to the town's inventory of Christmas lights. The *Get to Know Your Neighbors* meet & greet was postponed to allow time for River Brew to complete their reopening plans. Preparations are moving well for the Fourth of July celebration. There is still time to sign up for the parade. To participate, complete the parade entry form that is online on the town website, or download the form and return it to Town Hall. If you want volunteer to help with any part of the festivities, contact Gloria Kelly at 252-876-3267 or gloriakelly@gmail.com or me at bmaurer@riverbendnc.org or 252-670-0757. Residents who would like to contribute food or desserts should look for the posters in RB News and social media. Parks and Rec along with CERT will present the annual severe weather workshop on Saturday July 9 from 10 to noon. Craven County Disaster Recovery Alliance will present important information or people who are not familiar with hurricane preparations or for navigating the myriad bureaucracies necessary to get relief after a major storm. There is no fee to attend. The next scheduled meeting is July 6 at 7 pm. Parks and Recreation has one vacancy. Anyone who would like to participate in planning and presenting activities is invited to file an application.

Community Appearance Commission (CAC)

The CAC met on May 10. CAC meets on alternate months. The next meeting is scheduled for July 20 at 4 pm.

River Bend Community Organic Garden (RBCOG)

The regular meeting was held on June 6. Several crops are being harvested and the summer vegetables are growing well. The Green Team completed their year this month. Several members are graduating seniors. One senior received a scholarship from Trent Woods Garden Club. She

is the fifth member of the Green Team to receive that scholarship. A junior will take over as group leader in the fall. The bee hives had some problems. One hive swarmed (left) and another was destroyed by wax moths but a generous beekeeper donated another group of bees and a queen. Approximately twenty members of the River Bend Garden Club enjoyed a tour. The July meeting was cancelled. The next meeting is scheduled for August 1 at 1:30 pm.

Red Caboose Library (RCL)

The board cancelled their June 2 meeting due to lack of a quorum. A special meeting is scheduled for June 23. Councilman Buddy Sheffield presented his one man show, *Mark Twain*, on May 20 and 21. The show was free but Buddy requested donations to support the library. The audience was treated to an entertaining evening that included some of Buddy's recollections of his years in the entertainment field. Thank you, Buddy, for two wonderful evenings and for your continued support of the library. The second children's reading adventure is scheduled on June 25 from 9:30-11:30 am. *Once Upon a Time in River Bend* is a presentation that chronicles the history of the red caboose from the perspective of the only River Bend resident who ever actually lived in it. The event is scheduled for Tuesday, June 21, 2022 at 7 pm. Reserve your seat by contacting Hazel Campesi at 252-636-2805 or hcampesi@suddenlink.net.

All meetings are open to the public and anyone is welcome to attend.

FINANCE – COUNCILMAN LEONARD

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of May. She stated the total of the Town's Cash and Investments as of May 31, 2022 are \$3,845,182 and Ad valorem tax collections for FY21-22 were \$716,278 and Vehicle Ad valorem tax collections were \$78,927.

Vote – FY 2022-2023 Budget Ordinance

Councilman Leonard reminded the Council that the Public Hearing for this Budget was held at the Work Session. He moved to adopt the Fiscal Year 2022-2023 Budget Ordinance as presented. The motion carried unanimously. (see attached)

Vote – Budget Amendment 21-B-07

Councilman Leonard motioned to approve Budget Amendment 21-B-07 as presented. The motion carried unanimously. (see attached)

Vote – Grant Project Ordinance Amendment

Councilman Leonard motioned to approve the Grant Project Ordinance Amendment as presented. The motion carried unanimously. (see attached)

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD

Councilman Leonard presented the following report.

Monday June 6, 2022

In attendance -Jim Stevens, Jon Hall, Paige Axxkiss, Mary Holihan, Ray Jaklitsch

Not in attendance- Brian Leonard, Karl Lichty, Patty Leonard

Minutes from May 2, 2022 meeting Approved Motion by Mary Holihan and second by Paige Ackiss. No council report as Brian Leonard was absent. Old Business- Public hearing for water dept is scheduled for 6/28 New Business- Selection of new officers for next year- 1-Chair- Paige Ackiss, Vice Chair- Mary Holihan, Secertary Patty Leonard 2-Discussion regarding the encroaching of Alligator weed in the waterways including locations of the pond area off of Shoreline and Rockledge as well as the main channel into RB. Report made by Jon Hall with explanation of the weed as well as pictures of the infestation. Motion for the town of RB to review the alligator weed growth in the water ways and ponds on Shoreline and Rockledge and recommended action be made to reduce this threat. 3- Recent water flush may have been the reason for brown water in some areas. 4- discussion about new signage in the waterways

marking the channel into RB. Suggest this cost be part of this years budget. Volunteer hours- 15 hours which includes Gangplank clean out , Fresh water status review and weed infestation report. Next meeting- Sept 5 which may conflict with Labor Day.

PLANNING BOARD REPORT – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report:

The regular Meeting of the river Bend Planning Board was held on June 2nd at 6:00 pm in the Community Building. A quorum was present. Chairman Lippert called the meeting to order. Also in attendance were the town manager/zoning manager, assistant zoning manager, the town attorney, Councilwoman Maurer, representatives of Ellis Developments Group and approximately 50 interested citizens. The first order of business was discussion of a proposed zoning change to a parcel of around 100 acres given the address 403 Old Pollocksville Rd. The property is currently zoned R 20-A. The request by Ellis Group is to rezone approximately two thirds of the property PDR SF and the remaining third PDR MF. Ellis Group is not the owner of record, but has a purchase agreement with the current owner that is contingent on the rezoning. Manager Jackson spoke in considerable detail and explained that the meeting was not a public hearing on the matter, which, at that time, had not been officially set. He also explained that the recommendation by the Planning Board was simply that, a recommendation, which would go to the Town Council for Official action. A representative from Ellis Group then gave a Powerpoint presentation that outlined the company's plans for the property in very general terms. Even though the meeting was not a public hearing, many citizens were allowed to ask questions of the Town officials and the Ellis Group spokesman. The question and answer session lasted at least a half hour. At one point the Ellis spokesman was asked if the company would develop the property if the zoning change is not granted. He answered, "no". The reasons he gave for having no desire to develop the property as is were all financial. He stated that the company wants to make the best possible return on their potential investment. There was no mention of a desire for fair or affordable housing. The board then took the matter under advisement and there was lengthy discussion. Board member also asked questions of the Ellis representative, the town manager and the town attorney. The board then voted to recommend that the Town Council approve the re-zoning request. Most of the guests left at that point. The next item for discussion was whether the board should recommend to the Council that short term rentals should or should not be allowed in River Bend. Again there was much discussion. The board voted four to two recommend that short term rentals not be allowed. Mr. Jackson then stated that he and Ms McCollum would develop language for the town's ordinances clarifying the ban on Short term rentals for the board to consider at the July meeting. The minutes of the last meeting were approved. The usual reports were given. Under new business was discussion of a recommendation to the Board of Adjustment concerning a request by the town for a special use permit for a two acre property at 1504 Plantation drive for construction of a new Public Works facility. Manager Jackson updated the board on the property, which has been recently legally acquired, and the need for the permit. The board voted unanimously to recommend approval of the permit to the board of Adjustment. The meeting was finally adjourned. The next scheduled meeting is July 7th . The public is welcome to attend.

BOARD OF ADJUSTMENT REPORT – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report:

The Board of Adjustment will meet on June 28, 2022 at 6:00 p.m. at Town Hall and the purpose of the meeting is the hold the Public Hearing for the Special Use Permit submitted by the Town for construction of a new Public Works Building at 1504 Plantation Drive. There is one vacancy for an alternate position on the Board of Adjustment Advisory Board.

Vote – Advisory Board Ordinance Amendment

Councilman Sheffield moved to approve the Advisory Board Ordinance Amendment as presented. The motion carried unanimously. (see attached)

MAYOR'S REPORT

The Mayor presented the following report.

My wife and I moved to River Bend in 1996 and we found the Town to be inviting and attractive. It has moved forward over the intervening period of time in a number of positive projects. Now we cannot clearly imagine all the positive changes that have been accomplished in the 26 years between 1996 and 2022.

A list of some items of change follows: This list is not complete and is not in a chronological order.

1. The Town acquired the 4+ acres of land that conveyed the caboose, the Public Works building and the old barn to Town ownership.
2. This site was used as the area where dredged material from the canal dredging in 2011 was deposited. This work created the area for the soccer field.
3. The Town has demolished the structurally decaying barn as an essential part of making a site for the new building housing the Community meeting rooms and the Police Station.
4. The Town Hall building has been modified to provide handicapped accessible facilities in accordance with the Americans with Disabilities Act mandates.
5. The entrance to River Bend from Highway 17 has been modified to identify the Town of River Bend. This assists persons traveling Highway 17 to understand that a populated town exists if they exit the highway. The landscaping of the area that surrounds the sign has been enhanced.
6. The walking trail around the soccer field and the dog park has been paved and is now used by a significant number of walkers on a daily basis.
7. A pending replacement of water meters with upgraded "radio read" capability, which is a primarily grant funded project. This upgrade will free staff time to engage in other utility maintenance work.
8. The expanded and improved dog park is well used by pet owners and is popular by both the dogs and the owners who have time to socialize with other dog owners while their dogs enjoy running within the fenced park.
9. The Town sponsored a major Community Development Block Grant (CDBG) which replaced several deteriorated homes and made repairs to others along the Old Pollocksville Road.
10. A new Public Works Building will soon be built again utilizing grant funding.

River Bend is positioned to effectively manage the change that future development will demand. The Town Council working with the Manager and staff have, and will continue, to guide the Town on a visionary path to future successes.

PUBLIC COMMENT

Jordan Kaplan – Gangplank Road – expressed his gratitude for being able to speak at the meeting and agrees that the Town is a very open and transparent town. He stated that he opposes the proposed rezoning for multifamily housing and feels it would destroy the town with dense and high family housing. He stated he feels it would bring congestion, noise and strain the limited resources.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 7:49 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Work Session Minutes
July 14, 2022
Town Hall
6:00 p.m.**

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

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Police Chief: Sean Joll
Town Attorney: Dave Baxter

Members of the Public Present: 37

CALL TO ORDER

Mayor Kirkland called the meeting to order at 6:00 p.m. on Thursday, July 14, 2022 at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

Councilwoman Maurer motioned to accept the agenda as presented. The motion carried unanimously.

Discussion– Proposed Development with Ellis Development

The Mayor stated that this meeting has been widely advertised and is not a public hearing. He stated that this meeting is a discussion between the Town Council and Ellis Development and the public hearing is scheduled for July 28, 2022 at 6:00 p.m. at Town Hall.

The Manager stated that this is the first time in the Town's history that their meeting has been televised live on CTV-10. He thanked CTV-10 for providing those services to make it possible. The Manager introduced Mr. Matt Hook and Mr. Zack Anderson from Ellis Development.

Mr. Matt Hook presented a PowerPoint on the proposed rezoning request. He stated that Ellis Development is a land acquisition and development company and they have submitted a rezoning request for 103.32 acres on Old Pollocksville Road. He stated that the acreage is currently zoned R20A and the rezoning request is to rezone the property to PDR-SF (Planned Developmental Residential – Single Family) and PDR-MF (Planned Developmental Residential – Multi Family). He stated that they have provided a couple of sketch options of the housing layout possibilities that are displayed on the walls around the room. He also stated these are just possible options. Mr. Hook concluded his presentation. At this time, the Town Manager presented a PowerPoint presentation that included the sketch options and the zoning that is currently throughout the Town. He also presented information regarding sewer and water flow calculations based on the state's formula and as compared to the Town's current usage. He stated both amounts would be under the permitted usage for gallons per day. The Public Works Superintendent, Brandon Mills, stated that he felt the systems would be able to accommodate the estimated gallons per day usage. He also stated that he felt they would need to increase backwashing the filters in the water system. The Manager provided zoning information from Craven County GIS that states within the Town of River Bend there are currently 1,675 residential lots and 429 (25.6%) of those lots are zoned PDR-MF lots. He stated that if the rezoning passes and you combine the proposed homes in

option #3, which is 305 homes maximum, to the current PDR-MF lots, the percentage actually decreases to 25.1%. He stated that there has been many conversations about density. He stated that the Town's ordinances state, "The maximum number of dwelling units in a single building in zoning PDR-MF is 4. The maximum density for PDR-MF is 6.5 dwellings units per acre. The minimum distance between buildings in PDR-MF is 20 foot. The maximum density for PDR-SF is 4 dwellings per acre." He stated that any developer could not come in and build as many homes as they wish on this site. The Town has minimum setbacks that have been in place for years that require minimum front yard, back yard and side yard setbacks and density rules in place that restrict how many homes can be built on the lot. He stated there are currently 2,923 vehicles registered in the Town of River Bend and 1,578 homes in River Bend, which is less than two vehicles registered per home. Statistically speaking, if there are 305 homes built in the proposed development that would be approximately 610 additional vehicles in River Bend that would utilize Plantation, Shoreline and the entrance and exit off Old Pollocksville that the developer has proposed. He also stated that of those 1,578 homes in River Bend, 1,012 are beyond the bridge on Shoreline and he felt some would utilize the Old Pollocksville Road entrance and exit. He presented the Town's Thoroughfare Plan that was approved in 2008 and indicated where the Town has anticipated roads through the proposed development. At this time, the Manager asked the Council for any questions for him or Ellis Development. Mr. Zack Anderson with Ellis Development addressed the traffic information that the Manager presented. Mr. Anderson stated that Ellis Development would contract with NCDOT consultant to conduct a traffic impact study. He stated this study would monitor the traffic and complete trip counts. He also stated that they would be responsible for the fees, water tap fees, sewer fees, etc. associated with developing the property.

Councilman Leonard asked if the traffic impact study recommends a change to the traffic pattern and with the developers experiences with similar infrastructure, what kind of changes would that facilitate. Mr. Anderson stated that it could be adding a turning lane on Old Pollocksville Road, change the timing of the stoplight at Shoreline and Hwy 17, or adding a turning lane on Hwy 17 but it is all based on what the NCDOT engineers recommend and they must follow their recommendation.

Councilman Fogle asked the Manager how the current zoning ordinances relates to this proposal, specifically to roadway and right of way widths and what can they expect with any new developments. The Manager stated that the current Town ordinances require 60' right of way with 22' of pavement and some minor roads, for example cul-de-sacs, we allow 50' of right of way and 20' of pavement. Councilman Fogle stated that he did not feel 18' or 22' of pavement is adequate for a new development. He asked the Manager if sidewalks are required in this zoning district and the Manager stated that sidewalks are required in PDR-MF and not required in PDR-SF. He also stated that if the property was developed as it is zoned currently, R-20A, sidewalks would be required. He stated that in the Town ordinance it states that sidewalks are required in any district that has 15,000 or 20,000 square foot minimum lot size or zoned PDR-MF. Councilman Fogle asked the Manager what is the requirement for park space for a development of this size. The Manager stated that the Town ordinance addresses this in a couple of areas. He stated that there is a requirement for common area and Mr. Matt Hook stated there would be HOA's in this area, and there will be a common space requirement for the HOA's. The Manager stated there is also a requirement for recreational area, there would be 4.25 acres of recreational area based on 305 homes. Councilman Fogle asked if the Town wanted a park with a swing set, would that be for the Town to provide. The Manager stated that is correct, the developer is just responsible for the land, but they could install that infrastructure if they choose to but the ordinance does not require that. Councilman Fogle asked if there is an ordinance that requires trees to be planted along the roadway and on the lots. The Manager stated there is no requirement for trees to be planted along the roadway, but there is a Tree Preservation Ordinance that is site specific. He stated that it states that desirable trees have to be maintained to a level of 30 trees per acre. He stated that the property currently is a tree farm that is mainly pine trees according to the owner Robert Davis (who is in attendance and verbally agrees). He stated that if the developer clears the lot they

would have to replant 30 trees per acre per the Town's ordinance. Councilman Fogle asked about parking spaces for the multi-family housing. The Manager stated that in the Town's ordinance, there is a parking space section that requires two paved parking spaces per dwelling. Councilman Fogle asked if the proposed zoning request would allow any commercial activity, such as restaurants, convenience stores, etc. The Manager stated that businesses are not permitted in residential areas with one exception for home occupations.

Councilman Sheffield stated he would like to point out a couple of things regarding the traffic. Specifically, when talking about the new road being a way around the bridge at Town Hall, he said for the people in zone 3 the only time it was out of commission was when it flooded in Hurricane Florence. He said the people in zone 3 would not benefit from this new road because their section along Plantation Drive floods well before that bridge does. The other thing is we got the total number of vehicles shown on the slide but I own three vehicles and I cannot drive them all at once. Also the median age for people in River Bend is 55 and old people don't drive that much. There are days when I do not go anywhere and I am not the only one. I think the numbers are skewed that way. If you lower that median age, there are factors that will go up, traffic, noise and crime. Those are the three things that older people don't do a lot of. Even the ones in the multi-family housing in River Bend as it is are largely older people.

Councilman Van Slyke asked the Manager if there is an option of dictating the location of the trees that are to be retained and removed in the proposed new development. The Manager stated that the ordinance only states the minimum number of trees, not the location. Councilman Van Slyke stated that was a concern presented to him, that residents would want a border in the backyard backing up to that property. The Manager stated that the Town's ordinance is a little odd, however in the Tree Preservation Ordinance requires a certain amount of trees to be retrained, but as soon as the lot is sold to an individual, they can remove all the trees after ownership. Mr. Zack Anderson stated that the Town's Tree ordinance is a lot more stringent than most municipalities. He asked if there is a landscape buffer requirement in the ordinance. The Manager stated that it depends on what you are doing on the adjacent property.

Councilman Leonard asked if the developer would complete an enforceable agreement if the Council has additional requests. He also asked if the developer plans to have curbs. Mr. Anderson stated that they plan to have curbs, but again a lot of this information is discussed at the site-planning phase when we have actual plans to present. He also stated they want to have a project that the builder can sale and their buyers can afford. He also stated that at the site plan approval, they could offer certain conditions and commitments. Councilman Leonard asked if the infrastructure that would be installed would have a warranty period and the Manager stated that the Town requires a one-year guarantee.

Councilwoman Maurer asked if the developer would consider instead building larger homes on a more upscale level rather than building small homes and multi-family units. Mr. Anderson stated that there is nothing that could prevent a large-scale home, but right now infrastructure is more expensive than it has ever been in the history of development, from constructing roads to buying land to framing a house. He stated that modern trends and planning theory push smaller lots with shared amenities. He stated that within the current zoning category, the cost of development would far exceed what is marketable at the end of the day. Councilwoman Maurer asked what is the price point are they targeting for this project. Mr. Anderson stated this is another issue that may get difficult to answer. He stated they do not want to answer that question with any certainty because someone could sue the Town because you denied the project because of that. If the homes were built today, we would sale to homebuilders that market towards \$300,000 to \$400,000 range. Councilwoman Maurer asked about the multi-family pricing. Mr. Anderson stated in the \$275,000 to \$325,000 range. Councilwoman Maurer asked how many acres are buildable in the parcel and how much acreage cannot be developed because it is wetlands and is there a plan for mitigation to develop those wetlands. He stated there is a buffered stream that cannot be impacted except for the road and there is currently a wetland study being completed that has to

be approved by the State of North Carolina and the Army Corp of Engineers. He stated he anticipates quite a bit of this land being unusable for development, which makes a density based zoning better for the development.

Councilman Sheffield asked if the developer would consider developing the property as it is currently zoned and he had already answered that, secondly are all the reasons for developing this property as requested strictly financial. Mr. Anderson stated that largely what they believe in is a healthy, modern community, small lots with shared amenities with parks and environmental for protections stormwater streams. Councilman Sheffield stated that in an email, Mr. Anderson referred to R-20 zoning as 'a thing of the past' and "suburban sprawl". He asked if he feels River Bend is presently a thing of the past? Mr. Anderson stated that if R-20 lots were to be built the city would have a larger infrastructure per taxpayer and larger amount of maintenance per taxpayer that is what he refers to as suburban sprawl. Large lots that spread the town out instead of more compact with shared amenities with lower infrastructure cost. Councilman Sheffield asked if there is federal program or tax incentive to make the population so dense. Mr. Anderson stated there is no tax incentives.

Councilman Leonard asked the Manager to view option 3 with the multiple buffers; he asked if this was the first time, the developer has seen this option with the buffers. Mr. Anderson stated it is. Councilman Leonard asked if the multi-family could be relocated closer to the Old Pollocksville Road side of the property. Mr. Anderson stated that the idea is to have the multi-family closer to downtown, so they could utilize the Town's amenities. Councilman Leonard asked if there would be buffers between the PDF-MF and PDF-SF and the Manager stated that there is a section of the ordinance that applies to businesses buffering, but not residential, but in option 3 there are streets around the PDF-MF which would be a buffer around it.

Councilman Fogle asked how does the Town of River Bend and its current residents benefit from the requested zoning change? Mr. Anderson stated that it would bring more safety, bring businesses, volunteers, and bring tax money that is being spent elsewhere. Councilman Fogle asked if sidewalks are not required, do they plan to include them and Mr. Anderson stated, yes, they really look for open space, walkability, a sense of community and a sense of place, among other things. Councilman Fogle asked if they propose to have any gated communities in this proposed development and Mr. Anderson stated no. Councilman Fogle asked if they expect to meet the minimum requirement or exceed the minimum requirement, such as open space, parks, etc. Mr. Anderson stated that every project that do they exceed the open space requirement; they want to be proud of the project. Councilman Fogle asked if the rezoning proposal is rejected would they consider incorporating Town comments and suggestions into a new proposal or would they abandon the project completely. Mr. Anderson stated that he feels that is what they are doing now. They have held this question and answer meeting, incorporated feedback that has been provided already and they continue to work and listen to the Town.

Councilwoman Maurer asked when they refer to parks, are they referring to the ones currently in Town or are they planning on building new ones? Mr. Anderson stated that there would be park space in the site plan; potentially a dog park and what would make sense for the buyer. Councilwoman Maurer asked if it would be feasible to relocate the multi-family over to Old Pollocksville Road and make those amenities available for that side of project. Mr. Anderson stated that the landowners who would also be landowners in River Bend would want the best access to the existing parks. Councilwoman Maurer asked if they would be model homes and Mr. Anderson stated that they do not build homes but they would work with a builder and that decision is up to them.

Councilman Sheffield asked if the developers were planning to buy all of the 100 acres, and Mr. Anderson stated yes, except what the Town owns. Councilman Sheffield stated that he did not understand option 2 and 3, except he feels the developer would make it crowded now and make it really crowded later on.

Councilman Leonard said if based on what we talked about earlier, the maximum amount of homes that could be built on that property is 305. The Manager stated that is the number he has talked with the developer about, but the Council could allocate more flow, but currently the maximum is 305.

The Manager stated that there are 80 people watching online. He also stated that this is the zoning request at this time and there is a much more site-specific part of the process, if it is approved, with the subdivision plat that would show all the details that have to be approved.

CLOSED SESSION

Councilman Leonard moved to go into a Closed Session under NCSG §143-318.11(a)(3)(6). The Council entered Closed Session at 7:36 p.m.

OPEN SESSION

Councilman Leonard moved to return to Open Session at 7:57 p.m. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 7:58 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Closed Session Minutes
July 14, 2022
Town Hall**

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

Town Manager: Delane Jackson
Town Attorney: David Baxter

The Town Manager distributed draft minutes from the June 9, 2022 closed session for the Council to review. There were no suggestions for revisions. The Town Attorney and the Town Manager updated the Council on the status of Johnathan Whitley appeal process.

There was no further business for closed session.



Delane Jackson
Town Manager

**River Bend Town Council
Regular Meeting Minutes
July 21, 2022
Town Hall
7:00 p.m.**

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

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

Members of the Public Present: 6

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, July 21, 2022 in the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilman Leonard moved to add item 12B dock proposal to the agenda. The motion carried unanimously.

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as amended. The motion carried unanimously.

CONSENT AGENDA

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

- A. Approve:
 - Minutes of the June 9, 2022 Work Session*
 - Minutes of the June 16, 2022 Regular Council Meeting*
 - Minutes of the June 9, 2022 Closed Session*
 - Minutes of the July 14, 2022 Closed Session*

TOWN MANAGER'S REPORT

The Manager stated that there would be a Public Hearing for the rezoning request from Ellis Development on Thursday, July 28, 2022 at 6:00 p.m. at Town Hall. He stated that the Town of River Bend's Public Hearing Policy is posted on the Town's website for anyone interested in attending or speaking.

The Manager stated that both of the Town's AIA grant applications were approved in the second round of funding for the amount of \$150,000 for the water system and \$150,000 for the sewer system.

The Manager announced that the town has received a \$9,108,500 grant to fund improvements to the town's wastewater treatment plant. The Council expressed gratitude and thanked the Manager for his tenacity in pursuing this grant.

Councilman Sheffield stated I have a question. After the July 14th meeting a lot of citizens, or some at least, were left with the impression that if we approve the rezoning the Council would have control over a lot of things about the actual development and we have since learned that is not the case. Would it be correct to say that if the rezoning passes essentially the only thing we would be able to hold the developer to is the lot size? The Manager stated that he would not agree with that statement. The Manager stated that the Council could only hold Ellis Development responsible for the minimum requirements in the Town's ordinance but lot size is one of only many things we would have control over. Councilman Van Slyke asked if there is a chance that the town could update our documents relative to this process. The Manager stated that updating to allow conditional zoning could be accomplished by the same process as other zoning ordinance amendments. He then explained the process. Councilman Van Slyke and Councilman Leonard agreed that this would be helpful to the process. Councilman Leonard stated that he feels the Town should amend our ordinance to protect the Town moving forward.

ADMINISTRATIVE REPORTS

BOARD OF ADJUSTMENT REPORT – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report:

A special meeting of the River Bend Board of Adjustment was held on June 22nd at 6:00 pm at Town Hall. A quorum was present. Chairman Ackiss called the meeting to order and explained that its purpose was to rule on a special use permit requested by the town for property at 1504 Plantation Drive for construction of a public works building. Mr. Ackiss called for those presenting evidence before the board to be sworn in.

Town Manager Delane Jackson and Assistant Zoning Administrator Allison McCollum were to speak for the town. Nobody chose to speak against the permit. Ms. McCollum introduced evidence showing that the town had met all of the legal criteria in advance of the meeting and that granting the permit had been recommended by the Planning Board.

Mr. Jackson gave a Power Point presentation showing the design of the proposed building and outlining setbacks, etc. Board members asked questions and received answers.

The board took the special use permit request under advisement. Ten separate criteria items had to be met. A motion was made and seconded for each one and a vote was taken. All ten criteria were deemed to have been met. A vote was then taken on the request for the special permit. It was approved unanimously.

Mr. Jackson stated that the meeting was to be the last for Helmut Weisser and thanked him for his years of service to the town.

The meeting was adjourned. There are no future meetings scheduled at this time.

Councilman Sheffield stated that the Board of Adjustment has a vacancy for the town alternate on the Board of Adjustment and Mr. David Zinni has applied.

VOTE – Advisory Board Appointment – Board of Adjustment – David Zinni

Councilman Sheffield motioned to appoint David Zinni as a Town alternate to the Board of Adjustment for a term beginning July 21, 2022 and expiring June 30, 2023. The motion carried unanimously.

PUBLIC SAFETY – COUNCILMAN FOGLE

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

CERT

The June CERT meeting was cancelled. I will defer to Councilwoman Maurer to report on the Bad Weather Fair CERT held in partnership with the Parks and Recreation Advisory Board. I did not attend.

The CERT meeting is scheduled for Wednesday, July 27, 2022 has also been cancelled. Check the Town calendar for schedule updates. CERT is always looking for new members. Be a part of the solution. Contact Chief Joll or Mary Holihan for more information.

COMMUNITY WATCH

Community Watch will meet again on Wednesday, October 19, 2022. Community Watch is always looking for new members. Be a part of the solution. Contact Chief Joll or Egon Lippert for more information.

PARKS & RECREATION/CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following reports.

Parks & Recreation

Parks and Recreation called a special meeting on June 29. As we all know, the Fourth of July celebration was a big success. Thanks go to all the people who worked together to make it happen. Parks and Rec. and CERT presented the annual severe weather workshop on July 9. The turnout was disappointing but Kristy Kuhlberg was happy to offer a lot of valuable information about preparing for a major hurricane and for navigating the many bureaucracies to get assistance afterward. *Get to Know Your Neighbors* meet & is scheduled for July 16. A report will be presented at the Council meeting. No programs are scheduled for August. Some exciting events and programs are planned for the fall. Meetings for July and August were cancelled. The next meeting is scheduled for September 7. Parks and Recreation currently has one application pending and one vacancy. Anyone who would like to participate in planning and presenting activities is invited to file an application.

VOTE – Advisory Board Appointment – Parks and Recreation – Jessica Repenning

Councilwoman Maurer motioned to appoint Jessica Repenning to the Parks and Recreation Advisory Board for a term beginning July 21, 2022 and expiring June 30, 2024. The motion carried unanimously.

Community Appearance Commission (CAC)

CAC met on July 20. A report will be provided at the Council meeting. The next meeting is scheduled for September at 4 pm.

River Bend Community Organic Garden (RBCOG)

No meeting was held in July. Despite heat and humidity, the gardeners work almost daily irrigating, harvesting and maintaining the garden. Vegetables and herbs are donated frequently to Interfaith Refugee Ministries. The next meeting is scheduled for August 1 at 1:30 pm.

Red Caboose Library (RCL)

The board called a special meeting on June 23. The July meeting was cancelled. The second children's reading adventure was cancelled due to the presenter's illness. *Once Upon a Time in River Bend* was presented to an audience of approximately 20. Kay Dentico shared her memories of residing in the red caboose and about the early days of River Bend. She truly is part of the history of River Bend. Children's and adult programs are in the planning stages and will be announced at a later date.

All meetings are open to the public and anyone is welcome to attend.

FINANCE – COUNCILMAN VAN SLYKE

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of June and she stated this is also the end of the fiscal year. She stated the total of the Town's Cash and Investments as of June 30, 2022 are \$3,849,261 and Ad valorem tax collections for FY21-22 were \$729,343 and Vehicle Ad valorem tax collections were \$87,783.

Vote – Accept 2021 Craven County Tax Settlement – Councilman Van Slyke motioned to accept the 2021 Craven County Tax Settlement as presented. The motion carried unanimously.

Vote – Budget Amendment 22-B-01

Councilman Van Slyke motioned to approve Budget Amendment 22-B-01 as presented. The motion carried unanimously. (see attached)

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD

Councilman Leonard did not have a EWAB report.

Vote – Scheduling of Council Vote on Rezoning Request

Councilman Leonard motioned to schedule the Council vote on the Ellis Development rezoning request to August 11, 2022. The motion carried unanimously.

The Manager stated that he received three proposals for the park dock replacement located at the pond at Town Hall. He stated one of those proposals was in 2021 and was no longer valid and the other two proposals are for two different dock sizes. The Manager stated that the current dock is approximately 31' by 31' and the proposals are for a 16' by 20' and a 20' by 20' size dock. Councilman Leonard asked if the Manager received a proposal for the current size and the Manager stated he has not. Councilman Fogle stated that a 20' by 20' dock is approximately half the square footage as the current dock and he request the Manager get a quote for a dock relatively the same square footage as the current dock.

Vote – Dock Proposal

Councilman Fogle motioned to direct the Manager to contact Bobby Cahoon Construction to get an estimate for a 24' by 32' dock to replace the 30' by 30' dock. The motion carried unanimously.

MAYOR'S REPORT

The Mayor presented the following report.

The Town's first July fourth celebration in three years was a great success as evaluated by people in attendance. The weather certainly cooperated in that a hard rain fell during the night but skies cleared and the sun shown during the entire celebration period. The elements of the celebration included a parade, the assembly for picnic lunch in the Town Hall parking lot, remarks by Craven County Commissioner Mitchell, County Sheriff Hughes and Grand Marshall George Halyak, respect to the U S flag was rendered by the Pledge of Allegiance and Allison McCollum sung the National Anthem. This year the Color Guard was the West Craven High School Air Force Junior ROTC team. The Color Guard remained for the entire program and enjoyed the picnic lunch with us. During lunch and for a period after lunch music was provided by the "THE BEARS." This music was enjoyed by all present. The entire day's program was made possible by the planning and participation of many citizen volunteers. The Town's Parks and Recreation Committee plays an integral role in the planning and execution of the event. The work of the Town Staff led by Town Manager Jackson was a strong contributor to the day's success both lead up preparation and support on July Fourth. We entered the planning and execution of the celebration uncertain what the outcome would be after a two year break caused by the COVID-19 pandemic. All

involved were appreciative of the positive response of Town and area residents. Please take time to thank those who contributed to the success of this event celebrating the 246th Anniversary of U.S. Independence in River Bend.

PUBLIC COMMENT

No public comments at this time.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 8:14 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Special Meeting Minutes
July 28, 2022
Town Hall
6:00 p.m.**

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

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Police Chief: Sean Joll

Members of the Public Present: 88

CALL TO ORDER

Mayor Kirkland called the meeting to order at 6:00 p.m. on Thursday, July 28, 2022 at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

Councilman Fogle motioned to accept the agenda as presented. The motion carried unanimously.

PUBLIC HEARING – Proposed Rezoning of 403 Old Pollocksville Road

Councilman Sheffield moved to open the Public Hearing to discuss the proposed rezoning of 403 Old Pollocksville Road. The motion carried unanimously.

At this time the Mayor indicated that those who signed up to speak would be called in the order in which they signed up. There were 17 people who addressed the Council. The majority of those who spoke opposed the proposed rezoning of 403 Old Pollocksville Road.

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

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 6:53 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Work Session Minutes
August 11, 2022
Town Hall
5:00 p.m.**

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

Town Manager: Delane Jackson
Deputy Town Clerk: Jennifer Barrow
Police Chief: Sean Joll
Town Attorney: Dave Baxter

Members of the Public Present: 45

CALL TO ORDER

Mayor Kirkland called the meeting to order at 5:00 p.m. on Thursday, August 11, 2022 at the River Bend Town Hall with a quorum present.

VOTE - Approval of Agenda

Councilman Leonard motioned to amend the agenda by removing item number four as Ellis Development had withdrawn their request for rezoning. The motion carried unanimously.

Presentation - The Case Against Rezoning-Councilman Buddy Sheffield

Councilman Sheffield presented the slide show presentation he prepared.

Discussion - Development Agreement Options

Councilman Leonard stated that Ellis Development has asked that the Town Council consider creating a development agreement. Ellis Development has also asked if the Town Council would consider updating the zoning ordinance to allow for conditional zoning. Councilman Leonard stated that he would like to have the discussion and asked the Town Attorney to weigh in, as there has been some discussion about whether or not the state laws or statute allows that. Town Attorney Dave Baxter stated that the statutes are somewhat vague on the conditional zoning piece. Mr. Baxter stated that he has reviewed the information and finds that many of the provisions that deal with conditional zoning are permissive. He stated that it was his opinion that there would need to be an ordinance amendment to allow the conditional zoning, and to have the procedure in there for petitioning for it. Otherwise, someone could come in and essentially force the Town to consider conditional zoning. The Town Attorney further stated that it is also his opinion that the Town would need to put something in the ordinance that provides for an orderly procedure for making that amendment, and for putting property into a conditional zone. The Town Attorney stated that it was also his opinion that development agreements do not particularly require it be in an ordinance to allow it. The Town Attorney stated that it says that the Town may include it in the ordinance and establish procedures that lead to the approval of a development agreement. In addition, the Town Attorney stated that the approval of a development agreement is a very public process and requires a public hearing in order for it to be approved in final form. Therefore, it is not a situation where it is a private contract. The Town Attorney stated that the terms of it will be discussed many times in open session with public input. Councilman Leonard then asked if the Town Attorney could give the Council an idea of some things that would typically be in those type of agreements that are legally enforceable. The Town Attorney stated that he could and referred

to what has been discussed with this rezoning such as site-specific conditions, requirements for features of the land, buffering, density, what utilities would be installed, and/or amenities. The Town Attorney further stated that all of those things are legally enforceable. The Town Attorney also stated that the agreement runs with the land and is recorded in the Register of Deeds Office. If the land sold, the development agreement itself would be preserved and the conditions would still be enforceable. Councilman Leonard then asked the Town Attorney if that meant that the Town could come to an agreement with whoever the developer may be to craft an agreement that meets the needs of the Town. The Town Attorney stated that was correct. Councilman Leonard also stated that he would like for the Council to work with Ellis Development's attorneys, Town Manager Jackson and the Town Attorney to address a development agreement based on what we have learned, on what they have proposed, and what we have heard from the citizens of River Bend. Councilman Leonard then stated that as a Council, they could then go through that process where they will have input that will allow the Town to create an agreement that they can hopefully be satisfied with. Councilman Leonard stated that he would also like to start the process of updating the Town's zoning ordinances to reflect the current wave of how the state is driving this kind of issue. Councilman Leonard stated that he would like to have the Planning Board reevaluate and update the ordinances to reflect the fact that the Town will have conditional zoning and any other provisions that are needed to control future development in the best interest of the Town. Councilwoman Maurer then asked if Ellis Development reapplied and decided to move forward with the current zoning, would the Council still be able to have this agreement that would be more site specific and would create conditions that would allow the Town to have more control over. The attorney stated that was correct. Councilman Sheffield added that if the developer were willing to move forward with the current zoning, the Council would not be going through all of this. Councilman Leonard stated that the whole point of having the development agreement would be to grant the Council more control. Councilman Sheffield stated that the question is whether the Council wants a development agreement with a company that wants to overcrowd the space. Councilman Fogle stated that the Council needs to focus on the ordinance change first, and then focus on the development agreement. Councilman Fogle stated that he feels the Council should put a framework in place that lays out what the Council's priorities are, and then determine if some sort of a development agreement can be made with any future developer. Councilman Leonard then deferred to the Town Attorney. The Town Attorney stated that he would consider those items to be two separate issues. He further stated that the Council could have both conditional zoning and a development agreement. The Town Attorney stated that the Council can put a lot of the site-specific conditions into the conditional zones as opposed to the agreement, then the development agreement would focus more on amenities, utilities, and other things of that nature. The attorney then stated that both the development agreement and the ordinance amendment to allow for conditional zoning can be done simultaneously because both go through the same process. The process for a development agreement is the same as a zoning map amendment.

VOTE - Work with the Town Attorney, Manager, and Ellis Development to Craft a Development Agreement

Councilman Leonard motioned to direct the Town Attorney, Town Manager and Ellis Development to craft the terms of a development agreement for the Council to consider. The motion failed with 4 nays and 1 aye (Leonard).

VOTE - Amend Zoning Ordinance to Include Conditional Zoning

Councilman Leonard motioned to begin the process of amending the Town's Zoning Ordinance to allow for development agreements, conditional zoning or any other means to allow the Town to have greater control over future development. The motion passed with 4 ayes and 1 nay (Sheffield).

The Town Manager stated that the current representative, Patty Leonard, has agreed to reappointment.

VOTE - Appointment of ECC Representative

Councilman Van Slyke motioned to approve Patty Leonard as the Town's ECC representative. The motion passed unanimously.

Discussion - Advisory Board Ordinance Amendment

Councilman Fogle proposed limiting advisory board chairpersons to two consecutive one-year terms effective immediately. Councilman Fogle stated that he was encouraged to see the residents in attendance and resident participation in Town affairs. He also stated that he was encouraged by the potential for more citizen involvement in the Town's advisory boards. He further stated that one way to encourage such participation would be to ensure that the leadership of the advisory boards change on a regular basis, so that new potential members have an opportunity to build off of what has already been created. Councilman Fogle stated that many residents in attendance have contacted him about the rezoning, and he has encouraged many of them to run for office. Councilman Fogle also stated there are many of whom he has encouraged to join an advisory board. Councilman Fogle then stated that he hopes that residents will take that to heart and seriously consider doing so. Councilman Fogle stated that this term limit proposal was briefly discussed at the Fall 2021 council/advisory board chairperson meeting and no chairperson objected to this concept. Councilman Fogle stated that privately, several people have approached him and have expressed their support for this change. Councilman Fogle further stated that it may seem a bit odd, but many of the chairpersons continue in that role simply because no one else on the committee or the advisory board steps up, therefore feeling an obligation to continue. Councilman Fogle stated that they deserve a chance to step aside without feeling that they are letting their other fellow committee members down. Therefore, Councilman Fogle proposed that any existing chairperson voted in for the fiscal year 2023 who was also a chairperson for one or more consecutive years prior to that, not be able to serve as chairperson for fiscal year 2024. Councilman Leonard stated that although having new leadership could be a good thing, it has been difficult to fill advisory board positions and he is concerned that this amendment could cause the loss of valuable leaders. Councilman Sheffield stated that if there were an abundance of people who wanted change, then the thing for them to do would be to step up and serve on an advisory board, which would allow the board to elect whomever they wished to serve as chairperson. Councilman Sheffield stated that if the person was willing to do the job, he was in favor of it. Councilman Sheffield stated that these positions are volunteer positions, and to force term limits on volunteers seemed a little odd. Councilwoman Maurer then stated that creating term limits for advisory board chairpersons or any other office would be a destructive action. Councilwoman Maurer stated that it is based on an erroneous supposition that the changing of a chairperson of an advisory board is going to encourage more participation on the boards. Councilwoman Maurer stated that it is difficult enough to find and retain volunteers on Town advisory boards as it is. Councilwoman Maurer pointed out that the officers of the advisory boards, as Councilman Leonard stated, are elected annually and are voted for by the members of the board. Councilwoman Maurer then asked what would be gained by restricting the ability of the members to elect the leader of their choice, and what message does the Council send to its volunteers if told they can elect their Vice Chairperson & Secretary but not their Chairperson because they have run out of years. Councilwoman Maurer stated that there is no need to put term limits on chairpersons, and feels that the Council should vote that down. Councilman Fogle stated that many residents in town have told him that there are cliques in town that run everything, therefore why would anyone want to join an advisory board that is stuck in the past and not open to new ideas.

VOTE - Direct the Town Manager to Amend the Advisory Board Ordinance to Limit Chairpersons to Two Consecutive One-Year Terms With The Issue Being Presented to The Council In the Event That a Chairperson Cannot Be Selected

Councilman Fogle motioned to direct the Town Manager to amend the Advisory Board Ordinance to limit advisory board chairpersons to two consecutive one-year terms with the issue reverting to the Council in the event that a chairperson cannot be selected. The motion failed with three nays and two ayes (Van Slyke, Fogle)

Discussion - CBDG Lien Subordination Request

There was no discussion as the request had been withdrawn.

Discussion - Fishing Dock Proposal

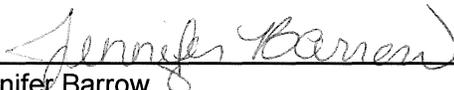
The Mayor began the discussion by providing some background information on the current dock by stating that it was a feature installed approximately thirty years ago by the original developer. The Mayor stated that the dock is in a deteriorated state and needs to be replaced. Councilman Sheffield stated that his concern with the proposal is the highlighted area that says, “due to fluctuating material costs, which includes boat lifts, we reserve the right to pass any significant material price increases along to the customer”. Councilman Sheffield stated that he felt that particular wording should be stricken from the proposal. The Manager stated that if the Council would like to pursue these contract terms at the proposed price, he would draft a budget amendment to be voted on during the next council meeting—only then can the Town enter into this contract because the budget amendment puts the funds in place. The Manager also stated that this contract is somewhat generic and that the contractor, Bobby Cahoon, has completed many projects for the Town and has always done so for the exact price in the proposal. The Manager stated that this proposal can be fine-tuned, as this current proposal is likely standard language for regular customers. Councilman Leonard stated that he would like to move forward with this proposal. The Manager stated again that with a consensus from the Council that this is the size and price they would like to proceed with, he will have all of the particulars worked out for the next Council meeting where the Council can officially make this move. The Manager stated that if the Council is not interested there is no need for a budget amendment to be drafted. Councilman Van Slyke stated that from a finance point of view, he agrees that this is the track the Council needs to follow.

REVIEW AGENDA FOR THE AUGUST 18, 2022 COUNCIL MEETING

The Council reviewed the agenda for the August 18, 2022 Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 6:16 p.m.



Jennifer Barrow
Deputy Town Clerk

**River Bend Town Council
Regular Meeting Minutes
August 18, 2022
Town Hall
7:00 p.m.**

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

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

Members of the Public Present: 16

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, August 18, 2022 in the River Bend Town Hall with a quorum present. The Mayor stated Recently, we have experienced some uncivil, rowdy behavior during Town Council meetings. Such behavior was on display during our August 11 work session. Tonight, I want to make it abundantly clear that such behavior will not be tolerated during this and future Council meetings as long as I am Mayor. North Carolina law states that the Mayor shall preside over Council meetings. North Carolina law grants the Mayor the power to remove anyone from the meeting who interrupts, disturbs or disrupts the meeting. It is my responsibility to ensure that the River Bend Council meetings are conducted in an orderly and civil manner and in accordance with town ordinances and policies. As always, the public is welcome to attend Council meetings. However, the public cannot take over Council meetings. If you attend a Council meeting you will be required to follow the rules of decorum. The public will only be allowed to speak during those times that are designated for public comments, such as during public hearings or during the public comment period or when they are recognized by the Presiding Officer. Council meetings are not debates between Council members and the public. Council members can discuss and debate the issues with other Council members, but the public has no right to participate in Council discussions. That is how a representative democracy works. That is the way it works in Raleigh. That is the way it works in Washington and that is the way it works in River Bend. Be advised that anyone who disrupts a Council meeting will be directed to leave the meeting. Failure to do so, will result in that person being escorted from the room by a police officer and they will be charged with a Class 2 misdemeanor. If the disruptions are caused by multiple individuals and I cannot specifically identify the offenders, I will call for a recess and clear the entire room if necessary. I cannot control uncivil actions on social media or in society in general, but it is my obligation to control what happens in this meeting. I took an oath of office to do so and I will. Now, let's proceed with an effective, orderly and civil meeting.

Councilman Fogle stated that he will not be at the September Work Session Council meeting.

ADDITIONS/DELETIONS TO AGENDA

VOTE – Addition to Agenda – Councilman Sheffield moved to add item 10A Planning Board report to the agenda. The motion carried unanimously.

VOTE – Addition to Agenda – Councilman Fogle moved to add item 8C street paving bid award to the agenda. The motion carried unanimously.

VOTE – Addition to Agenda – Councilman Fogle moved to add item 9B Channel Run drainage bid award to the agenda. The motion carried unanimously.

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as amended. The motion carried unanimously.

CONSENT AGENDA

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

A. Approve:

Minutes of the July 14, 2022 Work Session

Minutes of the July 21, 2022 Regular Council Meeting

Minutes of the July 28, 2022 Public Hearing

TOWN MANAGER’S REPORT

The Manager stated that he has received additional information on the AIA (Asset and Inventory Assessment) Grants for the water system and the sewer system in the amount of \$150,000 each. He stated the next step is to develop a RFQ (Request for Qualifications), which he is currently developing.

The Manager stated that there is a Public Hearing scheduled for September 8, 2022 at 5:00 p.m. for the next CDBG (Community Development Block Grant Program) application. He stated there are many changes to the guidelines and income eligibility.

The Manager stated that on Wednesday, there was a pre-bid meeting for the new Public Works Building with three contractors in attendance. He stated that he expects bids to be due in approximately a month.

The Manager stated that there were two bid openings earlier today. He received three bids for the 2022 Paving Project and two bids for the Channel Run Drainage project. He stated those results were included in the handouts tonight.

The Manager stated that on Friday, August 19, Brandon Mills, Public Works Director, and himself are meeting with the engineer regarding the Waste Water Treatment Plant Improvement Project that the Town received over \$9,000,000 to complete. He stated that they will also be discussing the water system improvement application that he intends to submit for the upcoming fall round of funding with the same funding agency.

The Manager stated that the BRIC (Building Resilient Infrastructure Communities) grant application to construct a road through the Northwest Quadrant had previously made it through the first round of funding but since has been denied in the second round. He stated that FEMA had denied the application stating that the project was not eligible.

Police Chief Joll presented Officer DeStefano with Chief Award of Excellence for acts of exceptional and well above the normal assigned duties of a police officer that showed a high dedication to the department and esprit de corps.

Police Chief Joll stated that the National Night Out 2022 is scheduled for October 4, 2022 at 5:30 p.m. with food trucks, live music, and surrounding police departments with K-9 demonstrations.

ADMINISTRATIVE REPORTS

FINANCE – COUNCILMAN VAN SLYKE

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of July. She stated the total of the Town's Cash and Investments as of July 31, 2022 are \$4,212,999 and Ad valorem tax collections for FY22-23 were \$0 and Vehicle Ad valorem tax collections were \$0.

Councilman Van Slyke stated that Budget Amendment 22-B-02 was included in the agenda package. He also stated this amendment is necessary to transfer an additional \$21,500 for the construction of the replacement fishing dock at Town Hall. He stated that the additional amount is needed due to the increase in the price of lumber to replace the fishing dock with a new fishing dock of similar size.

VOTE – Budget Amendment 22-B-02

Councilman Van Slyke motioned to approve Budget Amendment 22-B-02 as presented. The motion carried unanimously. (see attached)

Councilman Van Slyke expressed gratitude to the Town Manager for his efforts to generate outside funding for the Town through grants.

The Manager stated that there was a bid opening earlier today for the street paving bids. He stated that they had received three bids with Thomas Simpson being the lowest bidder in the amount of \$144,075 for bid items 001, 002, and 003. He stated that the town had \$140,000 allocated in the budget for street paving and there is monies in the budget that will cover the additional \$4,075.

VOTE – Street Paving Bid Award

Councilman Van Slyke motioned to award the street paving bid to Thomas Simpson for \$144,075. The motion carried unanimously.

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD

Councilman Leonard stated the Town Manager had received a revised contract from Bobby Cahoon Construction for the construction of a replacement fishing dock at Town Hall. The Manager stated that the contractor could possibly start the construction in the fall and he would purchase the supplies now and store those until he is able to start construction.

VOTE – Fishing Dock Contract

Councilman Leonard motioned to approve the Fishing Dock Contract with Bobby Cahoon Construction for an amount not to exceed \$46,500 including permits. The motion carried unanimously. (see attached)

The Manager stated that there was a bid opening earlier today for the Channel Run Drainage Project Phase II. He stated that they had received two bids with Hardy Construction being the lowest bidder in the amount of \$75,000. He stated this project is below the amount of grant funding received. He stated that he contacted the funding agency to inquiry about changing the scope of the work with a change order. He stated he was directed to submit a change order with the increased scope of work. Councilman Sheffield asked if they can use the extra funding in other places in Town and the Manager stated, that he had asked that question. Councilman Leonard asked if the extra funding could be used to purchase equipment and the Manager stated

no, it could not. Councilman Fogle asked if he has heard any complaints regarding Phase I of the Channel Run Drainage and the Manager stated that he has heard that it is a lot better.

VOTE – Channel Run Drainage Bid Award

Councilman Leonard motioned to award the Channel Run Drainage bid to Hardy Construction for \$75,000. The motion carried unanimously.

Councilman Leonard stated that EWAB would be meeting on Monday, September 5, 2022 at 7:00 p.m. in the Municipal Building.

PARKS & RECREATION/CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following reports.

Parks & Recreation

Parks and Recreation did not meet in August but they have been busy.

Fall activities begin with a workshop presented by the Tea Lady on September 17 and a Trivia Night on September 21. Four events are scheduled for October. P&R will provide water and popcorn for the River Bend Police Department's National Night Out on Tuesday, October 4. Community Yard Sale Day is scheduled for Saturday, October 22nd. Trunk or Treat will be held on Saturday, October 29. A Meet & Greet event is in the planning stage with a date TBD. There will also be four events in November and at least two in December. More information will be available on River Bend's weekly e-news and on the town website. As you can see, the P&R calendar is rich with a variety of different activities ranging from workshops to kids events to town-wide community events. Five programs are annual events. But there's always room for more. Parks & Rec welcomes new ideas. While not all can be accommodated, some can be scheduled within a few months; other are more complicated and take more planning. The next meeting is scheduled for September 7. Parks and Recreation currently has one vacancy. If you would like to participate in planning and presenting activities, please submit an application or just attend a meeting to see how it works.

Community Appearance Commission (CAC)

CAC met on July 20. A verbal report was provided at the last Council meeting but is repeated here for the listening audience. Officers for 2022-23 are Brenda Hall, Chairperson; Donna Perry, Vice-Chair and Meg Williams, Secretary. Two more crab pot Christmas globe workshops are scheduled for November. Plans are progressing for festive homes (holidays) awards and beautification awards. Craven County Cooperative Extension Director Tom Glasgow visited River Bend three times to assess trees and shrubs along the Plantation median. He identified many issues and some serious safety concerns. He is preparing a report and will schedule a date to discuss his findings. The next meeting is scheduled for September 21 at 4 pm. CAC has two vacancies. Attend the meeting if you are interested in the activities of the CAC.

River Bend Community Organic Garden (RBCOG)

The monthly meeting took place on August 1. There was one visitor.

Despite heat and humidity, the gardeners work daily. As of July 31st, garden volunteers have worked over 1100 hours to produce approximately 1300 pounds of vegetables and herbs. Interfaith Refugee Ministries receives regular donations. The September meeting, scheduled for Labor Day, was cancelled. The next meeting will be held on October 3 at 1:30 pm. All are welcome.

Red Caboose Library (RCL)

The board met on August 4. Councilman Leonard attended in Councilwoman Maurer's place.

Well known mystery author Phil Bowie spoke about his life and career to a group of about thirty residents on August 1. A children's program, "a Uke Group," is scheduled for August 20. More

children's and adult programs are in the planning stages and will be announced as they are scheduled. The next meeting is scheduled for September 1.

All meetings are open to the public and anyone is welcome to attend.

PLANNING BOARD – COUNCILMAN SHEFFIELD

The regular meeting of the planning board was held on August 4th at 6:00 pm in the Community building. A quorum was present as were several citizens. Chairman Lippert called the meeting to order. The usual reports were given. The board took up the matter of changes to the town's sign ordinance. A draft of the amended ordinance had been prepared by the town manager and staff. There was considerable discussion. The board then voted to send the amended ordinance to the town council for approval. The next issue was short term rentals. Again a draft ordinance had been developed by the town manager and staff. The citizens present were all present to voice their views on that issue. Chairman Lippert gave each one time to speak. There were those who were in favor of short term rentals and those who were against them. The board then considered the matter and there was much discussion and questions. The board then voted not to send the ordinance to the town council as it was but to continue working on it. Chairman Lippert turned the meeting over to Councilman Sheffield to conduct an election of officers. The current officers, Chairman; Egon Lippert, Vice Chairman; Bob Kohn and secretary; Allison McCollum were the only ones nominated and they were all re-elected unanimously. Ms. McCollum updated the board on a zoning request for property in the town's ETJ abutting Guy C. Lee Building Materials. The meeting was adjourned. The next meeting will be held on September 1st at 6:00pm. As always, the public is invited to attend.

MAYOR'S REPORT

The Mayor presented the following report.

The population of the world has changed significantly since the end of WWII. The high speed of travel, speed of communication, and transmittal of live picture broadcast have all come into ordinary use. These advances were hardly dreamed of in 1946. Also the majority of the population has been born since the end of the war and have always lived in the changing conditions that are listed. At the same time improved manufacturing techniques have made all products more reliable and have made such applications as ship propulsion reliable for "just in time" delivery of cargo. The result is modern vessels are larger and can accommodate large volume cargo from distant manufacturing ports for assembly into a finished automobile or major appliances. All of this change makes the manufactured product less expensive, which is a value that is understood in and by every nation in the world. Another major shift continues to advance world connection; race relations have improved. That shift comes more slowly than many would wish. But in our nation, looking back over 70 years, it has yielded to pressure to accommodate needed race relations change. In my opinion the global goal needs to be for every race to accept worldwide that we are all human and respect each other as members of the "human family." The achievement of individuals of minority races that were formerly discriminated against certainly demonstrates that race is no indicator of talent. Looking in the rearview mirror it seems ridiculous that in our lifetime large numbers of the population were active in discriminatory activities that were restricting the ability of minorities to participate in the American Dream. Such discrimination is Un-American and Un-Christian. May we all look to a future that does not discriminate. The earlier mention of change in technology and racial equality have changed forever how every culture relates to living day by day life. I believe that many in the world see this change as positive and irreversible. These changes make it less likely that there will be international misunderstandings that might lead to armed conflict. We all need to work together to resolve misunderstandings when they occur. The resolutions can be achieved only when the negotiating parties treat each other as equals that may have separate interests. Travel time and distance were the factors that separated nations and races in past centuries. We no longer have these barriers as excuses and need to resolve as individuals to work for the "human race" solution.

PUBLIC COMMENT

Susanna Elliot – 290 Shoreline Drive - expressed gratitude to the Council for doing their job and taking the heat from the public. She also thanked Councilman Sheffield for his presentation at the work session regarding the rezoning request. She also asked the Council if they knew why Ellis Development pulled their request.

Valerie Boatwright – 311 Lochbridge Drive – asked why is the Council pursuing the development if Ellis Development withdrew their request and what is there to gain? She also requested a public meeting with the Council for a question and answer session.

Susan Scott – 109 New Hampshire – asked if there was an environmental impact study considered for the property. She is concerned for the animals. She suggested a mailer to get the town's residents vote.

Mike Repenning – 213 Esquire Court – requested that all Town meetings be televised or live broadcasted.

Noreen Fitzgerald – 316 Lochbridge Drive – stated that everyone who spoke before her expressed her concerns.

Councilman Leonard stated that the golf course recently applied for the ABC permit and they may be opening soon.

CLOSED SESSION

Councilman Sheffield moved to go into a Closed Session under NCSG §143-318.11(a)(3)(6). The Council entered Closed Session at 7:59 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:54 p.m. The motion carried unanimously.

VOTE – Town Manager Contract - Councilman Sheffield motioned to approve the amended Town Manager's contract as presented. The motion carried unanimously.

VOTE – Town Manager Performance and Service Bonus

Councilman Sheffield motioned to award a bonus to the Town Manager in recognition of superior performance and service to this community in the amount of \$7,000. The motion carried unanimously.

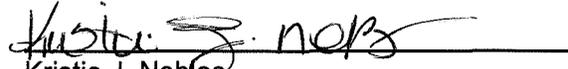
Councilman Van Slyke stated he has discussed with the Mayor the current economy and inflation rise across the nation. He stated that he felt that the Town needed a comparable program that would recognize the value of the entire town staff. He stated that they asked the Manager to compare the Town to other surrounding agencies. The Manager stated that in the current budget all Town employees received a 5% COLA in July and at that time the CPI (Consumer Price Index) was at 7.4%. The Manager stated that as of August 2022 the CPI is 9.4%. He stated that some surrounding agencies have put in place a Retention and Recruitment Policy, which gives employees an additional COLA and a one-time bonus. The Manager stated that these policies make it difficult to recruit employees when local agencies are offering these incentives. Councilman Sheffield stated that he felt the employees should receive an additional 5% COLA. The Mayor, Councilwoman Maurer, Councilman Van Slyke and Councilman Leonard agreed, stating that our employees are the Town's top asset. Councilman Fogle stated that he agrees with recognizing the Town's staff but felt a one-time bonus would be more appropriate than adjusting the staff's salaries.

Vote – 5% COLA for Employees

Councilman Leonard motioned to approve an additional COLA in the amount of 5% for all eligible employees. The motion passed with 4 ayes and 1 nay (Fogle).

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 9:16 p.m.


Kristie J. Nobles
Town Clerk

**River Bend Town Council
Work Session Minutes
September 8, 2022
Town Hall
5:00 p.m.**

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

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Police Chief: Sean Joll
Town Attorney: Dave Baxter

Members of the Public Present: 5

CALL TO ORDER

Mayor Kirkland called the meeting to order at 5:00 p.m. on Thursday, September 8, 2022 at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilman Fogle moved to add Live Streaming Council Meetings between item 10 and 11 on the agenda. The motion carried unanimously.

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as modified. The motion carried unanimously.

PUBLIC HEARING – CDBG APPLICATION

Councilman Van Slyke moved to open the Public Hearing to discuss the CDBG application. The motion carried unanimously.

Town Manager Delane Jackson then invited anyone who wished to address the CDBG application to step to the podium to be heard.

With no one stepping forward, Councilman Van Slyke moved to close the Public Hearing. The motion carried unanimously.

The Manager stated that the Town is required to have two public hearings and the second public hearing is scheduled for September 15, 2022.

Discussion – Sign Ordinance Amendment

The Manager stated that the Planning Board has been reviewing the Town's sign ordinance and has approved the revision that is included in the agenda package, sending it to the Council for review. The Manager stated that the major change to the ordinance was regarding political signs. Councilman Leonard asked if allowing offsite signage was addressed in the presented ordinance and the Manager stated that it was not. He stated that the Council had discussed this and he did not know a way to allow offsite signs for a single business. Councilman Sheffield asked if there was a way to allow offsite signs for businesses who are located on a dead end street. The Town Attorney stated that he felt the main issue is that the offsite sign would not be on the business

owner's property. The Manager stated that the amended ordinance would be on the agenda for adoption at the following regular Council meeting.

Discussion – Constitution Week Proclamation

The Mayor stated that this is an annual proclamation recognizing Constitution Week that we send to the National Society Daughters of the American Revolution (NSDAR). He stated that the proclamation would be read at the regular meeting on September 15.

Discussion – Designated Authorized Official for Water System Grant Application

The Manager stated that the state of North Carolina has revised the rules to apply for the Fall grant cycle, stated that the state has limited award of funds to distressed communities. He stated that unless you are on the distressed unit list you would not be awarded funding. He stated that the Town of River Bend is not a distressed unit. He stated that applying for the water system grant is at no cost of the Town and he and the engineer felt that the Town should apply for the grant with the hope that the Town would somehow be funded anyway.

VOTE – Designated Authorized Official for Water System Grant Application

Councilman Leonard motioned to approve the grant application resolution as presented. The motion carried unanimously.

Discussion – Special Meeting

The Manager stated that the engineer is currently compiling the cost estimate for the Water System Grant Application, and when that is completed, the Manager can complete the application. The Manager stated once that cost estimate is completed the Council would need to meet to approve some details of the application.

VOTE – Special Meeting

Councilman Sheffield motioned to schedule a special meeting on September 27, 2022 at 3:00 p.m. at Town Hall. The motion carried unanimously.

Discussion - Budget Amendment

The Manager stated there is a draft budget amendment in the agenda package that includes transferring funds to cover the COLA increase approved by the Council and includes the funding of the part time project manager.

Discussion – Interlocal Agreement for Water Systems

The Manager stated that the interlocal agreement for water systems is included in the agenda package. He stated that this is a component of the Water Systems Grant application, which would get the Town 10 points.

Discussion – Water Resources Department Policy Manual Amendment

The Manager stated the Water Resources Department Policy Manual Amendment, included in the agenda package, allows any developer to apply for allocation from the Town's water and sewer system. He stated if the application were approved, the Town would reserve the amount of water and sewer allocations for that development for three years initially. The Manager also stated that there are some minor changes that also need to be made and those would be included in the amendment at the Regular Council Meeting.

Discussion – Water Conservation Rate Schedule

The Manager presented a chart with the current water rate schedule, displaying normal residential usage in the Town. He stated that the base fee is \$15.24 and residents are then charged for each one thousand gallons of usage. He stated to earn points on the Water System Grant Application the Town would need to adopt a conservation incentive rate structure. Councilman Fogle suggested that the Council increase the 20,001 plus gallons rate in the proposal to \$4.55 per gallon. The Council agreed to the rate increase on 20,001 plus gallons rate.

Discussion – Live Stream Council Meetings

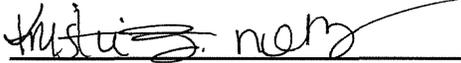
Councilman Fogle stated that at the last regular council meeting it was asked during the public comment section, that the Town consider live streaming all council meetings. Councilman Fogle stated that he would like to hear from the Manager regarding the pros and cons, expenses and get Council input on live streaming. The Manager stated that he was approached about this topic within the past few hours. He stated that C-TV10 records the regular council meetings and he is paid through the North Carolina PEG Funding. The Town of River Bend does not fund the recordings at all. He stated that there are many scenarios that could impact the live recordings provided by any vendor. Councilman Sheffield stated that he would like the Town to look into live streaming. The Town Attorney stated he has many clients who live stream their meetings but there is an equipment investment that would need to be made. He stated that there are numerous cameras that would be placed throughout the room facing different directions; also provide a microphone system that can be linked to the live stream. The Manager stated that he would contact a client of the Town Attorney to get information and bring it back before the Council with a cost estimate.

REVIEW – Agenda for the September 15, 2022 Council Meeting

The Council reviewed the agenda for the September 15, 2022 Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 6:12 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Regular Meeting Minutes
September 15, 2022
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Buddy Sheffield
Don Fogle
Barbara Maurer
Bud Van Slyke

Absent Council Member: Brian Leonard

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

Members of the Public Present: 10

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, September 15, 2022 in the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as amended. The motion carried unanimously.

PUBLIC HEARING – PROPOSED AMENDMENT TO CHAPTER 15.02 OF THE TOWN'S ZONING ORDINANCE

Councilman Sheffield moved to open the Public Hearing to discuss the Proposed Amendment to Chapter 15.02 of the Town's Zoning Ordinance related to signs. The motion carried unanimously.

Councilman Sheffield then invited anyone who wished to address the Proposed Amendment to step to the podium to be heard.

With no one stepping forward, Councilman Sheffield moved to close the Public Hearing. The motion carried unanimously.

PUBLIC HEARING – CDBG APPLICATION

Councilman Van Slyke moved to open the Public Hearing to discuss the CDBG application. The motion carried unanimously.

Town Manager Delane Jackson then invited anyone who wished to address the CDBG application to step to the podium to be heard.

With no one stepping forward, Councilman Van Slyke moved to close the Public Hearing. The motion carried unanimously.

The Manager stated that the Town is required to have two public hearings and this completes that requirement.

CONSENT AGENDA

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

- A. Approve:
Minutes of the August 11, 2022 Work Session
Minutes of the August 18, 2022 Regular Council Meeting

TOWN MANAGER'S REPORT

The Manager stated that the Town may not have enough eligible applicants to apply for the CDBG (Community Development Block Grant). He stated he is meeting with Ben Jones from The Adams Company on Friday. He also stated if there were not enough eligible applicants, the Town would not be submitting an application.

The Manager stated that the bid opening for the construction of the new Public Works Facility was earlier today with only three bids submitted. He stated that the lowest bid was over \$1.7 million dollars. He stated he would talk to the low bidder and the engineer regarding cost saving items for the project. He also stated that he would like to add this item to the special meeting on September 27, 2022 to discuss options and funding.

Police Chief Joll stated that the National Night Out 2022 is scheduled for October 4, 2022 at 5:30 p.m. with food trucks, live music, and surrounding police departments along with K-9 demonstrations.

ADMINISTRATIVE REPORTS

FINANCE – Councilman Van Slyke

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of August. She stated the total of the Town's Cash and Investments as of August 31, 2022 are \$4,123,697 and Ad valorem tax collections for FY22-23 were \$97 and Vehicle Ad valorem tax collections were \$8,812.

Councilman Van Slyke stated that Budget Amendment 22-B-03 was included in the agenda package and discussed at the previous Council meeting.

VOTE – Budget Amendment 22-B-03

Councilman Van Slyke motioned to approve Budget Amendment 22-B-03 as presented. The motion carried unanimously. (see attached)

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD – Councilman Leonard

Councilman Leonard presented the following report.

EWAB met on September 5th at 7PM in the municipal building in the small conference room. There was a quorum of members. Councilwoman Maurer gave a council update. Old business: Discussion about the ongoing Alligator weed problem in the canals and Trent River areas. New business: The culvert under 309 Lochbridge seems to be blocked up. Next meeting will be on October 3rd 2022 at 7 PM in the municipal building in the small conference room.

VOTE – Water Resources Department Policy Manual Amendment

Councilman Leonard motioned to approve the Water Resources Department Policy Manual Amendment as presented. The motion carried unanimously. (see attached)

PLANNING BOARD – Councilman Sheffield

Councilman Sheffield presented the following report.

The regular meeting of the Planning Board was held on September 1st at 6:00pm in the Community Building. A quorum was present, as were several citizens. Chairman Lippert called the meeting to order and welcomed the guests. The usual reports were given. Visitors were invited to speak. Comments were mostly about short term rentals. There were arguments on both sides of the issue. The board then spoke about the subject at length. No decision was made to forward the matter to the town council at this point. The board then took up an application for construction of a rental facility on Highway 17 adjacent to Guy C. Lee. The site would also include an automotive shop, which requires a special use permit. The applicants were on hand to provide site plans and information. The board discussed the application at length. Members then voted to recommend the matter of the special use permit to the Board of Adjustment with certain stipulations, among them a specific plan showing exactly what would be included in the automotive shop, how waste oil would be handled, etc. The board then took up the issue of conditional zoning. All seemed in agreement that the process of amending town ordinances to allow for such zoning should be started. Manager Jackson, who was beaming with pride at his son having graduated from basic training, suggested that it would take more than one additional planning board meeting before the matter was ready to send to the town council. The meeting was adjourned. The next meeting is set for October 6th. As always all citizens are welcome to attend.

VOTE – Sign Ordinance Amendment

Councilman Sheffield motioned to approve the Sign Ordinance Amendment as presented. The motion carried unanimously. (see attached)

PUBLIC SAFETY – Councilman Fogle

Councilman Fogle presented the following reports.

CERT

The August CERT meeting was canceled. The next CERT meeting is scheduled for Wednesday, September 28, 2022, starting at 7:00 pm in the Municipal Building. Check the Town calendar for schedule updates. CERT is always looking for new members. Contact Chief Joll or Mary Holihan for more information.

COMMUNITY WATCH

Community Watch will meet again on Wednesday, October 19, 2022. Community Watch is always looking for new members. Be a part of the solution. Contact Chief Joll or Egon Lippert for more information.

VOTE – Interlocal Agreement for Water System

Councilman Fogle motioned to approve the Interlocal Agreement for Water System as presented. The motion carried unanimously. (see attached)

PARKS & RECREATION/CAC – Councilwoman Maurer

Councilwoman Maurer presented the following reports.

River Bend Community Organic Garden (RBCOG)

There was no meeting in September. Garden volunteers worked 1300 hours from January to August 31st. Donations to Interfaith Refugee Ministries totaled approximately 14% of the total garden harvest. The next meeting will be held on October 3 at 1:30 pm. All are welcome.

Red Caboose Library (RCL)

The board met on Sept. 1. Discussion covered the lack of participation in the recent program, future plans, adding hours one night a week, and pursuing a permanent location somewhere in River Bend. Their bank account is decreasing. They noted they did not receive any proceeds from the recent community picnic. The next meeting is scheduled for October 6.

Community Appearance Commission (CAC)

CAC is scheduled to meet on Sept 21. The next meeting is scheduled for November 16 at 4 pm. CAC has two vacancies.

Parks & Recreation

Parks and Recreation met on September 7. Prospective member Paul Rathbun attended as did two other residents. Fall activities begin with a workshop by the Tea Lady scheduled for September 17 and a Trivia Night on September 21. In October, P&R will provide water and popcorn for the River Bend Police Department's National Night Out. The annual Community Yard Sale Day is scheduled for Saturday, October 22nd. Trunk or Treat will be held on Saturday, October 29. Future events will be announced when the dates are closer. The next meeting is scheduled for October 5. VOTE: P&R recommends the Council vote to appoint Paul Rathbun to the board.

All meetings are open to the public and anyone is welcome to attend.

Councilwoman Maurer presented a PowerPoint presentation titled "Proud of our Volunteers". She gave a description of each of the Advisory Boards and what the volunteers contribute to the Town.

VOTE – Advisory Board Appointment - Rathbun

Councilwoman Maurer motioned to appoint Paul Rathbun to the Parks & Recreation Advisory Board for a term beginning September 15, 2022 and expiring June 30, 2024. The motion carried unanimously.

VOTE – Water Conservation Rate Structure

Councilwoman Maurer motioned to approve the Schedule of Rates as presented. The motion carried unanimously. (see attached)

MAYOR'S REPORT

The Mayor presented the Constitution Week Proclamation and the Fire Prevention Week Proclamation.

The Mayor presented the following report.

The Town council in 2002 unanimously voted to hold a referendum proposing to petition the NC General Assembly to change the Town's Charter to recognize the form of governance as Council/Manager. This referendum was approved by the Town vote about two for to one against. The Council selected Mr. Eric Pearson as the first Manager. Eric served for 2 years. The Council next selected Mr. Randy Beeman as the second Manager and he served for 3 years in that position. The next Manager was Mr. Drew Havens and he served in the position for seven years. The Town's present Manager is Mr. Delane Jackson who has served 8 years to date. The total years with the Council/Manager form of Town Government is 20 years. I served on the Council that opted to conduct the referendum to change the form of governance. I have been privileged to have been mayor and to have served with the four Managers named above. They all served the Town well and each departure was to accept a position with more responsibility. In Drew Haven's case he went to the Town of Apex with a population of 30,000+. The Council and Mayor Findley in 2002 recognized that River Bend needed this change if it was going to reach a future status worthy of its potential. Clearly the Mayor and Council possessed a sense of vision in making this move. Each of the Managers named above likewise exercised vision and built a solid foundation the succeeding Managers have built upon. The new residents inherit the Town that they have joined recently. Long term residents can easily recognize the positive progress that has taken place while the Town has operated under the Council/Manager form of governance. I believe that the word "vision" best describes the motivation of all the individuals who have served as elected members of Council and also the hired Manager working with the Council. The result

of this effort is the attractive community that we call River Bend today. Each of the four Managers and the members of Council serving during those 20 years has contributed to the River Bend we can take pride in today. The present Council and Manager Jackson carry forward the strong sense of vision that will continue to make visionary progress.

PUBLIC COMMENT

No public comments at this time.

CLOSED SESSION

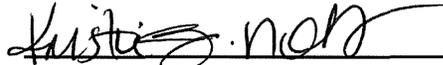
Councilman Sheffield moved to go into a Closed Session under NCSG §143-318.11(a)(3). The Council entered Closed Session at 7:59 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:17 p.m. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 8:18 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Special Meeting Minutes
September 27, 2022
Town Hall
3:00 p.m.**

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

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles

Members of the Public Present: 4

CALL TO ORDER

Mayor Kirkland called the meeting to order at 3:00 p.m. on Tuesday, September 27, 2022 in the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

Councilwoman Maurer motioned to accept the agenda as presented. The motion carried unanimously.

Discussion – Funding for and award of bid for the construction of a new Public Works Facility

The Manager presented a PowerPoint presentation on the new Public Works Facility bids and stated this presentation was included in the agenda package. He stated that the lowest bid that was received was from Bruin Builders in the amount of \$1,719,596 for the construction of a new Public Works Facility. He also explained and discussed the two bid alternates, which are a storage shelter and a mezzanine. He presented options A, B, C, and D that include various scopes of work, with option "D" including the full scope of work. (see attached slide).

The Manager presented a slide with suggested funding options, which includes utilizing funding from the general, water, and sewer funds since this building would serve Water, Sewer and Public Works activities. He stated funding from the General Fund would not exceed \$825,878 and water and sewer funding would come from reserves in those funds. He stated that water funding would not exceed \$515,879 and sewer funding would not exceed \$515,879. The amount of funding required from each fund depends on which option is approved. The Manager also presented a slide with many other options. He told the Council one option was to do nothing and let the excess funds be used to build the fund balance. (see attached slide).

The Manager stated that the Town has received a grant in the amount of \$964,378 for the construction. Councilman Sheffield stated that he had requested bids from several out of state contractors for the steel building and the quotes were lower than the bid from Bruin Builders. He stated that he recommends that the Council request additional bids from contractors who specialize in steel buildings. The Manager stated that the quotes that Councilman Sheffield had received were for the steel building only and the bid from Bruin Builders includes everything from site prep to the construction of the steel building for the project.

VOTE – Funding for and award of bid for the construction of a new Public Works Facility

Councilman Fogle motioned to approve the award for the bid of construction of the Public Works Facility to Bruin Builders for option D in the amount of \$1,719,596 as presented. The motion passed with 3 ayes (Fogle, Van Slyke, Leonard) and 2 nays (Sheffield, Maurer).

Discussion – Funding for Public Works Facility

The Manager reviewed the Public Works Capital Project Fund Ordinance Amendment #1 with the dollar amounts that coordinate with the motion from Councilman Fogle's motion to approve the bid award in the amount of \$1,719,596. The Manager stated that the Sewer Capital Fund Amendment and the Water Capital Fund Amendment would need to be amended for the construction of the Public Works facility. He stated that the original amendments were approved in 2006 and the proposed amendments would allow the funds to be used for expansion of the system, the advance payment of the bonds and capital projects.

VOTE – Sewer Capital Fund Amendment

Councilman Fogle motioned to approve the Sewer Capital Fund Amendment as presented. The motion carried unanimously. (see attached)

VOTE – Water Capital Fund Amendment

Councilman Fogle motioned to approve the Water Capital Fund Amendment as presented. The motion carried unanimously. (see attached)

VOTE – Public Works Capital Project Fund Ordinance Amendment #1

Councilman Fogle motioned to approve the Public Works Capital Project Fund Ordinance Amendment #1 as presented. The motion carried unanimously. (see attached)

The Manager stated with the contingencies the total for the project is \$1,996,136 and the Town has received around \$900,000 in grant funding, essentially the Town will pay for half of the project from the reserve account. Councilman Fogle stated that when the Municipal Building was built the cost was nearly the same and the Town's rates were not increased to cover the funding.

Councilman Fogle asked the Manager what options were available for the existing Public Works building. The Manager stated that the North Carolina Department of Emergency Management has a program to remove buildings that are located within the flood plain. The Manager stated that he has submitted the application and if it is approved the Town will be paid around \$350,000 for the value of the building and the amount to demolish the building. Councilwoman Maurer asked Councilman Fogle what he would suggest the Town do with those funds and Councilman Fogle stated he would suggest using those funds to offset the cost of the new Public Works Facility.

Discussion – Water Fund Capital Improvement Plan Resolution

The Manager stated that the engineer has estimated that the water system improvement project would cost \$9,393,000. The Manager stated that this project has been added to the Capital Improvement Plan. He also stated that if the grant funding is not approved the project will not be funded and the Town has no obligation to follow through with the project.

VOTE – Water Fund Capital Improvement Plan Resolution

Councilman Leonard motioned to approve the Water Fund Capital Improvement Plan Resolution as presented. The motion carried unanimously. (see attached)

Discussion – Preconstruction Grant Application

The Manager stated that there are two Grant Applications included in the agenda package. He stated that he needs direction from the Council as to how much funding the Council would like to apply for. He stated that the amount of funding for the Drinking Water Construction Project Grant is a lot less than previous grants he has applied for. He stated that the maximum they can apply

for is \$5,000,000 and the Council agreed that the application should be for \$5,000,000. The Manager stated the maximum they could apply for on the Preconstruction Planning Grant is \$400,000 and the Council agreed that the application should be for \$400,000.

VOTE – Preconstruction Grant Application

Councilman Leonard motioned to approve the Preconstruction Grant Application as presented. The motion carried unanimously.

Discussion – Candidates Night

Councilman Sheffield stated the he wanted to schedule a candidate's night for all the Council candidates and has learned that there is a candidate's night already planned by another group. He stated that he would suggest using the Town's website to advertise the event and to allow the Town Hall to be used to collect questions for the candidates to answer. He recommended that the top four most frequently asked questions be sent to the candidates for them to answer. He also stated that there would be a moderator who is an intermediary person to determine the questions to be asked. Councilwoman Maurer stated that she spoke with Jon Segal and he is the person that was selected by the organizers to be the moderator. She also stated that she would suggest that the candidates receive the questions before the candidates' night. She also stated she would like to have the answers published.

VOTE – Candidates Night

Councilman Sheffield motioned to approve the use of the Town's website to gather questions from citizens for candidate's night on October 19, 2022, to be collected by the Town and directed to the moderator by October 14, 2022. The motion carried unanimously.

VOTE – Candidates Night

Councilwoman Maurer motioned to suggest to the organizers that the questions be given to all candidates in advance, giving them an opportunity to respond in advance and submit answers to the moderator; also that all candidates written answers will be published in various electronic ways. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 4:55 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Work Session Minutes
October 13, 2022
Town Hall
5:00 p.m.**

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

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

Members of the Public Present: 7

CALL TO ORDER

Mayor Kirkland called the meeting to order at 5:00 p.m. on Thursday, October 13, 2022 at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Deletion to Agenda – Councilman Fogle moved to delete item 5 – Ribbons in Support of the Ukraine and to add it to the November work session meeting. The motion carried unanimously.

VOTE – Approval of Agenda

Councilwoman Maurer motioned to accept the agenda as amended. The motion carried unanimously.

Discussion – Surplus Property

The Manager stated that there was a bid opening on October 11, 2022 at 2:00 p.m. for the surplus property located at 111 Starboard Drive. He stated that there was only one bid received in the amount of \$5,100 which is less than half of the amount that the town has invested in the property.

VOTE – Surplus Property

Councilman Leonard motioned to reject the bid from Christine Soler for the surplus property at 111 Starboard Drive. The motion carried unanimously.

Discussion – Water Resources Policy Manual Amendment

The Manager stated that he and the Council have been discussing and reviewing the current Water Resources Policy Manual. He stated that the amended Water Resources Policy Manual is included in the agenda package. Councilman Leonard asked what payment options does the Town accept and the Manager stated that the Town only accepts payments at Town Hall in the form of cash, check or money order and online through a third party processor for a fee.

Discussion – Remote Participation Resolution

The Manager stated that since the State of Emergency for COVID-19 has expired, the ability to meet via remote participation has also expired. He stated that the League of Municipalities is currently accepting requests for items to include in their legislative goals for next session. He

stated that the league asked if the request has the support of the governing body. He stated a resolution of support is included in the agenda package.

VOTE – Remote Participation Resolution

Councilman Leonard motioned to approve the Remote Participation Resolution as presented. The motion carried unanimously. (see attached)

Discussion – AIRBNB Public Hearing

The Manager stated the Planning Board has been working on an amendment to the town's ordinance to allow AIRBNB rentals in River Bend. He stated that a public hearing would need to be scheduled. Councilman Sheffield stated that this revision is not just for the brand "AIRBNB", it refers to all short-term rentals.

VOTE – Public Hearing

Councilman Sheffield motioned to schedule a Public Hearing on short-term rentals on November 17, 2022 at 7:00 p.m. at Town Hall. The motion carried unanimously.

REVIEW – Agenda for the October 20, 2022 Council Meeting

The Council reviewed the agenda for the October 20, 2022 Council Meeting.

CLOSED SESSION

Councilman Sheffield moved to go into a Closed Session under NCSG §143-318.11(a)(3). The Council entered Closed Session at 5:29 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 5:50 p.m. The motion carried unanimously.

VOTE – Town Webpage

Councilman Leonard motioned by recommendation of the Town Attorney to restrict the use of the town's webpage to activities by the town or activities of official groups / organizations of the town until such time that the Council approves a Web Page Use Policy. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 5:52 p.m.



Kristie Nobles
Town Clerk

2022-RES-11

Town of River Bend Resolution
Supporting Remote Participation

Whereas, prior to the COVID-19 pandemic, existing language in the State’s Open Meeting Law was often cited as authorization for a unit of local government to utilize remote participation by its governing body; and

Whereas, specifically the statutory language used to describe an official meeting includes “the simultaneous communication by conference telephone or other electronic means”; and

Whereas, during the COVID-19 pandemic, in accordance with NCGS 166A-19.24, many units of local government invested time and resources in developing policies and procedures to allow remote participation by their governing body and purchased specialized equipment to allow for the use of “other electronic means”; and

Whereas, since Governor Roy Cooper ended the COVID-19 State of Emergency, there is some uncertainty whether units of local government have the authority to allow remote participation; and

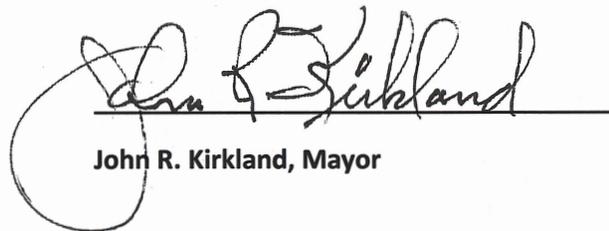
Whereas, in order to remove any uncertainty and allow units of local government to utilize technology to conduct official meetings at their discretion,

Now, therefore be it resolved, by the Town of River Bend Town Council that the Town of River Bend hereby supports the use of remote participation and urges the North Carolina League of Municipality to work in concert with the School of Government to develop clear language that would in-fact authorize remote participation and then lobby the North Carolina General Assembly to enact the said language into law.

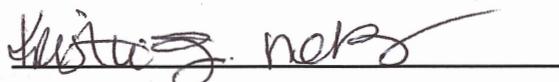
Adopted this the 13th day of October, 2022



ATTEST:



John R. Kirkland, Mayor



Kristie J. Nobles, Town Clerk

Kristie J. Nobles, Town Clerk

**River Bend Town Council
Regular Meeting Minutes
October 20, 2022
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Buddy Sheffield
Don Fogle
Barbara Maurer
Bud Van Slyke

Absent Council Member: Brian Leonard

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

Members of the Public Present: 10

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, October 20, 2022 in the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as presented. The motion carried unanimously.

At this time, the Mayor presented the Town Manager, Delane Jackson with a Certificate of Appreciation to recognize his 8 year anniversary with the Town of River Bend.

CONSENT AGENDA

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

- A. Approve:
- Minutes of the September 8, 2022 Work Session*
 - Minutes of the September 15, 2022 Regular Council Meeting*
 - Minutes of the September 27, 2022 Special Meeting*

TOWN MANAGER'S REPORT

The Manager gave the following updates on Town projects:

- Construction of the Town Hall dock replacement has begun.
- The Town has issued the notice to proceed on the construction of the new Public Works Administration Building and it must be completed within 435 days.
- There is a Board of Adjustment meeting on October 27, 2022 at 6:00 p.m. for a Special Use Permit submitted for 5530 Hwy 17 South.
- The Water Meter Replacement Project is expected to begin on October 31, 2022.
- There are three RFQ's (Request for Qualifications) for grant-funded projects due October 28, 2022 at 3:00 p.m. Those requests are for engineering services for construction of the wastewater treatment plant, water AIA and sewer AIA.

- The Annual Shred Event is Saturday, November 5, 2022, 9:00 a.m. through 12:00 p.m.

The Manager stated that he posted a memo on the town's webpage regarding transparency. He stated that within that memo he posted a question regarding how many fire hydrants are located within the Town. He stated one person responded with the correct answer, 112 fire hydrants within town. Donna Ross had the winning response. He awarded her with a gift card for the correct answer. The Mayor stated that years ago, the John Locke Society rated all the municipalities in North Carolina for transparency, and only 9 received an "A" grade with the Town of River Bend being one of those.

Police Chief Joll stated that the National Night Out was on October 4th and was well attended. He expressed gratitude to all of the volunteers and surrounding police departments that contributed to a successful event.

ADMINISTRATIVE REPORTS

PARKS & RECREATION/CAC – Councilwoman Maurer

Councilwoman Maurer presented the following reports.

River Bend Community Organic Garden (RBCOG)

RBCOG met on October 3. Garden volunteers worked almost 1500 hours 1/1 to 9/30. Over 2050 pounds of vegetables have been harvested since the spring. Interfaith Refugee Ministries received 250 pounds of crops raised for them. Interfaith plans to submit an article about RBCOG to their national publication. It was a disappointing year for monarchs but the bees are doing well. The NBHS Green Team returned for their tenth year. Fourteen students attended the first session. One garden volunteer is working to install solar power to the greenhouse. The next meeting will be held on Nov 7 at 1:30 pm. All are welcome.

Red Caboose Library (RCL)

The board met on Oct 13. They reported they have a few new volunteers and patrons. They have added evening hours on Tuesday nights. The Banned Book Display was well received. Once again the children's open house was not well attended but several adults enjoyed it. Halloween candy will be available for trick or treaters. The library will hold a book sale in the Municipal Building on Community Yard Sale Day. A permanent home and finances continue to be concerns. Linda noted that all donations at the Community Picnic were to go to the library but they have not received anything. She will try to contact them again. The next meeting is scheduled for Nov 3.

Community Appearance Commission (CAC)

The CAC did not meet in October but they were busy. After months of planning that go back to fall 2021, the CAC launched their yard of the month and festive yards awards program with Halloween. Anyone may nominate a home they find eye-catching. Nomination forms can be found on the town's website. The Christmas light globes workshops was already reported. The third big project is a review of the vegetation along the Plantation median. A detailed report should be ready in January.

There are two vacancies but one may soon be filled. The next meeting is scheduled for November 16.

Parks & Recreation

Parks and Recreation met on October 5. They addressed a long agenda filled with the many details involved in presenting their activities. The Tea Seminar and Trivia Night were both popular and received requests for repeats. Member discussed offering trivia night's monthly beginning in January. The Night Out free refreshment table was busy from opening to about 7:30. Meet and

Greet at River Brew saw a lot of traffic and many residents met with Council candidates while enjoying food and drinks served by Erika and her staff of volunteers.

Upcoming events include the October 22 Community-wide yard sale day with the Red Caboose Library Book Sale and the Garden Club bake sale. Maps will be available at River Brew on Friday and at the Municipal Building on Saturday morning. Trunk or Treat will be held on Saturday, October 29 from 4-6 pm in the Municipal Building parking lot.

November events will start with two Christmas globe light workshops, in conjunction with CAC, on 11/9 and 11/12. A Veteran's Day recognition will be held on November 11 from 3-5 pm at Town Hall. All Veterans and their family members are invited. The annual Thanksgiving Bingo is scheduled for 11/22 from 1 to 4 pm in the Municipal Building. Prizes will be Thanksgiving themed. Pre-register to reserve a seat. This usually fills up early. You will hear more about Christmas events next month. Watch for flyers in the coming weeks.

In addition to offering events, P&R is working on some new ideas for our recreation area and a variety of new activities, many involving partnerships with other groups and agencies. Stay tuned. The next meeting is November 2.

FINANCE – Councilman Van Slyke

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of September. She stated the total of the Town's Cash and Investments as of September 30, 2022 are \$4,195,324 and Ad valorem tax collections for FY22-23 were \$34,707 and Vehicle Ad valorem tax collections were \$8,830.

Councilman Van Slyke stated that Water Resources Department Policy Manual was included in the agenda package and discussed at the previous Council meeting.

VOTE – Water Resources Department Policy Manual

Councilman Van Slyke motioned to approve Water Resources Policy Manual as presented. The motion carried unanimously. (see attached)

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD – Councilman Leonard

Councilman Leonard presented the following report.

EWAB met on October 3rd 2022 at 7 PM in the small conference room in the Municipal building. Chairman Ackiss called the meeting to order at 7 PM. There was a quorum of members. There were no visitors. The minutes from the September 5th 2022 meeting were reviewed and approved. Councilman Leonard gave a update on council activities. Old business: 2020 NC state report on sea level raising and impacts on River Bend. New business: no new business. Next meeting November 7th 2022 at 7 PM in the small conference room at Municipal Building. The public is welcome to all EWAB meetings.

PLANNING BOARD – Councilman Sheffield

Board of Adjustment

Councilman Sheffield stated that the Board of Adjustment will hold a Public Hearing on October 27, 2022 at 6:00 p.m. at Town Hall. He stated that the town has received a Special Use Permit request to operate an automotive shop at 5530 South US Hwy 17.

PUBLIC SAFETY – Councilman Fogle

Councilman Fogle presented the following reports.

CERT

The CERT team met on September 28, 2022 at 7:00 pm in the Municipal Building. Five people were present. Discussion centered around the need to update the resident's emergency contact list. A new form will be created. Distribution will be via utility bills assuming this is acceptable to the Town. CERT members can stuff the forms in the envelopes. There was also a brief discussion about CERT participating in National Night Out on October 4, 2022. The next CERT meeting is

scheduled for Wednesday, October 26, 2022, starting at 7:00 pm in the Municipal Building. Check the Town calendar for schedule updates. CERT is always looking for new members. Contact Chief Joll or Mary Holihan for more information.

COMMUNITY WATCH

Community Watch will meet again on Wednesday, October 26, 2022 in the Municipal Building at 7:00 pm. This date is a week after previously scheduled due to the conflict with Candidates Night. Community Watch is always looking for new members. Contact Chief Joll or Egon Lippert for more information.

MAYOR'S REPORT

The Mayor presented the following report.

We are in a season when much is said about transparency in the conduct of River Bend Town business. Some of the statements present facts and other statements do not produce facts. I ask those who will read my October submission to read the attached document, which Manager Jackson posted on the town's website titled, "Transparency and Our Web Page". The heart of Manager Jackson's document is that the River Bend Web Page has copies of official documents that cover many aspects of the Town Council actions and it records how Council decisions were reached. The detail of material contained in the River Bend web page far exceeds what other municipalities post on their counterpart web pages. It is apparent that most misinformation about Town official actions is spread by posting on the social media sites. It is also testimony that the fact that persons using the social media have access to a computer and could access the Town web page and read how the action in question was debated and acted on in open sessions by the Town Council. I ask all who would desire to advance accurate information on actions taken by the Council to take time to look at the issue reported on the Town's web page. If this request is followed, we will avoid much of the spread of misinformation.

Managers Document

I occasionally hear comments about transparency or the perceived lack of it in government. This article is dedicated to a discussion of facts about the Town of River Bend's ongoing efforts to be transparent. First, what does transparency mean? In a literal sense, it simply means - able to be seen through. *Dictionary.com/browse/transparency* says this about transparency - "It is perhaps most commonly used in a figurative way to refer to a state in which things are free from any attempt to hide something..."

If I were asked to specifically give one example of the Town of River Bend's effort to be transparent, I would simply point to our webpage as "Exhibit A." Our web page is full of information about the town. Following is a list of just some of the data you will find on our web page. It's available 24/7/365 from the privacy and comfort of your home, all with just a few keystrokes and a few clicks of your mouse.

- Many years of agendas, minutes and video recordings from previous town meetings. The town is not required to record its Council meetings.
- Council and staff contact information and a Council meeting schedule
- All town ordinances and many town policies, forms and permit applications
- Maps of all sorts and a town calendar of upcoming events
- Lots of information about each town department
- A list of job vacancies and bid opportunities
- Notice of any upcoming public hearings
- Many years of previous newsletters
- Information about Advisory Boards, what they do and how to apply including an application and minutes from past Advisory Board meetings
- Our Comprehensive Plan and lots of floodplain information

- All sorts of budget information, including our current budget and amendments thereto, past budgets, the budget message and all of the documents related to the development of the current budget, which occurred during the annual budget workshops. This includes the PowerPoint presentations that were presented during those workshops. Those workshops are open to the public and literally every single line item in all departments and the amount of funding for it are displayed on the big screen during those workshops.
- Financial Information galore, including our latest and past audit reports, and our award winning Annual Comprehensive Financial Report (ACFR). It includes 18 different tables of statistical data, many of which include 10 years of historical data, including data on fund balance, net position, bonded debt, property tax levy, tax rate, expenditures & revenues by function and even 10 years of data on how many tons of leaf and limb debris was collected, how many zoning permits were issued, how much water was treated, how much sewer was treated, how many miles of water lines, sewer lines and streets there are in town and even how many police arrests were made in town and for what. If you are interested, you can even find out how many fire hydrants and sewer lift stations there are in town and even more information. The first citizen that contacts me and correctly states the current number of fire hydrants in town, according to the latest ACFR, will receive a \$25 gift certificate for River Brew from me personally.
- Financial Dashboard, which is a user friendly tool that looks a lot like an instrument cluster in a vehicle, thus the name. It allows you to easily view the current financial data on 55 different budget related items in 55 different graphs/charts. This report is updated monthly.
- Monthly Finance Report, which contains up-to-date budget information on 101 separate budget items. This report is updated monthly and shows year-to-date data for the current fiscal year.
- Monthly Citizen Agenda Packet - This document is posted on our web page and included in the weekly e-news prior to the Council meetings. It is also printed and distributed at each regular monthly Council meeting. It contains departmental reports, the finance report, Council minutes, materials related to the items that are on the agenda for that particular meeting, advisory board reports and more. You can even see how many work orders the Public Works Department staff received and completed and it's broken down into 15 different areas. You can also see how many zoning permit applications were received and issued and the dollar amount of fees that were collected through that process. You can also see how many citizen complaints were received and how many zoning violation notices were issued. In the monthly Police Department report, you can see data for 38 different areas of police operations.
- Schedule of rates and fees, number of water and sewer customers
- A list of the Top 10 highest property taxpayers (Table 7, page 130 of 2021 ACFR)
- And lots more.....

These are just some, but not all, of the things that you will find on our web page. It's important to note that River Bend is not required to have a web page. No town in North Carolina is. For towns that do operate a web page, the law requires very few items to be posted on the web page. Some of those are: notices of public hearings, special meetings and bid opportunities. Almost all of the items listed above are NOT required to be published on our web page. The town does include them as a part of our effort to be transparent.

In addition to our web page, the Town also operates an e-news service. It is a weekly notice that is sent via email to subscribers. It contains lots of information about upcoming events and meetings and links to many of the items that are on our web page.

If there is any town related data/information that is in the public domain, which you need but cannot find on our web page, just call Town Hall and we will get it for you. However, please be aware that not all data is in the public domain. Some items like some personnel records, utility

customer information and some attorney correspondence is not in the public domain. Also, we can only provide you with data that we have and in the format that we have it. For example, we cannot provide you with a report on how many kids aged 9-15 live in River Bend or how many registered voters live in River Bend because we do not maintain those records.

We also have an official bulletin board where we post information that is required by law. The bulletin board is located on the porch at Town Hall.

Our web page continues to grow. It is updated and expanded regularly. For example, I have recently been asked about the rules concerning closed session. Just this week, some information about that topic was added to our web page. Click [here](#) for the North Carolina law about that topic. Please visit our web page, surf around on it and if you have any suggestions for topics that need to be added, let us know.

The Town of River Bend goes well beyond the minimum requirements in regards to transparency.
Posted - September 14, 2022

PUBLIC COMMENT

Janet Nawojski – 105 Commander Circle - spoke in opposition of Advisory Board term limits.

Mike Repenning –213 Esquire Court – suggested various ways to live stream Town meetings.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 7:35 p.m.



Kristie J. Nobles
Town Clerk

**River Bend Town Council
Work Session Minutes
November 10, 2022
Town Hall
5:00 p.m.**

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

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

Members of the Public Present: 11

CALL TO ORDER

Mayor Kirkland called the meeting to order at 5:00 p.m. on Thursday, November 10, 2022 at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilman Van Slyke moved to add Finance Officer Appointment as item 3D. The motion carried unanimously.

VOTE – Approval of Agenda

Councilwoman Maurer motioned to accept the agenda as modified. The motion carried unanimously.

Discussion – Budget Amendment FY22-23 – 22-B-04

The Manager stated that the budget amendment in the agenda package is for the award of contract of the new Public Works Building that the Council approved at the Special Meeting in September. He stated that this budget amendment codifies what the Council approved previously.

VOTE – Budget Amendment FY22-23 - 22-B-04

Councilman Van Slyke motioned to approve Budget Amendment 22-B-04 as presented. The motion carried unanimously. (see attached)

Discussion – Wastewater Treatment Plant Capital Project Fund Ordinance

The Manager stated that the Wastewater Treatment Plant Capital Project Fund Ordinance is included in the agenda. He stated this ordinance is for a grant-funded project.

VOTE – Wastewater Treatment Plant Capital Project Fund Ordinance

Councilman Van Slyke motioned to approve Wastewater Treatment Plant Capital Project Fund Ordinance as presented. The motion carried unanimously. (see attached)

Discussion – Grant Project Ordinance for Water AIA

The Manager stated that the town received two AIA grants for \$150,000 each for water and sewer. Councilman Van Slyke stated that the Council has had these documents and these ordinances have been discussed at previous meetings.

VOTE – Grant Project Ordinance for Water AIA

Councilman Van Slyke motioned to approve Grant Project Ordinance for Water AIA as presented. The motion carried unanimously. (see attached)

VOTE – Grant Project Ordinance for Sewer AIA

Councilman Van Slyke motioned to approve Grant Project Ordinance for Sewer AIA as presented. The motion carried unanimously. (see attached)

Councilman Van Slyke stated that the budget items that were approved are associated with non-tax areas and are funded from external grant funding.

Discussion – Engineering Services Agreements

The Manager stated that he was anticipating proceeding with the Engineering Agreements at this meeting, but he has not received the final approval to proceed. He suggested that the Council postpone voting on these agreements until he has the final approval. He introduced Greg Churchill, of Rivers and Associates. Mr. Churchill then presented the Rivers and Associates Engineering Services Agreement and answered questions from the Council.

Discussion – Finance Officer Appointment

Councilman Van Slyke stated he has been in his current term for over 20 years and 17 of those years were in finance. He stated that after discussions with the Town Manager and the Deputy Finance Officer, Brian Leonard; he recommends that the Finance Director and the Finance Officer should be the same person. He stated that many local governments' Finance Directors are the Finance Officer within their unit.

VOTE – Finance Officer Appointment Documents

Councilman Van Slyke motioned to direct the Town Manager to prepare all necessary documents, which will allow the role of the Finance Officer to be filled by the Finance Director and have those documents ready for Council consideration at next week's meeting. The motion carried unanimously.

Discussion – Short-term Rentals Public Hearing

The Manager stated there is a Public Hearing scheduled on November 17, 2022 at 7:00 p.m. at Town Hall regarding short-term rentals in River Bend.

Discussion – Update on Conditional Re-zoning Ordinance

The Manager stated the Planning Board has been discussing and reviewing the proposed Conditional Re-zoning Ordinance and they are still in the process of reviewing the ordinance and making any revisions. The Manager stated that once the Planning Board approves any changes it would be presented to the Council for consideration.

Discussion – Additional Leaf and Limb Pickup

Councilman Sheffield stated on his street there are a lot of leaves and limbs that need to be picked up. He suggested that the Town add an additional leaf and limb pickup in December. The Manager stated that there is a provision in the contractor's contract that would allow him to do an additional pickup.

VOTE – Additional Leaf and Limb Pick-up

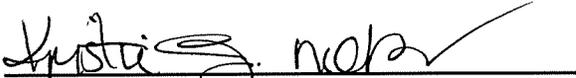
Councilman Sheffield motioned that an additional Leaf and Limb pickup be scheduled in December if the contractor is amendable. The motion carried unanimously.

REVIEW – Agenda for the November 17, 2022 Council Meeting

The Council reviewed the agenda for the November 17, 2022 Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 6:04 p.m.



Kristie J. Nobles
Town Clerk



**TOWN OF RIVER BEND
 BUDGET ORDINANCE AMENDMENT 22-B-04
 FISCAL YEAR 2022 - 2023**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2022-2023 Budget Ordinance as last amended on September 15, 2022, be amended as follows:

Summary

| | |
|---|------------------|
| General Fund | 2,273,469 |
| General Capital Reserve Fund | 99,847 |
| Law Enforcement Separation Allowance Fund | 13,525 |
| Water Fund | 877,516 |
| Water Capital Reserve Fund | 245,260 |
| Sewer Fund | 1,187,139 |
| Sewer Capital Reserve Fund | 11,273 |
| Total | <u>4,708,029</u> |

Section 1. General Fund

Anticipated Revenues

| | |
|--|------------------|
| AD VALOREM Taxes 2022-2023 | 721,710 |
| AD VALOREM Tax-Motor Vehicle | 92,300 |
| Animal Licenses | 2,000 |
| Sales Tax 1% Article 39 | 177,124 |
| Sales Tax 1/2% Article 40 | 102,899 |
| Sales Tax 1/2% Article 42 | 88,586 |
| Sales Tax Article 44 | 11,613 |
| Sales Tax Hold Harmless Distribution | 99,000 |
| Solid Waste Disposal Tax | 2,200 |
| Powell Bill Allocation | 91,000 |
| Beer and Wine Tax | 13,225 |
| Video Programming Sales Tax | 50,743 |
| Utilities Franchise Tax | 108,963 |
| Telecommunications Sales Tax | 8,140 |
| Court Refunds | 500 |
| Zoning Permits | 5,000 |
| Federal Grant (Byrne Justice Assistance Grant) | 22,170 |
| State Grant (Golden LEAF Foundation Grant) | 250,000 |
| Miscellaneous | 10,000 |
| Interest- Powell Bill Investments | 50 |
| Interest-General Fund Investments | 500 |
| Contributions | 421 |
| Wildwood Storage Rents | 18,144 |
| Rents & Concessions | 18,000 |
| Sale of Fixed Assets | 15,000 |
| Transfer From Capital Reserve Fund | 72,787 |
| Appropriated Fund Balance | 291,394 |
| Total | <u>2,273,469</u> |

Section 1. General Fund (continued)

| | |
|--|------------------|
| Authorized Expenditures | |
| Governing Body | 30,400 |
| Administration | 296,800 |
| Finance | 133,800 |
| Tax Listing | 11,600 |
| Legal Services | 24,000 |
| Elections | 1,000 |
| Police | 664,443 |
| Public Buildings | 102,300 |
| Emergency Services | 3,700 |
| Animal Control | 14,600 |
| Street Maintenance | 193,000 |
| Public Works | 177,500 |
| Leaf & Limb and Solid Waste | 51,000 |
| Stormwater Management | 311,395 |
| Wetlands and Waterways | 2,900 |
| Planning & Zoning | 54,800 |
| Recreation & Special Events | 7,600 |
| Parks & Community Appearance | 101,200 |
| Contingency | 17,931 |
| Transfer To General Capital Reserve Fund | 60,000 |
| Transfer To L.E.S.A. Fund | 13,500 |
| Total | <u>2,273,469</u> |

Section 2. General Capital Reserve Fund

| | |
|---------------------------------|---------------|
| Anticipated Revenues | |
| Contributions from General Fund | 60,000 |
| Interest Revenue | 60 |
| Appropriated Fund Balance | <u>39,787</u> |
| Total | 99,847 |
| | |
| Authorized Expenditures | |
| Transfer to General Fund | 72,787 |
| Future Procurement | <u>27,060</u> |
| | 99,847 |

Section 3. Law Enforcement Separation Allowance Fund

| | |
|---------------------------------|---------------|
| Anticipated Revenues: | |
| Contributions from General Fund | 13,500 |
| Interest Revenue | <u>25</u> |
| Total | 13,525 |
| | |
| Authorized Expenditures: | |
| Separation Allowance | 0 |
| Future LEOSSA Payments | <u>13,525</u> |
| Total | 13,525 |

Section 4. Water Fund

Anticipated Revenues

| | |
|--------------------------------------|----------------|
| Utility Usage Charges, Classes 1 & 2 | 209,332 |
| Utility Usage Charges, Classes 3 & 4 | 10,525 |
| Utility Usage Charges, Class 5 | 13,183 |
| Utility Usage Charges, Class 8 | 3,519 |
| Utility Customer Base Charges | 277,253 |
| Hydrant Availability Fee | 20,130 |
| Taps & Connections Fees | 1,250 |
| Nonpayment Fees | 10,500 |
| Late payment Fees | 7,707 |
| Interest Revenue | 435 |
| Sale of Capital Asset | 0 |
| Appropriated Fund Balance | 323,681 |
| Total | <u>877,516</u> |

Authorized Expenditures

| | |
|---|----------------|
| Administration & Finance [1] | 479,225 |
| Operations and Maintenance | 124,000 |
| Transfer To Fund Balance for Capital Outlay | 3,500 |
| Transfer To Water Capital Reserve Fund | 0 |
| Transfer to PW Capital Projects Fund | 270,791 |
| Total | <u>877,516</u> |

[1] Portion of department for bond debt service: 146,416

Section 5. Water Capital Reserve Fund

Anticipated Revenues

| | |
|--|----------------|
| Contributions From Water Operations Fund | 0 |
| Interest Revenue | 172 |
| Appropriated Fund Balance | 245,088 |
| Total | <u>245,260</u> |

Authorized Expenditures

| | |
|--------------------------------------|----------------|
| Future Expansion & Debt Service | 172 |
| Transfer to PW Capital Projects Fund | 245,088 |
| Total | <u>245,260</u> |

Section 6. Sewer Fund

Anticipated Revenues:

| | |
|--------------------------------------|------------------|
| Utility Usage Charges, Classes 1 & 2 | 257,727 |
| Utility Usage Charges, Classes 3 & 4 | 23,194 |
| Utility Usage Charges, Class 5 | 29,053 |
| Utility Usage Charges, Class 8 | 6,836 |
| Utility Customer Base Charges | 294,601 |
| Taps & Connection Fees | 1,250 |
| Late payment Fees | 7,948 |
| Interest Revenue | 703 |
| Sale of Capital Asset | 0 |
| Appropriated Fund Balance | 565,827 |
| Total | <u>1,187,139</u> |

Authorized Expenditures:

| | |
|---|------------------|
| Administration & Finance [2] | 468,025 |
| Operations and Maintenance | 211,000 |
| Transfer to Fund Balance for Capital Outlay | 3,500 |
| Transfer to Sewer Capital Reserve Fund | 0 |
| Transfer to PW Capital Projects Fund | 504,614 |
| Total | <u>1,187,139</u> |

[2] Portion of department for bond debt service: 126,434

Section 7. Sewer Capital Reserve

Anticipated Revenues:

| | |
|--|---------------|
| Contributions From Sewer Operations Fund | 0 |
| Interest Revenue | 8 |
| Appropriated Fund Balance | 11,265 |
| Total | <u>11,273</u> |

Authorized Expenditures:

| | |
|--------------------------------------|---------------|
| Future Expansion & Debt Service | 8 |
| Transfer to PW Capital Projects Fund | 11,265 |
| Total | <u>11,273</u> |

Section 8. Levy of Taxes

There is hereby levied a tax at the rate of twenty-six cents (\$0.26) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2022, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2022-2023" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$278,500,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.67%. The estimated collection rate is based on the fiscal year 2020-2021 collection rate of 99.67% 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 \$35,500,000 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 2022-2023, 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 5.0% 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.

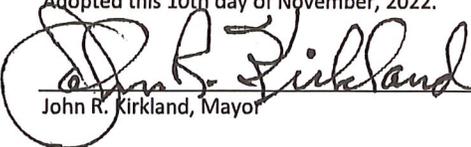
Section 12. Utilization of the Budget Ordinance

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2022-2023 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall ensure the operating staff and officials are provided with guidance and sufficient details to implement their appropriate portion of the budget.

Section 13. Copies of this Budget Ordinance

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

Adopted this 10th day of November, 2022.



John R. Kirkland, Mayor

Attest:



Kristie J. Nobles, Town Clerk





**TOWN OF RIVER BEND
WASTEWATER TREATMENT PLANT CAPITAL PROJECTS FUND ORDINANCE**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina:

Section 1. The following amounts are hereby appropriated for the operation of a Town Capital Projects Fund for the enhancement of the Wastewater Treatment Plant:

CAPITAL PROJECTS FUND

Revenues:

State Fiscal Recovery Fund Grant 9,108,500

Expenditures:

| | |
|----------------|-----------|
| Administration | 84,000 |
| Engineering | 621,000 |
| Construction | 8,403,500 |
| | <hr/> |
| | 9,108,500 |

Section 2. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations.

Section 3. The Finance Officer is hereby authorized to maintain an appropriate Fund Chart of Accounts.

Section 4. Copies of this 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.

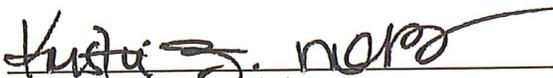
Section 5. The capital projects funds are appropriated pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina; therefore, appropriations do not lapse at the end of the fiscal year and are available for the duration of the project, estimated to be eighteen months, unless subsequently amended by Council action.

Adopted this 10th day of November, 2022.



John R. Kirkland, Mayor

Attest:



Kristie J. Nobles, Town Clerk





**TOWN OF RIVER BEND
GRANT PROJECT ORDINANCE
WATER ASSET INVENTORY AND ASSESSMENT PROGRAM**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the Asset Inventory and Assessment (AIA) project described in the work statement contained in the Grant Agreement between this unit and the North Carolina Environmental Quality Drinking Water Reserve. This project is more familiarly known as the River Bend 2022 Water AIA Project.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the NC Environmental Quality Drinking Water Reserve and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

| | |
|--|---------|
| Division of Water Infrastructure Grant | 150,000 |
|--|---------|

Section 4. The following amounts are appropriated for the project:

| | |
|----------------------|---------|
| Project Management | 10,000 |
| Administration | 5,000 |
| Engineering Services | 135,000 |
| Total | 150,000 |

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement and federal and state regulations.

Section 6. Funds may be advanced from the Water Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report annually on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Council.

Section 9. Copies of this Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 10th day of November, 2022.


John R. Kirkland, Mayor

Attest:


Kristie J. Nobles, Town Clerk





**TOWN OF RIVER BEND
GRANT PROJECT ORDINANCE
SEWER ASSET INVENTORY AND ASSESSMENT PROGRAM**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the Asset Inventory and Assessment (AIA) project described in the work statement contained in the Grant Agreement between this unit and the North Carolina Environmental Quality Wastewater Reserve. This project is more familiarly known as the River Bend 2022 Sewer AIA Project.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the NC Environmental Quality Wastewater Reserve and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

| | |
|--|---------|
| Division of Water Infrastructure Grant | 150,000 |
|--|---------|

Section 4. The following amounts are appropriated for the project:

| | |
|----------------------|---------|
| Project Management | 10,000 |
| Administration | 5,000 |
| Engineering Services | 135,000 |
| Total | 150,000 |

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement and federal and state regulations.

Section 6. Funds may be advanced from the Sewer Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report annually on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Council.

Section 9. Copies of this Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 10th day of November, 2022.


John F. Kirkland, Mayor

Attest:


Kristie J. Nobles, Town Clerk



**River Bend Town Council
Regular Meeting Minutes
November 17, 2022
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Buddy Sheffield
Don Fogle
Barbara Maurer
Bud Van Slyke

Absent Council Member: Brian Leonard

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

Members of the Public Present: 24

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, November 17, 2022 in the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilwoman Maurer moved to add CAC Appointments as item 9F. The motion carried unanimously.

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as amended. The motion carried unanimously.

PUBLIC HEARING – Chapter 15.02 of the Town’s Zoning Ordinance – Short-term Rentals

Councilman Sheffield moved to open the Public Hearing to discuss Chapter 15.02 of the Town’s Zoning Ordinance – Short-term Rentals. The motion carried unanimously.

At this time, the Mayor indicated that those who signed up to speak would be called in the order in which they signed up. There were eight people who addressed the Council, with five of those who spoke opposing short-term rentals.

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

CONSENT AGENDA

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

- A. Approve:
Minutes of the October 13, 2022 Work Session
Minutes of the October 20, 2022 Regular Council Meeting

TOWN MANAGER’S REPORT

The Manager gave the following updates on Town projects:

- Construction of the Town Hall dock replacement has been completed.

- Construction on the Public Works Building is underway; the site has been graded and prepared for the concrete slab.
- The Water Meter Replacement Project has begun and as of today, 223 meters have been replaced.
- The implementation of new computer software has started at Town Hall.

ADMINISTRATIVE REPORTS

PUBLIC SAFETY – Councilman Fogle

Councilman Fogle presented the following reports.

CERT

The CERT meeting for October was cancelled. The next meeting is scheduled for Wednesday, November 23, 2022 at 7:00 pm in the Municipal Building. Check the Town calendar for updates. Mary Holihan and Dana Donahue set up a CERT recruitment table at National Night Out. CERT is always looking for new members. Contact Chief Joll or Mary Holihan for more information.

COMMUNITY WATCH

Community Watch met on Wednesday, October 26, 2022 in the Municipal Building at 7:00 pm. Sergeant Fell and Officer DeStefano gave a general crime update and discussed concerns about speeding on Plantation Drive. Long sleeve shirts will be ordered for winter wear. With the departure of Margaret Theis, her secretary duties were split between Luci Avery and Jim Kelly. Luci will take notes and prepare minutes, and Jim will have community watch hours reported to him for compilation. The group agreed to assist with Trunk or Treat and the shredding event. The next Community Watch meeting is scheduled for February 15, 2023 at 7:00 pm in the Municipal Building. Election of officers will be performed at that time. Community Watch is always looking for new members. Contact Chief Joll or Egon Lippert for more information.

Councilman Fogle Statement

Councilman Fogle stated that near the end of the last Council meeting on October 20, 2022, two audience members heard Councilwoman Maurer call me a “jackass” while the meeting was still in session and the cameras were rolling. They reported this to me immediately after the meeting and it was confirmed in a subsequent review of the tape. I filed a formal complaint against Councilwoman Maurer on October 24, 2022, for exhibiting disrespect toward a peer in a public meeting and for unprofessional and unethical behavior. The following day, Councilwoman Maurer notified the Council via the Town Manager that she would issue an apology tonight. Unfortunately, close associates of Councilwoman Maurer vilified the two whistleblowers on Facebook claiming they were smearing Councilwoman Maurer well after Councilwoman Maurer’s admission. The whistleblowers were telling the truth about Councilwoman Maurer’s statement. If there is an apology tonight, it should include Kathy Noonan and Krysten Howard, the whistleblowers who did what any resident or councilmember should have done in the same situation.

PARKS & RECREATION/CAC – Councilwoman Maurer

Councilwoman Maurer presented the following reports.

Parks & Recreation

Parks and Recreation did not meet on their scheduled November 2 meeting date due to lack of a quorum. The chairperson and four members have resigned due to a longstanding campaign targeting them. Another member resigned in October. I have also resigned as liaison to the board. Councilman Leonard will fill the position until new assignments are determined in January.

Community Appearance Commission (CAC)

The CAC met on November 16. Five members and four guests were in attendance. One guest had two concerns. Brenda told him she would look into them. Three guests have all filed applications for appointments to the CAC. One applicant said she is willing to wait for an

appointment and asked to be considered the next time there is an opening. A motion was made and seconded and the members voted to recommend to the Council that the other two applicants be appointed. They are Christine Soler and Claudia Christie-Ashmore. The applicant in waiting is Maggie Bramwell. This year the town will have one hundred twenty Christmas globe lights to hand at the front entrance and possibly other locations. The Festive Award Program recognized homes on New Hampshire Ave and Teakwood Drive for their tasteful fall decorations. The Christmas Festive Award competition will be officially announced on November 28. Nominations will begin on December 5. The Plantation median project will be presented to the Council after the New Year.

River Bend Community Organic Garden (RBCOG)

RBCOG met on November 7. The Green Team harvested 192 pounds of sweet potatoes. The volunteer papaya tree is about 20 feet high and has twelve papayas on it. Planning has started for spring. A garden workday is scheduled for Saturday, November 19. Carolina Nature Coalition has requested a program about RBCOG. It will mark the return of workshops with additional events planned for 2023. The next meeting is scheduled for December 5 at 1:30 pm. All are welcome.

Red Caboose Library (RCL)

The board met on Nov 3. As a follow-up to last month's report regarding the library's expectations of donations from the Community Picnic, information was received that no donations to the library were made at that event. Some organizers paid for expenses out-of-pocket. They are to be commended for their community event and for their good intentions regarding the library. Tuesday night evening hours have been added. Local author JoAnna Kloster was scheduled to speak on November 16. A permanent home and finances continue to be concerns. The next meeting is scheduled for Dec. 1.

Planning Board (for Councilman Sheffield)

The Planning Board was presented with a draft ordinance for conditional zoning that was prepared by Town staff. Asst. Zoning Administrator Allison McCollum reviewed the ordinance and answered questions as needed. The Board did not make any decisions or recommendations, but decided to continue the discussion at the next regular meeting. The rest of the agenda covered routine business. The next meeting of the Planning Board is scheduled for Thursday, December 1, 2022.

CAC Appointments

VOTE – Advisory Board Appointment – Soler

Councilwoman Maurer motioned to appoint Christine Soler to the Community Appearance Commission for a term beginning November 17, 2022 and expiring June 30, 2024. The motion carried unanimously.

VOTE – Advisory Board Appointment –Christie-Ashmore

Councilwoman Maurer motioned to appoint Claudia Christie-Ashmore to the Community Appearance Commission for a term beginning November 17, 2022 and expiring June 30, 2024. The motion carried unanimously.

FINANCE – Councilman Van Slyke

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of October. She stated the total of the Town's Cash and Investments as of October 31, 2022 are \$4,271,235 and Ad valorem tax collections for FY22-23 were \$88,765 and Vehicle Ad valorem tax collections were \$18,602.

Councilman Van Slyke stated that Town Code of Ordinances, Title III, Administration, Chapter 3.01, General Administration Ordinance Amendment was included in the agenda package and

the Council has been reviewing this ordinance. Councilman Sheffield stated that this ordinance would allow someone other than a council member to be the Town's Finance Officer.

Councilman Van Slyke submitted his resignation as the Finance Officer and stated that he has been the Finance Officer for the Town of River Bend for over 18 years. He stated it has been a joy to provide this service to the people of the Town of River Bend and since he was not re-elected, he stated he felt it was time to step down as the Finance Officer for the Town. Councilman Sheffield praised Councilman Van Slyke for his service as the Finance Officer for the Town of River Bend. Councilman Leonard stated there still would be a Council liaison between the Finance Department and the Town's staff.

VOTE – Town Code of Ordinances, Title III, Administration, Chapter 3.01, General Administration Ordinance Amendment

Councilman Van Slyke motioned to approve the Town Code of Ordinances, Title III, Administration, Chapter 3.01, General Administration as presented. The motion carried unanimously. (see attached)

At this time, the Town Manager appointed Mandy Gilbert as the Finance Officer for the Town of River Bend and the Town Clerk administered the Finance Officer Oath to Mandy Gilbert. Councilman Sheffield praised the Finance department and stated the Town has received many national awards.

VOTE – Finance Officer Salary Increase

Councilman Van Slyke motioned to approve a 3% salary increase that is equivalent to Pay Grade AD5, step 13 to the Finance Director. The motion carried unanimously.

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD – Councilman Leonard

Councilman Leonard presented the following report.

EWAB met at 7 PM on Monday 7 November 2022 in the small conference room in the municipal building. Chairman Ackiss called the meeting to order, there was a quorum. There were two visitors. The minutes from the October 2022 meeting were approved. Councilman Leonard gave a council update. **Old business:** discussion about bulkhead inspections, EWAB will coordinate with the town to start inspections. Several stormwater drain areas were inspected by the town and were found to be clear of any blockages. **New business:** Fishing dock completed, discussion about adding life preservers and a ladder. Discussion about cleaning up the ponds that are part of the stormwater drainage system. Volunteer hours total for October 14 hours. There will not be a EWAB meeting in December 2022. Next meeting will be on January 2, 2023, at 7 PM in the small conference room in the municipal building.

The Manager stated that he has received authorization from the state to move forward on Wastewater Treatment Plant Enhancement agreement, the Water AIA agreement and the Sewer AIA agreement.

VOTE – WWTP Enhancements Engineering Services Agreement

Councilman Leonard motioned to approve the Wastewater Treatment Plant Enhancements Engineering Services Agreement with Rivers and Associates as presented. The motion carried unanimously. (see attached)

VOTE – Water AIA

Councilman Leonard motioned to approve the Water System Asset Inventory and Assessment Agreement with Municipal Engineering Services as presented. The motion carried unanimously. (see attached)

VOTE – Sewer AIA

Councilman Leonard motioned to approve the Sewer System Asset Inventory and Assessment Agreement with Municipal Engineering Services as presented. The motion carried unanimously. (see attached)

PLANNING BOARD – Councilman Sheffield

Board of Adjustment

The meeting was held in Town Hall. Chairman Ackiss called the meeting to order at 6:00 pm. A quorum was present. Two new board members, Jon Hall and David Zinni, were sworn in by Mayor Kirkland. Chairman Ackiss explained the reason for the meeting, a special use permit application by Kelsey Rowe for an automotive modification shop on property adjacent to Guy C. Lee on Highway 17 in the River Bend ETJ. Witnesses were sworn in. Town manager Jackson testified that all legal requirements for the application had been met. Ms Rowe presented maps and drawings to illustrate what was to be built on the site. She explained the function of the facility. Board members then asked questions. They were concerned about waste oil, noise and appearance of the site. Ms. Rowe answered the questions. No one spoke in opposition to the permit. The board then considered the application based on numerous criteria that were all deemed to have been met. The board approved the permit with the following conditions: that any outside storage, including vehicles, be behind a 6 foot fence and not visible from Highway 17. That the facility conform to existing River Bend town ordinances regarding noise. The meeting was adjourned. No future meeting has been set at this time.

Discussion- Short-term Rentals

Councilman Sheffield stated that the revision of the Town's ordinance regarding short-term rentals was triggered by a court case in Wilmington, North Carolina. He stated that the court ruled to not allow Wilmington to restrict short-term rentals. He stated that the Town of River Bend is very restricted on how it can regulate short-term rentals. He stated that the amended ordinance would control the zones in which short-term rentals are allowed, which means that properties would have to be at least 15,000 square feet. He stated that if the Town did restrict short-term rentals it would be very difficult for staff to enforce. He stated that if anyone has problems with excessive noise or anything that violates the Towns' ordinances to contact the Police Department. Councilwoman Maurer spoke in opposition of allowing short-term rentals in the Town. Councilman Leonard stated that the state of North Carolina and the court system have severely restricted what the Town of River Bend can do.

VOTE – Short-term Rentals

Councilman Sheffield motioned to approve the Amendment to Chapter 15.02 of the Town's Code of Ordinances as presented. The motion passed with 4 ayes and 1 nay (Maurer). (see attached)

MAYOR'S REPORT

The Mayor presented the following report.

THE INTEGRITY OF NORTH CAROLINA ELECTIONS

I know that the Town Manager has written several articles making the plea that citizens who desire facts about issues of concern related to Town ordinances and infrastructure projects should refer to the Town's Web Page rather than read and accept what they can read on one of the social postings. I know that the Manager has written these articles because I have read them. My effort at critical reading is a listing of online documents that the State Board of Elections has on its web page that provide detail directing the 100 County Election Boards in the conduct of elections in their jurisdictions. At their website under the title "Tips for Monitoring or Observing the Election at Polling Sites" The article details a number of subjects that provide direction for individuals that may wish to observe the conduct of the election process. The article under the section titled "Outside Monitors" states---- Anyone has the right to watch or monitor the election outside the

voting place. This activity must remain outside the buffer zone, which typically extends 50 feet from the entrance of the voting place and is clearly marked. Outside observers may not disrupt voting, intimidate voters, or otherwise impede access to the polls. On-site elections officials have the duty to ensure a safe and orderly voting where voters are not obstructed. These officials are authorized to remove anyone who is disruptive. N.C.G.S. §163-48.

<https://www.ncsbe.gov/about-elections/election-security/tips-monitoring-or-observing-election-polling-sites>

The authority continues with sections titled:

1. Allowed
2. Prohibited

There follows a section titled "Observing the Election Inside", these observers are appointed by the Political Parties. When one reads this document with its enumerated authority and prohibitions one should assume that the entire election process is well regulated and the results should be without objection. Of course, it follows that the observers need to possess the trait of integrity as relates to their responsibility.

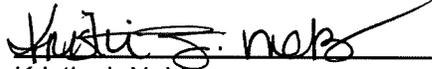
My hope is that rather than posting on or reading words on the "social media" that citizens should first read the State Board of Elections' website.

PUBLIC COMMENT

Jeff White – 651/665 Old Pollocksville Road – requested a variance to allow him to hunt on his land and have livestock.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 8:17 p.m.



Kristie J. Nobles
Town Clerk

2022-ORD-06

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF RIVER BEND

BE IT ORDAINED by the Town Council of the Town of River Bend that the Town Code of Ordinances, Title III, Administration, Chapter 3.01, General Administration, be amended as follows:

GENERAL ADMINISTRATION

§ 3.01.075 APPOINTMENT OF TOWN MANAGER.

- A. In accordance with North Carolina General Statute 160A-147, the Council shall appoint a Town Manager to serve at its pleasure. Such appointment is to be made solely on the basis of the manager's executive and administrative experience. Manager shall perform the duties outlined in G.S. § 160A-148 which are also described in § 3.01.003.

Amended 09/17/09

- B. The following non-exclusive list of department heads may be appointed by, removed by, and shall be administratively supervised by, the Town Manager:

1. Chief of Police
2. Finance Director
3. Town Clerk
4. Zoning Administrator
5. Water Resources/Public Works Director

Added 09/17/09

(Prior Code, Ch. 2, Art. IV)

Cross reference: *Appointment and term of other officers and employees, see § 3.01.004*

§ 3.01.076 APPOINTMENT OF TOWN CLERK.

The Town Manager shall appoint a town clerk who shall perform the duties outlined in G.S. § 160A-171.

Amended 09/17/09

(Prior Code, Ch. 2, Art. IV)

Cross reference: *Appointment and term of other officers and employees, see § 3.01.004*

§ 3.01.077 APPOINTMENT OF TOWN ATTORNEY.

The Council shall appoint a Town Attorney to serve at its pleasure and to be its legal advisor.

2022-ORD-06

(Prior Code, Ch. 2, Art. IV)

Cross reference: Appointment and term of other officers and employees, see § 3.01.004

§ 3.01.078 APPOINTMENT OF ZONING ADMINISTRATOR.

The Town Manager may appoint a Zoning Administrator who shall perform the duties that are specified by town ordinances and as assigned by the Council. Absent an appointment of an individual to this position, the Town Manager shall be the Zoning Administrator.

Amended 09/17/09

(Prior Code, Ch. 2, Art. IV)

Cross reference: Appointment and term of other officers and employees, see § 3.01.004

FINANCE

§ 3.01.090 APPOINTMENT OF BUDGET OFFICER.

The Town Manager shall serve as the Budget Officer and shall perform the duties outlined in G.S. §§ 159-9 to 12 and related provisions of the General Statutes.

Amended 09/17/09

(Prior Code, Ch. 2, Art. V)

Cross reference: Appointment and term of other officers and employees, see § 3.01.004

§ 3.01.091 APPOINTMENT OF FINANCE OFFICER.

The Town Manager shall appoint a Finance Officer who shall perform the duties outlined in G.S. § 159-25 and related provisions of the General Statutes.

Amended 11/17/22

(Prior Code, Ch. 2, Art. V)

Cross reference: Appointment and term of other officers and employees, see § 3.01.004

§ 3.01.092 APPOINTMENT OF TAX COLLECTOR.

If the town collects taxes, the Council shall appoint a Tax Collector who shall perform those duties that are specified by G.S. § 105-350 "General Duties of Tax Collectors" and as assigned by the Council.

(Prior Code, Ch. 2, Art. V)

Cross reference: Appointment and term of other officers and employees, see § 3.01.004

2022-ORD-06

§ 3.01.093 REFUND OR RELEASE OF AD VALOREM TAXES.

- A. The Finance Officer is delegated authority to approve requests for refund or release of tax of less than \$100.
- B. The Finance Officer shall make monthly reports to the Council concerning the actions taken on requests for release or refund.
- C. Actions taken shall be recorded in Council meeting minutes.

(Prior Code, Ch. 2, Art. V)

§ 3.01.094 DELEGATE AUTHORITY TO DISPOSE OF PERSONAL PROPERTY VALUED AT LESS THAN \$5,000.

- A. Pursuant to the provisions of G.S. § 160A-266(c) the Finance Officer is hereby authorized to dispose of any surplus personal property owned by the Town of River Bend whenever he determines, in his discretion, that:
 - 1. The item or group of items has a fair market value of less than \$5,000;
 - 2. The property is no longer necessary for the conduct of public business; and,
 - 3. Sound property management principles and financial considerations indicate that the interests of the town would best be served by disposing of the property.
- B. The Finance Officer may dispose of any surplus personal property by any means which he judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in G.S. § 160A, Article 12. The sale may be public or private, and with or without notice and minimum waiting period.
- C. The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the town if greater value may be obtained in that manner, and the Finance Officer is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Finance Officer may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the Council.
- D. The Finance Officer shall keep a record of all property sold under authority of this subchapter and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.
- E. The Finance Officer shall report in writing to the Council on any property disposed of under this subchapter as follows: on February 1 on any property disposed of from July 1 through December 31 of the previous year, and on August 1 on any property disposed of from January 1 through June 30 of the same year.

(Prior Code, Ch. 2, Art. V)

2022-ORD-06

§ 3.01.095 DELEGATE AUTHORITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS OR EQUIPMENT.

- A. *Grant of authority.* Subject to the restrictions and conditions hereinafter provided, when purchasing apparatus, supplies, materials or equipment for use by the Town of River Bend, in addition to the authority as may be provided by G.S. § 143-129(a) and/or otherwise delegated by the Council, the Town Manager shall have the authority to:
1. Prepare, or cause to be prepared, plans and/or specifications setting forth a complete description of the item(s) to be purchased and the characteristics, features and/or requirements therefor;
 2. Include, where appropriate, in specifications for the item(s) to be purchased an opportunity for bidders to purchase as trade-in specified personal property owned by the town;
 3. Advertise, or otherwise secure bids, for item(s), if required under applicable law;
 4. Award contracts for the purchase of the item(s) and, where applicable, award contracts for the purchase of the item(s) and the sale of trade-in property;
 5. Reject bids;
 6. Readvertise to receive bids;
 7. Waive bid bond or deposit requirements;
 8. Waive performance and payment bond requirements; and
 9. Execute and deliver the purchase contract(s).
- B. *Report.* At the first meeting of the Council following the award of any contract(s) pursuant to this subchapter, the Town Manager shall submit a report to the Council summarizing the bids received and the contract(s) awarded. The report shall be included in the minutes of the meeting at which it is received.
- C. *Extent of authority.* Except in cases of purchases from established contracts pursuant to G.S. § 143-129(g), unless otherwise provided by law, the provisions of this subchapter shall apply to the purchase of apparatus, supplies, materials or equipment requiring the estimated expenditure of municipal funds in an amount not to exceed \$15,000 for any 1 item or group of similar items.
- D. *No limitation of other authority.* The provisions of this chapter are not intended to limit, restrict or revoke, in any manner, authority otherwise granted and/or delegated to the Town Manager by statute, law or action of the Council.
- E. *Appropriation required.* No purchase shall be made by the Town Manager under authority of this subchapter unless an appropriation for the purpose has been authorized in the annual budget, or by supplemental appropriation or budget appropriation amendment duly adopted by the Council.
- F. *Application of General Statutes.* In acting pursuant to the authority delegated by this subchapter, the Town Manager shall comply with the requirements of G.S. Article 8, Chapter 143, as from time to time amended, modified, supplemented, revised or superseded, to the same extent as would have otherwise applied to the Council.

(Prior Code, Ch. 2, Art. V)

2022-ORD-06

§ 3.01.096 SPECIAL ASSESSMENTS.

- A. *Purpose of subchapter.* Whereas the Town of River Bend is authorized to make special assessments against benefited property within its corporate limits as set forth in G.S. § 160A-216, this subchapter is enacted to accomplish those purposes as more particularly set forth in G.S. Chapter 160A, Article 10.
- B. *Special assessment procedure.* The Town of River Bend, when consenting to undertake any special assessment activity as set forth in G.S. § 160A-216, shall at all times follow the procedures and requirements as set forth in G.S. Chapter 160A, Article 10.
- C. *Assessment methodology: discretionary decisions.* At any time when the Council shall have discretion relating to any aspect of special assessments, it shall endeavor to balance the needs of the town in general, the needs of those citizens of the town who are benefitted by the special assessments, economic considerations and any other considerations which the Council, in its sole discretion, deems advisable.

(Prior Code, Ch. 2, Art. V)

This Ordinance shall be in full force and effect upon its adoption

Adopted this the 17th day of November, 2022


John R. Kirklund, Mayor

ATTEST:


Kristie J. Nobles, Town Clerk





ENGINEERS

PLANNERS

SURVEYORS

LANDSCAPE ARCHITECTS

November 8, 2022

Mr. Delane Jackson, Town Manager
Town of River Bend
45 Shoreline Drive
River Bend, North Carolina 28562

SUBJECT: WWTP Enhancements
Engineering Services Agreement

Dear Delane:

Attached for your review, processing and approval are two (2) copies of the proposed Engineering Services Agreement to proceed with consulting services associated with the recently funded River Bend WWTP Enhancements project.

In general, the services required include preparation of the Engineering Report for NCDEQ DWI approval; specific design modifications/updates; revisions/update to the existing construction plans, specifications and contract(s); re-permitting for Environmental, Wetland and Construction purposes; additional Boundary & Topographic survey work; Bid Phase services, Construction Administration and Construction Observation Phase services; and Preparation of Construction Record Drawings. Grant administration assistance will be provided as required to facilitate proper documentation, reimbursement, and closeout.

The following is a summary of the recommended services and associated fees:

| Consulting Service | Est. Fee | Fee Basis |
|--|-----------------|--------------------|
| Preparation of Engineering Report | \$20,000 | Lump Sum |
| Preliminary and Final Design | \$88,000 | Lump Sum |
| Environmental, Wetland & Construction Permitting | \$19,000 | Hourly plus reimb. |
| Bidding and/or Negotiation | \$32,000 | Hourly plus reimb. |
| Construction Administration | \$190,000 | Hourly plus reimb. |
| Construction Observation | \$260,000 | Hourly plus reimb. |
| Additional Boundary & Topographic Survey | \$13,000 | Hourly plus reimb. |
| Preparation of Record Drawings | <u>\$17,000</u> | Hourly plus reimb. |
| Total Estimated Cost | \$639,000 | |

Please let me know if you have any questions. With your permission, I will plan to attend the River Bend Town Council Workshop Meeting on November 10th to address any questions or provide any additional input that is desired.

November 8, 2022

Page 2

We appreciate the opportunity to continue to work with the Town of River Bend, and look forward to assisting the Town with making the WWTP Enhancements project a reality after these many years.

With best regards,



Gregory J. Churchill, P.E.
President

Cc: File

Encls.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

Owner: Town of River Bend

Engineer: Rivers & Associates, Inc.

By(Signature): *John R. Kirkland*

By(Signature): *Gregory J. Churchill*

Print name: John R. Kirkland

Print name: Gregory J. Churchill, P.E.

Title: Mayor

Title: President

Date Signed: 11/21/22

Date Signed: 11-8-22

Attest: *Kristie Nobles*

Attest: *James M. Walker*

Name: Kristie Nobles

Name: James M. Walker, P.L.S.

Title: Town Clerk

Title: Vice President/Asst. Secretary

(SEAL)



(SEAL)



Engineer License or Firm's Certificate No. (if required):

F-0334

State of: North Carolina

Address for Owner's receipt of notices:

45 Shoreline Drive
River Bend, NC 28562

Address for Engineer's receipt of notices:

107 E. Second Street
Greenville, N.C. 27858

Designated Representative (Paragraph 8.03.A):

Delane Jackson

Title: Town Manager

Designated Representative (Paragraph 8.03.A):

Gregory J. Churchill, P.E.

Title: Principal

Phone Number: (252) 638-3870 x 213

Phone Number: 252-752-4135

E-Mail Address: manager@riverbendnc.org

E-Mail Address: gchurchill@riversandassociates.com

This instrument has been pre-audited in the Manner required by the Local Budget and Fiscal Control Act.

By (Signature): *Amanda B. Gilbert*

Typed Name: Amanda Gilbert

Finance Officer

Date: 11/21/22

MEI Project No. G22109.0
State Project No. AIA-D-ARP-0132

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of November 17, 2022 ("Effective Date") between the Town of River Bend, North Carolina ("Owner") and Municipal Engineering, Inc. (MEI) ("Engineer").

Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as follows:

Water System Asset Inventory and Assessment (AIA) ("Project").

Project Description

The Town of River Bend was awarded a \$150,000 water system Asset Inventory and Assessment (AIA) Grant from the NCDEQ Division of Water Infrastructure. The town will use these funds to develop a hydraulic model of its water system, update portions of its water system GIS mapping system and develop water system improvement projects for inclusion in the town's Asset Management Plan and CIP.

The ENGINEER'S **Scope of Services** under this Agreement are generally identified as follows:

1. Project Management

Project Management is estimated to span twenty-four (24) months to be completed by the ENGINEER as follows:

- a) Project Scoping and Contract Preparation
- b) One (1) Project Kick-Off Meeting with OWNER
- c) Maintain a project filing system to document and retain project records
- d) Maintain project costs accounting system
- e) Review monthly budgets and invoices for engineering services to oversee and document project progress
- f) Arrange and participate in two (2) project status meetings with OWNER to review progress, budget and schedule and exchange ideas and information. Meetings will be held in-person at Town offices or via online virtual meeting.
- g) Prepare and distribute project status meeting minutes to include a record of decisions made and actions assigned.

2. GIS Asset Inventor and Mapping

- a) The ENGINEER shall provide services to inventory and map the water infrastructure assets utilizing GPS/GIS based mapping technology including inventory location of pipes, valves, hydrants, water meters, pump stations,

MEI Project No. G22109.0
State Project No. AIA-D-ARP-0132

major treatment facility structures, materials, asset features, age, etc. and provide connectivity and GIS mapping for water system assets in ESRI ArcGIS format. Inventory includes approximately 19 miles of distribution lines and appurtenances (valves, hydrants, meters, vaults), 3 wells, 2 treatment plants, and 2 elevated storage tanks.

- b) Prior to initial GPS/GIS fieldwork, ENGINEER shall review and compile existing systems maps, as-built drawings and other data sources to identify gaps in data, assist in the asset inventory and to obtain relevant and missing data.
- c) The ENGINEER is responsible for locating only those above or below ground assets that are visible, readily accessed and safe to enter. It is not the responsibility of the ENGINEER to expose any valves, meters, vaults, or any other water system assets that are covered, paved over or for any reason, inaccessible or unsafe to enter. If such cases arise, the ENGINEER will coordinate with the OWNER to have these assets uncovered or exposed, at the OWNER's expense, so that they may be inventoried and mapped. ***MEI personnel are not certified for confined space entry and will not enter any environment considered hazardous or a confined space.***

2. Water System Hydraulic Model

The consultant will utilize existing GIS system maps, plans, specifications, past water construction projects; interview town staff, and other additional information available for the completion of water system hydraulic modeling.

The Consultant shall perform field investigation to verify the available data and shall collect additional data necessary for the hydraulic models. The data shall include, but not be limited to, pump station capacities, pump curves, water storage tank volumes, pressure relief valve capacities and settings, elevations, water demands including average daily flow (ADF) and peak flows for the major water users within the system.

After records review and field investigation, the Consultant shall develop a water system hydraulic model. The Model shall include, but not be limited to, the following attributes:

- Line lengths
- Line diameters
- Friction factors of pipes
- Node elevations
- Representative demands at each node
- Water storage characteristics & elevations
- Any major Control valves
- All pumping stations characteristics in the water system

The Model shall be calibrated to observe the current field conditions. Field calibration measurements shall be conducted at key locations to provide accurate calibration. If required, the town will perform some fire flow tests for calibration which shall be

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State Project No. AIA-D-ARP-0132

provided to the Consultant. Hazen-Williams C-Factors shall be assigned based on relative historical values and calibration changes shall be made to the model values on a global basis. Once the base model is calibrated, the Consultant shall perform the following:

- Steady-state analyses of the water distribution system with pumps and tanks under average daily demand and maximum daily demand.
- Extended Period Simulation analyses of the water distribution system based on the average, daily operating conditions and parameters.
- Water Quality analyses on the water system to determine how the system will behave under extreme conditions and if high water age is a potential problem for the system.

At the completion of modeling, the consultant shall prepare a summary report. Shortcomings in flow, pressure, head loss, and water quality shall be noted in the report based on a criterion supplied by the Town or developed in coordination with the Consultant. A plan shall be developed prioritizing recommended enhancements for future improvements.

1. Replacing old cast iron lines, making recommendations for replacement sizes.
2. Completing system loops to provide proper system backbone, residual disinfection, and elimination of maintenance problems caused by dead ends.
3. Addition/replacement of water lines where flow and pressure deficiencies, known areas of chronic discolored water calls and main breaks are identified.
4. Correcting inadequate system pressures and flow to meet AWWA standards.
5. Analysis of existing storage and system capacity.

3. Desktop Condition Assessment

The ENGINEER will conduct a desktop condition assessment of the water distribution system to identify existing and future critical needs. Town operations and maintenance staff, administration and financial staff along with the town's engineers will work together to identify and plan critical capital projects necessary to protect and maintain the water system and meet existing and future demands. Information gathered through this assessment, along with information gathered from the proposed water system model, will be used to prioritize and develop capital improvement projects. *Note: The OWNER shall be responsible for providing and compiling all in-house documentation (leak/repair reports, O&M records, hydrant flow tests, customer complaints, etc.) requested by the ENGINEER and necessary to perform the desktop condition assessments.*

4. Capital Improvement Planning

Based on results from the desktop condition assessment and the water system model, the ENGINEER will assist the OWNER in identifying and developing projects for

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inclusion into the Town's 10-year Capital Improvements Plan (CIP). The ENGINEER will assist the OWNER in creating and adopting the actual CIP document and inclusion of recommended projects into the CIP. The following criteria will be provided to the OWNER for each potential CIP Project:

- Description of Project
- Need for Project
- Year Needed
- Estimated Project Costs
- Potential Funding Sources

5. Grant/Loan Administration

- a) The ENGINEER shall assist the OWNER with reimbursement/disbursement requests and submitting deliverables as required by the funding agency. The ENGINEER has budgeted for the preparation and submittal of six (6) reimbursement requests.
- b) Preparation and submittal of the AIA Preliminary Project Scope to the NCDEQ/DWI.
- c) One (1) meeting with the Town Board at the close of the project to present project deliverables and provide an overview of the tasks and accomplishments of the AIA grant project for acceptance by the Town board.
- d) Grant/loan close-out activities.

Owner and Engineer further agree as follows:

1.01 *Basic Agreement and Period of Service*

- A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above. Owner shall pay Engineer for its services as set forth in Paragraphs 7.01 and 7.02.
- B. Engineer shall complete its services within twenty-four (24) months of the date specified in the State's Grant Offer & Acceptance letter to the OWNER for Project No. AIA-D-ARP-0132.

2.01 *Payment Procedures*

- A. *Invoices:* Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer's invoice, then the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, after giving seven days written notice to Owner,

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State Project No. AIA-D-ARP-0132

suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension. Payments will be credited first to interest and then to principal.

3.01 *Termination*

A. The obligation to continue performance under this Agreement may be terminated:

1. For cause,

a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Failure to pay Engineer for its services is a substantial failure to perform and a basis for termination.

b. By Engineer:

1) upon seven days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or

2) upon seven days written notice if the Engineer's services for the Project are delayed for more than 90 days for reasons beyond Engineer's control.

Engineer shall have no liability to Owner on account of a termination by Engineer under Paragraph 3.01.A.1.b.

c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience, by Owner effective upon Engineer's receipt of written notice from Owner.

B. The terminating party under Paragraph 3.01.A may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to complete tasks whose value would otherwise be lost, to prepare notes as to the

MEI Project No. G22109.0
State Project No. AIA-D-ARP-0132

status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

- C. In the event of any termination under Paragraph 3.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination.

4.01 *Successors, Assigns, and Beneficiaries*

- A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 4.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.
- C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

5.01 *General Considerations*

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Subject to the foregoing standard of care, Engineer and its consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. This Agreement is to be governed by the law of the state or jurisdiction in which the Project is located.

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- C. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any of their agents or employees or of any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any construction work; or for any decision made regarding the construction contract requirements, or any application, interpretation, or clarification of the construction contract other than those made by Engineer.
- D. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment for all services relating to preparation of the documents and subject to the following limitations: (1) Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer; (2) any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants; (3) Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Owner shall not create any rights in third parties.
- E. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.
- F. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq., or radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (1) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (2) warrants that the Site is in full compliance with applicable Laws and Regulations.

MEI Project No. G22109.0
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- G. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.

6.01 *Total Agreement*

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

7.01 *Basis of Payment—Lump Sum*

- A. Using the procedures set forth in Paragraph 2.01, Owner shall pay Engineer as follows:

| Phase/Description | Basis | Fee |
|---|-------|----------------------|
| Project Management (Task .1) | LS | \$ 10,000.00 |
| GIS Mapping System Updates (Task .2) | LS | 70,000.00 |
| Water System Hydraulic Model (Task .3) | LS | 50,000.00 |
| Water System Desktop Assessment (Task .4) | LS | 10,000.00 |
| CIP Project Planning (Task .5) | LS | 5,000.00 |
| Grant Administration (Task .6) | LS | 5,000.00 |
| TOTAL ENGINEERING SERVICES FEE | | \$ 150,000.00 |

- B. The portion of the compensation amount billed monthly for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period.

- 7.02 *Additional Services:* For additional services of Engineer's employees engaged directly on the Project, including services resulting from changes in the defined "Scope of Services", extent or character of the Project, the Owner shall pay Engineer an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any. Engineer's standard hourly rates are attached as Appendix 1.

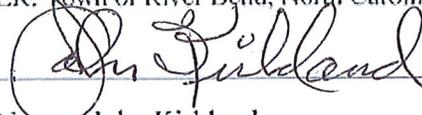
Attachments: Appendix 1, Engineer's Standard Hourly Rates

MEI Project No. G22109.0
State Project No. AIA-D-ARP-0132

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER: Town of River Bend, North Carolina

ENGINEER: Municipal Engineering, Inc.

By: 

By: 

Print Name: John Kirkland

Print Name: Travis L. Woodie

Title: Mayor

Title: COO/CFO

Date Signed: 11/21/22

Date Signed: November 8, 2022

Engineer License or Firm's Certificate
Number: F-0812 and C-586

State of: North Carolina

Address for giving notices:

Address for giving notices:

Town of River Bend

Municipal Engineering, Inc.

45 Shoreline Drive

68 Shipwash Drive

River Bend, NC 28562

Garner, NC 27529

Attn: Delane Jackson, Town Manager

Attn: Gary M. Flowers, PE

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.


Finance Officer

11/21/22
Date

MEI Project No. G22109.0
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This is **Appendix 1, Engineer's Standard Hourly Rates**, referred to in and part of the Short Form of Agreement between Owner and Engineer for Professional Services dated November 17, 2022.

Engineer's Standard Hourly Rates

A. *Standard Hourly Rates:*

1. Standard Hourly Rates are set forth in this Appendix 1 and include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.
2. The Standard Hourly Rates apply only as specified in Paragraphs 7.01 and 7.02, and are subject to annual review and adjustment.

B. *Schedule of Hourly Rates:*

Hourly rates for services performed on or after the Effective Date are:

MUNICIPAL ENGINEERING, Inc.
N.C. Engineering & Surveying License No. F-0812
N.C. Geologist License No. C-586

STANDARD HOURLY RATE SCHEDULE

Effective January 2022

| | |
|--------------------------------|-------------------|
| Sr. Principal Engineer | \$205.00 per hour |
| Sr. Project Engineer | \$165.00 per hour |
| Principal Project Manager | \$165.00 per hour |
| Professional Geologist | \$165.00 per hour |
| Senior Project Manager | \$155.00 per hour |
| Senior Engineer I | \$155.00 per hour |
| Funding Director | \$155.00 per hour |
| Funding Administrator | \$100.00 per hour |
| Expert Witness | \$220.00 per hour |
| Design Engineer | \$100.00 per hour |
| Environmental Specialist II | \$ 90.00 per hour |
| Environmental Specialist | \$ 85.00 per hour |
| Lead Senior Designer | \$ 95.00 per hour |
| Senior Designer | \$ 90.00 per hour |
| Design Technician | \$ 85.00 per hour |
| Professional Land Surveyor | \$165.00 per hour |
| Survey - Robotics | \$135.00 per hour |
| Survey - GPS | \$165.00 per hour |
| Survey Technician | \$ 85.00 per hour |
| Senior Construction Observer | \$ 90.00 per hour |
| QA/QC Field Supervisor | \$100.00 per hour |
| Secretary/Administrative Asst. | \$ 65.00 per hour |
| Consultants | Cost plus 15% |
| Direct Costs | Cost plus 15% |

No Charge for Mileage or Phone Calls

MEI Project No. G22110.0
State Project No. AIA-W-ARP-0131

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of November 17, 2022 ("Effective Date") between the Town of River Bend, North Carolina ("Owner") and Municipal Engineering, Inc. (MEI) ("Engineer").

Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as follows:

**Sewer System Asset Inventory and Assessment (AIA) Program
State No. AIA-W-ARP-0131 ("Project").**

Project Description

The Town of River Bend wastewater collection system consists of approximately 11 miles of gravity sewer, 5 miles of force main, and 8 duplex pump stations. The collected wastewater is metered and flows to the town's Wastewater Treatment Plant (NC0030406) for ultimate treatment and discharge into the Trent River. The WWTP has a permitted capacity of 0.330 MGD. *Assessment of the Wastewater Treatment Plant is outside the scope of this project.* The town was recently awarded an Asset Inventory and Assessment (AIA) grant from the North Carolina Department of Environmental Quality (NCDEQ), Division of Water Infrastructure (DWI) to fund this project.

The purpose of the Sanitary Sewer System Asset Inventory and Assessment program is to develop a sanitary sewer system AIA program that will implement condition assessment and asset inventory management practices and procedures to ensure the long-term sustainability of the wastewater system. By performing conditions assessments and having a current inventory of wastewater assets, the Town of River Bend will be able to make informed, cost-effective decisions regarding system improvements and the operations and maintenance of the wastewater collection system which will minimize the total costs of owning and operating those assets while also delivering the best service and appropriate rates to its customers.

Engineer's Scope of Services under this Agreement are generally identified as follows

The ENGINEER proposes to provide the following Tasks:

1. Project Management

Project Management is estimated to span Twenty Four (24) months to be completed by the ENGINEER as follows:

- a) Project Scoping and Contract Preparation
- b) Project Kick-Off Meeting with OWNER
- c) Maintain a project filing system to document and retain project records

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State Project No. AIA-W-ARP-0131

- d) Maintain project costs accounting system
- e) Review monthly budgets and invoices for engineering services to oversee and document project progress
- f) Arrange and participate in one (1) project status meeting with OWNER to review progress, budget and schedule and exchange ideas and information. Meeting will be held in-person or via online virtual meeting.
- g) Prepare and distribute project meeting minutes to include a record of decisions made and actions assigned.
- h) Provide coordination and administration of any sub-consultants.

2. GIS Asset Inventory and Mapping

- a) The ENGINEER shall provide services to inventory and map the wastewater infrastructure assets utilizing GPS/GIS based mapping technology including inventory location of pipes, manholes (w/inverts), pump stations, and sewer clean-outs, materials, asset features, age, etc. and provide connectivity and GIS mapping for sewer system assets in ESRI ArcGIS format. Inventory includes approximately 11 miles of gravity sewer, 5 miles of force main, and 8 duplex pump stations.
- b) Prior to initial GPS/GIS fieldwork, ENGINEER shall review and compile existing systems maps, as-built drawings, consult with O&M personnel or other town staff that may have knowledge of the system components and locations and other data sources to identify gaps in data, assist in the asset inventory and to obtain relevant and missing data.
- c) The ENGINEER is responsible for locating only those above or below ground assets that are visible, readily accessed and safe to enter. It is not the responsibility of the ENGINEER to expose any manholes, service clean-outs, valves, dry-pits, vaults, or any other wastewater system assets that are covered, paved over or for any reason, inaccessible or unsafe for MEI personnel to enter. If such cases arise, the ENGINEER will coordinate with the OWNER to have these assets uncovered or exposed, at the OWNER's expense, so that they may be inventoried and mapped. ***MEI personnel are not certified for confined space entry and will not enter any environment considered hazardous or a confined space.***
- d) The ENGINEER shall deliver to the OWNER one (1) digital copy (PDF format) and two (2) hard copies of all mapping deliverables which shall consist of an overall system map (36"x 24" size) and indexed map book(s) (11"x 17" sized) showing enlarged sections of the system based on an indexed grid system.

3. Sewer System Condition Assessment

- a) The ENGINEER shall provide services to perform a condition assessment of select segments of the wastewater collection system (segments and final quantities TBD by Owner and Engineer) including smoke testing and cleaning/CCTV inspection of approximately 12,000± linear feet of gravity sewers and Level 2 inspection of approximately 30 manholes. All inspections shall be performed in accordance with National Association of Sewer Service Companies (NASSCO) Pipeline Assessment Certification Program (PACP) and Manhole Assessment Certification Program (MACP) guidelines.
- b) Assist the OWNER with procurement of service providers utilizing tools such as smoke testing and CCTV video inspection of lines and manholes to inspect and assess condition.

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- c) Prepare and administer sub-consultant agreement for smoke testing, CCTV pipeline and manhole condition assessment services.
- d) Project deliverables shall include smoke testing reports (w/GIS database/coordinates) and photos, manhole inspection reports and photos (MACP compliant) and copies of all CCTV inspection videos. Deliverables shall be provided in electronic format on either a DVD or USB thumb drive.

4. Capital Improvement Project Planning

Based on results from the condition assessment the ENGINEER will assist the OWNER in identifying and developing projects for inclusion into the Town's 10-year Capital Improvements Plan (CIP). The ENGINEER will assist the OWNER in creating and adopting the actual CIP document and inclusion of recommended projects into the CIP. The following criteria will be provided to the OWNER for each potential CIP Project:

- Description of Project
- Need for Project
- Year Needed
- Estimated Project Costs
- Potential Funding Sources

5. Grant Administration

- a) Preparation and submittal of Preliminary Project Scope to the Division of Water Infrastructure
- b) The ENGINEER shall assist the OWNER with reimbursement/disbursement requests and submitting deliverables as required by the funding agency. The ENGINEER has budgeted for the preparation and submittal of six (6) reimbursement requests.
- c) Attend one (1) meeting with the Town Board at the close of the project, to present any project deliverables and provide an overview of the tasks and accomplishments of the AIA grant project for acceptance by the Town board.
- d) Prepare and present a PowerPoint presentation and written Executive Summary to the town board summarizing the project expectations, goals and accomplishments.
- e) Prepare and submit all Grant/loan close-out documents to the NC division of Water Infrastructure for final reimbursement to the town.

Owner and Engineer further agree as follows:

1.01 *Basic Agreement and Period of Service*

- A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above. Owner shall pay Engineer for its services as set forth in Paragraphs 7.01 and 7.02.
- B. Engineer shall complete its services within two years (24 months) of the date specified in the State's Grant Offer & Acceptance letter to the Owner. for Project No. AIA-W-ARP-0131.

MEI Project No. G22110.0
State Project No. AIA-W-ARP-0131

2.01 *Payment Procedures*

- A. *Invoices:* Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer's invoice, then the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension. Payments will be credited first to interest and then to principal.

3.01 *Termination*

- A. The obligation to continue performance under this Agreement may be terminated:
1. For cause,
 - a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Failure to pay Engineer for its services is a substantial failure to perform and a basis for termination.
 - b. By Engineer:
 - 1) upon seven days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or
 - 2) upon seven days written notice if the Engineer's services for the Project are delayed for more than 90 days for reasons beyond Engineer's control.

Engineer shall have no liability to Owner on account of a termination by Engineer under Paragraph 3.01.A.1.b.

 - c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.
2. For convenience, by Owner effective upon Engineer's receipt of written notice from Owner.

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- B. The terminating party under Paragraph 3.01.A may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.
- C. In the event of any termination under Paragraph 3.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination.

4.01 *Successors, Assigns, and Beneficiaries*

- A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 4.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.
- C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

5.01 *General Considerations*

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Subject to the foregoing standard of care, Engineer and its consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. This Agreement is to be governed by the law of the state or jurisdiction in which the Project is located.
- C. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such

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State Project No. AIA-W-ARP-0131

documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment for all services relating to preparation of the documents and subject to the following limitations: (1) Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer; (2) any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants; (3) Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Owner shall not create any rights in third parties.

- D. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.
- E. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq., or radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (1) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (2) warrants that the Site is in full compliance with applicable Laws and Regulations.
- F. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.

6.01 *Total Agreement*

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

MEI Project No. G22110.0
State Project No. AIA-W-ARP-0131

7.01 *Basis of Payment—Lump Sum*

A. Using the procedures set forth in Paragraph 2.01, Owner shall pay Engineer as follows:

| Task | Phase/Description | Basis | Fee |
|---------------------------------------|---|--------------|----------------------|
| .1 | Project Management | LS | \$ 10,000.00 |
| .2 | GIS Asset Inventory and Mapping | LS | 70,000.00 |
| .3 | CCTV Condition Assessment/Smoke Testing | LS | 60,000.00 |
| .4 | Capital Improvement Project Planning | LS | 5,000.00 |
| .5 | Grant Administration | LS | 5,000.00 |
| TOTAL ENGINEERING SERVICES FEE | | | \$ 150,000.00 |

LS: Lump Sum

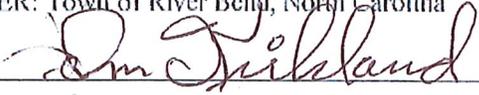
B. The portion of the compensation amount billed monthly for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period.

7.02 *Additional Services:* For additional services of Engineer's employees engaged directly on the Project, Owner shall pay Engineer an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any. Engineer's standard hourly rates are attached as Appendix 1.

Attachments: Appendix 1, Engineer's Standard Hourly Rates

MEI Project No. G22110.0
State Project No. AIA-W-ARP-0131

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER: Town of River Bend, North Carolina
By: 
Print Name: John Kirkland
Title: Mayor
Date Signed: 11/21/22

ENGINEER: Municipal Engineering, Inc.
By: 
Print Name: Travis L. Woodie
Title: COO/CFO
Date Signed: November 8, 2022

Engineer License or Firm's Certificate
Number: F-0812 and C-586

State of: North Carolina

Address for giving notices:
Town of River Bend
45 Shoreline Drive
River Bend, NC 28562
Attn: Delane Jackson, Town Manager

Address for giving notices:
Municipal Engineering, Inc.
68 Shipwash Drive
Garner, NC 27529
Attn: Gary M. Flowers, PE

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.


Finance Officer

11/21/22
Date

This is **Appendix 1, Engineer's Standard Hourly Rates**, referred to in and part of the Short Form of Agreement between Owner and Engineer for Professional Services dated November 17, 2023.

Engineer's Standard Hourly Rates

A. *Standard Hourly Rates:*

1. Standard Hourly Rates are set forth in this Appendix 1 and include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.
2. The Standard Hourly Rates apply only as specified in Paragraphs 7.01 and 7.02, and are subject to annual review and adjustment.

B. *Schedule of Hourly Rates:*

Hourly rates for services performed on or after the Effective Date are:

STANDARD HOURLY RATE SCHEDULE

Effective January 2022

| | |
|---|-------------------|
| Sr. Principal Engineer | \$205.00 per hour |
| Sr. Project Engineer | \$165.00 per hour |
| Principal Project Manager | \$165.00 per hour |
| Professional Geologist | \$165.00 per hour |
| Senior Project Manager | \$155.00 per hour |
| Senior Engineer I | \$155.00 per hour |
| Funding Director | \$155.00 per hour |
| Funding Administrator | \$100.00 per hour |
| Expert Witness | \$220.00 per hour |
| Design Engineer | \$100.00 per hour |
| Environmental Specialist II | \$ 90.00 per hour |
| Environmental Specialist | \$ 85.00 per hour |
| Lead Senior Designer | \$ 95.00 per hour |
| Senior Designer | \$ 90.00 per hour |
| Design Technician | \$ 85.00 per hour |
| Professional Land Surveyor | \$165.00 per hour |
| Survey - Robotics | \$135.00 per hour |
| Survey - GPS | \$165.00 per hour |
| Survey Technician | \$ 85.00 per hour |
| Senior Construction Observer | \$ 90.00 per hour |
| QA/QC Field Supervisor | \$100.00 per hour |
| Secretary/Administrative Asst. | \$ 65.00 per hour |
| Consultants | Cost plus 15% |
| Direct Costs | Cost plus 15% |
| No Charge for Mileage or Phone Calls | |

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF RIVER BEND

BE IT ORDAINED by the Town Council of the Town of River Bend that the Town Code of Ordinances, Title XV, Land Usage, Chapter 15.02, Zoning, be amended by making the following changes to the following sections:

I. § 15.02.020 DEFINITIONS.

TOURIST HOME. A residential or commercial structure wherein rooms or the entire structure are rented to provide overnight accommodations or rental terms of less than thirty (30) days for transient guests.

II. § 15.02.124 DISTRICT USE REGULATIONS.

For convenience in the administration of this chapter, there hereby is established and made a part of this chapter the following schedule of district use regulations.

| SCHEDULE OF DISTRICT USE REGULATIONS | | | | | | | | | |
|---|--------------|-----|------------|------------|----|----|-----------|-----|------------------|
| KEY: P – Use permitted by right SU – Special use permitted upon approval by Board of Adjustment after recommendation of the Planning Board Blank/Unlisted – Prohibited use | | | | | | | | | |
| Use | R20/ R20A | R15 | PDR- SF | PDR- MF | ID | BD | BD- PD | AGR | Parking Code* |
| Accessory Building | P | P | P | P | SU | SU | SU | P | |
| Adult Day Care | | | | | P | P | P | | G |
| Bakery, Retail | | | | | | P | P | | G |
| Financial Services | | | | | | P | P | | G |
| Barber Shop/Beauty Shop | | | | | | P | P | | G |
| Boats and Trailer Sales | | | | | | SU | SU | | G |
| Cabinet, Woodworking or Upholstery Shops | | | | | | P | P | | G |
| Child Day Care | | | | | | SU | | | |
| Churches | SU | SU | SU | SU | P | SU | SU | | E |

| SCHEDULE OF DISTRICT USE REGULATIONS | | | | | | | | | |
|--|--------------|-----|------------|------------|----|----|-----------|-----|------------------|
| KEY: P – Use permitted by right SU – Special use permitted upon approval by Board of Adjustment after recommendation of the Planning Board Blank/Unlisted – Prohibited use | | | | | | | | | |
| Use | R20/ R20A | R15 | PDR- SF | PDR- MF | ID | BD | BD- PD | AGR | Parking Code* |
| Clubs and Lounges, Private | | | | | P | SU | SU | | F |
| Clothing Store | | | | | | P | P | | G |
| Computer Sales and Service | | | | | | P | P | | G |
| Dairy Bar and Ice Cream Parlors | | | | | | P | P | | G |
| Drug Store | | | | | | P | P | | F |
| Dry Cleaners/Drop Off/Pick Up Only | | | | | | P | P | | G |
| Dwellings, Single- Family | P | P | P | P | | SU | | | A |
| Dwellings, 2-Family | | | | P | | SU | | | A |
| Dwellings, Multi- Family | | | | P | | SU | | | A |
| Fire Department Buildings | SU | SU | SU | SU | SU | SU | SU | | F |
| Fitness Center | | | | | | P | P | | G |
| Florists/Gift Shop | | | | | | P | P | | G |
| Furniture Store | | | | | | P | P | | G |
| Golf Course | SU | SU | SU | SU | P | SU | SU | | F |
| Grocery Store | | | | | | P | P | | G |
| Hardware Sales | | | | | | P | P | | G |
| Home Occupations | P | P | P | | P | | | | G |
| Tourist Home*** | P | P | | | P | P | P | | D |

| SCHEDULE OF DISTRICT USE REGULATIONS | | | | | | | | | |
|---|--------------|-----|------------|------------|----|----|-----------|-----|------------------|
| KEY: P – Use permitted by right SU – Special use permitted upon approval by Board of Adjustment after recommendation of the Planning Board Blank/Unlisted – Prohibited use | | | | | | | | | |
| Use | R20/ R20A | R15 | PDR- SF | PDR- MF | ID | BD | BD- PD | AGR | Parking Code* |
| Jewelry and Watch Repair | | | | | | P | P | | G |
| Libraries | SU | SU | SU | SU | | P | P | | G |
| Marina | | | | | | P | | | G |
| Nursing Home and Rest Home | | | | | P | | | | G |
| Office for Business, Professional and Personal Services | | | | | | P | P | | G |
| Pet Shops (excluding Veterinary Services) | | | | | | P | P | | G |
| Pharmacy | | | | | | P | P | | G |
| Photo Shop/Supply | | | | | | P | P | | G |
| Police Station | SU | SU | SU | SU | SU | SU | SU | | F |
| Public Enterprise** | SU | SU | SU | SU | | SU | SU | | F |
| Public Utility | SU | SU | SU | SU | SU | SU | SU | | F |
| Restaurants | | | | | P | P | P | | F |
| Schools | SU | SU | SU | SU | SU | | | | F |
| Service Station | | | | | | SU | SU | | J |
| Shoe Sales and Repair | | | | | | P | P | | G |
| Sporting Goods Sales | | | | | | P | P | | G |

| SCHEDULE OF DISTRICT USE REGULATIONS | | | | | | | | | |
|---|--------------|-----|------------|------------|----|----|-----------|-----|------------------|
| KEY: P – Use permitted by right SU – Special use permitted upon approval by Board of Adjustment after recommendation of the Planning Board Blank/Unlisted – Prohibited use | | | | | | | | | |
| Use | R20/ R20A | R15 | PDR- SF | PDR- MF | ID | BD | BD- PD | AGR | Parking Code* |
| Storage Rental Units/Areas | | | | | | P | P | | G |
| Travel Agency | | | | | | P | P | | G |
| Utility Tanks, Pumps, Electrical Substations & Related Services | SU | SU | SU | SU | SU | SU | SU | SU | |
| Wholesale and/or Retail Janitorial Sales & Services | | | | | | SU | SU | | F |
| Youth Center | | | | | P | P | P | | G |
| *Parking code described in §15.02.080 ** As defined by G.S. § 160A-311 *** Non-conforming uses of tourist home at the time of its addition to this ordinance shall be amortized for a period of 12 months from November 17,2022. After that date, the use must terminate if not permitted in the corresponding zone or a special use permit has not been obtained, as applicable. | | | | | | | | | |

Penalty, see § 1.01.999

Amended 11/17/22

This Ordinance shall be in full force and effect upon its adoption

Adopted this the 17th day of November, 2022



John R. Kirkland
 John R. Kirkland, Mayor

ATTEST:

Kristie J. Nobles
 Kristie J. Nobles, Town Clerk

**River Bend Town Council
Work Session Minutes
December 8, 2022
Town Hall
5:00 p.m.**

Present Council Members: Mayor John Kirkland
Don Fogle
Barbara Maurer
Buddy Sheffield
Bud Van Slyke

Absent Council Member: Brian Leonard

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

Members of the Public Present: 9

CALL TO ORDER

Mayor Kirkland called the meeting to order at 5:00 p.m. on Thursday, December 8, 2022 at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

The Mayor stated he would like to add an update from The Coastal Environmental Partnership to the agenda and the Manager stated that closed session is not needed so that update can be added to item 11. Councilman Fogle also suggested rotating items 5 and 6 to keep the topics together.

VOTE – Approval of Agenda

Councilman Van Slyke motioned to accept the agenda as presented with amendments. The motion carried unanimously.

Discussion – Webpage Policy

The Manager stated that the Council had directed him to develop a webpage policy that defines what the Town will and will not post on its webpage. He stated that the Town is constantly asked to advertise private entities activities and announcements and as a whole, he does not allow it. He stated this policy would codify what he has been enforcing. Councilman Fogle asked the meaning of “sanctioned”, and the attorney stated that sanctioned meant events approved by or sponsored by the Town. He cited that the Shred Event as an example.

VOTE – Webpage Policy

Councilman Fogle motioned to approve the Webpage Policy as presented. The motion carried unanimously. (see attached)

Discussion – CAC Appointment

Councilwoman Maurer stated that there has been a recent resignation from the Community Appearance Commission and there is an application on file for Maggie Bramwell. She stated that the vacancy has been advertised for 2 weeks and Ms. Bramwell has attended CAC meetings to meet the requirements.

VOTE – CAC Appointment

Councilwoman Maurer motioned to appoint Maggie Bramwell to the Community Appearance Commission for a term beginning December 8, 2022 and expiring June 30, 2023. The motion carried unanimously.

Discussion – Future Use of the Current Public Works Building

Councilman Sheffield stated that the Public Works is in the construction process of having a new administration building built. He stated that he would like the Red Caboose Library to occupy the current Public Works Building after construction is complete on the new Public Works Building. Councilman Fogle stated that the current Public Works building is located within the 100-year flood plan and the Town has applied for a grant that would pay the Town \$380,000 for demolition of the building. Councilman Van Slyke asked the Manager if the grant is approved, could the funds be applied to the construction of the new building. The Manager said yes and that the Council has discussed that in the past but there was no action on that discussion. Councilman Fogle stated that if the grant were approved, he would like the funds to be applied to the construction of the new Public Works Building but if the grant is denied he would like for the Red Caboose Library to have use of the building. Councilman Sheffield stated that he agrees to postpone any decisions until the decision of the grant is received. Councilwoman Maurer stated that if the building were demolished she would like for the library to be able to use the Town's land to put a permanent building on.

Discussion – Library Services

Councilman Van Slyke stated that the Red Caboose Library has been in Town a long time and the library used to be housed in the actual caboose that is now displayed behind the Municipal Building. He stated that he recommends that the Red Caboose facilities and services be included in the 2023-2024 budget discussion.

VOTE – Library Services

Councilman Van Slyke motioned that the Red Caboose Library become a project of consideration in the budget plan for the upcoming fiscal year. The motion carried unanimously.

Discussion – Lighting for Walking Trail

Councilman Fogle stated that there is a proposal in the agenda package to add area lightening around the walking trail near Town Hall. He stated that the proposal includes that lighting that directs the lighting upwards. He suggested that the Manager get a revised proposal with lighting that faces downward, similar to the lighting at the Municipal Building.

Discussion – Council Code of Ethics

The Manager stated that the Code of Ethics was included in the agenda package with a minor change that the Code of Ethics be adopted with every new Council.

Discussion – Mayor and Town Council Responsibility Chart

The Manager reviewed the Mayor and Town Council Responsibility Chart. The councilmembers and the Mayor agreed to appointments as liaisons to the Advisory Boards and other assignments.

Discussion – 2023 Meeting / Holiday Schedule

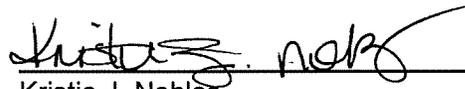
The Manager stated that the 2023 Council Meeting Schedule and the 2023 Town Holiday Schedule was included in the agenda, and the Council would adopt it at the next meeting.

REVIEW – Agenda for the December 8, 2022 Council Meeting

The Council reviewed the agenda for the December 8, 2022 Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 6:04 p.m.



Kristie J. Nobles
Town Clerk

Webpage policy

The Town of River Bend operates a webpage. The main goal of the webpage is to make information about the Town of River Bend easily available to the public. Additionally, only information about groups, organizations, events or activities that are officially affiliated with or sponsored/sanctioned by the Town of River Bend may be placed on the Town's webpage. The webpage is also used to share time sensitive Town alerts, such as notice of meetings, weather advisories or other emergency/special notices. The Town's webpage can also be used to share information from or about other government units or agencies thereof that may be useful to River Bend residents. For example, information from Craven County, The State of North Carolina or its agencies, such as NCDOT, any U.S. Federal agency such as FEMA, CDC, HUD, The National Weather Service, etc. or any such similar government unit and/or agency. Use of the Town's website for a purpose other than what is stated in this policy is strictly prohibited.

**River Bend Town Council
Regular Meeting Minutes
December 15, 2022
Town Hall
7:00 p.m.**

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

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

Members of the Public Present: 25

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, December 15, 2022 at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilman Leonard moved to add Parks and Recreation Advisory Board appointment as item 11B and Councilman Sheffield moved to add an Announcement to item 6B. The motions carried unanimously.

VOTE – Approval of Agenda

Councilman Sheffield motioned to accept the agenda as amended. The motion carried unanimously.

ADDRESSES TO THE COUNCIL

Mr. James Castranova presented Councilman Fogle and Councilman Van Slyke with gifts baskets from the River Bend Community Action Group and expressed gratitude for their service to the Town of River Bend.

CONSENT AGENDA

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

- A. Approve:
- Minutes of the November 10, 2022 Work Session*
 - Minutes of the November 17, 2022 Regular Council Meeting*
 - Minutes of the December 8, 2022 Work Session*
 - Minutes of the May 10, 2018 Closed Session*
 - Minutes of the August 13, 2020 Closed Session*
 - Minutes of the October 8, 2020 Closed Session*
 - Minutes of the November 12, 2020 Closed Session*
 - Minutes of the February 18, 2021 Closed Session*
 - Minutes of the May 13, 2021 Closed Session*
 - Minutes of the June 17, 2021 Closed Session*

Minutes of the July 15, 2021 Closed Session
Minutes of the August 18, 2022 Closed Session
Minutes of the September 15, 2022 Closed Session
Minutes of the October 13, 2022 Closed Session

TOWN MANAGER'S REPORT

The Manager gave the following updates on Town projects:

- Construction on the Public Works Building is underway; the site has been graded and prepared for the concrete slab.
- The Water Meter Replacement Project has begun and as of today, 4 of the 6 zones have been completed and 594 meters have been replaced.
- Toys for Tots donations had decreased until this week with 8 bicycles and 6 boxes of toys donated.

Police Chief Joll presented his report and stated that there were numerous vehicles broken into and one vehicle was stolen. He expressed the importance of locking vehicles and not leaving packages on doorsteps.

ADMINISTRATIVE REPORTS

PUBLIC SAFETY – Councilman Fogle

Councilman Fogle presented the following reports.

CERT

The CERT meeting for November and December was cancelled. The next meeting is scheduled for January 2023. Check the Town calendar for updates. CERT is always looking for new members. Contact Chief Joll or Mary Holihan for more information.

COMMUNITY WATCH

Community Watch did not meet in November. The next meeting is scheduled for February 15, 2023 at 7:00 p.m. Community Watch is always looking for new members. Contact Chief Joll or Egon Lippert for more information.

Councilman Fogle stated that it has been an honor and a privilege to serve on the Town Council for the past 4 years and he is grateful for the support from the community. The Mayor stated that Councilman Fogle was also the assigned representative to The Coastal Environmental Partnership and was always present and active. The Mayor expressed gratitude and thankfulness to Councilman Fogle.

CAC – Councilwoman Maurer

Councilwoman Maurer presented the following report.

Community Appearance Commission (CAC)

The CAC did not meet in December. Two new advisory board members, Christine Soler and Claudia Christie-Ashmore are already active, helping with the Christmas Festive homes award. The recent resignation of Nancy Del'Aria left a vacancy. Applicant in waiting Maggie Bramwell was appointed by the Council at the Work Session on December 8. We thank Nancy for her years of service. Over one hundred twenty globe lights created by the CAC, members of Parks & Rec and community members were installed on both sides of the front entrance of town by employees of Public Works. Check out the colorful and festive holiday display. The Christmas/Hanukah Festive Award competition is taking place. Winners will be announced on December 21 and an award banner will be placed on the properties of the winners. Future competitions for yard beautification and holiday festive yards will be announced when they get closer to the dates. The next meeting is January 18, 2023. Best wishes for a Happy Holiday Season, Merry Christmas, Happy Hanukah and a healthy, Happy New Year.

FINANCE – Councilman Van Slyke

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of November. She stated the total of the Town's Cash and Investments as of November 30, 2022 are \$4,203,937 and Ad valorem tax collections for FY22-23 were \$118,274 and Vehicle Ad valorem tax collections were \$34,465.

VOTE – WWTP Capital Project Fund Ordinance #1

Councilman Van Slyke motioned to approve the Wastewater Treatment Plant Capital Project Fund Ordinance #1 as presented. The motion carried unanimously. (see attached)

Councilman Van Slyke stated that it has been an honor to serve the people of the Town of River Bend over the past 20 years. He stated that 17.5 of those years were in finance and he is looking forward to retirement.

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD – Councilman Leonard

Councilman Leonard stated there was not an EWAB meeting in December but EWAB will meet on January 2, 2023.

Parks & Recreation

Councilman Leonard stated that he did not attend the December 7th Parks and Recreation meeting, but Councilwoman Maurer provided some notes. The regular meeting of the Parks & Recreation Advisory Board was held on December 7. Both members were present as were four guests. A review of the Christmas tree lighting event was very positive, particularly considering the brief preparation time and short staff. Some recommendations were made for next year's event. Invitations to attend the December meeting were sent to the five applicants from last month. One person withdrew their application. The other four did not attend. David Ross, passed "*to recommend to the Town Council that David Ross be appointed to the Parks & Recreation Advisory Board.*" Following discussion, a motion was made and passed to continue to research playground equipment and to look for possible grant opportunities. When information has been compiled it will be presented to the Town Manager and the Council. Activity ideas were decided and voted on for the next four months.

VOTE – Advisory Board Appointment – Parks and Recreation – David Ross

Councilman Leonard motioned to appoint David Ross to the Parks and Recreation Advisory Board for the appropriate term. The motion carried unanimously.

River Bend Community Organic Garden (RBCOG)

The regular meeting took place on December 5 with eight members present. A garden workday with a large turnout of volunteers accomplished a lot of tasks. Twelve to fifteen students from the NB high School Green Team participate in two sessions a month where they learn about aspects of growing crops organically. The bees are doing well. Plans are in progressing for the spring garden. As assistant dean from Craven Community College requested information and assistance in developing a community garden at the college. Workshops will resume on February 21 with Garden Roundtable #7. Refreshments will be offered at the conclusion of the session. The next meeting is scheduled for January 2, 2023 at 1:30 pm. The members of the River Bend Community Organic Garden send their best wishes for a happy, healthy holiday season to the Council, town staff and residents of River Bend.

Red Caboose Library (RCL)

The board met on December 1, 2022. The library is providing wrapped children's books for Mrs. Santa to give out after the Christmas tree lighting on December 2. Plans are being made for the Volunteer Appreciation luncheon on Wednesday, January 11 or 18 at 12:30 pm. The date will be confirmed after checking room availability in the Municipal Building. The board voted to change

their meeting day to the second Thursday of the month at 2pm. Room availability was checked before the vote. The next meeting is scheduled for January 12, 2023 at 2 pm.

MAYOR'S REPORT

The Mayor presented the following report.

The November month calls us to be thankful as a nation and a people for the blessings that we enjoy day by day. We accept these gifts pretty much without consideration that we have so much that we considered the norm while much of the world would look on our norm as a luxury. In River Bend some of those gifts for most homes are:

1. Warm and comfortable homes
2. Monetary incomes that allow providing for basic needs
3. A Town well maintained street system and utilities
4. A professional Town staff that maintains these systems in good repair
5. That Staff also files reports to N C State Agencies that are required. Submittal of these reports avoids penalties that would be levied if these reports were not filed in a timely fashion.

Giving

December quickly follows and this month places emphasis on sharing and providing support for less fortunate persons and families in the broad Craven County community. I have witnessed the Town Hall support of the Marine Corps Reserve "Toys for Tots" collection and the collection of food in support of the RCS mission for a number of years. It is always impressive how generous our citizens are in support of these non-profit agencies whose mission is to assist families with basic needs.

We are truly blessed and need to think of others who are not so fortunate. Then consider how we may act to relieve in a small way some other persons who will not be able to enjoy holiday celebrations that we can take for granted. Thanks to all of you in River Bend who will have once again provided generously for these needs.

The passing of Carmen Weisser prompted me to recall some of the many pleasant contacts that I had enjoyed with the Weissers over the years. It has been an honor to have driven the July Fourth Grand Marshals over several years and when driving down Shoreline Drive you could count on seeing Carmen and Helmut waving small US flags, this even before they became US citizens. It was a special pleasure when in 2015, the Town Council selected the Weissers as Grand Marshals and I was pleased to be their driver. The following document is the speech that Helmut delivered to the crowd assembled at Town Hall on that date:

Honored Guests, Dear River Benders,

It's my pleasure and privilege to address you on this important day of our nation. First of all I would like to thank all the volunteers who did spend so many hours to make this celebration a success. My wife Carmen -everybody knows Carmen-and myself, we did live in so many countries and places around the world and made River Bend our home. That means something! But let me start from beginning. More than 30 years ago, we just finished an assignment in Taiwan and got the offer to work in USA for 3 years - in a small city called New Bern. We were excited to get the opportunity to live in this great nation. As the assignment was limited to 3 years only and the following assignment in China was already outlined we did go out to rent a place for that short time. We found a nice place here in River Bend and Carmen and I liked it here from the first day on. River Bend was at that time a small Town of 600 citizen only. Everybody was friendly. When cars were passing by the driver waved and greeted. And we did so too. Three years passed by and our new assignment in China got pushed out due to political turmoil's and unrest. The 3 years expanded to 10. But there was another problem what we faced -a good problem. We still liked it here so much and we had so many friends in the area. Should we give up that all again? During one of our Sunday walks with the dogs I did feel that Carmen was for the first time not excited to move again. So we came to the common agreement to hold our living space in River Bend and commute between China and River Bend.

It was a long trip that lasted from house to house more than 40 hours. But we could handle that burden. After another 7 years in China, the next assignments were in Utah, Tennessee and Minnesota. That was already a big relief and so much closer to home. A few years ago I got retired and we had to ask ourselves again, where should we live after retirement. Going back to Germany, to another place in Europe or staying here in the great state of North Carolina? River Bend did win this election with 100%. Coming back to River Bend I had to reset my life. And just to give you an example how the difference was between Carmen and myself. At my first 4th of July celebration after a long time away we walked down Shoreline Drive. And so many people called, "Hi Carmen, Hi Carmen!". After listening to it for a while I just made the comment, "and I am the husband and pay all the bills!". But I caught up fast. Volunteering and supporting USO, being a boardmember of Carolina East Foundation and Craven Community College Foundation and a few more organizations brought me back in contact with many old and new friends. Five years ago we decided in living here we should also be citizens of this great nation. Going thru all the application and approval steps there was one of the final questions: "Are you willing to defend the United States against all enemies"? Now I have to add on that Carmen is still an active fencer, and she told clear and loud, "Yes, my foil is always located at the backdoor and I will use it to defend my Country whenever needed". That was so convincing that the immigration officer said with a big smile: "Welcome, we need people like you"! Now in meantime, we -or at least Carmen-are living here in River Bend for more than 30 years already...and still counting! River Bend is a very good place-it is a great place and we have to do everything to preserve it.

With my final remarks I want to thank:

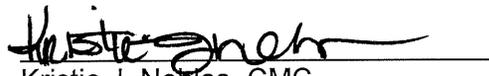
- All the volunteers here and around this great nation for all the service they are giving to our country.*
- A special thanks to our Rhems Fire Department and first responders who are on duty whenever needed.*
- To our elected Town Leaders: Mayor, Councilwomen and Councilmen; to our County Commissioner's and State Delegates who spend so many hours in their capacity to represent us.*
- To our Police Department who holds River Bend safe and sound*
- And as a sparkling end to honor our armed forces who are represented here by the Marine Corps, Color Guard and the many Veterans.*

Have fun and enjoy the rest of the day.

"God bless you all and the United States of America". Thank You!

ADJOURNMENT SINE DIE

There being no further business, Councilman Sheffield moved to adjourn sine die. The meeting adjourned at 7:35 p.m.


Kristie J. Nobles, CMC
Town Clerk

**River Bend Town Council
Regular Meeting Minutes
December 15, 2022
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Buddy Sheffield
Barbara Maurer
Brian Leonard
Jeff Weaver
James Castranova

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

Members of the Public Present: 25

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:40 p.m. on Thursday, December 15, 2022 at the Town Hall Meeting Room with a quorum present.

ADMINISTRATION OF OATHS OF OFFICE TO COUNCIL MEMBERS

At 7:40 p.m., Mayor Kirkland told the audience that the Town Clerk would administer the oaths. The Clerk proceeded to swear in Council members Buddy Sheffield, Barbara Maurer, Jeff Weaver and James Castranova.

APPOINTMENT OF MAYOR PRO TEM

Councilman Leonard moved to appoint Councilman Morris "Buddy" Sheffield to be the Mayor Pro Tem. The motion carried unanimously.

Councilman Leonard stated that he would like the Work Session meetings time to be changed to 6:00 p.m. He stated he felt 6:00 p.m. could accommodate the residents of River Bend that are not able to attend with the meetings currently at 5:00 p.m. With a consensus of the Council, it was agreed to change the Work Session to 6:00 p.m.

ADOPTION OF 2023 TOWN MEETING SCHEDULE

Councilman Leonard motioned to change the time of the Work Session to 6:00 p.m. and adopt the 2023 River Bend Town Council Meeting Schedule as modified. The motion carried unanimously.

ADOPTION OF 2023 EMPLOYEE HOLIDAY SCHEDULE

Councilwoman Maurer moved to adopt the 2023 River Bend Employee Holiday Schedule as presented. The motion carried unanimously.

ADOPTION OF MAYOR/COUNCIL RESPONSIBILITIES CHART

Councilman Weaver moved to adopt the Mayor-Council Responsibilities Chart as presented. The motion carried unanimously. (see attached)

ADOPTION OF COUNCIL CODE OF ETHICS POLICY

Councilman Castranova moved to adopt the Council Code of Ethics Policy as presented. The motion carried unanimously. (see attached)

PUBLIC COMMENT

Linda Klopf – 103 Randomwood – expressed gratitude to the Councilmembers who spoke in support of locating the Red Caboose Library a permanent location at the work session meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn.** The meeting adjourned at 7:56 p.m.



Kristie J. Nobles, CMC
Town Clerk



**TOWN OF RIVER BEND
WASTEWATER TREATMENT PLANT CAPITAL PROJECTS FUND ORDINANCE
AMENDMENT #1**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina, that the Wastewater Treatment Plant Capital Projects Fund Ordinance be amended as follows:

Section 1. The following amounts are hereby appropriated for the operation of a Town Capital Projects Fund for the enhancement of the Wastewater Treatment Plant:

CAPITAL PROJECTS FUND

Revenues:

State Fiscal Recovery Fund Grant 9,108,500

Expenditures:

| | |
|----------------------------|-----------|
| Wetlands Mitigation | 54,000 |
| Engineering/Administration | 651,000 |
| Construction | 8,403,500 |
| | <hr/> |
| | 9,108,500 |

Section 2. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations.

Section 3. The Finance Officer is hereby authorized to maintain an appropriate Fund Chart of Accounts.

Section 4. Copies of this 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.

Section 5. The capital projects funds are appropriated pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina; therefore, appropriations do not lapse at the end of the fiscal year and are available for the duration of the project, estimated to be eighteen months, unless subsequently amended by Council action.

Adopted this 15th day of December, 2022.



John R. Kirkland, Mayor



Attest:



Kristie J. Nobles, Town Clerk

Mayor and Town Council Responsibilities Last Updated 12/15/22

| MAYOR | FINANCE & HUMAN RESOURCES | PUBLIC SAFETY | PARKS & RECREATION | ENVIRONMENT | PLANNING | CAC |
|---|--|---|---|--|---|---|
| Mayor: John R. Kirkland | Liaison: Brian Leonard | Liaison: Jeff Weaver | Liaison: James Castranova | Liaison: Brian Leonard | Liaison: Buddy Sheffield | Liaison Barbara Maurer |
| Pro Tem: Buddy Sheffield | Backup: Barbara Maurer | Backup: Buddy Sheffield | Backup: Barbara Maurer | Backup: Jeff Weaver | Backup: Barbara Maurer | Backup: James Castranova |
| <p>Serves as official head of Town for purpose of serving civil process and receiving all Town correspondence. Signs official documents approved by Council. Liaison with municipal, county, state governments & private sector.</p> <p>Presides over Town meetings.</p> <p>Town spokesman and media representative.</p> <p>Represents Town for ceremonial purposes.</p> <p>Representative to New Bern Metropolitan Planning Organization</p> | <p>Liaison for financial operations of the Town.</p> <p>Serves as Chair of Town's Audit Committee.</p> <p>Works with staff concerning technology and Human Resource Policy issues.</p> | <p>Liaison with the Community Watch group.</p> <p>Liaison with the Community Emergency Response Team (CERT).</p> <p>Liaison with Coastal Environmental Partnership.</p> | <p>Liaison with Parks & Recreation Advisory Board.</p> <p>Works with volunteers on Fourth of July and other special events.</p> | <p>Liaison with Environment and Waterways Advisory Board (EWAB) .</p> <p>Works with staff concerning environmental issues.</p> <p>Liaison with ABC Board</p> | <p>Liaison with Planning Board.</p> <p>Liaison with Board of Adjustment.</p> <p>Alternate to New Bern Metropolitan Planning Organization.</p> | <p>Liaison with Community Appearance Commission (CAC)</p> |

Code of Ethics for the
Town Council of
The Town of River Bend, North Carolina

PREAMBLE

WHEREAS, the Constitution of North Carolina, Article 1, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,” and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s state motto, *Esse quam videri*, “To be rather than to seem,” and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards and councils to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this town, and with obeying the law, and

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Town of River Bend, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Town Council do hereby adopt the following General Principles of Code of Ethics to guide the Town Council in its lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Council members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Council members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of their citizens.
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions.

- As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Town Council and to help to determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a council member's best judgment.

Section 1. Council members should obey all laws applicable to their official actions as members of the Council. Council members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, council members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a council member is behaving unethically because of disagreeing with that council member on a question of policy (and not because of the council member's behavior) is unfair, irresponsible, and itself unethical.

Council members should endeavor to keep up to date, through the council's attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the council may receive concerning specific situations that arise.

Section 2. Council members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values.
- Behaving consistently and with respect toward everyone with whom they interact.
- Exhibiting trustworthiness.
- Living as if they are on duty as elected officials regardless of where they are or what they are doing.
- Using their best independent judgment to pursue the common good as they see it, presenting their opinion to all in a reasonable, forthright, consistent manner.
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others.

- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
- Treating other council members and the public with respect and honoring the opinions of others even while the council members disagree with those opinions.
- Not reaching conclusions on issues until all sides have been heard.
- Showing respect for their offices and not behaving in ways that reflect poorly on those offices.
- Recognizing that they are a part of a larger group and acting accordingly.
- Recognizing that individual council members are not generally allowed to act on behalf of the council but may only do so if the council specifically authorizes it, and that the council must take official action as a body.
- Avoiding conflicts of interest.

Section 3.a. Council members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the council member's action would conclude that the action was inappropriate.

Section 3.b. If a council member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the council's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

Section 4. Council members should faithfully perform the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Council members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the council has authority.

Council members should be willing to bear their fair share of the council's workload. To the extent appropriate, they should be willing to put the council's interests ahead of their own.

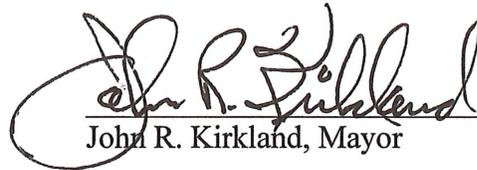
Section 5. Council members should conduct the affairs of the council in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should also remember that local government records belong to the public and not to council members or their employees.

In order to ensure strict compliance with the laws concerning openness, council members should make clear that an environment of transparency and candor is to be maintained at all times in the government unit. They should prohibit unjustified delay in fulfilling public record requests. They should take deliberate steps to make certain that any closed sessions held by the council are lawfully conducted and that such sessions do not stray from the purpose for which they are called.

The Mayor and members of this Council do hereby accept and pledge to conduct themselves in accordance with this Code.

This document is to be reviewed by and presented to the Council for adoption following any change in the membership of the Council.

Adopted this 15th day of December, 2022 by the River Bend Town Council.



John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk



Originally adopted 8-12-2010
Re-adopted 12-15-2022