



RIVER BEND TOWN COUNCIL AGENDA

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

Pledge: Mayor

1. CALL TO ORDER (Mayor Kirkland Presiding)
2. RECOGNITION OF NEW RESIDENTS
3. ADDITIONS/DELETIONS TO AGENDA
4. ADDRESSES TO THE COUNCIL
5. PUBLIC HEARINGS
 - A. Proposed -Chapter 15.02 Town's Zoning Ordinance – Signs
 - B. CDBG Application
6. CONSENT AGENDA

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

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

7. TOWN MANAGER'S REPORT – Delane Jackson

Activity Reports

- A. **Monthly Police Report** by Chief Joll
- B. **Monthly Water Resources Report** by Director of Public Works Mills
- C. **Monthly Work Order Report** by Director of Public Works Mills
- D. **Monthly Zoning Report** by Assistant Zoning Administrator McCollum

ADMINISTRATIVE REPORTS:

8. Finance – Councilman Van Slyke
 - A. Financial Report - Finance Director
 - B. **VOTE** – Budget Amendment – 22-B-03
9. Environment and Waterways – Councilman Sheffield for Councilman Leonard
 - A. EWAB Report
 - B. **VOTE**- Water Resources Department Policy Manual Amendment
10. Planning Board – Councilman Sheffield
 - A. Planning Board Report
 - B. **VOTE** – Sign Ordinance Amendment

11. Public Safety – Councilman Fogle
 - A. Community Watch
 - B. CERT
 - C. **VOTE** – Interlocal Agreement for Water System
12. Parks & Recreation/CAC – Councilwoman Maurer
 - A. Organic Garden Report
 - B. Library Report
 - C. CAC Report
 - D. Parks and Rec Report
 - E. **VOTE** – Parks and Recreation Appointment - Rathbun
 - F. **VOTE** – Water Conservation Rate Structure
13. MAYOR'S REPORT – Mayor Kirkland
 - A. Constitution Week Proclamation
 - B. Fire Prevention Week Proclamation

14. PUBLIC COMMENT

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

15. CLOSED SESSION – NCGS §143-318.11(a)(3)

16. ADJOURNMENT

Town of River Bend

Public Hearing Policy

Overview- To comply with North Carolina law, the Council is required to conduct a public hearing prior to taking action on some matters. The Council, at its discretion, may also conduct a public hearing to gather input on a matter. These are discretionary public hearings and are not required as a matter of law. The purpose of any public hearing is to give the public an opportunity to express their views, comments or opinions to the Council on the subject matter of the public hearing. It is a time for the Council to listen to the public. It is not a time for debate or a "question and answer session". The following rules have been established to maintain order and decorum during a public hearing. Furthermore, these rules are designed to ensure fairness to each speaker by establishing rules in advance that will be applied equally to each speaker in all public hearings.

I. Public Hearing

Public hearings are typically reserved as an item of business on the agenda for the Council's regular session, which is currently held on the 3rd Thursday of each month. However, the Council may conduct a public hearing on any day in accordance with the advertising requirements of this policy. All public hearings shall be subject to the following guidelines:

1. Prior to the start of the hearing, persons wishing to address the Council will register on a sign-up sheet stationed by the meeting room door. Prior to beginning the hearing, the Mayor will collect the sign-up sheet and recognize speakers in the order that they registered. Once the list has been collected by the Mayor, no names will be added to it. Speakers will address the Council from the lectern and will be asked to state their name and physical address for the record prior to speaking.
2. Each speaker shall be limited to a maximum time of three (3) minutes. Each speaker will only be allowed to speak once during the hearing. A staff member shall serve as timekeeper and will promptly announce when the speaker's time has expired.
3. No time may be yielded or transferred from one speaker to another. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.
4. The hearing is not intended to require the Council and/or any staff to answer any impromptu questions. The Council will not take action on a new item originally presented during the hearing, which is not related to the subject matter of the public hearing. Upon completion of the hearing and when appropriate, the Council may refer inquiries made during the hearing to the Town Manager or an appropriate staff member. If necessary, the item may be added to the agenda of a future meeting, thereby providing the staff an opportunity to research the item and provide data to the Council for consideration and review.

5. Speakers are asked to address comments to the entire Council as a whole and not one individual member. Discussions between speakers and members of the audience will not be permitted during the hearing.

6. Speakers who have prepared written remarks are encouraged to leave a copy of such remarks with the Town Clerk. Speakers who have materials that they want distributed to the Council related to the item they plan to discuss during the hearing, shall provide eight (8) copies of those documents to the Town Clerk prior to the start of the hearing. The Clerk shall distribute the copies to the Council, Attorney, and Town Manager and retain one copy for the record.

7. Speakers shall be courteous in their language and presentation. Profanity or other inappropriate language or gestures will not be tolerated. The audience shall be courteous and quiet during the public hearing. Only one person at a time will be allowed to speak and that person will be the speaker who has been invited to the lectern.

8. In order to provide for the maintenance of order and decorum in the conduct of the hearing, the Mayor or presiding member may declare "out-of-order" any person(s) who fails to comply with this policy. The Mayor or presiding member shall caution any such person(s) to abide by the provisions of this policy. Refusal to do so shall be grounds for removal of the person(s) from the meeting.

9. Any public hearing required by NCGS shall be advertised in accordance with all applicable requirements. Discretionary public hearings shall be advertised on the town's bulletin board and on the town's web page with the first notice being no less than 10 days and no more than 25 days prior to the date of the hearing. The day of the public hearing shall be counted as a day in the calculation of days.

10. Public Hearings may generate widespread interests and participation. The North Carolina Building Code sets maximum occupancy limits for all public buildings. Additionally, during a state of emergency or a public health crisis, such as a pandemic, room occupancy may be even more limited. These occupancy limits shall be strictly adhered to. This may prohibit all interested parties from participating in the public hearing. On occasions when the occupancy of the room is at its maximum, those people who have spoken will be encouraged to exit the room and allow other speakers to enter the room.

- Adopted December 14, 2017
- Amended April 14, 2022



TOWN OF RIVER BEND

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

**T 252.638.3870
F 252.638.2580**

www.riverbendnc.org

NOTICE OF PUBLIC HEARING

The Town Council of the Town of River Bend will conduct a public hearing on September 15, 2022 to gather public comments on proposed amendments to Chapter 15.02 of the Town's Zoning Ordinance-Signs. The public hearing will begin at 7 p.m. at Town Hall, located at 45 Shoreline Drive, River Bend, NC. A copy of the proposed amendments are available from the Zoning Department or they can be viewed online by visiting the town's web page at www.riverbendnc.org and by clicking on the "Proposed Sign Ordinance Amendments" tab. The town's rules for conducting a public hearing will be followed.

NOTICE OF PUBLIC HEARING
APPLICATION FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING
TOWN OF RIVER BEND

Notice is hereby given that the River Bend Board of Councilmen will conduct a Public Hearing on September 15, 2022 at 7:00 p.m. in the Town Hall concerning the intention of River Bend to apply for funding under the CDBG NR program. The proposed project will include housing clearance, temporary relocation, reconstruction, and general administration. CDBG activities are proposed along Old Pollocksville Road with some scattered around Town. The total estimated CDBG program cost is \$950,000.00 which represents 100% of the total program costs.

Citizens will be given the opportunity to provide oral and written comment on River Bend's use of CDBG funds. All interested citizens from River Bend are encouraged to attend. Formal written views and proposals concerning the Community Development Block Grant application process which are submitted to the Mayor will be responded to within ten (10) calendar days.

For additional information or to submit written comments, send to Mayor John Kirkland, Town of River Bend, 45 Shoreline Drive, River Bend, NC 28562 or call 252-638-3870. Comments should be postmarked by September 15, 2022.

If you plan to attend and require special accommodations because of a disability or physical impairment, please contact Town Manager Delane Jackson at 252-638-3870 (TDD 800-735-2962) at least 2 days prior to the hearing.

This information is available in Spanish or any other language upon request. Please contact Delane Jackson at 252-638-3870 or at 45 Shoreline Drive, River Bend, NC for accommodations for this request.

Esta información está disponible en español o cualquier otro lenguaje a petición. Por favor, póngase en contacto con Delane Jackson en 252-638-3870 o en 45 Shoreline Drive, River Bend, NC de alojamiento para esta solicitud.

John Kirkland
Mayor
Town of River Bend
EEO Employer



**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



**TOWN OF RIVER BEND
BUDGET ORDINANCE AMENDMENT 22-B-02
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 July 21, 2022, be amended as follows:

Summary

General Fund	2,243,069
General Capital Reserve Fund	99,847
Law Enforcement Separation Allowance Fund	13,525
Water Fund	598,325
Water Capital Reserve Fund	172
Sewer Fund	673,325
Sewer Capital Reserve Fund	8
Total	<hr/> 3,628,271

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	<hr/> 260,994
Total	<hr/> 2,243,069

Section 1. General Fund (continued)

Authorized Expenditures

Governing Body	30,400
Administration	279,600
Finance	124,100
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	51,300
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>2,243,069</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	<u>99,847</u>

Authorized Expenditures

Transfer to General Fund	72,787
Future Procurement	<u>27,060</u>
	<u>99,847</u>

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:

Contributions from General Fund	13,500
Interest Revenue	<u>25</u>
Total	<u>13,525</u>

Authorized Expenditures:

Separation Allowance	0
Future LEOSSA Payments	<u>13,525</u>
Total	<u>13,525</u>

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	44,490
Total	598,325

Authorized Expenditures

Administration & Finance [1]	470,825
Operations and Maintenance	124,000
Transfer To Fund Balance for Capital Outlay	3,500
Transfer To Water Capital Reserve Fund	0
Total	598,325

[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
Total	172

Authorized Expenditures

Future Expansion & Debt Service	172
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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	52,013
Total	<hr/> 673,325

Authorized Expenditures:

Administration & Finance [2]	458,825
Operations and Maintenance	211,000
Transfer to Fund Balance for Capital Outlay	3,500
Transfer to Sewer Capital Reserve Fund	0
Total	<hr/> 673,325

[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
Total	<hr/> 8

Authorized Expenditures:

Future Expansion & Debt Service	8
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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.

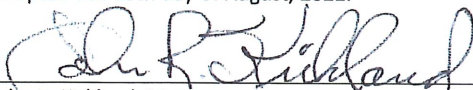
Section 12. Utilization of the Budget Ordinance

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 18th day of August, 2022.



John R. Kirkland, Mayor

Attest:



Kristie J. Nobles, Town Clerk



BOBBY CAHOON CONSTRUCTION, INC.

6003 Neuse Road
Grantsboro, NC 28529
Phone 252-249-1617*Fax 252-249-9884
Licensed and Fully Insured
NCGC License #62120

CONTRACT PROPOSAL – REVISION #5
Park Dock

August 16, 2022

Property Owner:

Town of River Bend
c/o Delane Jackson
45 Shoreline Drive
New Bern, NC 28562
252-638-3870
manager@riverbendnc.org

Project Site:

River Bend Town Park
Park Dock

The following contract is entered into between the listed and deeded Property Owner shown above referred to herein as Owner, and Bobby Cahoon Construction, Inc. also referred to as Contractor.

We propose to furnish the labor, equipment and materials necessary to install: A new wooden 24' wide x 32' long dock patio.

Construction shall be as follows:

Pilings will be 8" diameter ranging in length from 12' – 20' long marine grade pilings. Pilings will be driven 10' into the ground with a vibratory hammer. In the event of an extremely soft bottom and longer pilings are needed, it will be discussed with the customer and a change order issued.

Headers will be 2" x 8" treated lumber. This lumber will be attached to the pilings using 5/8" galvanized timber bolts.

Stringers will be 2" x 8" treated lumber. Outside stringers will be attached to pilings using 5/8" galvanized timber bolts. Center stringers will be attached to headers using vertical blocking.

Decking will be 2" x 6" select lumber. This lumber will be attached to stringers using 3" stainless steel screws and will have a 2" x 10" band board around perimeter.

This dock will have a 12' x 12' L-shaped bench in one corner and a double back-to-back 10' long bench in the middle. Both will have back rests and will be constructed using 2" x 6" treated lumber and stainless-steel screws.

This will also include approximately 94' of wooden handrails around the perimeter. Handrails will consist of four (4) 2" x 6" rails along with a 2" x 8" cap attached to 6" x 6" treated posts.

We propose to furnish and install the above in accordance with the specifications for the sum of:
FORTY-FIVE THOUSAND NINE HUNDRED FIFTY AND XX/100'S.....\$45,950.00

NOTE: This price includes reattaching connecting sidewalk into the new dock.

NOTE: This job can be done from the water side to minimize ground damage. This price does not include any repair to damaged sidewalks or grounds. Adequate access should be provided.

All materials are guaranteed to be as specified and the above work to be performed in accordance with the drawings and specifications submitted for the above work. All work to be completed in a workmanlike manner. Any alteration or deviation from the above specifications involving extra cost will be executed only upon written order from the owner or his authorized agent and will become an extra charge over the agreed amount. We are not responsible for any damages that could occur to culverts, utility lines, drain fields or concrete and paved driveways. All necessary precautions will be done to avoid any damages. Any vegetation that is required by D.W.Q. to be replaced will be the responsibility of the homeowner. In the event that a dispute arises between the parties to this contract, both parties to this contract hereby agree to accept the mediation decision by a certified arbitrator recognized by the State Bar of North Carolina in lieu of going to a court of competent jurisdiction. No statement, arrangement or understanding, expressed or implied not contained herein will be recognized. All agreements herein are contingent upon strikes, accidents, weather, or unforeseen circumstances beyond our control. This contract can be canceled at any time prior to the onset of construction by written notification only. At that time, any expenses that Bobby Cahoon Construction, Inc., may have incurred will be deducted from the deposit amount and will be refunded to you.

This contract does not include any electrical work.

Permits, backfill and administrative fees are not included in the quoted contract proposal price. Administrative fees of \$215.00 +/- cover the expense of meeting CAMA and permitting. Permit fees vary according to the job type and will be added as an additional charge upon determination of cost requirements.

Some counties require an engineered drawing for any seawall 4' or over. Any drawings, flood zone letters/certifications or pier/dock certifications by an engineer, that are required by municipalities, will be an additional fee.

Backfill is an unknown quantity and if needed will be charged at \$210.00 - \$235.00 per tandem truck load, installed.

Payment schedule is as follows: 50% upon signing of contract (to secure materials prices) and balance within 48 hours upon completion of project.

ACCEPTANCE OF PROPOSAL: As owners of the property to be improved, I/we promise to pay for all costs associated with the improvements to be made. Payment shall be made according to the payment schedule as quoted above. Final payment is to be paid to Bobby Cahoon Construction, Inc. in full upon completion of the construction. A late penalty of ten (10) percent will be paid by the owner if not received within ten (10) days of the invoice date unless other arrangements have been made. Any outstanding balance over thirty (30) days will be subject to a finance charge of eighteen (18) percent per annum or one point five (1.5) percent per month. If placed in the hands of an attorney for collection, I/we promise

to pay all costs associated with attorney fees. I/we agree to pay all court costs and all other legal fees that may be incurred, plus interest, in order to force collection, including the costs associated with the placement of a lien on the improved property if it becomes necessary. All accounts over sixty (60) days will be referred to the Credit Bureau. The above prices, specifications and conditions are satisfactory and are hereby accepted. I/we certify that we are the legal deeded owners of this property and therefore the Contractor is authorized to complete the work as specified. Payment will be made as specified above.

PLEASE NOTE:

Due to fluctuating material cost, which includes boat lifts, we reserve the right to pass any significant material price increases along to the customer. This will be discussed prior to the start of construction.

Due to constantly increasing fuel prices, all contracts are subject to an additional fuel surcharge. This will be discussed prior to the start of construction.

Acceptance of Proposal Doreen Gibson date 8/16/22
Contractor's signature

Delane Jackson date 8/22/22
Customer's signature

NCDOR

Web-Fill
7-18

E-589CI

Affidavit of Capital Improvement

Form E-589CI, Affidavit of Capital Improvement, may be used to substantiate that a contract, or a portion of work to be performed to fulfill a contract, is to be taxed for sales and use tax purposes, as a real property contract for a capital improvement to real property.

The receipt of an affidavit of capital improvement for services to real property, absent fraud or other egregious activities, establishes that the subcontractor or other person receiving the affidavit should treat the transaction as a real property contract for sales and use tax purposes.

A real property contract is a contract between a real property contractor and another person to perform a capital improvement to real property.

Section I. Single Use. (Complete this section to issue the affidavit for a single capital improvement.)

<p>(A) Owner, Lessee/Tenant, or Real Property Contractor</p> <p>Town of River Bend</p> <p>Address 45 Shoreline Dr.</p> <p>City River Bend State NC Zip Code 28562</p>	<p>(B) Real Property Contractor (General Contractor or Subcontractor) <small>Hired to perform capital improvement</small></p> <p>Bobby Cahoon Constructin, Inc.</p> <p>Address 6003 Neuse Road</p> <p>City Grantsboro State NC Zip Code 28529</p>
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Describe capital improvement to be performed:

24x32 dock in pond

Project Name: **Town Hall dock**

Project Address (where the work is to be performed)

45 Shoreline Dr.

City

River Bend

State

Zip Code

NC 28562

I certify that, to the best of my knowledge, this affidavit is accurate and complete and that the transaction described to be performed by the Real Property Contractor (General Contractor or Subcontractor identified in box "B") shall be treated as a real property contract for a capital improvement to real property for sales and use tax purposes. I understand that if it is determined that I issued this affidavit in error and the transaction is subject to sales tax as a retail sale of repair, maintenance, and installation services to real property, I will be liable for payment of any additional taxes determined to be due.

Signature of Authorized Person:

Delane Jackson

Title:

Town Manager

Date:

8/20/22

Section II. Blanket Use. (Complete this section to execute a blanket affidavit for capital improvements.)

<p>(C) Real Property Contractor</p> <p>Address</p> <p>City</p> <p>State</p> <p>Zip Code</p>	<p>(D) Real Property Contractor or Subcontractor <small>Hired to perform capital improvement</small></p> <p>Address</p> <p>City</p> <p>State</p> <p>Zip Code</p>
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To be completed by the Real Property Contractor identified in Box C:

I certify that I am a Real Property Contractor who performs capital improvements to real property and all transactions with the real property contractor (subcontractor) identified in box "D" shall be treated as real property contracts for capital improvements to real property for sales and use tax purposes. I understand that if it is determined that I issued this affidavit in error and the transaction is subject to sales tax as a retail sale of repair, maintenance, and installation services to real property, I will be liable for payment of any additional taxes determined to be due.

Signature of Authorized Person:

Title:

Date:

AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION

Name of Property Owner Requesting Permit: Town of River Bend

Mailing Address: 45 Shoreline Dr.
River Bend, NC 28562

Phone Number: 252-638-3870

Email Address: Manager@riverbendnc.org

I certify that I have authorized Bobby Cahoon Construction, Inc.,
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits

necessary for the following proposed development: 24' x 32'

dock

at my property located at 45 Shoreline Dr.

in Craven County.

I furthermore certify that I am authorized to grant, and do in fact grant permission to Division of Coastal Management staff, the Local Permit Officer and their agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.

Property Owner Information:

Delane Jackson

Signature

Delane Jackson

Print or Type Name

Town Manager

Title

8, 22, 22

Date

This certification is valid through 12, 22, 22



RIVER BEND POLICE DEPARTMENT



MONTHLY ACTIVITY REPORT

2022

	ACTIVITIES	2022	2022	2022	% of Total Calls	% Change Last 2 Mos.
		June	July	August		
1	ALARMS / 911 UNKNOWN / DISTURBANCE / SHOTS FIRED	9	22	8	0.36%	-64.00%
2	ANIMAL COMPLAINTS	5	5	9	0.41%	80.00%
3	ARRESTS	0	1	5	0.23%	400.00%
4	ASSAULTS / ALL OTHER VIOLENT CRIME	1	0	4	0.18%	0.00%
5	ASSIST CITIZENS / LOCK OUT / QUALITY OF LIFE ISSUES	6	9	11	0.50%	22.00%
6	ASSIST EMS / FD / FIRST RESPONDERS / MED ASSIST	17	23	20	0.91%	-13.00%
7	ASSIST MOTORISTS / FOOT PATROLS / ALL OTHER	75	55	106	4.80%	93.00%
8	ASSIST OTHER AGENCIES	1	0	0	0.00%	0.00%
9	B & E BUSINESS / RESIDENCE / VEHICLE	0	0	1	0.05%	0.00%
10	CRIM. SUMM. / SUBPOENAS / WARRANTS / CIVIL COMPLAINT	0	2	3	0.14%	50.00%
11	DOMESTICS	2	5	2	0.09%	-60.00%
12	FIRES / ALARM	1	2	2	0.09%	0.00%
13	IDENTITY THEFT / FRAUD	1	0	4	0.18%	0.00%
14	INVOLUNTARY COMMITMENTS	1	1	3	0.14%	200.00%
15	JUVENILE COMPLAINTS	0	0	0	0.00%	0.00%
16	LARCENIES	1	1	0	0.00%	-100.00%
17	LITTERING	0	2	0	0.00%	-100.00%
18	LOUD MUSIC / NOISE COMPLAINTS	0	1	1	0.05%	0.00%
19	DEATH / MISSING PERSON / RUNAWAY / SUICIDE(A)	1	1	1	0.05%	0.00%
20	PROPERTY DAMAGE / VANDALISM	4	2	1	0.05%	-50.00%
21	RESIDENTIAL / BUSINESS CHECKS / COMMUNITY WATCH	820	854	1,791	81.11%	110.00%
22	ROADWAY DEBRIS / OBSTRUCTIONS	0	0	0	0.00%	0.00%
23	ROBBERIES	0	0	0	0.00%	0.00%
24	SOLICITING VIOLATIONS	1	0	0	0.00%	0.00%
25	SUSPICIOUS PERSONS / VEHICLES / FIELD INTERVIEW	8	19	14	0.63%	-26.00%
26	TOWN ORDINANCE CITATIONS	1	1	2	0.09%	100.00%
27	TOWN ORDINANCE VIOLATIONS	1	5	4	0.18%	-20.00%
28	TRAFFIC ACCIDENTS	2	2	4	0.18%	100.00%
29	TRAFFIC STOPS	78	92	176	7.97%	91.00%
30	TRAFFIC COMPLAINTS-RADAR	9	4	11	0.50%	175.00%
31	DWI	0	1	0	0.00%	-100.00%
32	CHECKPOINTS	1	1	1	0.05%	0.00%
33	DRUG VIOLATIONS	1	1	6	0.27%	500.00%
34	WELFARE CHECKS	4	8	4	0.18%	-50.00%
35	CASE ASSIST / PW / VEHICLE MAINTENANCE / MEETING	4	5	4	0.18%	-20.00%
36	CASE FOLLOW UPS / SPECIAL OPERATION / TRAINING	8	5	7	0.32%	40.00%
37	TRESPASSING	0	1	3	0.14%	200.00%
38	OVERDOSE	0	1	0	0.00%	-100.00%
39	TOTAL	1063	1132	2208	100.00%	95.00%

Traffic Violations

66 State Citations
72 Total State Charges
2 State Warnings
2 Town Citations
Town Warnings

Community Watch Checks

118 100 Pirates
151 100 Plantation
109 200 Lakemere
153 200 Rockledge

Phone Calls Answered (638-1108)

148 Incoming Calls



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870
F 252.638.2580

www.riverbendnc.org

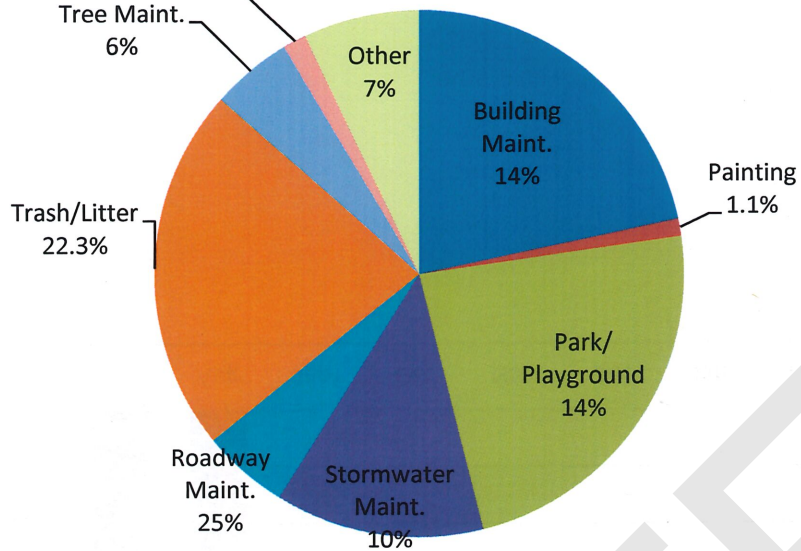
August 2022 Monthly Report Brandon Mills, Director of Public Works

Public Works replaced and cleaned several street signs around town. There are several more that need to be replaced, and they have been ordered. We will install ASAP. The town parks have been sprayed to remove unwanted vegetation growing up thru the mulch layer. We generally do this several times per year. We have it on our schedule to add more mulch to several playgrounds. This is done on a routine basis to make sure it has sufficient depth to cushion any falls. Public Works also removed several dead and dying shrubs around our lift station fence in the Lochbridge area. We will be going back to pressure wash the fence to give it a more attractive look.

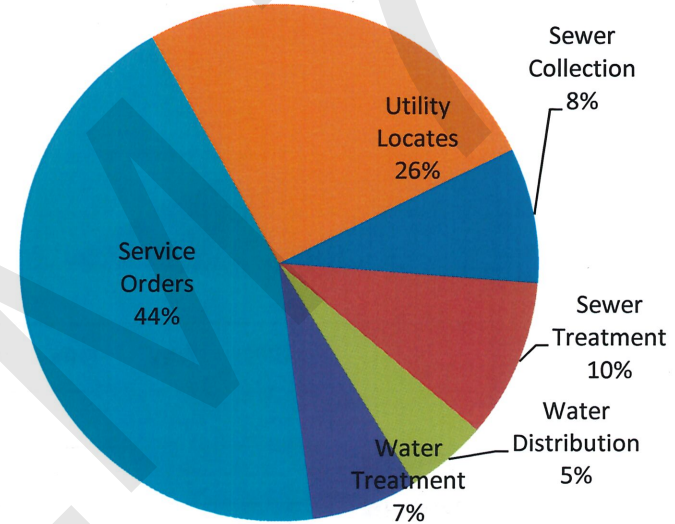
Water Resources continued doing a good job operating and maintaining our utility systems. The clarifier chain drives on both treatment units were serviced at the Wastewater Treatment facility. This service includes replacing or lubricating the chains, greasing bearings, and replacing the oil in the chain drives gearbox. We do this maintenance several times a year to keep the drives in good working order. In addition, several air diffusers were replaced inside the small plant aeration basin. As a reminder, the microorganisms that treat the waste are aerobic bacteria and need sufficient oxygen levels to survive and multiply.

If you have any questions concerning the Water Resources/Public Works Department, please call us at 638-3540, Monday-Friday, 8am-4pm. After hour's water and sewer, emergencies can be reported by dialing the Town Hall at 638-3870. You will be instructed to the dial "9" and follow the directions to contact the on call duty operator. You will then be asked to enter your phone number at the sound of the tone. After entering your phone number, the automated system will inform you that your page has been sent. Please, be patient and our utility systems operator will return your call. If you do not receive a call back within ten minutes, please notify the Police Department at 638-1108, and they will get in contact with the on-call utility systems operator.

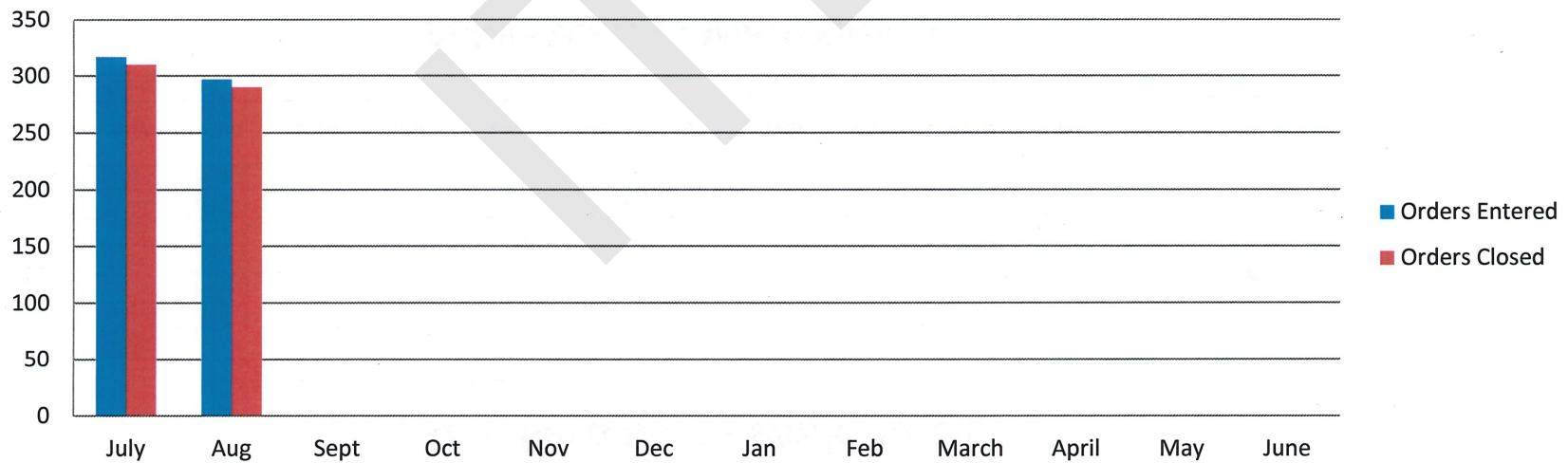
Public Works Work Orders FY 2022-23



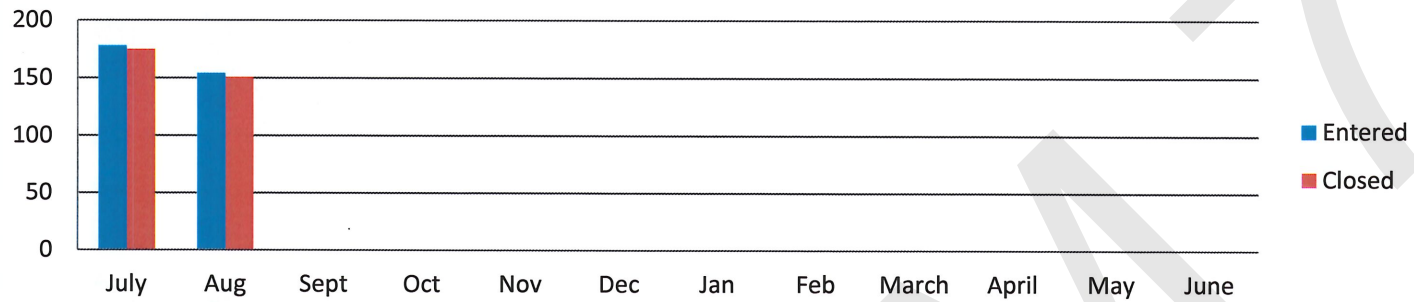
Water Resources Work Orders FY 2022-23



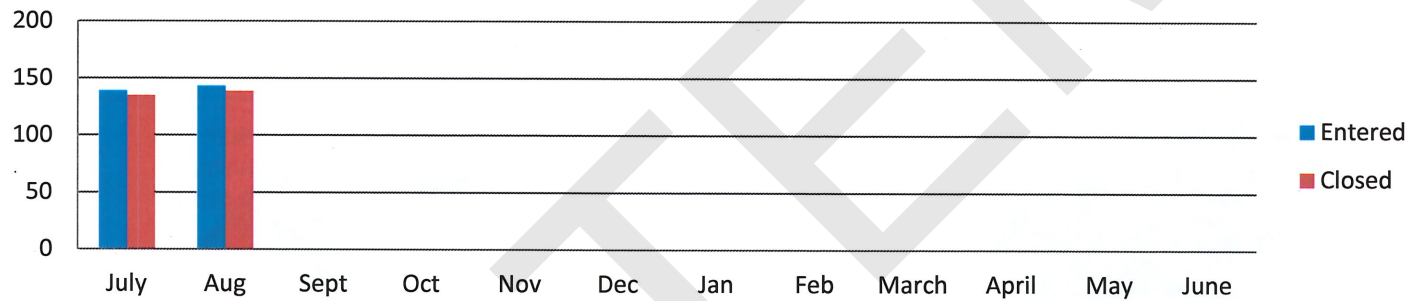
Total Work Orders - FY 2022-23

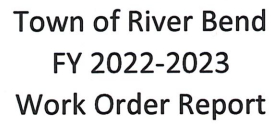


Water Resources - Work Orders



Public Works - Work Orders





Public Works

Orders Entered	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD	Pending
Building Maintenance	31	30											61	0
Painting	2	1											3	0
Park/Playground	32	34											66	1
Roadway Maintenance	17	19											36	0
Stormwater Maintenance	8	7											15	1
Trash/Litter	30	33											63	0
Tree Maintenance	8	6											14	0
Wetlands / Ponds	2	2											4	2
Other	9	11											20	0
TOTAL	139	143	0	0	0	0	0	0	0	0	0	0	282	4

[illegible]

Water Resources

Orders Entered	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD	Pending
Sewer Collection	13	15											28	0
Sewer Treatment	16	17											33	1
Water Distribution	9	8											17	0
Water Treatment	10	12											22	1
Service Orders	84	62											146	0
Utility Locates	46	40											86	1
TOTAL	178	154	0	0	0	0	0	0	0	0	0	0	332	3

[illegible][illegible]



MONTHLY ZONING REPORT

MONTH YEAR

Activity	Monthly	YTD Total
Permit Applications Received	12	23
Permits Issued	12	23
Fees Collected	1721.60	2190.40
Violations Noted During Weekly Patrol	3	20
Complaints Received From Citizens	1	1
Notice Of Violations Initiated *see details below	4	21
Remedial Actions Taken By Town	0	0

Detail Summary		
Address	Violation	Date Cited
5360 US Hwy 17 S	Work without a permit; debris	11-Aug
244 Shoreline	Grass; debris	15-Aug
154 Quarterdeck	Debris	22-Aug
Lochbridge	Cars in street	24-Aug

Town of River Bend



Monthly Financial Report

Printed 9/13/2022

This monthly report is provided as an oversight/management tool for the Town Council of the Town of River Bend. For ease of reporting, and in order to be consistent with the categories used in the annual budget process, this report summarizes the revenue and expenses in each of the three operational areas of the Town. Anyone interested in more detail, or further explanation of the contents of this report, is encouraged to contact Finance Officer Irving J. "Bud" Van Slyke, Jr. or Finance Director Mandy Gilbert.

Notes

The cash balances shown on page one are the amount of cash in each specific accounting fund. These funds are deposited in separate investment accounts. Pooled cash accounts used for operating funds but accounted for, in our internal systems, as individual accounts. Interest attributable to each account is allocated based upon the total rate of return of the account(s).

The FY Budget columns represents the original and current budget. As the fiscal year goes on and unforeseen expenses or revenues occur, we need to adjust the budget. The Council does this by formal amendment during a Council meeting. *Asterisked lines represent those budget items that have been amended since adoption.

The acronym CIF used in this report is our Capital Improvement Fund(s) for water and wastewater. These funds are, by resolution of the Town Council, reserved for expenses related to expansion of these systems, or retirement of debt. The Water CIF receives revenue in the form of annual Hydrant Fee payments.

Because this is an annual budget, it is important to note that many lines shown in this report will vary, some significantly, from month to month, and in different times of the year. In many instances, capital payments for current fiscal year projects are made early in the fiscal year and the majority of our ad valorem tax receipts occur in the middle of the fiscal year. This is another reason to maintain an adequate fund balance.

Town of River Bend Financial Dashboard



Visit our web site <http://www.riverbendnc.org/finance.html> to view the Financial Dashboard. These dashboards are designed to give the user a quick overview of the status of revenues and expenditures in each of the Town's three major funds as reported in the Monthly Financial Report.

[illegible]

Town of River Bend
Financial Report
Fiscal Year 2022 - 2023



General Fund

Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Budget
1 Ad Valorem Taxes	721,710	721,710	-	97											96.95	0.0%
2 Ad Valorem Taxes - Vehicle	92,300	92,300	-	8,812											8,811.91	9.5%
3 Animal Licenses	2,000	2,000	100	70											170.00	8.5%
4 Local Gov't Sales Tax	380,222	380,222	37,988	35,382											73,369.12	19.3%
5 Hold Harmless Distribution	99,000	99,000	9,266	9,205											18,471.92	18.7%
6 Solid Waste Disposal Tax	2,200	2,200	-	505											505.34	23.0%
7 Powell Bill Fund Appropriation	-	-	-	-											-	0.0%
8 Powell Bill Allocation	91,000	91,000	-	-											-	0.0%
9 Beer & Wine Tax	13,225	13,225	-	-											-	0.0%
10 Video Programming Tax	50,743	50,743	-	-											-	0.0%
11 Utilities Franchise Tax	108,963	108,963	-	-											-	0.0%
12 Telecommunications Tax	8,140	8,140	-	-											-	0.0%
13 Court Cost Fees	500	500	23	45											67.50	13.5%
14 Zoning Permits	5,000	5,000	343	1,420											1,762.40	35.2%
15 Federal Grants*	-	22,170	-	-											-	0.0%
16 State Grants*	-	250,000	-	-											-	0.0%
17 Federal Disaster Assistance	-	-	-	-											-	0.0%
18 State Disaster Assistance	-	-	-	-											-	0.0%
19 Miscellaneous	10,000	10,000	1,010	1,866											2,875.78	28.8%
20 Insurance Settlements	-	-	-	1,693											1,693.11	0.0%
21 Interest - Powell Bill	50	50	-	-											-	0.0%
22 Interest - Investments	500	500	1,336	1,628											2,963.40	592.7%
23 Contributions	421	421	1,035	0											1,035.12	245.9%
24 Wildwood Storage Rents	18,144	18,144	1,577	1,680											3,257.60	18.0%
25 Rents & Concessions	18,000	18,000	1,860	1,840											3,700.00	20.6%
26 Sale of Capital Assets	15,000	15,000	-	-											-	0.0%
27 Sales Tax Refund Revenue	-	-	-	-											-	0.0%
28 Trans. from Capital Reserve*	33,000	72,787	33,000	-											33,000.00	45.3%
29 Trans. from ARPA Fund	-	-	-	482,189											482,189.23	0.0%
30 Trans. from L.E.S.A. Fund	-	-	-	-											-	0.0%
31 Appropriated Fund Balance*	200,813	260,994	-	-											-	0.0%
Total	1,870,931	2,243,069	87,537	546,432	-	-	-	-	-	-	-	-	-	-	633,969.38	28.3%

*Astericked lines represent those budget items that have been amended since Original Budget adoption.

#DIV/0! indicates revenue was received, but not budgeted for this line item.

Town of River Bend
Financial Report
Fiscal Year 2022 - 2023



General Fund

Expenditures	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
1 Governing Body	30,400	30,400	7,666	-783											6,883	22.6%
2 Administration	279,600	279,600	35,532	24,058											59,590	21.3%
3 Finance*	119,000	124,100	10,647	8,376											19,023	15.3%
4 Tax Listing	11,600	11,600	-	306											306	2.6%
5 Legal Services	24,000	24,000	1,624	3,293											4,917	20.5%
6 Elections	1,000	1,000	-	-											-	0.0%
7 Public Buildings	102,300	102,300	7,882	10,252											18,134	17.7%
8 Police*	587,200	664,443	66,342	39,932											106,274	16.0%
9 Emergency Management	3,700	3,700	365	1,954											2,319	62.7%
10 Animal Control	14,600	14,600	1,662	921											2,583	17.7%
11 Street Maintenance	193,000	193,000	4,202	7,023											11,225	5.8%
12 Public Works	177,500	177,500	17,299	8,321											25,620	14.4%
13 Leaf & Limb, Solid Waste	51,000	51,000	4,034	60											4,094	8.0%
14 Stormwater Management*	43,100	311,395	2,444	3,305											5,749	1.8%
15 Waterways & Wetlands	2,900	2,900	-	-											-	0.0%
16 Planning & Zoning	51,300	51,300	5,812	3,463											9,275	18.1%
17 Recreation & Special Events	7,600	7,600	1,121	179											1,300	17.1%
18 Parks*	79,700	101,200	2,930	25,332											28,262	27.9%
19 Transfers	73,500	73,500	73,500	482,189											555,689	756.0%
20 Contingency	17,931	17,931	-	-											-	0.0%
Total	1,870,931	2,243,069	243,064	618,179	-	-	-	-	-	-	-	-	-	-	861,243	38.4%

Capital / Debt (included above)	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
1 Capital Outlay*	172,500	228,035	-	22,975											22,975	10.1%
2 Debt Service - Principle	-	-	-	-											-	0.0%
3 Debt Service - Interest	-	-	-	-											-	0.0%

*Astericked lines represent those budget departments that have been amended since Original Budget adoption.

Town of River Bend
Financial Report
Fiscal Year 2022 - 2023



Water Fund

Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Col
1 Base Charge	277,253	277,253	45,982	334											46,317	16.7%
2 Consumption	236,560	236,560	47,061	232											47,293	20.0%
3 Other, incl. transfers	19,892	19,892	849	4,437											5,285	26.6%
4 Hydrant Fee	20,130	20,130	20,130	-											20,130	100.0%
5 Appropriated Fund Bal.*	40,665	44,490	-	-											-	0.0%
Total	594,500	598,325	114,022	5,003	-	-	-	-	-	-	-	-	-	-	119,025	19.9%

Expenses	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
1 Admin & Finance*	467,000	470,825	46,918	22,601											69,518	14.8%
2 Supply & Treatment	75,000	75,000	868	791											1,659	2.2%
3 Distribution	49,000	49,000	30,702	671											31,373	64.0%
4 Transfers / Contingency	3,500	3,500	-	-											-	0.0%
Total	594,500	598,325	78,488	24,062	-	-	-	-	-	-	-	-	-	-	102,550	17.1%

Capital (included above)	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
1 Capital Outlay*	13,000	16,825	-	-											-	0.0%

Cash Balances

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1 Water Fund	711,452	757,072										
2 Water Capital Reserve Fund (CIF)	245,404	245,849										

Water Produced	FY20-21	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Exp
1 Total Gallons				8,488,000	8,573,000											17,061,000	
2 Average daily gallons		925,000*		273,806	276,548											275,177	

* This is the permitted daily limit.

Town of River Bend
Financial Report
Fiscal Year 2022 - 2023



Sewer Fund

Revenue		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Col
1	Base Charge	294,601	294,601	48,732	397											49,128	16.7%
2	Consumption	316,810	316,810	61,798	634											62,433	19.7%
3	Other, incl. transfers	9,901	9,901	1,314	3,079											4,393	44.4%
4	Appropriated Fund Bal.*	48,188	52,013	-	-											0	0.0%
Total		669,500	673,325	111,844	4,109	-	-	-	-	-	-	-	-	-	-	115,953	17.2%

Expenses		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Exp
1	Admin & Finance*	455,000	458,825	44,707	23,102											67,809	14.8%
2	Collection	75,000	75,000	5,399	944											6,342	8.5%
3	Treatment	136,000	136,000	10,840	4,868											15,708	11.6%
4	Transfers / Contingency	3,500	3,500	-	-											0	0.0%
Total		669,500	673,325	60,946	28,913	-	-	-	-	-	-	-	-	-	-	89,859	13.3%

Capital (included above)		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Exp
1	Capital Outlay*	42,000	45,825	-	-											0	0.0%

Cash Balances		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1	Sewer Fund	1,092,813	1,125,729										
2	Sewer Capital Reserve Fund (CIF)	11,280	11,301										

Wastewater Treated		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Limit													
1	Total Gallons		3,694,000	3,156,000										6,850,000	
2	Average daily gallons		330,000*	119,161	101,806									110,484	

* This is the permitted daily limit.



**TOWN OF RIVER BEND
BUDGET ORDINANCE AMENDMENT 22-B-03
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 August 18, 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	606,725
Water Capital Reserve Fund	172
Sewer Fund	682,525
Sewer Capital Reserve Fund	8
Total	<u>3,676,271</u>

Section 1.

General Fund

**22-B-03
PROPOSED
CHANGES**

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 (additional COLA & Proj Mgr)	291,394	30,400
Total	<u>2,273,469</u>	<u>30,400</u>

Section 1.**General Fund (continued)**

22-B-03
PROPOSED
CHANGES

Authorized Expenditures

Governing Body	30,400	
Administration (additional COLA)	296,800	17,200
Finance (additional COLA and Proj Mgr)	133,800	9,700
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 (additional COLA)	54,800	3,500
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	2,273,469	30,400

Section 2.**General Capital Reserve Fund**

Anticipated Revenues

Contributions from General Fund	60,000
Interest Revenue	60
Appropriated Fund Balance	39,787
Total	99,847

Authorized Expenditures

Transfer to General Fund	72,787
Future Procurement	27,060
	99,847

Section 3.**Law Enforcement Separation Allowance Fund**

Anticipated Revenues:

Contributions from General Fund	13,500
Interest Revenue	25
Total	13,525

Authorized Expenditures:

Separation Allowance	0
Future LEOSSA Payments	13,525
Total	13,525

Section 4.**Water Fund****22-B-03
PROPOSED
CHANGES**

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 (additional COLA & Proj Mgr)	52,890	8,400
Total	606,725	8,400

Authorized Expenditures

Administration & Finance [1] (additional COLA & Proj Mgr)	479,225	8,400
Operations and Maintenance	124,000	
Transfer To Fund Balance for Capital Outlay	3,500	
Transfer To Water Capital Reserve Fund	0	
Total	606,725	8,400

[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	
Total	172	

Authorized Expenditures

Future Expansion & Debt Service	172	
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Section 6. **Sewer Fund**

**22-B-03
PROPOSED
CHANGES**

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 (additional COLA and Proj Mgr)

Total

61,213	9,200
682,525	9,200

Authorized Expenditures:

Administration & Finance [2] (additional COLA & Proj Mgr)

Operations and Maintenance	211,000
Transfer to Fund Balance for Capital Outlay	3,500
Transfer to Sewer Capital Reserve Fund	0
Total	682,525

9,200

9,200

[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
Total	8

Authorized Expenditures:

Future Expansion & Debt Service	8
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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 15th day of September, 2022.

John R. Kirkland, Mayor

Attest:

Kristie J. Nobles, Town Clerk

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.

Section 3. - Establishing Service

L. Connecting to the System

New customers who want to connect or are required by Town Ordinance (15.01.101 and 15.02.066) to connect to the water and sewer systems may apply for the desired services as follows:

1. New customers may apply for service where the necessary water distribution and sewer collection pipes exist beneath or adjacent to streets abutting the property. Such new customers will be required to complete a Service Application acknowledging responsibility for payment of bills, pay the Initial Connection (Tap) Fee, and pay, if applicable, the Capital Investment Fee (CIF) charge set forth in the Rate Schedule, or Class 7 Customers may request water service to property where an Early Bird Special payment was made.

2. If service is requested where the necessary water distribution and sewer collection pipes DO NOT exist beneath or adjacent to streets abutting the property the owner/developer of said property shall be responsible for the cost of extending service to the property.

3. The Town owns and operates a potable water system (WS) and waste water treatment plant (WWTP). The WS produces, treats and distributes potable water to users. The WWTP receives, processes and treats raw sewer conveyed to it from the town's sewer collection system and then discharges it to the receiving stream. Both of these systems are licensed and regulated by the State of North Carolina. Both the WS and the WWTP have limited capacity. An application for water and/or sewer service must be submitted to the Town and approved by the Town prior to any new water and/or sewer customer being connected to the Town's systems.

Once the application is submitted to the town, the Public Works Director will review the application and determine if the Town's system(s) have the capability and capacity to provide the requested service. The Public Works Director will consider what impact approving the service request will have on the operation, performance and/or reserve capacity of the Town's systems. The permit limits, system capabilities, and the state's formula for estimating flow and use, along with any other data relative to the operation of the systems, may be used as a guide in making this determination. No service or line extension shall be connected to the Town's system without approval by the Town's Public Works Director. Additionally, when an extension of either system is requested, the customer may be required to submit additional data to indicate the amount of use associated with the proposed application. Extensions that will be connected of the Town's systems may be subject to approval by the State of North Carolina. If extensions are required, the customer shall provide all data necessary to complete the state application process and pay all costs associated with submitting the application. The applicant shall also pay for any engineering review that the Town requires in order to consider the application.

Any application for service that will require a single or multiple service connections (such as a residential subdivision, business development, planned development, industrial or commercial operation, etc.) wherein such services are estimated to utilize more than 20% of the Town's reserve water production capacity or reserve sewer treatment capacity must also be approved by the Town Manager. Any application for service that is estimated to utilize more than 35% of the

Water Resources Department Policy Manual

Town's reserve capacity of either system must be approved by the Town Council. If the system that is being requested to be used is operating at 80% or more of its permitted capacity at the time of application, or if approval of the application would result in the system reaching at least 80% of its permitted capacity, no service shall be connected to the Town's system without approval of the Town Council. The Town reserves the right to limit the total number of water and/or sewer service connections made to the Town's system as a part of any multi-lot development. The number of permitted connections will be determined by the Town Council.

If connections are limited by the town based on estimated current flow data and/or current reserve capacity and either of those variables change in the future, then the applicant may apply for additional services or extensions based on actual flows and/or changes in reserve capacity. However, no application for additional services may be submitted for a previously approved project within 6 months following completion of the approved project. This 6 month waiting period will be used to establish data on actual flows of the completed project.

Any permitted project not started within 180 days of permit issuance may be subject to revocation and required to re-apply. Any project that requires allocation of water or sewer reserve capacity which is not completed within 3 years of issuance of the permit, shall forfeit any connections and reserves allocated to them for the unfinished portion of the project. The applicant may, within 6 months prior to expiration of the 3 year term, request an extension of no more than 1 year to complete the project. If after the expiration of the 3 year term or any extension thereof, the project is not completed, the applicant may submit a new request for enough allocation to complete the unfinished portion of the project. For example, if a project was originally approved for 200 sewer connections to serve 200 homes and was allocated 72,000 gallons per day of sewer use, and after 3 years, only 100 homes have been constructed, then the applicant, having only completed 50% of the project, would forfeit 50% of the originally approved sewer connections (100 connections) and 50% of the originally approved sewer allocation (36,000 gallons per day).

For the purpose of determining the Town's reserve capacity, the average daily usage of the applicable system, as published in the Town's monthly financial report, for the immediate 12-month period prior to submission of the application, will be compared to the Town's permitted capacity to determine reserve capacity (example: permitted capacity of system minus previous 12-month average daily use = reserve capacity).

Planning Board Report- September 2022

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.

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, Zoning, Chapter 15.02, Signs, be amended as follows:

§ 15.02.095 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVERTISING SIGN. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered:

- (1) Only elsewhere than upon the premises where the sign is displayed; or
- (2) Is as a minor and incidental activity upon the premises where the sign is displayed.

BUSINESS SIGN. A sign which directs attention to a business or profession located upon the premises where the sign is displayed, to type of products sold, manufactured, or assembled, and/or to service or entertainment offered on the premises, but not a sign pertaining to the preceding if the activity is only minor or incidental to the principal use of the premises.

FREESTANDING SIGN. A sign that:

- (1) Is permanent; and
- (2) Is attached to, erected on, or supported by some structure such as a pole, mast, or frame that is not itself an integral part of a building or other structure having a principal function other than the support of a sign.

NON-CONFORMING SIGN. A sign that, on the effective date of this chapter, does not conform to 1 or more of the regulations set forth in this chapter.

OFF-PREMISES SIGN. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located. The structure on which an advertising sign is displayed of type commonly known as billboard is also an advertising sign.

SHINGLE SIGN. A small signboard hanging or protruding so that both sides are visible, which has no dimension more than 2 feet which is no larger in area than 3 square feet. A SHINGLE SIGN may be mounted as a wall sign so that only 1 side is visible.

SIGN. Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure designed to carry the above visual information.

TEMPORARY SIGN.

(1) A sign located in a non-residential zoning district that:

- (a) Is used in connection with a circumstance, situation or event that is designed, intended or expected to be completed within 15 days after the erection of the sign; or
- (b) Is intended to remain on the location where it is erected or placed for a period of not more than 2 days following the completion of the event; or
- (c) Is displayed on a premises only during normal operating hours and then removed from that location; and
- (d) Is not affixed to any building or structure.

(2) If a sign display area is permanent, but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

WALL SIGN. A sign attached or erected against the wall of a building or structure, only 1 side of which is visible.

YARD SALE SIGNS. Signs advertising a yard sale on private property.

§ 15.02.096 SIGN PERMIT REQUIRED.

- A. Except as otherwise provided in §§ 15.02.097 and 15.02.098, no sign may be erected, moved, enlarged or substantially altered except in accordance with the provisions of this subchapter.
- B. Signs not exempted under the provisions referenced in division (A) above may be erected, moved, enlarged or substantially altered only in accordance with a sign permit issued by the Zoning Administrator.
 - 1. Sign permit applications and sign permits shall be governed by the same provisions of this chapter applicable to zoning permits.
 - 2.
 - a) In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g. a shopping center), sign permits shall be issued in the name of the property owner rather than in the name of the individual business, and it shall be the responsibility of the owner to allocate among the tenants the permissible maximum sign surface area that has been approved by the Zoning Administrator.
 - b) Upon application by the owner, the Zoning Administrator must approve a master sign plan that allocates permissible sign surface area to the various buildings or businesses within the development according to an agreed-upon formula, and thereafter sign permits may be issued to individual tenants by the Zoning Administrator or his designee only in accordance with the allocation contained in the master sign plan. In the event an owner is unwilling or unable to devise a master sign plan, the plan shall be developed by the Zoning Administrator using building frontage as a calculation for total sign area.

Penalty, see § 1.01.999

§ 15.02.097 SIGNS EXEMPT FROM REGULATION.

The following signs are exempt from regulation under this subchapter except for the regulations embodied in § 15.02.107:

- A. Signs not exceeding 2 square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or paper tubes and signs posted on private property related to private parking or warning the public against trespassing or danger from animals.
- B. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory signs.
- C. Official signs of an informational nature erected by public utilities.
- D. Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- E. Signs directing and guiding traffic on private property that do not exceed 2 square feet each and that bear no advertising information.
- F. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

§ 15.02.098 CERTAIN SIGNS; PERMIT EXEMPTIONS AND ADDITIONAL REGULATIONS.

- A. The following types of signs are permitted without a sign permit. However, these signs shall conform to the requirements set forth below as well as all other applicable requirements of this subchapter except those contained in § 15.02.101 and 15.02.103.
 - 1. Real estate signs. Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease or rent, together with information identifying the owner or agent. Real estate signs advertising residential properties shall not exceed 4 square feet in area and shall not be illuminated. Real estate signs advertising commercial property shall not exceed 32 square feet in area and shall not be illuminated. All real estate signs shall be removed within 10 days of sale, lease or rental. Only 1 real estate sign is permitted for each property with the exception of properties abutting waterways or the golf course, which may have 2 signs.
 - 2. Construction site identification signs. These signs may identify the project, the owner or the developer, architect, engineer, contractor, and subcontractors and funding sources and may contain related information. Not more than 1 sign may be erected per site and may not exceed 32 square feet in area. These signs may be erected no more than 30 days prior to the issuance of a building permit, and shall be removed within 10 days after the issuance of the final occupancy permit.

3. Yard sale signs. Yard sale signs shall not exceed 4 square feet in area and may be erected only 2 days prior to the event. The signs shall be removed immediately at the conclusion of the event for which the sign was posted. The signs must be self-supporting and may not be attached in any manner to utility poles, traffic sign posts or any other structure, including specifically but not limited to any sign maintained by the town. Notwithstanding contrary provisions of this subchapter, signs regulated by this section may be placed within street rights of way or public property provided that the signs are removed within the time limits prescribed by this section and are not placed in any area adjacent to any residential property of any type unless permission is received from the occupant.
 4. Other signs. Any other type of sign that is not related to a business function or activity.
- B. Except for directional, warning, or regulatory signs, the number of signs allowed pursuant to § 15.02.098 on any one parcel of land shall not exceed two (2). However, this limitation shall not be in effect forty-five (45) days prior to the beginning date of “one-stop” early voting in Craven County and the ten (10) days following the date of any election; and
 - C. Such a sign shall not exceed four (4) square feet in area per sign face or be placed more than forty-two (42) inches in height above the ground; and
 - D. These type signs cannot be located on public property, except within a street right-of-way as described herein, unless approved by the Town Council or its designee. Within a street right-of-way, no sign shall be located less than 15 feet from the edge of the pavement. In some cases, this 15 feet set-back may be within the street right-of-way. Additionally, only the owner/occupant of the private property adjacent to the street right-of-way may erect a sign within the street right-of-way adjacent to their property or on their property. For example, Resident A cannot place a sign in front of or on Resident B’s property, including the street right-of-way, without the permission of Resident B; and
 - E. The property occupant or, in the case of an unoccupied property, the property owner, shall be responsible for violations contained therein.
 - F. Signs used in connection with local or special events of interest to the residents of the town may be erected upon approval from the Zoning Administrator who will review the reason for the sign, proposed location and size. These signs shall be erected no sooner than 10 calendar days prior to the event and removed within 2 calendar days after the close of the event. These signs shall not be in place for a period exceeding 30 calendar days.

Penalty, see § 1.01.999

This Ordinance shall be in full force and effect upon its adoption

Adopted this the 15th day of September, 2022

John Kirkland, Mayor

ATTEST:

Kristie Nobles, Town Clerk

SIGNS

Red equals = deletion
Blue equals = new

§ 15.02.095 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVERTISING SIGN. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered:

- (1) Only elsewhere than upon the premises where the sign is displayed; or
- (2) Is as a minor and incidental activity upon the premises where the sign is displayed.

BUSINESS SIGN. A sign which directs attention to a business or profession located upon the premises where the sign is displayed, to type of products sold, manufactured, or assembled, and/or to service or entertainment offered on the premises, but not a sign pertaining to the preceding if the activity is only minor or incidental to the principal use of the premises.

FREESTANDING SIGN. A sign that:

- (1) Is permanent; and
- (2) Is attached to, erected on, or supported by some structure such as a pole, mast, or frame that is not itself an integral part of a building or other structure having a principal function other than the support of a sign.

NON-CONFORMING SIGN. A sign that, on the effective date of this chapter, does not conform to 1 or more of the regulations set forth in this chapter.

OFF-PREMISES SIGN. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold or offered at a location other than the premises on which the sign is located. The structure on which an advertising sign is displayed of type commonly known as billboard is also an advertising sign.

SHINGLE SIGN. A small signboard hanging or protruding so that both sides are visible, which has no dimension more than 2 feet which is no larger in area than 3 square feet. A SHINGLE SIGN may be mounted as a wall sign so that only 1 side is visible.

SIGN. Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure designed to carry the above visual information.

TEMPORARY SIGN.

- (1) A sign located in a non-residential zoning district that:

- (a) Is used in connection with a circumstance, situation or event that is designed, intended or expected ~~to take place or~~ to be completed within ~~a reasonably short or definite period~~ 15 days after the erection of the sign; or

- (b) Is intended to remain on the location where it is erected or placed for a period of ~~generally~~ not more than ~~15~~ 2 days following the completion of the event; or
- (c) Is displayed on a premises only during normal operating hours and then removed from that location; and
- (d) Is not affixed to any building or structure.

(2) If a sign display area is permanent, but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

WALL SIGN. A sign attached or erected against the wall of a building or structure, only 1 side of which is visible.

YARD SALE ~~AND OTHER PRIVATE EVENT SIGNS.~~ ~~Yard-sale s~~ Signs ~~or any other signs~~ advertising ~~an event of any type~~ a yard sale on private property.

§ 15.02.096 SIGN PERMIT REQUIRED.

- A. Except as otherwise provided in §§ 15.02.097 and 15.02.098, no sign may be erected, moved, enlarged or substantially altered except in accordance with the provisions of this subchapter.
- B. Signs not exempted under the provisions referenced in division (A) above may be erected, moved, enlarged or substantially altered only in accordance with a sign permit issued by the Zoning Administrator.
1. Sign permit applications and sign permits shall be governed by the same provisions of this chapter applicable to zoning permits.
 2.
 - a) In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g. a shopping center), sign permits shall be issued in the name of the property owner rather than in the name of the individual business, and it shall be the responsibility of the owner to allocate among the tenants the permissible maximum sign surface area that has been approved by the Zoning Administrator.
 - b) Upon application by the owner, the Zoning Administrator must approve a master sign plan that allocates permissible sign surface area to the various buildings or businesses within the development according to an agreed-upon formula, and thereafter sign permits may be issued to individual tenants by the Zoning Administrator or his designee only in accordance with the allocation contained in the master sign plan. In the event an owner is unwilling or unable to devise a master sign plan, the plan shall be developed by the Zoning Administrator using building frontage as a calculation for total sign area.

Penalty, see § 1.01.999

§ 15.02.097 SIGNS EXEMPT FROM REGULATION.

Amended 04/18/2013

The following signs are exempt from regulation under this subchapter except for the regulations embodied in § 15.02.107:

- A. Signs not exceeding 2 square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or paper tubes and signs posted on private property related to private parking or warning the public against trespassing or danger from animals.
- B. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory signs.
- C. Official signs of an informational nature erected by public utilities.
- D. Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- E. Signs directing and guiding traffic on private property that do not exceed 2 square feet each and that bear no advertising information.
- F. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

§ 15.02.098 CERTAIN ~~TEMPORARY~~ SIGNS; PERMIT EXEMPTIONS AND ADDITIONAL REGULATIONS.

Amended 04/18/2013

- A. The following ~~temporary~~ types of signs are permitted without a ~~zoning, special use, conditional zoning or~~ sign permit. However, these signs shall conform to the requirements set forth below as well as all other applicable requirements of this subchapter except those contained in §§ 15.02.101 and 15.02.103.
 - 1. Real estate signs. Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease or rent, together with information identifying the owner or agent. Real estate signs advertising residential properties shall not exceed 4 square feet in area and shall not be illuminated. Real estate signs advertising commercial property shall not exceed 32 square feet in area and shall not be illuminated. All real estate signs shall be removed within 10 days of sale, lease or rental. Only 1 real estate sign is permitted for each property with the exception of properties abutting waterways or the golf course, which may have 2 signs.
 - 2. Construction site identification signs. These signs may identify the project, the owner or the developer, architect, engineer, contractor, and subcontractors and funding sources and may contain related information. Not more than 1 sign may be erected per site and may not exceed 32 square feet in area. These signs may be erected no more than 30 days prior to the issuance of a building permit, and shall be removed within 10 days after the issuance of the final occupancy permit.

- ~~3. Displays of a non-commercial nature, including lighting, erected in connection with the observance of holidays. These signs shall be removed within 10 days following the holiday or established holiday season.~~
- ~~4. Signs erected in connection with elections or political campaigns. Election signs are permitted, provided that:~~
 - ~~a) One (1) sign shall be permitted per individual lot or parcel for each candidate for office or side of a ballot measure or issue; for a lot or parcel with frontage on a second street, one (1) additional sign for each candidate for office or side of a ballot measure or issue shall be permitted to front the second street.~~
 - ~~b) Such signs shall be located on private property and not within the public right-of-way or affixed to any improvement within such right-of-way (median, utility pole, traffic control device, bridge, guardrail, or other safety barrier), within a required sight distance triangle, or on Town property or buildings. However, signs may be placed on designated areas of Town Hall property on Election Day under rules established by the Craven County Board of Elections, and the Town Manager not inconsistent therewith.~~
 - ~~c) Such signs shall be located only on private property with the property occupant's consent (or, if unoccupied, the property owner's consent). It shall be presumed the property occupant, or property owner as the case may be, has given permission or consents to the sign's placement unless the property occupant or owner notifies the Town otherwise.~~
 - ~~d) Such a sign shall not be erected more than forty-five (45) days prior to the beginning date of "one-stop" early voting in Craven County, and shall be removed within ten (10) days following the date of any election or other event to which it refers.~~
 - ~~e) Such a sign shall not exceed four (4) square feet in area per sign face or forty-two (42) inches in height.~~
 - ~~f) The property occupant or, in the case of an unoccupied property, the property owner, shall be responsible for violations contained therein.~~

3. Yard sale signs: Yard sale signs ~~or any other signs advertising an event of any type on private property~~ shall not exceed 4 square feet in area and may be erected only ~~1-2~~ days prior to the event. The signs shall be removed immediately at the conclusion of the event for which the sign was posted. The signs must be self-supporting and may not be attached in any manner to utility poles, traffic sign posts or any other structure, including specifically but not limited to any sign maintained by the town. Notwithstanding contrary provisions of this subchapter, signs regulated by this section may be placed within street rights of way or public property provided that the signs are removed within the time limits prescribed by this section and are not placed in any area adjacent to any residential property of any type unless permission is received from the occupant.

5.4. Other signs. Any other type of sign that is not related to a business function or activity.

B. Except for directional, warning, or regulatory signs, the number of signs allowed pursuant to § 15.02.098 on any one parcel of land shall not exceed two (2). However, this limitation shall not

- be in effect forty-five (45) days prior to the beginning date of "one-stop" early voting in Craven County and the ten (10) days following the date of any election; and
- C. Such a sign shall not exceed four (4) square feet in area per sign face or be placed more than forty-two (42) inches in height above the ground; and
- D. These type signs cannot be located on public property, except within a street right-of-way as described herein, unless approved by the Town Council or its designee. Within a street right-of-way, no sign shall be located less than 15 feet from the edge of the pavement. In some cases, this 15 feet set-back may be within the street right-of-way. Additionally, only the owner/occupant of the private property adjacent to the street right-of-way may erect a sign within the street right-of-way adjacent to their property or on their property. For example, Resident A cannot place a sign in front of or on Resident B's property, including the street right-of-way, without the permission of Resident B; and
- ~~B. Temporary signs cannot be located within street rights-of-way or public property unless approved by the Town Council or its designee. In no case shall a sign be located less than 15 feet from the edge of the pavement. When it is not possible to locate a sign 15 feet from the edge of the pavement as required, a waiver may be requested and the Town Zoning Administrator shall view the site where the sign is to be displayed and make a determination in writing. One copy shall be given to the applicant, 1 copy to the Police Department and 1 copy retained in the files of the Zoning Administrator.~~
- E. The property occupant or, in the case of an unoccupied property, the property owner, shall be responsible for violations contained therein.
- ~~C.F.~~
- ~~1. Temporary s~~igns promoting charitable causes, used in connection with local or special events of interest to the residents of the town may be erected upon approval from the Zoning Administrator who will review the reason for the sign, proposed location and size.
 - ~~2. Signs-These signs~~ shall be erected no sooner than 10 calendar days prior to the event and removed within 2 calendar days after the close of the event.
 - ~~3. These~~se signs shall not be in place for a period exceeding 30 calendar days.

Penalty, see § 1.01.999

NORTH CAROLINA
CRAVEN COUNTY

**INTERLOCAL AGREEMENT
FOR EMERGENCY WATER SUPPLY**

THIS INTERLOCAL AGREEMENT FOR EMERGENCY WATER SUPPLY ("Agreement"), made and entered as of the date this Agreement is signed by the last party to execute the same, by and between **CITY OF NEW BERN**, a body politic and municipal corporation of the State of North Carolina ("City"); and the **TOWN OF RIVER BEND**, a body politic and municipal corporation of the State of North Carolina ("Town"), is for emergency water service between City and the Town, as described hereinafter.

WITNESSETH:

THAT WHEREAS, the parties to this Agreement are both organized and established under the laws of the State of North Carolina, and have the legal authority to operate municipal water supply distribution systems; and,

WHEREAS, this Agreement is made pursuant to the authority granted by N.C.G.S. § 160A-461; and,

WHEREAS, both parties to this Agreement own and operate separate municipal water supply distribution systems, with capacities currently capable of serving the present customers of their respective systems; and,

WHEREAS, the municipal public water distribution systems owned and operated by the City and the Town are both located in proximity to each other at an existing eight inch diameter water main near the corner of East Church Street and US Highway 17 ("Site"); and,

WHEREAS, City has sufficient excess capacity within its current water supply distribution systems to provide water supply to Town during temporary emergencies; and,

WHEREAS, sufficient hydraulic engineering analyses have been performed to determine that water from the City water system can flow into the Town's water system at the Site without adverse consequences to the respective systems; and,

WHEREAS, the purpose of this Agreement is to establish a method of an exchange of water supply from City to Town on a temporary emergency interconnection basis; and,

WHEREAS, the City and the Town acknowledge that this Agreement is in the best interests of their respective systems and customers, and further the public welfare and safety.

NOW, THEREFORE, in consideration of the respective rights, powers, duties and obligations hereinafter set forth to be performed by the parties, they do mutually agree as follow:

1. In the event of an emergency as described hereafter, City shall furnish to the Town water in an amount not to exceed 100,000 gallons per day, and at a rate not to exceed 500 gallons per minute, at the Site. Such water shall be potable treated water meeting applicable purity standards of North Carolina Rules Governing Public Water Systems, North Carolina Administrative Code Title 15A, Subchapter 18C Water Supplies as promulgated by the North Carolina Drinking Water Act (or as may be later amended or recodified). Said water will be furnished by City at a reasonable constant pressure calculated at the point of delivery at the Site.

2. Town hereby agrees to design, install and operate, all at its sole cost and expense, potable water lines from its water system to the point of delivery at the Site, including a master meter and backflow equipment as approved by City and its Engineer. The maintenance of the metering and backflow equipment shall be the sole responsibility of Town. Town shall calibrate such metering equipment whenever requested by City but no more frequently than once every twelve (12) months. A meter registering not more than 2% above or below the test results shall be deemed accurate. If the meter fails to register for any period of time, the parties shall use their best efforts to determine and agree as to the amount believed to have been delivered to Town during such period. The metering equipment shall be read monthly on the final day of the month by both City and Town, during periods when water is being supplied to the Town, by the City.

3. The parties shall choose and retain their respective consulting engineering firm to design and permit all required pipelines and meter system at any portion of the Site owned by it for its improvements. Prior to construction, the parties shall both review and approve, if acceptable, the construction drawings. The parties shall also be responsible for their own respective administrative and legal costs of contract review and approval, and for easement acquisition, if any is needed.

4. City shall own and be responsible for the operation and maintenance of all distribution system facilities located on the City's side of the interconnection point. Town shall own and be responsible for the operation and maintenance of all distribution system facilities located on the Town's side of the interconnection point. The master meter and backflow devices shall be owned by Town of River Bend.

5. The interconnected water systems of the City and the Town will be separated by closed double-check water valves. Under the terms and conditions of this Agreement, these water valves may be opened in a sequence such that the Town may receive water from the City for specified periods using the procedures described hereafter. These specified periods shall only be during temporary water outages in all or part of the Town's water distribution system or other such conditions mutually deemed emergencies by the City and Town utility directors. For the purpose of this Agreement, temporary water outages and emergencies shall include, but are not be limited to, severed or damaged water main(s), a planned water outage, unplanned water outage, or a water supply shortage. Each party recognizes that due to the length and size of the water transmission main that interconnects the City's and the Town's water distribution systems and the infrequent usage of water transmitted through this pipeline per this Agreement, that the initial water quality transmitted when water usage is first activated may be poor and may require flushing from the system by the Town in order to fully meet the potable water requirements.

6. The City shall charge the Town for all water consumed at the published "Inside City Limits" rate, as such fee is set and amended from time to time by the Board of Aldermen of the City of New Bern.

7. City shall bill Town within ten (10) days of the end of each month. Bills shall be paid within 30 calendar days of receipt of the billing statement. Disagreements regarding amounts being billed and regarding the functioning of the meters used to measure the amount of water furnished and received shall be resolved pursuant to Paragraph 13 below if the utility directors of the parties **Town** fail to resolve the dispute within 30 days after a request and demand for resolution is delivered.

8. The parties shall each designate in writing a person or persons to administer requests for water under this Agreement. Once designated, such person(s) may make and receive requests orally. The designated representatives are responsible for communicating

with the other party and coordinating operational actions necessary for the water to be transferred. The parties shall notify the other at least 48 hours in advance of any planned temporary water outage permitted under this Agreement. The parties shall also immediately notify the other at the conclusion of a temporary water service event. The parties agree to provide updated emergency contact information for the designated contacts such as cell phone and email addresses.

9. The parties acknowledge and agree that City will normally be using chloramines as its residual disinfectant and agrees to notify Town in writing, in advance of any temporary or permanent switch to use other disinfection residuals or other significant water treatment process or system-wide operation change.

10. City reserves the right to deny emergency water service to the Town for failure to comply with the conditions of this Agreement. City reserves the right to deny emergency water service to the Town in the event that water cannot be practicably furnished to the Town without negatively impacting City, as determined in the reasonable but sole opinion of the City. Such circumstances include but are not limited to periods of water shortage, periods when insufficient water exists to meet the requests of City's customers, emergencies of the City, or periods when depletion of water reserves could endanger City's ability to provide for its customers' needs. In no event shall City be liable for failure to provide water hereunder.

11. The parties agree not to charge each other water capacity "reserve" or "allocation" charges or any charges other than the consumption charges and billing charges as described herein.

12. Except as otherwise provided herein, this Agreement shall expire twenty (20) years from the date this Agreement is signed by the last party executing the same. This Agreement may be extended or modified only by written consent of the parties.

13. In the event of a dispute involving this Agreement, including but not limited to billing disputes, equipment problems, water quality problems, a substantial breach of the terms of this Agreement, or failure to resolve other issues necessary for the continued effective function of the water systems of each party that is not cured by the breaching party, within 30 days after notice, the parties shall have any remedy available to them at law.

14. City shall, as soon as practicable, notify Town of any emergency or condition which may affect the quality of water that may be delivered to Town.

15. If a greater pressure than the normally available pressure at the point of delivery is required by Town, the cost of providing such greater pressure shall be borne by Town.

16. Termination for Any Reason. Either party may terminate this Agreement upon one hundred eighty (180) days written notice to the other party upon a determination by the terminating party that it is not in the best interest of such party to continue this Agreement. This provision does not limit the remedies available under Paragraph 13, and termination may occur earlier pursuant thereto.

17. Indemnification. City shall not be liable to Town, to an end user, to an intermediary, or to any person, firm, corporation, municipality, or other water consumer for failure to supply a sufficient quantity or quality of water under this agreement or from failure to comply with any State or Federal standards relating to drinking water. Notwithstanding the references to third parties in this Agreement, City shall not be liable to those parties for any obligations within this Agreement and shall not be obligated to enforce any requirements imposed by this agreement or by any independent agreement with third parties. A party receiving water as a buyer or as an end user under this Agreement ("the indemnifying party") shall indemnify City and its officials, agents, and employees from and against all claims, judgments, costs, damages, fines, penalties, interest, and expenses (including but not limited to attorney's fees) imposed against such seller that arise from or in connection with the indemnifying party's receipt or non-receipt of water pursuant to this Agreement.

18. Regulatory Compliance. Town shall be responsible for securing any necessary Federal or State approvals and for compliance with any applicable Federal or State regulations relating to the transfer of water under this Agreement.

19 It is specifically agreed by both parties hereto, as part of the consideration of the signing of this document, that they, their agents, officials, employees, or servants will not discriminate in any manner on the basis of race, color, creed, sexual orientation, or national origin with reference to the subject matter of this agreement, no matter how remote.

20. Miscellaneous.

A. Entire Agreement; Modification. This Agreement supersedes all prior agreements and constitutes the entire agreement between the parties hereto with regard to the subject matter hereof. It may not be amended or modified except by an instrument executed by all parties.

B. Severability. If any of the provisions of this Agreement shall be held by a court of competent jurisdiction to be unconstitutional or unenforceable, the decision of such court shall not affect or impair any of the remaining provisions of this Agreement, and the parties shall, to the extent they deem to be appropriate, take such actions as are necessary to correct any such unconstitutional or unenforceable provision. It is hereby declared to be the intent of the parties to this Agreement that this Agreement would have been approved and executed had such an unconstitutional or unenforceable provision been excluded therefrom.

C. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives, successors, and assigns.

D. Assignment. Except as may otherwise be expressly provided herein, no party may transfer or assign any right, obligation, or liability arising hereunder without the other party's prior written consent. Any such assignment or attempted assignment shall be null and void.

E. Covenant of Further Assurances. The parties agree that from and after the date of execution of this Agreement, each upon the request of the other take such actions as may be reasonably required to carry out the purpose and intent of this Agreement.

F. Governing Law; Exclusive Venue. All matters relating to this Agreement shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions, and exclusive venue for any action relating to this agreement shall be Craven County.

G. No Joint Venture. This Agreement shall not be construed to create a joint agency, venture or partnership, as the parties are independent political subdivisions of the State of North Carolina.

H. Headings. Headings in this Agreement are for convenience and reference only and shall not be used to interpret or construe its provisions.

I. Multiple Originals. This Agreement may be executed in duplicate multiple originals, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

J. Consideration. The consideration for the execution of this Agreement is the agreement among the parties affixing their signatures hereto to agree to the matters and things set forth herein.

IN TESTIMONY WHEREOF, CITY OF NEW BERN has caused this instrument to be executed in its name by its Mayor, attested by the Clerk to Board of Aldermen, and its seal to be hereunto affixed all by order of said Board duly given; and,

IN TESTIMONY WHEREOF, TOWN OF RIVER BEND has caused this instrument to be executed in its name by its Mayor, attested by the Town Clerk, and its seal to be hereunto affixed all by order of its Town Council duly given.

CITY OF NEW BERN

-City Seal-

Jeffrey T. Odham, Mayor

Date: _____

ATTEST:

Brenda Blanco, Clerk

THIS INSTRUMENT has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act as amended.

Date: _____

New Bern, Finance Officer

TOWN OF RIVER BEND

-Town Seal-

John Kirkland, Mayor

Date: _____

ATTEST:

Kristie Nobles, Town Clerk

THIS INSTRUMENT has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act as amended.

Date: _____

Town of River Bend Finance Officer

Liaison Report for Council Meeting – 9/15/22

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

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 September 7.

VOTE: P&R recommends the Council vote to appoint Paul Rathbun to the board.

At this time I would like to share some information with you in the form of a brief narrative.



RECEIVED

AUG 24 2022

TOWN OF RIVER BEND

TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870
F 252.638.2580

www.riverbendnc.org

REQUEST FOR APPOINTMENT TO BOARDS OR COMMISSIONS

Parks and Recreation
BOARD/COMMISSION FOR WHICH YOU ARE APPLYING

Paul W. Rathbun
NAME

pwrathbun944@gmail.com
E-MAIL ADDRESS

225 Lakemere Drive, New Bern, NC
STREET ADDRESS

774.281.3035
PHONE #

If you listed a post office box, do you live in the Town of River Bend? ☒ Yes ☐ No

PLEASE LIST ANY EDUCATION, SPECIAL SKILLS, OR EXPERIENCE YOU HAVE THAT WOULD BE OF USE TO THE TOWN COUNCIL IN CONSIDERING YOUR APPLICATION (Please include any committees you have belonged to and offices held that would be helpful in considering your application):

In Lakewood, MA

Board of Selectmen - Elected

Board of Health - Dual Position held by elected Board of Selectmen

Town Moderator - Elected

Master Plan Committee - Appointed

IF YOU NOW SERVE OR HAVE SERVED ON ANY TOWN COMMITTEES, PLEASE LIST DATES:

None in North Carolina

This information will be used by the Town Council in making appointments to Boards and Commissions, and in the event you are appointed, it may be used as a news release to identify you to the community. This form will be retained by the Town for two years after its submission. If after two years, you have not been appointed and wish to be considered for future appointments, you must resubmit your application.

Paul W. Rathbun
SIGNATURE

August 17, 2022
DATE

**Town of River Bend
Schedule of Rates for Water Resources Department**

Effective September 15, 2022

Water and Sewer - Rates and Fees

	<u>Water</u>	<u>Sewer</u>
Class 1 and 2 – Residential⁽¹⁾		
Customer Base Charge per month ⁽²⁾	15.24	24.18
Usage per 1,000 gallons	-	9.30
Usage 0-4,000 gallons	4.22	-
Usage 4001-20,000 gallons	4.50	-
Usage 20,001+	4.55	-
Initial Connection (Tap) charge ⁽³⁾	1,250.00	1,250.00
Nonpayment Fee	70.00	-
Class 3 and 4 - Commercial		
Customer Base Charge per month ⁽²⁾	88.32	141.99
Usage per 1,000 gallons	4.22	9.30
Initial Connection (Tap) charge ⁽³⁾	3,500.00	1,250.00
Nonpayment Fee	100.00	-
Class 5 - Industrial		
Customer Base Charge per month ⁽²⁾	276.24	444.93
Usage per 1,000 gallons	4.22	9.30
Initial Connection (Tap) charge ⁽³⁾	5,000.00	1,250.00
Nonpayment Fee	200.00	-
Class 6 - Early Bird (No longer available)		
Class 7 - Fire Hydrant Charge		
Availability Charge per year	\$183.00	
Class 8 - 1" Water Service		
Customer Base Charge per month ⁽²⁾	30.90	49.43
Usage per 1,000 gallons	4.22	9.30
Initial Connection (Tap) charge ⁽³⁾	1,500.00	1,250.00
Nonpayment Fee	100.00	-
Class 9 – Vacant/Out of Use Non-residential Property		
Customer Base Charge per month ⁽²⁾	15.24	24.18
Usage per 1,000 gallons	4.22	9.30
Nonpayment Fee	70.00	-
Initial Connection (Tap) charges are based upon the size of the meter and charged as shown in the appropriate Class above.		
Class 10 – Vacant Residences – Amended 02/19/15		
Customer Base Charge per month ⁽²⁾	15.24	-
Nonpayment fee	70.00	-

RIVER BEND THE RESULT OF VISION

(John Kirkland)

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.

**TOWN OF RIVER BEND**45 Shoreline Drive
River Bend, NC 28562T 252.638.3870
F 252.638.2580www.riverbendnc.org

CONSTITUTION WEEK PROCLAMATION

WHEREAS, September 17, 2022, marks the two-hundred and thirty-fifth anniversary of the signing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and

WHEREAS, to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE I, John Kirkland, Mayor of the Town of River Bend by virtue of the authority vested in me as Mayor of the Town of River Bend in the State of North Carolina, do hereby proclaim the week of September 17 through 23 as CONSTITUTION WEEK in the Town of River Bend and urge our citizens to reaffirm the ideals of the framers of the constitution had in 1787.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of River Bend to be affixed this 8th day of September of the year of our Lord two thousand and twenty-two.

John R. Kirkland, Mayor

Attest:

Kristie J. Nobles, Town Clerk



FIRE PREVENTION WEEK PROCLAMATION

WHEREAS, the Town of River Bend, North Carolina is committed to ensuring the safety and security of all living in and visiting River Bend; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,580 people in the United States in 2020, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 356,500 home fires; and

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half and River Bend's residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond; and

WHEREAS, River Bend's residents who have planned and practiced a home fire escape plan are more prepared and are therefore more likely to survive a fire; residents should practice their home fire escape drill at least twice a year, during the day and at night; and

WHEREAS, River Bend's residents will make sure their smoke and CO alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half and should be installed in every sleeping room, outside each separate sleeping area, and on every level of the home; when the smoke alarm sounds, every occupant of the home should respond by going outside immediately to the designated meeting place; and

WHEREAS, River Bend's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; our residents are responsive to public education measures and can take action to increase their safety from fire, especially in their homes; and

WHEREAS, the 2022 Fire Prevention Week theme, "Fire won't wait. Plan your escape," works to educate everyone about simple but important actions they can take, including preparing a home fire escape plan, to keep themselves and those around them safe from home fires.

NOW, THEREFORE, I, John R. Kirkland, Mayor of the Town of River Bend, do hereby proclaim October 9 through 15, 2022, as Fire Prevention Week in the Town of River Bend and I urge all citizens to plan and practice a home fire escape and to support the many public safety activities and efforts of the Town of River Bend and surrounding area fire and emergency services.

PROCLAIMED this 15th day of September 2022.

John R. Kirkland, Mayor

Attest:

Kristie J. Nobles, Town Clerk

Town of River Bend

Public Comment Policy

Overview- In 2005, the North Carolina General Assembly, through the passage of NCGS 160A-81.1, required that each municipality in North Carolina provide a period for public comment at least once per month at a regular meeting of the Council. The General Assembly gave Councils the authority to adopt rules governing the conduct of the public comment period. The Town of River Bend recognizes the importance of receiving comments from the public. The purpose of the public comment period is to give the public an opportunity to express their views, comments or opinions to the Council. It is a time for the Council to listen to the public. The following rules have been established to maintain order and decorum during the public comment period. Furthermore, these rules are designed to ensure fairness to each speaker by establishing rules in advance that will be applied equally to each speaker.

I. Public Comment Period

The public comment period shall be reserved as an item of business on the agenda for the Council's regular session, which is currently held on the 3rd Thursday of each month. All comments to the Council during the public comment period shall be subject to the following guidelines:

1. Prior to the start of the public comment period, persons wishing to address the Council will register on a sign-up sheet stationed by the meeting room door. Prior to beginning the public comment period, the Mayor will collect the sign-up sheet and recognize speakers in the order that they registered. Speakers will address the Council from the lectern and will be asked to provide their name and address for the record.
2. Each speaker shall be limited to a maximum time of three (3) minutes. Each speaker will only be allowed to speak once during the public comment period. A staff member shall serve as time keeper and will promptly announce when the speakers time has expired.
3. No time may be yielded or transferred from one speaker to another. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.
4. The public comment period is not intended to require the Council and/or any staff to answer any impromptu questions. The Council will not take action on an item presented during the public comment session. Upon completion of the public comment session and when appropriate, the Council may refer inquiries made during the public comment session to the Town Manager or an appropriate staff member. If necessary, the item may be added to the agenda of a future meeting, thereby providing the staff an opportunity to research the item and provide data to the Council for consideration and review.
5. Speakers will address comments to the entire Council as a whole and not one individual member. Discussions between speakers and members of the audience will not be permitted during the public comment period.

6. Speakers who have prepared written remarks are encouraged to leave a copy of such remarks with the Town Clerk. Speakers who have materials that they want distributed to the Council related to the item they plan to discuss during the public comment period, shall provide eight (8) copies of those documents to the Town Clerk prior to the start of the meeting. The Clerk shall distribute the copies to the Council, Attorney, and Town Manager and retain one copy for the record.

7. Speakers shall be courteous in their language and presentation. Profanity or other inappropriate language or gestures will not be tolerated.

8. In order to provide for the maintenance of order and decorum in the conduct of the meeting, the Mayor may declare "out-of-order" any person who fails to comply with this policy. The Mayor shall caution any such person to abide by the provisions of this policy. Refusal to do so shall be grounds for removal of the speaker from the meeting.

- Adopted June 18, 2015

North Carolina law allows public bodies, such as the River Bend Town Council, to meet in closed session to discuss certain topics. However, prior to going into closed session, the Council must announce the closed session and the topic for which the closed session is being called and that must be done while the Council is in open session. This requirement allows the public to know in general what the closed session is concerning. The closed session must also be adjourned in open session. For the purpose of this guide, open session simply means in view of the public and closed session simply means it private. The topics that may be discussed in closed session are listed below and are numbered 1 through 10. Most of the time, the Council knows in advance that a closed session is needed and the General Statute citation which identifies the purpose of the closed session is included on the agenda. However, that is not always the case. The need for a closed session may arise without enough warning to publish the citation on the agenda. The law does not require advanced notice of a closed session. In any case, planned or not, the Council will state the appropriate citation. The citation will always begin with 143-318.11(a). The numbers that follow in parenthesis will identify the particular closed session topic. For example: The citation 143-318.11(a)(3)(5) will allow the Council to consult with an attorney (#3) and to discuss the acquisition of real property (#5).

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents

concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.
- (10) To view a recording released pursuant to G.S. 132-1.4A.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session. – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b); 2014-79, s. 9(a); 2016-88, s. 3.)