

**River Bend Town Council
Work Session Minutes
January 12, 2023
Town Hall
6:00 p.m.**

Present Council Members: Mayor John Kirkland
James Castranova
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 7

CALL TO ORDER

Mayor Kirkland called the meeting to order at 6:00 p.m. on Thursday, January 12, 2023 at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

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

Discussion – Irving “Bud” Van Slyke Day Resolution

Councilwoman Maurer stated that on January 25, 2023, at 3:00 p.m. there will be a celebration to honor and recognize Mr. Bud Van Slyke for his dedication and many years of service to the Town of River Bend. She presented a resolution that stated his many positions and dates of service to the Town.

VOTE – Irving “Bud” Van Slyke Day Resolution

Councilwoman Maurer motioned to approve the language within the Recognizing Irving “Bud” Van Slyke, Jr. Resolution presented. The motion carried unanimously. (see attached)

Discussion – NCLM Legislative Goals Priorities

The Manager stated that the North Carolina League of Municipalities has requested that the Town submit a list of priorities based on 16 different topics that they provided. He stated each councilperson submitted their prioritized list and he tabulated those. He stated that our top ten priorities must be submitted to NCLM by January 13, 2023.

VOTE – NCLM Legislative Goals Priorities

Councilman Weaver motioned to approve the NCLM Legislative Goals as presented. The motion carried unanimously. (see attached)

Discussion – Budget Amendment 22-B-05

The Manager stated that the Water Meter Replacement Project is nearly complete and he did not anticipate the first payment due until next fiscal year, but the payment is due in May. He stated that this budget amendment would transfer funds for that payment.

VOTE – Budget Amendment 22-B-05

Councilman Leonard motioned to approve Budget Amendment 22-B-05 as presented. The motion carried unanimously. (see attached)

Discussion – Future of Conditional Zoning

Councilman Leonard asked if the current Council would like to proceed with conditional zoning as approved with the previous Council. The Manager stated that the previous Council had agreed to move forward on conditional zoning and since then the Council has some newly elected members. He asked if the Council would like to proceed with creating a conditional zoning ordinance. He stated that the Planning Board reviewed and prepared the conditional zoning ordinance at the previous Council's request. The Manager stated that the Planning Board has prepared the ordinance with areas that the Planning Board would like the Council's input and the Town Attorney to review. Councilman Weaver asked if the Town Attorney would normally review the ordinance after the Planning Board has approved it, before the Council approves it and the Manager stated that is correct. He stated that once the Planning Board approves the ordinance the Town Attorney and the Council work together to complete the ordinance. Councilman Weaver asked about details outlined within the ordinance and Councilman Leonard stated that at this time the Council needs to decide if they would like to proceed with the conditional zoning ordinance or not, and that the details would be determined if they choose to proceed.

VOTE – Conditional Zoning

Councilman Leonard motioned to continue the development of the Conditional Zoning Ordinance. The motion passed with three ayes and two nays (Castranova and Weaver voting nay).

After the motion, the Manager stated that the Planning Board has some areas of concerns as noted on the ordinance and ask that the Town Attorney review the ordinance. The Manager stated that the Council could ask the Town Attorney to review the ordinance or send it back to the Planning Board to continue to review and revise the ordinance. Councilman Castranova stated he was concerned with an individual having the authority to make changes to a site plan and asked if the ordinance could be revised as to where any structural changes have to be approved by the Planning Board or the Council. The Town Attorney stated that any procedural changes could be made when the ordinance is approved by the Planning Board and presented to the Council. Councilman Leonard stated that he would like to set limits on changes that an unelected official could approve.

VOTE – Planning Board Review

Councilman Leonard motioned to send the draft Conditional Zoning Ordinance back to the Planning Board for clarification and specification of the gray highlighted areas as to what their concerns and legal questions are. The motion carried unanimously.

Discussion – Advisory Board Ordinance

Councilman Weaver stated that he has reviewed the Advisory Boards Ordinance and he feels there have been some issues recently. He asked if the Council has considered having one advisory board that includes most of the Town's Advisory Boards. Councilman Leonard stated that he feels that the Advisory Boards can get through the current situations and he feels the Council needs to show support to the Advisory Boards. Councilwoman Maurer stated that each board has special interests and she feels combining the boards is not the answer. Councilman Sheffield stated that if you consolidate the boards you would still need to have committees within that board. Councilman Leonard agreed.

Discussion – Staffing Levels

Councilman Weaver stated that the Manager stated that the town staff is currently working on many different projects and this is probably the most projects the Town has had in a long time. Councilman Weaver stated he asked the Manager if he felt the town needed additional personnel. Councilman Sheffield asked the Manager if he had the opportunity to add staff, what department

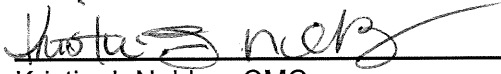
he would want to add staff to. The Manager stated that the audit is a time consuming process for the Finance Director and there are 14 million dollars in grant projects ongoing. He stated that the Finance Director plays a very important role in the finances of grant-funded projects. He stated, although it is a behind the scenes role it is very demanding. He stated he would like to add a temporary part-time position to finance, but the right person would need to have knowledge in financial matters. The Manager stated that he would also like to add an additional seasonal employee to the Public Works department. The Manager stated that any additional personnel would be reviewed and presented within the budget, if funding is available.

REVIEW – Agenda for the January 19, 2023 Council Meeting

The Council reviewed the agenda for the January 19, 2023 Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 7:15 p.m.



Kristie J. Nobles, CMC
Town Clerk

Town of River Bend Resolution
Recognizing Irving "Bud" Van Slyke, Jr.

Whereas, "Bud" Van Slyke began his service to the Town of River Bend on December 15, 1999 when he was appointed by Town Council to serve as a member of the town's Planning Board, where he later served as Chairman, and

Whereas, "Bud" was originally appointed to the River Bend Town Council on April 20, 2005 to fill a vacancy on the Town Council, and

Whereas, "Bud" was elected thereafter by the people and continuously served as a member of the Town Council until December 15, 2022, and

Whereas, "Bud" was originally appointed by his fellow Council members to serve as Mayor Pro Tem on June 16, 2011 and was repeatedly re-appointed and continuously served in that capacity until December 15, 2022, and

Whereas, "Bud" was originally appointed by his fellow Council members as Finance Officer on May 12, 2005 and continuously served in that capacity until November 17, 2022, and

Whereas, "Bud" has volunteered to serve the community in numerous capacities over the years, and

Whereas, "Bud" has been a loyal servant of the citizens of the Town of River Bend for more than 23 years and served with the highest degree of ethics, integrity, and dedication, and

Whereas, the Town Council wishes to recognize "Bud" for his service and express the town's gratitude for his service;

Now, therefore be it resolved, by the River Bend Town Council that January 25, 2023 is declared as Bud Van Slyke Day in River Bend and that all citizens are invited to a reception in his honor at 3 p.m. in Town Hall.

Adopted this the 19th day of January, 2023

John R. Kirkland, Mayor

ATTEST:

Kristie J. Nobles, Town Clerk, CMC



NCLM Legislative Goals Priority Ranking FY23-24

Priority	Kirkland	Sheffield	Maurer	Leonard	Weaver	Castranova	TOTAL	Final Rank
A. Affordable Housing	0	0	0	4	0	0	4	
B. Vacant Properties	10	4	0	5	3	3	25	7
C. Infrastructure Funding	9	6	10	9	10	7	51	1
D. Broadband	0	0	5	0	4	0	9	
E. Extend Deadline	1	3	0	0	0	2	6	
F. Transportation Funding	8	7	8	0	7	1	31	5
G. Multi-Modal Transportation	2	0	0	1	0	0	3	
H. Public Transit	7	0	3	2	0	0	12	10
I. Economic Development	0	5	4	8	9	8	34	4
J. Water/Sewer Regionalization	0	8	7	0	2	10	27	6
K. Law Enforcement	6	10	6	0	8	5	35	3
L. Audit Funding	5	9	0	0	1	4	19	9
M. Contract Laws	0	2	0	7	6	6	21	8
N. Annexation Reform	4	0	1	3	0	0	8	
O. Pollution Clean-Up	0	1	2	6	0	0	9	
P. Expanded Revenue Options	3	0	9	10	5	9	36	2

The 16 priority goals listed above were provided by the NCLM. The Town Council of River Bend ranked its Top 10 from among the list. The overall results will be provided to the NCLM as River Bend's Top 10. Our results will be combined with all other municipalities across the state and will represent the NCLM's "Top 10" legislative goals for the upcoming session of the North Carolina General Assembly.



**TOWN OF RIVER BEND
 BUDGET ORDINANCE AMENDMENT 22-B-05
 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 November 10, 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	884,032
Water Capital Reserve Fund	245,260
Sewer Fund	1,187,139
Sewer Capital Reserve Fund	11,273
Total	<u>4,714,545</u>

Section 1. General Fund

Anticipated Revenues

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

Section 1. General Fund (continued)

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

Section 2. General Capital Reserve Fund

Anticipated Revenues		
Contributions from General Fund		60,000
Interest Revenue		60
Appropriated Fund Balance		39,787
Total		<u>99,847</u>

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

Section 3. Law Enforcement Separation Allowance Fund

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

Authorized Expenditures:		
Separation Allowance		0
Future LEOSSA Payments		13,525
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	330,197
Total	<u>884,032</u>

Authorized Expenditures

Administration & Finance [1]	485,741
Operations and Maintenance	124,000
Transfer To Fund Balance for Capital Outlay	3,500
Transfer To Water Capital Reserve Fund	0
Transfer to PW Capital Projects Fund	270,791
Total	<u>884,032</u>

[1] Portion of department for bond debt service: 152,932

Section 5. Water Capital Reserve Fund

Anticipated Revenues

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

Authorized Expenditures

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

Section 6. Sewer Fund

Anticipated Revenues:

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

Authorized Expenditures:

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

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

Section 7. Sewer Capital Reserve

Anticipated Revenues:

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

Authorized Expenditures:

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

Section 8. **Levy of Taxes**

There is hereby levied a tax at the rate of twenty-six cents (\$0.26) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2022, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2022-2023" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$278,500,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.67%. The estimated collection rate is based on the fiscal year 2020-2021 collection rate of 99.67% by Craven County who has been contracted to collect real and personal property taxes for the Town of River Bend. Also included is a valuation of \$35,500,000 for purposes of taxation of motor vehicles with a collection rate of 100% by the North Carolina Vehicle Tax System.

Section 9. **Fees and Charges**

There is hereby established, for Fiscal Year 2022-2023, various fees and charges as contained in Attachment A of this document.

Section 10. **Special Authorization of the Budget Officer**

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

Section 11. **Classification and Pay Plan**

Cost of Living Adjustment (COLA) for all Town employees shall be 5.0% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.


Section 12. **Utilization of the Budget Ordinance**

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

Section 13. **Copies of this Budget Ordinance**


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

Adopted this 12th day of January, 2023.



John R. Kirkland, Mayor

Attest:



Kristie J. Nobles, Town Clerk



**River Bend Town Council
Regular Meeting Minutes
January 19, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
James Castranova
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 19

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, January 19, 2023 at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilman Leonard moved to add Closed Session NCGS§ 143-318.11(a)(3) to consult with the Town Attorney to the agenda. The motion carried unanimously.

VOTE – Approval of Agenda

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

CONSENT AGENDA

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

- A. Approve:
Minutes of the December 15, 2022 Regular Council Meeting

Budget Kick-off

Manager Jackson presented a PowerPoint presentation outlining the normal budget process and the recent revaluation process. The Council reviewed their Priorities and Vision Statement and the proposed meeting schedule. He stated there was a schedule conflict on April 27, 2023 and recommended rescheduling that workshop on May 1, 2023. With no objections, the schedule and priorities were approved by consent of the Council.

TOWN MANAGER'S REPORT

The Manager announced that the Town Clerk, Kristie Nobles, has received her Certified Municipal Clerk Certification and presented her with a certificate. He stated that she is only the second Town Clerk in the history of the Town of River Bend to earn this certification.

The Manager gave the following update on Town projects:

- The Water Meter Replacement Project is nearly complete with 1,195 meters replaced out of 1,500 meters.

ADMINISTRATIVE REPORTS

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report.

The regular meeting of the Planning Board was held on January 5 at 6:00 pm in the Community Building. A quorum was present. Councilman Sheffield was ill and did not attend. Councilperson Maurer graciously covered the meeting on his behalf. There was only one item on the agenda, the ongoing effort to create a conditional zoning ordinance at the request of the Town Council. Manager Jackson and Assistant Zoning Administrator McCollum presented a draft document they had created which relied heavily on the ordinance in place in the Town of Havelock. Changes specific to River Bend had been highlighted. There was much discussion. Ultimately the board was not ready to recommend the ordinance to the Council for passage. They highlighted certain areas of concern and suggested that the document be reviewed by the Town Attorney. The next meeting is scheduled for February 2nd at 6:00pm. All interested parties are encouraged to attend.

PARKS & RECREATION/CAC – COUNCILMAN CASTRANOVA

Councilman Castranova presented the following reports.

Parks & Recreation

Councilman Castranova stated there have been several resignations from the Parks and Recreation Advisory Board leaving a sole member, David Ross who assumed the role of Chairperson. He stated there was a Special Meeting on January 11, 2023 to review applications received. He stated that 4 applications have been received and 3 of those were recommended for appointment.

Vote – Parks & Recreation Advisory Board Appointment – Councilman Castranova moved to appoint Krysten Howard to the Parks and Recreation Advisory Board for a term beginning January 19, 2023 and expiring June 30, 2024. The motion carried unanimously.

Vote – Parks & Recreation Advisory Board Appointment – Councilman Castranova moved to appoint Keenan Castranova to the Parks and Recreation Advisory Board for a term beginning January 19, 2023 and expiring June 30, 2024. The motion carried unanimously.

Vote – Parks & Recreation Advisory Board Appointment – Councilman Castranova moved to appoint Kathy Noonan to the Parks and Recreation Advisory Board for a term beginning January 19, 2023 and expiring June 30, 2024. The motion carried unanimously.

River Bend Community Organic Garden (RBCOG)

Councilman Castranova stated that he did not attend the monthly meeting but stated there are workshops scheduled on February 21, 2023 and February 28, 2023.

Red Caboose Library (RCL)

Councilman Castranova stated that the Red Caboose Library met the previous week and discussed upcoming events. He stated that the Library also discussed the conditions that prevent the Library from asking the Town for monetary help; those conditions were opposed when they became a subgroup of the Parks and Recreation Advisory Board. He stated that he has spoken to The Town Manager and the Town Attorney and was advised that the Parks and Recreation Advisory Board would need to remove that condition. Councilman Sheffield asked if the library is a nonprofit organization under 501(c) and Councilwoman Maurer stated that it is not. The Town

Manager stated that he does not feel that the word "conditions" is the appropriate term. He stated that the Library submitted a written request to the Parks and Recreation Advisory Board to become a part of the advisory board and stated that the Library indicated they would not request any funding. The Town approved the Library's request at that time.

CAC – Councilwoman Maurer

Councilwoman Maurer presented the following report.

Community Appearance Commission (CAC)

The CAC met on January 18. Five members and one guest were present. The globe lights made in the CAC workshops and installed at the front entrance by Public Works received accolades from residents and members of the greater New Bern area. The Christmas Festive Homes award program was popular and received many nominations. The next award event, Yard of the Month, takes place in April. The next CAC event will be the Arbor Day Celebration in March. Future programs under discussion included a yard, mailbox and door festive award for Fourth of July and permanent landscaping around the Veterans Memorial. IT improvements are planned to enhance communication with the community. The Plantation Median project will take its next step with a presentation in February by Dr. Tom Glasgow, Craven County Cooperative Extension Director, about the condition of trees and plants along the median. The next meeting is scheduled for March 15, 2023.

VOTE – Irving "Bud" Van Slyke Resolution

Councilwoman Maurer motioned to approve the Irving 'Bud' Van Slyke Resolution as presented. The motion carried unanimously. (see attached)

FINANCE – Councilman Leonard

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of December. She stated the total of the Town's Cash and Investments as of December 31, 2022 were \$4,376,546 and Ad valorem tax collections for FY22-23 were \$495,037 and Vehicle Ad valorem tax collections were \$34,465.

MAYOR'S REPORT

The Mayor presented the following report.

As the year 2022 draws to a close it is appropriate to recognize the superior performance of the River Bend Town Staff. Looking first at the Town Manager's position. The Town in 2023 begins the 21st year operating under the Town's General Assembly authorized "Council-Manager" form of governance. In that period we have had the service of four different Managers. Our current Manager Delane Jackson is in his ninth year serving the Town. He is also the longest serving of the several managers. The Manager is responsible for supervising all staff members. Recently he saw three key members of the Town Hall staff reach retirement age and opted to enter that phase of their life. The longest serving of the three was Margaret Theis who as Finance Administrator had served for 25 years. Next in length of service was Kathleen De Young who had served for 20 years as Deputy Clerk. Ann Katsuyoshi had served as Town Clerk for 18 years. These three positions are all very critical to the Town's day to day operations. Manager Jackson advertised for candidates to fill the vacant positions, conducted interviews and hired qualified persons to fill each of the three positions. Mrs. Kristie Nobles as Town Clerk, Mrs. Jennifer Barrow as Deputy Town Clerk and Mrs. Mandy Gilbert as Finance Director. Mrs. Gilbert was formally the Finance Assistant. Mrs. Rebekah Pearce was hired as Finance Assistant. These newly hired employees have quickly gained the detailed understanding of the positions that they serve. The preceding addresses the changes that have occurred in the Town Hall staff. Now to the dedicated personnel who serve in the Police Department and the Public Works/Water Resources Department. These persons provide critical service every day to all citizens. These individuals respond to the routine of day to day operations and also the emergency events that come with little or no notice. All of these persons deserve our thanks for the service that you perform and keep our Town operating.

The leaders of these two departments are Police Chief Sean Joll, and Public Works Director Brandon Mills. The members of the Police Department are: Sergeant Stephen Fell, and Officers Michael DeStefano, Andrew Borner, Chase Adams and Derius Johnson. Members of Public Works/Water Resources Department are: Public Works Director Brandon Mills. Staff members are James Jones, Mike Steffa, Doug Becker, Juquan Jarvis, and Andrew Brooks. To all Town staff members: Thank you for the quality contribution that you bring to work each day and often is performed without notice. Please accept a sincere "Thank You" for your service every day. It is that service that makes River Bend the fine community that more than 3,000 persons call home.
THANK YOU

PUBLIC COMMENT

No public comments at this time.

CLOSED SESSION

Councilman Leonard moved to go into a Closed Session under NCSG §143-318.11(a)(3) to consult with the Town Attorney. The Council entered Closed Session at 8:32 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 9:29 p.m. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 9:30 p.m.



Kristie J. Nobles, CMC
Town Clerk

Town of River Bend Resolution
Recognizing Irving "Bud" Van Slyke, Jr.

Whereas, "Bud" Van Slyke began his service to the Town of River Bend on December 15, 1999 when he was appointed by Town Council to serve as a member of the town's Planning Board, where he later served as Chairman, and

Whereas, "Bud" was originally appointed to the River Bend Town Council on April 20, 2005 to fill a vacancy on the Town Council, and

Whereas, "Bud" was elected thereafter by the people and continuously served as a member of the Town Council until December 15, 2022, and

Whereas, "Bud" was originally appointed by his fellow Council members to serve as Mayor Pro Tem on June 16, 2011 and was repeatedly re-appointed and continuously served in that capacity until December 15, 2022, and

Whereas, "Bud" was originally appointed by his fellow Council members as Finance Officer on May 12, 2005 and continuously served in that capacity until November 17, 2022, and

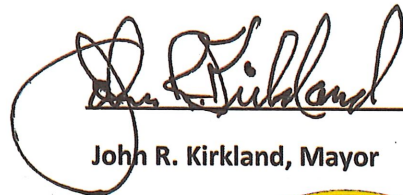
Whereas, "Bud" has volunteered to serve the community in numerous capacities over the years, and

Whereas, "Bud" has been a loyal servant of the citizens of the Town of River Bend for more than 23 years and served with the highest degree of ethics, integrity, and dedication, and

Whereas, the Town Council wishes to recognize "Bud" for his service and express the town's gratitude for his service;

Now, therefore be it resolved, by the River Bend Town Council that January 25, 2023 is declared as Bud Van Slyke Day in River Bend and that all citizens are invited to a reception in his honor at 3 p.m. in Town Hall.

Adopted this the 19th day of January, 2023



John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk, CMC



**River Bend Town Council
Work Session Minutes
February 9, 2023
Town Hall
6:00 p.m.**

Present Council Members: Mayor John Kirkland
James Castranova
Barbara Maurer
Buddy Sheffield
Jeff Weaver

Absent Council Member: Brian Leonard

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

Members of the Public Present: 11

CALL TO ORDER

Mayor Kirkland called the meeting to order at 6:00 p.m. on Thursday, February 9, 2023 at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

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

Discussion – Water Resources Policy Manual Amendment

Town Manager Jackson stated that the town utilizes a third party system, Official Payments – ACI Online, for processing credit card payments for utility services. He stated that the provider charges a fee to the payer to use this service and this fee has changed over the past few months. He stated that the current Water Resources Policy Manual states the fees and with those fees changing, the policy would need to be amended every time the fees change. He presented a proposed amended policy with a general statement stating fees are charged to the payer.

Discussion – Parks and Recreation Advisory Board Appointments

Councilman Castranova stated that the Parks and Recreation Advisory Board has received three applications for appointment to the advisory board. He stated that the Parks and Recreation Advisory Board has met and recommends all three of the applicants for appointment to the Parks and Recreation Advisory Board. Councilman Castranova stated that one of the applicants is Don Fogle, and states there is some history between some councilmembers and Mr. Fogle, but asked that the Council put aside their differences. He stated that the Parks and Recreation Advisory Board is currently lacking experience and the Fogle's would bring that to the current board. He stated that these three applicants would complete the board. Councilman Sheffield stated that normally anyone who is recommended to Council for appointment he would vote to approve, but he couldn't in good conscience approve Don Fogle. He stated he felt he would be rewarding Mr. Fogle by turning a new board over to him. Councilman Weaver asked Councilman Castranova if he meant turning the new board over to Mr. Fogle or did the Parks and Recreation Advisory Board unanimously approve the applications for membership. Councilman Castranova agreed that the board only recommended the applicants for appointment to the board. Councilman Sheffield stated that if he is a board member he can be appointed as chairperson and he does not want him on a board that is supervised and funded by the town. Councilwoman Maurer stated that she

has tried putting her differences aside and thought it may be a good idea to allow Mr. Fogle the opportunity to show the town what he could do but she felt the election made it clear that the voters do not want Mr. Fogle as a councilperson or involved in the advisory boards. She stated that she attended the Parks and Recreation Advisory Board meeting last week and understood that the advisory board would appoint Mr. Fogle as the chairperson to the advisory board because he has the most experience with Parks and Recreation, and she would disagree that his experience qualifies him to be a member or the chairperson of the advisory board. She stated that she opposes appointing him to the Parks and Recreation Advisory Board. Councilman Weaver asked if the Council could remove someone from an Advisory Board since the Council approves appointments and Councilman Sheffield stated that the Council could not remove someone. Councilman Castranova stated that the term for the three recommended applicants ends on June 30, 2023, and if the Council feels someone doesn't need to be reappointed then the Council can decline to reappoint them at that time. He stated that he respects the opposing Council people's opinion and is not there to change their minds. The Mayor stated that the Parks and Recreation Advisory Board is very important to the Town and hopes that the Council keeps that in mind when making their decision. The Town Attorney stated that the Town's Ordinance does allow the removal of an Advisory Board member as long as it is taken by a vote in an open meeting by the Council. Councilman Weaver stated that the Council could appoint the three applicants to complete the advisory board and if they feel it was needed they could remove anyone. Councilman Sheffield stated that he isn't sure that the past issues would happen again in the future with Mr. Fogle but it would be as if he has gotten his way. He stated that he does feel there is room for new blood and new ideas on the board but he feels it could have been accomplished in a different way.

Discussion – Request for Parks and Recreation to Review Potential Parks Upgrades

Councilman Weaver stated that he would like for the Parks and Recreation Advisory Board to review the current playground or a new playground that included new play equipment that is focused on children older than toddler age. The Mayor stated that the project he is requesting is a very expensive project and now is the time that the Manager is preparing the budget so it would be a good time to review this request. Councilman Sheffield stated that he is very interested in reviewing this project and Councilwoman Maurer agreed. Councilwoman Maurer stated that there may be grants available that could offset the cost of a new playground area. The Town Attorney stated that most of the grants require specifications and schematics before you can apply, which would require funds out of the general account. Councilman Castranova stated that the current Parks and Recreation Advisory Board is considering applying for grants for a similar project and Councilwoman Maurer stated that the advisory board does not have the authority to apply for grants themselves, but they can research the availability of grants.

Discussion –Update on Planning Board Recommendation

Councilman Sheffield stated that the Council voted to send the conditional zoning ordinance back to the Planning Board for the board to be more specific about their concerns. He stated the Planning Board has revised and addressed their concerns. He stated that the Planning Board voted and recommended the Conditional Zoning Ordinance to the Council for review. The Manager suggested that the Council needs to review the language within the ordinance and address any concerns before sending the ordinance to the Town Attorney for review and once the Council's concerns are discussed and reviewed, the Council will need to schedule a public hearing before it can be adopted.

Discussion – Ellis Development's Community Meeting

The Manager stated that Ellis Development is holding a public meeting on February 20, 2023. The Manager stated that he has consulted with the Town Attorney and the School of Government (SOG) to determine if a legal notice is required if a quorum of the Council is present to observe at this meeting. He stated that he was advised by the SOG to advertise it just to be cautious. He stated that he has spoken to CTV-10 and they have agreed to record the meeting. The Manager stated that the meeting won't be available to view LIVE but will be able to be viewed within a few

days of the meeting. The Manager stated that if a quorum of the Council decides to go to the meeting, he would need to advertise it as a Special Council Meeting. The Mayor stated that if they advertise the meeting they would need to meet prior to the presentation to call the meeting to order and reconvene at the end of the presentation to adjourn. Councilman Castranova stated he was concerned that the perception is that the Town is advertising the meeting for Ellis Development. He asked what is the penalty of violating the Open Meetings Law and the Town Attorney stated that there is no penalty but any actions taken at the non-noticed meeting would be null and void, that it is simply a public policy. Councilwoman Maurer stated that since it has been discussed she felt that it needed to be advertised. Councilman Weaver stated that even if there is no penalty to violating the Open Meetings Law, he felt it would be violating the trust of the constituents. Councilman Sheffield, Councilman Weaver and Councilman Castranova all agreed to not attend the meeting, thus avoiding the need to advertise it.

Councilman Castranova stated that he would like to make a motion to open the floor for Public Comment for anyone who would like to speak. Councilwoman Maurer stated that the work session is for the Council to discuss issues and not an open forum. She stated that if the Council allows this at this meeting it would violate two of the Town's policies, Public Comment Policy and the Rules and Procedures of the Town Council. Councilman Weaver asked Councilman Castranova if there was someone specific he knew would like to speak and Councilman Castranova responded that he did not know of anyone. Councilman Sheffield stated if anyone wants to address the Council, they could sign up next week like the policy states. Councilman Castranova disagrees and he stated he interprets the policy differently and does not see any harm of opening the floor for comments.

VOTE – Public Comment Period

Councilman Castranova motioned to open the floor for Public Comments. The vote was tied with two ayes (Weaver, Castranova) and two nays (Maurer, Sheffield). The Mayor voted nay and the motion failed.

REVIEW – Agenda for the February 16, 2023 Council Meeting

The Council reviewed the agenda for the February 16, 2023, Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 6:44 p.m.



Kristie J. Nobles, CMC
Town Clerk

**River Bend Town Council
Regular Meeting Minutes
February 16, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
James Castranova
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 43

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, February 16, 2023, at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilman Sheffield motioned to add item 9C, change time of the Work Session Meetings to the agenda. The motion carried unanimously.

VOTE – Approval of Agenda

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

ADDRESSES THE COUNCIL

Donna Ross, 327 Plantation Drive, addressed the Council in support of the Parks and Recreation Advisory Board recommendation of Don Fogle for appointment to the Parks and Recreation Advisory Board.

CONSENT AGENDA

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

- A. Approve:
 - Minutes of the January 12, 2023 Work Council Meeting*
 - Minutes of the January 19, 2023 Regular Council Meeting*
 - Minutes of the March 10, 2022 Work Council Meeting – Amended*

TOWN MANAGER'S REPORT

The Manager stated that on January 25, 2023, there was a celebration for Mr. Bud Van Slyke Jr. for his dedication to the Town. During the celebration Councilman Sheffield read a poem that he had written for Mr. Van Slyke. At this time, Councilman Sheffield presented the poem to the audience.

The Manager gave the following update on Town projects:

- The annual audit report will be presented at the March work session.
- The Water Meter Replacement Project is nearly complete with 1,479 meters replaced out of 1,500 meters.
- The plumbing has been installed at the site of the new Public Works Building and the concrete will be poured soon.
- The Channel Run Drainage project is nearly complete.

ADMINISTRATIVE REPORTS

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD

Councilman Leonard presented the following report.

EWAB met at 7 PM on Monday, 6 February 2023 in the small conference room in the Municipal Building. Chairman Ackiss called the meeting to order, there was a quorum. There were two visitors. The minutes from the November 2022 meeting were approved. Councilman Leonard gave a council update. Old business: discussion about bulkhead inspections, EWAB has the GIS maps and will start the inspections soon. New business: No new business. There will **not** be a EWAB meeting in March 2023. Next meeting will be on April 3rd, 2023, at 7 PM in the small conference room in the Municipal Building. The meeting adjourned at 7:37 PM.

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report.

The regular meeting of the River Bend Planning Board was held on Feb 2nd at 6:00pm in the Municipal Building. A quorum was present, as were several interested citizens. Chairman Lippert called the meeting to order. He then invited guests to speak. Two people spoke in opposition to conditional zoning, mostly citing potential legal vulnerabilities. The usual reports were given and the last meeting's minutes approved. Under old business the board took up changes to the conditional zoning ordinance as directed by the town council. Portions of the text were examined. There was much discussion. Changes were agreed upon. The board voted to approve the amended ordinance and send it to the town council. Under new business, local developer, Jay Amman addressed the board with a potential development in the area between The Howell Center and Riverstone. The approximately 20 acre plot is currently zoned for institutional use. Mr. Amman would like to rezone the property PDR-MF to allow him to build approximately 45 duplex homes. He passed around a rough design of the project. He explained that older people are in need of places to downsize from their larger homes in River Bend. He used his mother as an example. The board discussed the idea and asked questions. Mr. Amman was sufficiently encouraged to return at a later date with a much more detailed plan. The meeting was adjourned. The next regular meeting is set for March 2nd at 6:00pm. The meeting is open to anyone interested.

DISCUSSION – Draft Conditional Zoning Ordinance Review

Councilman Sheffield stated that the Planning Board has addressed their concerns regarding the draft conditional zoning ordinance and recommends the draft ordinance to the Council. Councilman Sheffield stated that the Town Manager had sent the draft ordinance to the Council

for review and asked for any comments prior to this meeting. Councilman Castranova stated that he would like the Town Attorney to address the burden shifting if the Town will be engaging in "spot-zoning". Councilman Leonard asked for the definition of "spot-zoning" and the Town Attorney stated that "spot-zoning" would be zoning smaller tracks of land different from the surrounding land with similar characteristics. Councilman Castranova asked the Town Attorney if he thought the Northwest Quadrant would be considered "spot-zoning" and the attorney stated he did not feel it would be considered that. Councilman Castranova stated he is concerned with the area in the draft ordinance that gives the Zoning Administrator the discretion to move the location of buildings to an approved site plan and he feels that section 8B can be eliminated. The Town Attorney stated he would address this in his review of the draft ordinance, once the Council directs him to review the ordinance. Councilman Leonard asked that the attorney also state what language is required by the state of North Carolina and what does the town have discretion to alter. He also stated if anyone has any proposed changes to provide those, as this is not the final ordinance. He also stated that this Conditional Zoning Ordinance is not affiliated with any developer or any tract of land, that this is about the town's ordinances that are outdated and the town does not have adequate control. Councilman Castranova stated that he disagrees and feels that this Conditional Zoning Ordinance is directly for Ellis Development. Councilman Weaver stated that he has inquired about how conditional zoning was presented to River Bend and it was explained to him that Ellis Development is a group that develops property all over the state and Ellis stated that the Town of River Bend does not have conditional zoning and it's a tool that other municipalities use that allow the municipality and the development group to negotiate items that are mutually beneficial. He stated that Ellis Development is the one who mentioned it because the town is outdated on our ordinances as compared to other municipalities. He stated that this conditional zoning ordinance is a separate issue. Councilwoman Maurer stated that this ordinance would apply to any developer that intends to develop property in River Bend, not just Ellis Development. Councilman Weaver stated that a conditional zoning ordinance does not mean that anyone who applies for rezoning will be approved. Councilman Castranova stated that he has many concerns with the conditional zoning ordinance and one of the concerns is that Ellis Development wants conditional zoning and the Town is considering it. He asked about additional property in River Bend that may need to be developed and the Mayor stated that the Town of River Bend has never developed land previously and this is the very first venture since the Town was incorporated. Councilman Sheffield stated that he understands the differences of conditional zoning and no conditional zoning and there will still be a vote. He stated that his problem with Ellis Development is density and he feels their plans have not changed. Councilman Castranova stated that he does not want to go into budget season negotiating conditions with a developer he does not trust. Councilman Sheffield stated that this conditional zoning ordinance is about the zoning. Councilman Castranova stated that if they intend on keeping the property in the Northwest Quadrant zoned as it is currently, why does the Town need conditional zoning. Councilman Leonard stated that anything that comes before the Council will need a majority vote and at the time, there is nothing for Ellis Development presented to the Council. He stated that anyone can purchase the property and apply for rezoning and he does not think the town has the needed tools. The Mayor stated the Manager asked the Council to present their concerns in writing and no one responded.

Vote – Draft Conditional Zoning Ordinance Review – Councilman Sheffield motioned to direct the Town Attorney to review the Conditional Zoning Ordinance recommendation and report any areas of concern to the Town Council. The motion carried unanimously.

DISCUSSION – Work Session Meeting Time

Councilman Sheffield stated that the Council had voted to change the time of the work session meetings on December 15, 2023, from 5:00 p.m. to 6:00 p.m. He stated that he feels 7:00 p.m.

would be a more convenient time for town employees and working residents to attend the meetings.

Vote – Work Session Meeting Time – Councilman Sheffield motioned to change the time of the Work Session Meetings to 7:00 p.m. The motion carried unanimously.

PUBLIC SAFETY – COUNCILMAN WEAVER

Councilman Weaver presented the following reports on Community Watch.

Community Watch

Community Watch met on February 15, 2023 and the recent breaking and entering were discussed. It was also discussed that Community Watch and the Police Department want to start working closer together. The next meeting is scheduled for June 21, 2023.

DISCUSSION – Request Parks and Recreation Facilities Assessment

Councilman Weaver stated that he requests the Parks and Recreation Advisory Board to complete an analysis on the park areas. He stated that he would like to see an upgrade to the current equipment and possible new areas for older children. Councilman Leonard asked if Councilman Weaver was recommending a particular area or expanding to new areas and Councilman Weaver stated that initially he was referring to the current parks, but Councilman Sheffield has suggested an additional area. Councilman Sheffield stated that he would like to have a riverfront park for the community to enjoy, but has not felt the timing is right with the current ongoing projects in town.

Vote – Request Parks and Recreation Facilities Assessment – Councilman Weaver motioned to direct the Parks and Recreation Advisory Board to assess the town's current park facilities and provide a recommendation for Council's consideration on improvements to and expansion of the town's park facilities. The motion carried unanimously.

PARKS & RECREATION – COUNCILMAN CASTRANOVA

Councilman Castranova presented the following reports.

Red Caboose Library (RCL)

Councilman Castranova stated that the Red Caboose Library met on February 9, 2023, and he was unable to attend. He stated there was an annual volunteer luncheon and they have finalized their annual report. He also stated that there was discussion about finding the library a permanent location. He stated there was discussions about the Craven-Pamlico Book Mobile visiting River Bend.

River Bend Community Organic Garden (RBCOG)

Councilman Castranova stated the garden met on February 6, 2023, and he was not able to attend. He stated that there are some vegetables ready to harvest and the garden is in need of some manure, straw and hay. The Green Team met on February 15, 2023, and the RBCOG has partnered with a school for composting program.

Parks & Recreation

Councilman Castranova stated that Parks and Recreations Advisory Board is scheduling the Easter Egg Hunt and the July 4 event. He stated that the Parks and Recreation Advisory Board has recommended the three applications that were submitted for appointment. He stated that he felt Donna Ross's speech regarding the recommendation of Mr. Fogle was good. He stated that the Parks and Recreation Advisory Board understands the controversy regarding Mr. Fogle and

the Parks and Recreation Advisory Board wants to work with the Fogles. He stated that he believes that the board could really use Mr. Fogle's experience.

Vote – Parks & Recreation Advisory Board Appointment – Councilman Castranova moved to appoint Nancy Fogle to the Parks & Recreation Advisory Board for a term beginning February 16, 2023, and expiring June 30, 2023. The motion carried unanimously.

Vote – Parks & Recreation Advisory Board Appointment – Councilman Castranova moved to appoint Rebekah Royston to the Parks & Recreation Advisory Board for a term beginning February 16, 2023, and expiring June 30, 2023. The motion carried unanimously.

At this time, Councilman Castranova asked if there was anyone who signed up for public comments regarding Mr. Fogle. River Bend resident, Mary Holihan stated that she did. Councilman Weaver stated that the Parks and Recreation Advisory Board has approved Mr. Fogle's application and that board would be the board working with him and he feels that should be taken into consideration. He also stated that the ordinance allows the Council to remove anyone from an advisory board if they should need to. Councilman Castranova stated that he has received many emails in support of Mr. Fogle and very few against Mr. Fogle's appointment. He stated that he thought more citizens would be speaking in regards to Mr. Fogle.

Vote – Parks & Recreation Advisory Board Appointment – Councilman Castranova moved to appoint Don Fogle to the Parks & Recreation Advisory Board for a term beginning February 16, 2023, and expiring June 30, 2023. The motion failed (Castranova and Weaver voting aye and Leonard, Maurer and Sheffield voting nay).

CAC – Councilwoman Maurer

Councilwoman Maurer presented the following report.

Community Appearance Commission (CAC)

The CAC did not meet in February. The next award event, Yard of the Month, takes place in April. Craven County Cooperative Extension Director Dr. Tom Glasgow is scheduled to meet with CAC Chair Brenda Hall and Town Manager Jackson to discuss the condition of trees and plants along Plantation median. There currently are three vacancies on the Community Appearance Commission. This is an active group. Current projects and programs include the holiday and festive homes awards, the Plantation Drive update, which includes an evaluation of all the vegetation on the Plantation median, making Christmas light globes, and more. Members may get involved in one or all of the projects. If you are interested, attend the next meeting and find out more about joining the board or just volunteering for a project. The next meeting is scheduled for March 15 at 4 pm.

FINANCE – Councilman Leonard

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of January. She stated the total of the Town's Cash and Investments as of January 31, 2023, were \$4,450,963 and Ad valorem tax collections for FY22-23 were \$615,829 and Vehicle Ad valorem tax collections were \$48,919.

MAYOR'S REPORT

The Mayor presented the following report.

The article below was shared with the River Bend Community in December, 2020 when we began to come to grips with the COVID-19 pandemic. As we begin Town Operations in the year 2023 it is appropriate to look at how we have managed to adjust and move forward.

As 2020 began it was easy to predict that the happenings during the New Year would closely track what had occurred in 2019. Then came COVID-19 and the term “normal” was largely abandoned. By March it was obvious to most that the normal for operations at all levels and in all organizations was no longer an option. The Town Staff, under Manager Jackson’s leadership, has adapted to the changing conditions and mandates and most services provided by the Town have continued without interruption. We have accepted the inconvenience that the new norm has eliminated large assemblies, required “social distancing” and recommended the wearing of face masks. Complying with these requirements resulted in the cancelling of the long running River Bend July Fourth celebration, the normal celebration of Halloween night for children and now the annual Christmas Tree Lighting.

These inconvenient departures from the comfortable River Bend normal have been a change that the entire nation and most of the world has in, the same fashion, been forced to follow. We have all witnessed that some nations have been more successful in reducing deaths from the virus while others have failed to make the needed adjustments. Statistics demonstrate the folly of denying scientific practice.

We shall continue to follow the appropriate guidance that is promulgated by health officials of the County and State. The residents will be kept informed of the current required safety practices. Our collective prayer should be that an effective vaccine is developed that will keep the population immune to the COVID-19 virus and lessen the suffering of thousands. We must not grow tired of the precautions that must be followed for our individual and community safety during these unusual times.

2023 IN RIVER BEND

We all have reason to express thanks to Town Manager Jackson, and the Town Staff that he leads, for the remarkable accomplishments that they have made during these “uncharted” times. The Congress has, in a refreshing nonpartisan way, passed legislation that appropriated significant funding for infrastructure construction. These funds were to be granted to municipalities by state agencies. Manager Jackson worked with the appropriate state agencies and secured grants to fund a number of projects. Those projects involve (1) \$ 732,310 to replace all the water meters with new meters that will allow remote radio read. (2) \$ 9,108,500 to upgrade the Town’s wastewater treatment plant. This project will upgrade the existing plant that is nearing the end of its useful life span. (3) \$ 964,378 To replace the Town’s Public Works building. The present building is in the floodplain and received damage during Hurricane Florence. This grant supports the construction of a new Public Works Building on Plantation Drive in the area adjacent to the 300,000 gallon water tank at a cost of \$ 1,996,136.

As the Manager worked through the details of obtaining these grants he also made state regulatory staff members comfortable that River Bend personnel were knowledgeable of the regulatory demands associated with our permitted water and wastewater systems. This positive contact will serve the Town well in the future.

The development of the effective COVID-19 vaccine has blessed River Bend and all of mankind. That vaccine has allowed the United States to relax most of the precautionary restrictions discussed in the 2021 report, which is reprinted above. Clearly the Manager and Staff have survived the emergency well and have continued to serve our population without compromising health and safety. It is safe to say that River Bend is in a stronger position than existed at the beginning of Covid-19. That strength came from the day-by-day efforts of the Manager and Staff to address the details as external demands dictated.

Thanks to all who have read this assessment of events that have been accomplished in River Bend over the last two years of unprecedented change.

PUBLIC COMMENT

Linda Klopf, 103 Randomwood, stated that the Red Caboose Library has partnered with the Craven-Pamlico Book/Tech Mobile and it will be visiting River Bend in the near future.


Patty Leonard, 106 Knotline, stated that there will be a Dementia Live event at the Municipal Building on March 17, 2023, and the event is sponsored by the ECCOG (Eastern Carolina Council of Government).

Sandra Barta, 404 Gatewood, stated that she would like to recognize the Friends of Craven County Sheriff's Office for donating a doghouse to the town for the dog pen that was previously donated by a family in River Bend for holding stray / lost animals.

Nancy Fogle, 107 Anchor Way, thanked the Council for appointing her to the Parks and Recreation Advisory Board but is disappointed with the votes regarding Don Fogle's appointment and she resigned from her newly appointed position on the Parks and Recreation Advisory Board.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 8:27 p.m.



Kristie J. Nobles, CMC
Town Clerk

**River Bend Town Council
Work Session Minutes
March 9, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
James Castranova
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 41

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, March 9, 2023 at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

VOTE – Addition to Agenda

Councilman Weaver motioned to add Remove Councilman Castranova's Liaison Responsibilities as #8 and shift the agenda down. The motion carried unanimously.

VOTE – Approval of Agenda

Councilman Weaver motioned to accept the agenda as amended. The motion passed with four ayes and one nay with Councilman Castranova voting nay.

SPECIAL PRESENTATION – Audit Presentation for Fiscal Year 2021-2022

Ms. Phyllis Pearson, CPA with Pettway, Mills and Pearson presented the FY21-22 Audit Presentation. She said that her firm has issued an unqualified opinion on River Bend's FY 2021-2022 audit, which is the best rating an auditor can give. There was no management letter and no findings of material weakness. During the presentation, she noted that the Town's General Fund Balance had increased \$59,709 over the last year due in part to reduced expenditures and increased revenues. She noted that the percentage of available fund balance in the General Fund was 74% compared to 56% for last year.

VOTE – FY21-22 Audit Presentation

Councilman Leonard motioned to accept the audit as presented. The motion carried unanimously.

At this time, Councilman Sheffield thanked the Town's staff for a clean audit.

Discussion – Parks and Recreation Advisory Board Recommendations

Councilman Castranova stated that the Parks and Recreation Advisory Board has submitted two recommendations to the Council (see attached). He stated that the advisory board asked the Town Council to allow the advisory board to ask for sponsorships for Parks and Recreation sponsored events. Councilman Leonard asked if the Town has a formal policy and the Manager

stated that the Town does not have a policy, but the Council could create one. Councilman Weaver asked the Town Attorney if there are any legal restrictions with asking for sponsorships and he stated that it could be addressed in the policy.

Councilman Castranova stated that the Parks and Recreation Advisory Board also requested \$20,000 in additional funding for the 4th of July Celebration. He stated that the celebration would have fireworks and several live bands, along with alcohol being served at the River Bend Country Club. Councilman Castranova stated that the money that was allocated for the 2020 and 2021 events was moved to the general fund account. Councilman Sheffield asked if the advisory board intends on having the normal parade and events the morning of and Councilman Castranova stated that they do, with live bands at the Country Club starting at 2:00 p.m. Councilman Sheffield stated that he felt that would be a long day. Councilwoman Maurer stated that she is concerned with the amount of funds that the advisory board has requested, stating that the advisory board is all new members and have not completed any events yet. She also stated that for the amount of funds requested she would like for those funds to be spent on something permanent in town, for example lighting the walking path, not a one day event. Councilman Castranova stated that one of the members of the advisory board organized the Community Picnic on her own last year. Councilman Leonard stated that he does not want to lose the normal traditional 4th of July event that the town has had in the past. Councilman Castranova stated that the traditional event would be in the morning but the advisory board wants to add more to the event. Councilman Weaver stated that he thinks the proposed event could be scaled back to the traditional morning event with fireworks in the evening and that the event suggested would require additional law enforcement. Councilman Leonard stated that this is a large event for an advisory board that has vacancies and it would require additional volunteers. Councilman Castranova asked Police Chief Joll to describe the map from the 2021 event that was canceled due to weather. Chief Joll stated that the map included parking, staging of EMS and First Responders, which have to be present during the entire event. Councilman Castranova asked the Police Chief if he has any security concerns that would need to be addressed, and the Police Chief stated that with alcohol being served all day there would be many concerns. Chief Joll stated that there were many local agencies that were set up to assist the 2021 event. The Town Manager stated that an all-day event would be a lot for a very small staff. Councilman Castranova stated that he would present the recommendations from the Council to the Parks and Recreation Advisory Board.

Discussion – Scheduling a Meeting with Ellis Development

Councilman Leonard stated that Ellis Development had a meeting with River Bend residents and would like to meet with the new Town Council to answer any questions and discuss any concerns the Council may have. The Town Manager reviewed a calendar provided to the Council. Councilman Maurer stated that she felt it might be a good idea to meet with Ellis and they can clear up any misinformation. There was no action taken to schedule a meeting.

Discussion – CAC's Plantation Drive Median Study Presentation

Councilwoman Maurer stated that Tom Glasgow with the Craven County Cooperative Extension would present a study on Plantation Drive's median at the Council's regular meeting on March 16, 2023.

Discussion –Public Comment Policy

Councilman Castranova stated that he would like the Public Comment Policy revised to allow public comments at the work session meetings. Councilman Weaver stated he supported having public comments at both of the Council meetings each month. Councilman Sheffield stated that there are people who speak during that time with incorrect information and the Council cannot respond. Councilman Castranova asked the attorney if it was illegal for the Council to have a conversation during the public comment section. The Attorney stated that it is not illegal, although it can be very time consuming and depending on where the public comment item is on the agenda, the agenda may not be completed. Councilman Castranova suggested not stopping the time when someone is commenting which would include the response of the Council. Councilman

Leonard suggested that Councilman Castranova draft the changes he would like the policy to include for the Council to review.

Discussion – Encroachment Agreement with Metronet

The Manager stated that Metronet representatives would be at the next meeting to give a presentation on what Metronet offers. The Manager stated that they would offer services on every public right-of-way in River Bend. He also stated that private right-of-ways, which are mostly owned by HOA's, would need to complete individual agreements with Metronet. Councilwoman Maurer asked the Manager, if Metronet is approved, would Optimum and Metronet be available and the Manager stated they would be.

Discussion – Remove Councilman Castranova's Liaison Responsibilities

Councilman Weaver stated that he has a letter signed by Councilman Sheffield, Maurer, Leonard and himself that he would like to read and he stated it would be added in the minutes. Councilman Weaver read the attached letter. (see attached)

Councilman Castranova stated that there has been an ongoing feud with Councilman Weaver, stating that he has been "bullying" him and "stalking" Councilman Castranova's social media since January. Councilman Castranova stated that Councilman Weaver has started a feud with the other council members in the past. Councilman Sheffield stated that he has received numerous emails and phone calls from residents stating that Councilman Castranova has posted on social media that Councilman Sheffield has changed his opinion on the development of property in the North West Quadrant. Councilman Sheffield stated that he has not changed his opinion on that development. Councilman Leonard stated that he has had differences of opinion with many councilmembers and they have never disrespected each other. He stated that Councilman Castranova has disrespected the Council and the Council's processes. Councilwoman Maurer stated that she feels she has been accused of taking bribes and lobbying for Ellis Development. Councilman Leonard stated that Councilman Castranova is linking anything he can to Ellis Development and the conditional zoning ordinance proposed is not specifically for Ellis. Councilman Leonard asked Councilman Castranova if he has met with any developers. Councilman Castranova stated that he has met with one developer and that it is perfectly legal. Councilman Leonard asked if it is perfectly legal why are you chastising us for doing something that you have already done and not told most people here or the Council. Council Leonard told Councilman Castranova that he was a hypocrite.

Councilman Castranova left the meeting at 8:17 p.m. Since Councilman Castranova left the meeting unexcused, he will be counted as voting aye on all future motions for the remainder of this meeting.

Councilman Sheffield stated that he has had a sense of dread before coming to this meeting tonight and he has been on the Council for over 9 years and has never felt this way. He stated there has been a toxic environment created and he is concerned it will spread to the staff, and during the election, the morale among the staff was very low. He stated that he feels it has gotten worse since the election and he thinks Councilman Castranova came to the Council looking for a fight and there is nothing to fight over. Councilman Weaver stated that Councilman Castranova left the meeting unexcused, which would result in an affirmative vote for himself. The Attorney agreed.

VOTE – Remove Councilman Castranova's Liaison Responsibilities

Councilman Weaver motioned to remove Councilman Castranova's liaison responsibilities. The motion carried unanimously.

VOTE – Parks and Recreation Advisory Board Liaison

Councilman Leonard motioned to appoint Councilman Weaver as the Parks and Recreation Advisory Board liaison. The motion carried unanimously.

CLOSED SESSION

Councilwoman Maurer moved to go into a Closed Session under NCSG §143-318.11(a)(3) to discuss legal opinion on conditional zoning with the Town Attorney. The motion carried unanimously. The Council entered Closed Session at 8:21p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:39 p.m. The motion carried unanimously.

VOTE – Legal Opinion on Conditional Zoning from the Town Attorney

Councilman Sheffield motioned to include the attorney's opinion on conditional zoning in the minutes for public record. The motion carried unanimously. (see attached)

REVIEW – Agenda for the March 16, 2023 Council Meeting

The Council reviewed the agenda for the March 16, 2023, Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 8:46 p.m.



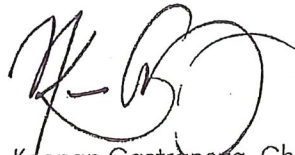
Kristie J. Nobles, CMC
Town Clerk

Official Recommendation

To: River Bend Town Council
From: River Bend Parks and Recreation Advisory Board
Date: March 6, 2023
Subject: Recommendation to change sponsorship policy

The Parks & Recreation Advisory Board held a general meeting on March 1, 2023. A quorum of four (4) board members were present and a motion was made to change the town's policy to allow the Parks & Recreation Advisory Board to enter into sponsorship agreements with local businesses so that businesses can donate goods and supplies for town events in exchange for sponsorship recognition.

After much discussion and consideration, three out of four board members (3/4) voted to recommend changing the town policy so that the Parks & Recreation Advisory Board can enter into sponsorship agreements with local businesses.



Keenan Castranova, Chair
Parks & Recreation Advisory Board

45 Shoreline Drive., New Bern, NC 28562 252-638-3870

riverbendpnra@gmail.com

www.riverbendnc.org

Official Recommendation

To: River Bend Town Council
From: River Bend Parks and Recreation Advisory Board
Date: March 6, 2023
Subject: Recommendation for Funding for July 4th Celebration

The Parks & Recreation Advisory Board held a general meeting on March 1, 2023. A quorum of four (4) board members were present and a motion was made to recommend additional funding in the amount of \$20,000 for the 2023 July 4th Celebration to include fireworks and live music.

There was discussion regarding the cancellation of the 2020 July 4th Celebration due to COVID and the subsequent cancellation of the 2021 July 4th Celebration for which the Town Council had allocated \$15,000 for fireworks and live music.

In consideration of their request, the Board was informed that the town never spent the \$4,100 allocated for the 2020 July 4th Celebration nor the \$15,000 for the 2021 July 4th Celebration.

The motion passed unanimously.



Keenan Castranova, Chair
Parks & Recreation Advisory Board

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riverbendpnr@gmail.com

www.riverbendnc.org

Parks
&
Rec

March 09, 2023

To the Citizens of River Bend,

In light of recent events, members of this governing body feel it necessary to address the unacceptable conduct of one of our fellow members, that of Councilman James Castranova. As elected representatives of every citizen of the Town of River Bend (not just those who share our opinions and viewpoints) we have a duty to intervene when you feel your rights are being trampled on, especially when it's being done so by a member of this council.

Councilman Castranova has been cautioned in the past about his personal attacks against members of this body due to differing viewpoints and his inflammatory behavior that has caused unnecessary disruption between members of our community. This behavior is inconsistent with our adopted code of ethics and a direct threat to good governance.

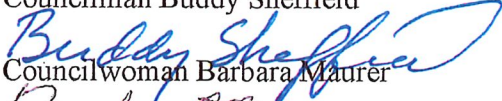
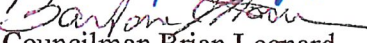
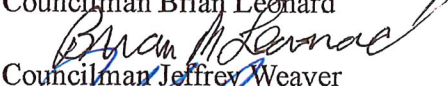

On March 6, 2023, citizens of the Town of River Bend were engaging in a scheduled meeting with members of this Council when two members of the Parks and Recreation Advisory Board, which Councilman Castranova serves as liaison to, showed up and began inquiring as to the purpose of the meeting. Shortly after, Councilman Castranova let loose with a string of social media posts badgering and intimidating citizens that attended the meeting.

Furthermore, when a fellow councilman asked the town manager to look into the allegations of misconduct by members of the Parks and Recreation Advisory Board in an email, Councilman Castranova immediately forwarded the email to the two advisory board members in question. The forwarding of correspondence intended for the town manager and council members related to such a sensitive subject, while not illegal, serves as an illustration of impropriety. In addition to the above complaints, there have also been reports of Councilman Castranova overstepping his bounds as liaison to the Parks and Recreation Advisory Board and becoming directly involved in the conduct of their regular business.

The members of the Town Council of River Bend and its citizens should feel free to assert policy positions and opinions without fear of reprisal from anyone, especially from an elected member of the council. The members of this governing body will not tolerate the intimidation, badgering, bullying, or infringement of its citizens rights, nor will we stand silently by while we are accused of dishonesty and impropriety without cause.

Therefore, upholding our oaths to you, the citizens of River Bend, the remaining members of this council stand in solidarity and condemn the recent behavior of Councilman Castranova. The outlined events have led the members of council to reconsider Mr. Castranova's appointment as liaison to not only the Parks and Recreation Advisory Board, but as liaison to any advisory board, until such time these unacceptable behaviors cease. It is our hope, moving forward we can find common ground and learn to work together to accomplish our goals and serve as a beacon of leadership for those we serve, regardless of whether or not we hold different points of view.

Respectfully,

Councilman Buddy Sheffield

Councilwoman Barbara Maurer

Councilman Brian Leonard

Councilman Jeffrey Weaver




David B. Baxter, Jr.
dbaxter@nclawyers.com

March 7, 2023

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY/CLIENT COMMUNICATION**

River Bend Town Council
c/o Mayor John Kirkland

VIA: E-MAIL

Re: Draft Ordinance Amendment – Conditional Zoning
Our File: 67667.02

Dear Town Council:

I have been asked to review the most recent draft of the Town of River Bend's (hereinafter "the Town") proposed conditional zoning amendments to its Code of Ordinances. Specifically, I have been asked to review the proposed ordinance amendments for suggested changes, comment on enforceability of the proposed ordinance, and discuss various issues concerning the draft ordinance, including an analysis of litigation risk.

Below please find my written legal opinion based on my review and analysis of the Town's proposed draft amendments to include conditional zoning in its Code of Ordinances.

I. General Enforceability of Conditional Zoning in North Carolina

A. History and General Framework

Conditional zoning is a tool that has been used in local government zoning practices since the 1990s. The concept was tested and approved by North Carolina courts in 2001.¹ The result of the 2001 court decision was then codified into statutes in 2005.²

The use of conditional zoning allows greater flexibility in development of certain areas within a local government's jurisdictional limits by adding site-specific conditions to address any concerns expressed by the local government and the public. Conditional zoning would allow the Town to adopt a conditional zoning district that is parallel to a general zoning district previously established by the Town. This conditional district contains additional site-specific conditions that

¹ See *Massey v. Charlotte*, 145 N.C. App. 345, 550 S.E.2d 838, *review denied*, 345 N.C. 219, 554 S.E.2d 342 (2001).

² See N.C. Gen. Stat. § 160A-382(a) (2016).

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March 7, 2023
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are not contained in the general zoning districts. These conditions may be more or less restrictive than those restrictions found in the corresponding general zoning district.³

B. Conditions

Generally, those impermissible conditions that would be considered illegal under a traditional rezoning are also considered illegal in conditional rezoning. One obvious illegal condition or denial is any decision based on race, religion, ethnicity, or other protected class of individuals. The same would be true in a conditional rezoning. The proposed draft ordinance amendments clarify that decisions or conditions based on these protected classes would be impermissible. Another illegal condition would be the condition that government subsidized housing be prohibited in the conditional zone. The North Carolina Fair Housing Act makes it illegal to base any land use decision or permitting decision on the fact that a proposed development contains affordable housing units for families or individuals with incomes below 80% of the area median income.⁴

There are also two additional statutory limits for conditional zoning placed on the potential conditions. The first is that the landowner and the Town have to mutually agree to the specific conditions imposed in the proposed conditional district. The second is that the conditions imposed in a conditional district are limited to those that (1) address conformance of the development and use of the site to local government ordinances and adopted plans and (2) those conditions that address “impacts reasonably expected to be generated by the development or use of the site.”⁵ Some of the allowed conditions would be things like use restrictions, the inclusion of site plans, and the addition of certain infrastructure as agreed between the landowner and the town. As stated above, the conditions contained in the conditional zoning district may be more or less restrictive than those found in the corresponding general zoning district.

Therefore, if a developer does not agree to a condition, the rezoning petition likely would not be considered complete since all conditions placed in the petition must be agreed upon by both the Town and the developer. If a condition is illegal, a developer can certainly challenge the fact that the Town insisted on an illegal condition. The best way to guard against this is to analyze each condition at the preliminary stage to ensure that each condition promotes those goals listed in N.C. Gen. Stat. §160D-703(b).

C. Judicial Review

I have been asked to give my opinion regarding various issues regarding conditional zoning if a conditional zoning is ever appealed through the judicial review process. Typically,

³ See *Rakestraw v. Knightdale*, 188 N.C. App. 129, 136, 654 S.E.2d 825, 830, *review denied*, 362 N.C. 237, 659 S.E.2d 739 (2008).

⁴ N.C. Gen. Stat. § 41A-4(g) (2020).

⁵ N.C. Gen. Stat. § 160D-703(b) (2020).

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general rezonings are considered legislative decisions and enjoy the presumption of validity if ever challenged in a court proceeding. In that situation, the government's decision is presumed to be valid, and the individual seeking review of the local government's decision must rebut the presumption of validity by showing that the local government acted arbitrarily or capriciously. Conditional zoning enjoys the same presumption of validity as a general matter. However, the presumption of validity no longer exists in situations involving spot zoning. A rezoning is considered spot zoning when it involves a relatively small area of land that is rezoned inconsistently with the surrounding areas.⁶

In the case of spot zoning, the Town would not have a presumption of validity, and the Town has the initial burden of proving that its zoning decision was reasonable.⁷ If a zoning amendment is considered spot zoning, and the presumption of validity no longer exists, this does put the Town in a less advantageous litigation position as compared to an instance that does not involve spot zoning. However, proving that the Town made its zoning decision based on reasonable considerations is a relatively low standard in comparison to other heightened standards, such as strict scrutiny constitutional context. Additionally, chapter 160D of the North Carolina General Statutes requires a determination of reasonableness be made by the Town Council prior to the adoption of any zoning map amendment.⁸ Specifically, the Town Council is required to adopt a reasonableness statement as follows:

- b) Additional Reasonableness Statement for Rezonings. - When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.⁹

This reasonableness statement would be essential in proving that the Town acted in a reasonable manner in the case of spot zoning.

I have been asked to give an opinion as to whether the prior proposed traditional rezoning would have been considered spot zoning. Based on the proposal made by Ellis Development in its last rezoning petition, it is my opinion that a North Carolina court would likely find that the proposed changes to the zoning map would not be considered spot zoning due to the relatively large area and the relative consistency to other areas of the Town zoned in a similar fashion.¹⁰

⁶ See *Blades v. Raleigh*, 280 N.C. 531, 549, 187 S.E. 2d 35, 45 (1972).

⁷ See *Zopfi v. Wilmington*, 273 N.C. 430, 160 S.E.2d 325 (1968).

⁸ N.C. Gen. Stat. §160D-605(b) (2021).

⁹ *Id.*

¹⁰ See *Zopfi*, 273 N.C. 430, 160 S.E.2d 325 (case involving a forty-acre tract rezoned as commercial bordered by twenty acres zoned single-family residential); see also *Friends of Mt. Vernon Springs, Inc. v. Siler City*, 190 N.C.

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However, each instance is unique and I do not presume to predict the outcome of any court challenge with absolute certainty.

II. Analysis of Minor Modification Provisions

The North Carolina General Statutes allow minor modifications to the conditional district so long as the modifications do not change the use or uses listed in the conditional district or change the development density. The current draft proposed in the Town of River Bend allows for minor modification of no more than 5% of any feature. The proposed draft does contain the proper restriction that a minor modification may not be made that changes the uses or the density of the conditional district. The only requirement in the statutes for minor modification are that what is a minor modification must be defined and, as stated above, the modifications can not change the uses allowed or the overall density of the development.¹¹ Well-drafted ordinances include the specific features that may be altered and puts limits on those alterations. The draft ordinance amendments that the Town is proposing contain such restrictions in division (B)(8)(a)(1)-(4). The use of minor modifications by administrative staff is not required by statute and is optional. As I have previously stated, smaller local governments with relatively little development often do not have provisions allowing minor modification because minor modification is a method for promoting efficiency for the local government. If there is relatively little development, there are not a lot of requests to modify an approved project, which would otherwise require the local government to go through the entire ordinance amendment process each time there is a minor change. In a jurisdiction with multiple development projects, such frequent modification would consume a large amount of the governing body's time and resources.

III. Statutory Requirements and Ordinance Review

I have been asked to give my opinion as to what portions of the proposed draft ordinance amendments are required by statute if the Town allows conditional zoning within its planning jurisdiction. The only required provisions that must be in the conditional zoning regulations are (1) that the landowner must petition to have the property rezoned into a conditional district, (2) the conditions must be mutually agreed upon by the landowner and the Town and reduced to writing, and (3) that the approval process be the same as traditional rezonings pursuant to the legislative rezoning process. Additionally, the types of conditions are regulated generally by various language in 160D regarding what the conditions should be aimed at accomplishing as well as certain limits on minor administrative modification as discussed above.

When reviewing the ordinance, I have made the following comments and recommended changes:

App. 663, 660 S.E.2d 657 (2008) (case involving the rezoning of 1,079 acres from agricultural-residential to industrial) ("Here, the tract in question is approximately 1,076 acres. This tract is not 'a relatively small tract' as contemplated in *Blades* and the zoning activity did not 'constitute spot zoning as our courts have defined that term[.]').

¹¹ N.C. Gen. Stat. 160D-703(b) (2021).

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1. In section (A)(3), the ordinance only allows for uses to be equal to or more restrictive than those contained in the general zoning district that parallels the conditional zoning district. This is fully permissible, but I did want to note that for the Council.
2. In section (B)(5)(b), the ordinance states “conditional zoning district decisions are subject to judicial review using the same procedures and standards of review applicable to general use district zoning decisions.” I would change general use district to legislative such that provision states “conditional zoning district decisions are subject to judicial review using the same procedures and standards of review applicable to legislative zoning decisions.”
3. In section (B)(6)(h), it appears that the Planning Department can approve more restrictive or additional conditions added to the application; however, I believe these additional conditions would be a significant enough change such that the Planning Board would be required to comment on them and provide a resolution of plan consistency prior to consideration by the Town Council. I recommend that that language be stricken.
4. In section (B)(8)(4), the proposed amendments allow minor modification of landscaping requirements up to 10%. I believe this is inconsistent with the 5% limit found in the proposed amendments. I recommend changing this limitation to 5%.

IV. Conclusion

It is my opinion that as proposed, the draft ordinance amendments to include the use of conditional zoning is legally-permissible and enforceable. I have made my suggested modifications in the attached version in redline format. This legal opinion is rendered in the name of Sumrell Sugg, P.A. and may be relied upon by you as an opinion of counsel before any Court or any state or federal administrative agency.

Please review this opinion and let me know if you have any questions.

Sincerely,



David B. Baxter, Jr.
Town Attorney

PLANNING BOARD RECOMMENDATION

§ 15.02.140 CONDITIONAL ZONING DISTRICTS

A. Purpose.

1. Conditional zoning districts are applicable if the regulations and restrictions of a general use zoning district are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of the Town's Code of Ordinances. In these circumstances, a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the Code of Ordinances and adopted land development plan, comprehensive plan, transportation and corridor plans, and other land use and transportation policy documents.

2. The rezoning process established in this section provides for the accommodation of the uses by a reclassification of property into a conditional zoning district, subject to additional conditions which ensure compatibility of the proposed use with the use and enjoyment of neighboring properties. A conditional zoning district bears the same designation as a general use zoning district but is a conditional zoning district subject to additional conditions in which limited uses are permitted and that are contained in the ordinance approving the conditional zoning district. A conditional zoning district allows a particular use or uses to be established only in accordance with specified standards and conditions tailored to each individual development project. This is a voluntary rezoning procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.

3. Conditional zoning districts parallel general use zoning districts. Only those land uses (including uses by right and special uses as identified as in the Schedule of District Use Regulations) permitted in a general use zoning district to which a conditional zoning district corresponds shall be allowed. All requirements of any corresponding general use district and all other requirements of the Code of Ordinances apply to a conditional zoning district except to the extent that the approved rules, regulations and conditions included in the petition for rezoning are more restrictive than the general use district requirements.

B. Process required.

1. A person petitioning for rezoning of a tract of land may elect to request a conditional zoning district for that tract. The conditional zoning district application must specify the actual use or uses, and all other development regulations authorized by state law, which are intended for the property identified in the petition. The intended use or uses and development regulations must be permitted in the corresponding general use district.

2. The Town Council is to approve or disapprove the application on the basis of the specific use or uses and development regulations requested. Development in a conditional zoning district requires approval of a single application similar to a general use district rezoning application.

PLANNING BOARD RECOMMENDATION

3. Property may be placed in a conditional zoning district only in response to a petition signed by the owners of all the property to be included or by an agent authorized by all of the owners to file the application. A petition for conditional zoning shall include:

- a) A master site plan prepared in accordance with § 15.02.137 of the Code of Ordinances for a Master Land Use Plan for a Planned Development;
- b) Written supporting documentation that specifies the actual use or uses proposed for the property;
- c) Proposed rules, regulations, and conditions that, in addition to all predetermined requirements of this Code of Ordinances, will govern the development and use of the property; and
- d) A statement analyzing the reasonableness of the proposed rezoning.

4. During its initial review of a conditional zoning petition, which will follow the process as prescribed in §15.02.190-15.02.194 of the Code of Ordinances for traditional rezoning, the Planning Board shall consider whether or not a community informational meeting, to be organized, advertised, conducted and documented by the petitioner, would be beneficial to making project information available to those most likely to be impacted by the proposed zoning change. If the Planning Board concludes that a community informational meeting should be held, the petitioner shall conduct such meeting in accordance with the following provisions.

- a) The community informational meeting shall be held prior to the date of the next Planning Board meeting at which the petition will be reviewed. The meeting shall be held within seven miles of the Town of River Bend.
- b) Written notice of such a meeting shall be given by the petitioner in the same schedule and manner as prescribed in §15.02.191 (D) and §15.02.193 (A) of the Code of Ordinances for a zoning amendment and public hearing respectively.
- c) Within 10 days following the meeting, but prior to any further consideration by the town, the petitioner shall file a written report of the community informational meeting with the Zoning Administrator. The petitioner's report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact; the date; time and location of the meeting; a summary of issues discussed at the meeting; and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. Additionally, the petitioner shall make available at the meeting a roster for all attendees to voluntarily sign so that a record of attendees may be created. The roster shall include a location for attendees to provide their name, mailing addresses, and telephone number. A copy of the roster of attendees shall be included in the report of the meeting.
- d) The purpose of the community informational meeting is for the petitioner to:

(1) Provide specific information and maps regarding the proposed development including but not limited to a description of the proposed zoning change, proposed use(s)

PLANNING BOARD RECOMMENDATION

of the property, the proposed density and intensity of land uses, the location and arrangement of the proposed land use(s) on the property, the proposed development schedule, and proposed regulations or conditions, in addition to those required by this Ordinance, that will govern the development and use of the property; and

(2) To receive comments and input from citizens likely to be impacted by the proposed zoning change and subsequent development of the property.

e) In the event the petitioner has not held at least one meeting pursuant to this section with 45 days of being notified that a meeting is required, the petitioner shall file a report with the Zoning Administrator documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The petitioner shall also notify the Zoning Administrator efforts to schedule a meeting. No further Planning Board action may be taken until the meeting has been conducted.

f) The adequacy of a meeting held or report filed pursuant to this section shall be considered by the Town Council but shall not be subject to judicial review.

5. Review and approval process. The review and approval process for conditional zoning district petitions involves a legislative hearing and legislative decision by the Town Council, following a recommendation by the Planning Board. The review of conditional zoning district petitions shall be undertaken in accordance with the provisions of this section.

a) In the course of evaluating the proposed use, the Town Council may request additional information deemed appropriate to provide a complete analysis of the proposal.

b) Conditional zoning district decisions are subject to judicial review using the same procedures and standard of review applicable to ~~general use district~~legislative zoning decisions.

c) Conditional zoning district decisions shall be made in consideration of identified relevant adopted land use plans for the area, including, but not limited to, land development plans, comprehensive plans, strategic plans, district plans, transportation and corridor plans and other land development policy documents.

d) If the conditional zoning district application is approved, the Town Council shall authorize the requested use with reasonable conditions as mutually agreed to in writing by the applicant and Town Council and determined to be desirable in promoting public health, safety and general welfare.

6. Specific conditions applicable to the conditional zoning districts may be proposed by the petitioner or the town or its agents, but only those conditions mutually agreed to in writing by the town and the petitioner may be incorporated into the zoning regulations or permit requirements.

a) The conditional district rezoning application shall specify the use or uses that are intended for the property, as well as any additional conditions on the use of the property

PLANNING BOARD RECOMMENDATION

that the applicant may propose be conditions of the rezoning. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to:

- (1) Those that address conformance of the development and use of the site to ordinances and officially adopted plans and
- (2) Those that address the impacts reasonably expected to be generated by the development or use of the site.
 - b) Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, the mitigation of environmental impacts, and other matters that the Town Council may find appropriate or the petitioner may propose.
 - c) Such conditions to approval of the petition may include dedication to the town or state, as appropriate, of any rights-of-way or easements for streets, water, sewer or other public utilities necessary to serve the proposed development.
 - d) No condition shall be less restrictive than the standards of the general use district or the standards of any overlay district that applies to the property.
 - e) No condition shall be made part of the application, or shall be attached to approval of the conditional zoning district, which specifies the ownership status, race, religion or character of the occupants of housing units, the minimum value of improvements, or any illegal exclusionary device; or which states that the use of the property will not be subject to regulations or restrictions set forth in the Code of Ordinances which would apply to the property in any event, such as the regulations for an overlay district which covers the property.
 - f) If for any reason any condition for approval is found to be illegal or invalid or if the petitioner should fail to carry out any condition in the written and signed agreement, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the town to rezone the property to its previous zoning classification or to another zoning district.
 - g) The conditions shall be agreed upon, put in writing, and signed by both the petitioner and Town upon final approval of the rezoning by the Town Council.
 - h) After the town has delivered to the newspaper the notice of public hearing for the application, the applicant shall make no changes in the conditions ~~that are less restrictive than those~~ stated in the application, ~~including, but not limited to, smaller setbacks; more dwelling or rooming units; greater height; more access points; new uses; and fewer improvements. However, more restrictive conditions or additional conditions may be added to the application if the conditions are received by the Planning Department in writing and signed by all owners of the property at least ten working days before the date scheduled for final Town Council action on the application.~~

PLANNING BOARD RECOMMENDATION

7. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan or master plan for the district, and any additional approved rules, regulations and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to this Ordinance and to the zoning map.

a) If a petition is approved, only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to division (B)(8) below provided that the change in building layout does not result in an increase in the number of structures.

b) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional zoning district shall be identified by the same designation as the underlying general district followed by the letters "CD" (for example, "R-20 (CD)").

c) No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan for the district.

d) Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of the Code of Ordinances and shall be subject to the same remedies and penalties as any such violation.

8. Alterations to approval. Except as provided in division (B)(8)(a) below, changes to an approved petition or to the conditions attached to the approved petition shall be considered a change to the conditional zoning district and shall be processed as a new conditional zoning application in accordance with the procedures set forth in this section.

a) The Zoning Administrator shall have the delegated authority to approve administrative minor modifications – limited to no more than 5% total changes to the originally approved site plan. The Zoning Administrator shall have no authority to amend the conditions of approval of a petition. Any decision by the Zoning Administrator must be in writing stating the grounds for approval or denial. Minor modifications shall be limited to changes that the Zoning Administrator determines would not:

1. Change the gross square footage of nonresidential development by more than 5%;
2. Change the lot coverage by more than 5%;
3. Change any use or density;
4. Adjust the landscaping requirements by more than ~~5~~10%; or
5. Adjust the required parking more than 5%.

b) The Zoning Administrator, however, shall always have the discretion to decline to exercise the delegated authority either because he or she is uncertain about approval of the change pursuant to the standard or because a rezoning petition for a legislative hearing and Town Council consideration is deemed appropriate under the circumstances. If the

PLANNING BOARD RECOMMENDATION

Zoning Administrator declines to exercise this authority, the applicant may file a rezoning petition for a legislative hearing and Town Council decision in accordance with the provisions delineated in this ordinance.

c) Any request for an administrative modification shall be pursuant to a written letter, signed by the owners of all of the property affected by the proposed change, detailing the requested change. Upon request, the applicant shall provide any additional information as deemed necessary by the Zoning Administrator. Upon an approval of an administrative modification, the applicant shall file a sufficient number of copies of the revised site plan as deemed necessary by the Zoning Administrator.

d) If the Zoning Administrator denies approval of the requested administrative modification, the applicant may file a rezoning petition for a legislative hearing and Town Council decision in accordance with the provisions delineated in this ordinance.

9. Review of approved Conditional Zoning Districts. It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than two years after the date of approval of the petition, the Zoning Administrator shall examine and report to the Planning Board the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval.

a) If, following such examination and report of progress, the Planning Board determines that substantial progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Town Council a report which may recommend that the property be rezoned to its previous zoning classification or to another zoning district. If the Town Council concurs with the Planning Board's recommendation, the Town Council may initiate the rezoning of the property in accordance with the procedures delineated in this ordinance.

b) If, upon written request of the developer or petitioner, the Planning Board determines that substantial progress has been made to develop the property, the Planning Board may recommend that an extension of time be granted. The Town Council, after reviewing the recommendation of the Planning Board, may approve an extension of time not to exceed an additional 12 months. Approval of such a time extension by the Town Council may be made without conducting a formal public hearing.

c) If, after the expiration of the original or extended time period, the Planning Board determines that no substantial progress has been made and the Town Council concurs with that determination, the Town Council shall proceed to: conduct a legislative hearing on the matter to evaluate whether or not another extension of time is warranted; or initiate the rezoning of the property to its previous zoning classification or to another zoning classification using the procedures delineated in this ordinance.

d) For purposes of this section, examples of substantial progress may include: the approval of construction plans for streets, utilities and other infrastructure; the initiation of land preparation activities such as clearing and grading; the initiation of the construction of

PLANNING BOARD RECOMMENDATION

the principal building(s); and the initiation of the construction of streets, utilities, other infrastructure or required site amenities.

Significant Dates:

August 11, 2022-Town Council directs Planning Board to begin work on ordinance

September 1, 2022-Planning Board selects Havelock ordinance as a template

November 3, 2022-Planning Board discusses draft ordinance

January 5, 2023-Planning Board discusses draft ordinance

January 12, 2023- Town Council discusses draft ordinance

February 2, 2023- Planning Board discusses and approves recommendation

February 9, 2023- Town Council discusses recommendation

February 16, 2023-Town Council discusses recommendation, directs Attorney to review

**River Bend Town Council
Regular Meeting Minutes
March 16, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
James Castranova
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 85

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, March 16, 2023, at the River Bend Town Hall with a quorum present.

RECOGNITION OF NEW RESIDENTS

Barbara Burns introduced herself and stated she had recently moved here from Oregon.

ADDITIONS/DELETIONS TO AGENDA

Vote – Deletion to Agenda – Councilman Sheffield motioned to delete items 10B and 10C from the agenda. The motion carried unanimously.

VOTE – Approval of Agenda

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

ADDRESSES THE COUNCIL

Craven County Crime Stoppers – Jeffrey Haddock and Cpl. Kelly Cox – introduced the program and gave a brief description of the program.

Kathleen Fleming – expressed gratitude to the Town Staff and most of the council members. She addressed Councilman Castranova and asked him to practice respect.

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 February 9, 2023 Work Council Meeting*
 - Minutes of the February 16, 2023 Regular Council Meeting*
 - Minutes of the January 19, 2023 Closed Session*
 - Minutes of the March 9, 2023 Closed Session*

TOWN MANAGER'S REPORT

The Manager stated that the Departmental Reports would be skipped due to the interest of time.

Vote – Skip Manager's Report – Councilman Sheffield motioned to skip the Manager's Report. The motion carried unanimously.

ADMINISTRATIVE REPORTS

CAC – Councilwoman Maurer

Councilwoman Maurer presented the following report.

The CAC met on March 15, 2023. They have several exciting projects in progress. The next award event, Yard of the Month, will take place in April. Nominations will start on April 1st. You can obtain nomination forms from the town website, a QR code that will be printed in upcoming announcements, or by email, cac.riverbend@gmail.com. The Plantation Drive median project has started. Craven County Cooperative Extension Director Dr. Tom Glasgow is scheduled to present his report on the condition of trees and shrubs on the Plantation median at the March 16 Council meeting. In recognition of Arbor Day, a tree planting and small celebration will take place on Friday, March 17 at 2 pm at the Town Hall picnic area. All residents and friends are invited to attend. Light refreshments will follow the ceremony. Plans are underway to offer two Christmas globe making workshops in the fall. There currently are three vacancies on the Community Appearance Commission. This is an active group. Members may work on one or all of the projects. If you are interested, contact Chairwoman Brenda Hall or me to find out more about joining the board or volunteering for a project. The next meeting is scheduled for May 17, 2023 at 4 pm in the Municipal Building.

Councilwoman Maurer introduced Tom Glasgow from the Craven County Cooperative Extension and he gave a presentation on a study he completed at the request of the River Bend Community Appearance Commission on the Plantation Drive Median. Mr. Glasgow stated that the median on Plantation Drive was not a good location for big trees. His presentation included several pictures of trees in the median that were damaged, diseased or otherwise suffering.

FINANCE – Councilman Leonard

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of February. She stated the total of the Town's Cash and Investments as of February 28, 2023, were \$4,529,010 and Ad valorem tax collections for FY22-23 were \$703,347 and Vehicle Ad valorem tax collections were \$48,919.

The Manager introduced Telly Whitfield with Metronet. Mr. Whitfield gave a presentation on services that Metronet could offer the Town of River Bend. The Manager stated that Metronet had already reviewed and signed an Encroachment Agreement but the Town has not signed it. Councilman Leonard asked if the new materials would be 100% fiber and not coax and Mr. Whitfield stated that Metronet would extend true fiber to the homes on all town streets. The Manager stated that the encroachment agreement with the Town would only cover town streets and not private streets or property such as HOA areas.

Vote – Encroachment Agreement with Metronet – Councilman Leonard motioned to approve the encroachment agreement with Metronet and to authorize the Town Manager to sign on behalf of the Town of River Bend. The motion carried unanimously.

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield stated that the Planning Board did not meet and there is no report. He stated that he would like to clarify his position on the rezoning of the property at 403 Old Pollocksville Road. He stated that he has received numerous emails stating that he has changed his opinion on the rezoning of that property. He stated that he has always been against the rezoning of that

property and will always be against rezoning it. He stated that any property that would request to be rezoned would have to be approved by the Council and conditional zoning does not replace the rezoning process. Councilman Weaver stated that he agrees with Councilman Sheffield.

PARKS & RECREATION – COUNCILMAN WEAVER

Parks & Recreation

Councilman Weaver stated that the Parks and Recreation Advisory Board has requested that the Council develop a Town policy to allow Parks and Recreation to enter sponsorship agreements with local businesses. Councilman Sheffield stated that he suggests that the policy limit the sponsorships to businesses that do not supply anything to the Town. The Manager stated that the motion would allow the development of a policy that the Council would need to approve and discuss the particulars of the policy.

Vote – Change Sponsorship Policy – Councilman Weaver motioned to approve the Parks and Recreation recommendation on sponsorships and to develop a policy. The motion carried unanimously.

Councilman Weaver stated that the Parks and Recreation Advisory Board has requested \$20,000 additional funding for the 4th of July event this year. He stated he had spoken to the Parks and Recreation chairperson and it was decided that the advisory board would discuss the request further and re-present it to the Council at a later date.

Vote – Funding for 4th of July Celebration – Councilman Weaver motioned to table the Parks and Recreation recommendation for funding for the 4th of July celebration. The motion carried unanimously.

Red Caboose Library (RCL)

Councilman Weaver stated that the Book / Tech Mobile would be at the Municipal Building on Friday March 17, at 2:00 through 5:00 p.m.

MAYOR'S REPORT

The Mayor presented the following report.

We live in a time when children now witness adults in local public meetings and in national television programming using expressions that can only be described as (crude, vulgar, profane, and uncivil and an even longer list of negative expressions could be listed.) Children are growing up with this seemingly public acceptance of such language. This acceptance sets an extremely poor model for young persons to imitate. Yes, they do imitate how we adults act. A sad side effect of the common use of such profane language is to engage in bullying and this trait is very common during the published proceedings of many elected bodies starting with the U S Congress, the State Legislative Government and local formal meetings. Is it any wonder that there is a significant rise in teen age bullying? I believe that the teens have examples to follow and they do. So my plea is PLEASE act in a civil fashion in both written and face to face verbal communication. And perhaps the most important PLEASE abandon bullying dialogue on the social media. Remember "little ears are listening" all the time.

At this time, the Mayor stated that Councilman Castranova has requested by note to speak. Councilman Castranova stated that he came to the meeting prepared to discuss conditional zoning and he would like to make a motion to permanently stop the consideration of the Conditional Zoning Ordinance. Councilman Leonard stated that the motion is out of order. The Mayor stated that this item was removed from the agenda and there is a process for adding items to the agenda. Councilman Castranova stated that it was on the agenda and was removed. Councilman Sheffield stated that the motion that Councilman Castranova wants to put forth is not on the agenda. Councilman Castranova stated that at the August 11, 2022 Council meeting,

Councilman Sheffield presented a PowerPoint on his opposition of the rezoning after the item had been removed from the agenda. Councilman Sheffield stated that they voted to let you make a comment we did not vote to make a vote on conditional zoning. Councilman Leonard stated that there was no vote.

Vote – Councilman Castranova Motion – Councilman Castranova motioned to amend the agenda to add a motion. The motion failed with one aye and four nays with Councilmen Weaver, Leonard, Sheffield, and Councilwoman Maurer voting nay.

Councilman Weaver asked Councilman Castranova if he wants to add a discussion or a motion to the agenda and Councilman Castranova stated that he wants to add both but if he can't add the motion he would like to add the discussion. Councilman Sheffield asked the Town Attorney if the Council could vote on the Conditional Zoning Ordinance without having a Public Hearing and the attorney stated that the Council could not legally vote on the Conditional Zoning Ordinance without a Public Hearing. Councilman Weaver asked the Town Attorney if the Council can vote to table the Conditional Zoning Ordinance until further notice and the attorney stated that the Council could. The Town Attorney stated that the Council could not vote to table the Conditional Zoning Ordinance tonight because the item was removed from the agenda and technically the comments being discussed at this moment are being considered under the item "Mayors Report". He stated that if the Council would like to add a motion to table the Conditional Zoning Ordinance that the item would need to be added to the agenda.

Vote – Councilman Castranova Comments – Councilman Castranova motioned to allow himself to make comments during the Mayor's Report. The motion carried unanimously.

Councilman Castranova stated that he has reviewed the Town Attorney's opinion on the proposed Conditional Zoning Ordinance. He stated that he is concerned with potential litigation for the Council. He stated that at the Ellis Development presentation at Craven Community College, Mr. Ellis was asked if he would sue the Town over conditional zoning and Mr. Ellis stated that it is not likely that he would sue over one condition. Councilman Castranova stated that he is concerned because Mr. Ellis did not state that they would not sue the Town at all. Councilman Castranova stated that Ellis Development has already submitted their conditions before the Conditional Zoning Ordinance is approved. He stated that Ellis' first condition would limit 305 homes on the land, which would make the land 50% denser than what is currently allowed. He stated that he felt that if the Town did not agree with that condition, it would put the Town at risk for a lawsuit. Councilman Castranova stated that he is concerned with "spot-zoning". He stated that if the Town engages in "spot-zoning" the Town would lose the presumption of validity and the burden would shift to the Town. The Mayor asked Councilman Castranova if he could meet with the Town Attorney regarding his concerns. The Town Attorney stated that he is available to all council members. Councilman Castranova stated that he is concerned with how the Conditional Zoning Ordinance will give the Zoning Administrator the authority to move the location of buildings to an approved site plan. Councilman Weaver stated that this was addressed in the closed session at last week's meeting. He stated that this ordinance was drafted from larger town's that have far more projects going on and they choose to not meet for every change. He stated that the Town Attorney stated that this language is not required in the ordinance and can be removed. Councilman Weaver stated that the ordinance could be amended so that any changes to site plans would have to be approved by the Council. He also stated that this is also a small detail that a lot of the public is not hearing. Councilman Weaver stated that the items that Councilman Castranova is discussing have been addressed and that could be revised to address those concerns. Councilman Castranova asked who suggested those changes and when would it be completed and Councilman Weaver stated that, it would happen in the legal review process of the ordinance. Councilman Leonard stated that the Planning Board has created an ordinance and approved it, then the Town Attorney gives a legal opinion, which he has, now the Council has the

ability to make revisions and suggestions to the ordinance. Councilman Leonard stated that now is the time for the Council to review and make changes, as it would fit the Town of River Bend but the item was removed from tonight's agenda. Councilman Castranova stated that he is concerned that the Zoning Administrator can move buildings and it was not addressed in the attorney's opinion. Councilman Leonard stated that these concerns were addressed in the closed session at last week's meeting. The Town Attorney stated that he did address moving a specific building to a location in broader context in the minor modifications section. He stated that moving a building on a site plan is not a major modification in a development if the density or the use is not changed. Councilman Castranova stated that he felt moving the location of multi-family housing is not a minor change. The Town Manager stated that he addressed this concern during the Planning Board meeting and stated that multi-family homes can only be moved within property that is zoned for multi-family homes. He stated that if the property is zoned R-20, as it is currently, multi-family homes are not permitted. He stated that multi-family homes are restricted to property that is zoned for multi-family housing. He stated that he does not have the authority to allow multi-family homes in areas that are zoned for single-family homes. Councilman Castranova stated that he felt the language in the proposed Conditional Zoning Ordinance does not limit that and the Town Manager stated that he and the Town Attorney disagree with him. Councilman Leonard stated that now is not the time to discuss the details and every council member would have an opportunity to submit their suggestions. The Mayor stated that Councilman Castranova agreed to meet with the Town Attorney to discuss his concerns. Councilman Castranova stated that Ellis Development has submitted their proposed conditions and Councilman Sheffield stated that those proposed conditions do not mean anything. Councilman Weaver asked the Town Attorney if the Council can make a motion to table to the conditional zoning until a determined date and the Town Attorney stated that motion is acceptable. Councilman Sheffield stated that if he is on Council the position of multi-family housing wouldn't be an issue in the future. Councilman Castranova stated that he feels adopting conditional zoning is a risk for the concerns he has stated previously.

PUBLIC COMMENT

Michael Power, 242 Shoreline, stated he was upset with last week's meeting, expressed gratitude to Town Staff, and stated to the Council that they represent all of River Bend, not just the ones who voted for them.

Dana Blujus, Plantation Drive, stated he is new to the area and not opposed to upgrades to the Town if done correctly.

Carolyn Gadwell, Outrigger Road, stated that she has never found Councilman Castranova to be disrespectful and supported him.

Marvin Jackson, 104 Massachusetts Road, stated he opposes conditional zoning.

Valerie Boatwright, 311 Lochbridge Drive, stated that she disagreed with Ms. Fleming's address to the Council and feels Councilman Castranova is owed an apology from Kathleen Fleming. She also stated she agrees with tabling conditional zoning.

Buck Irvin, 102 Outrigger Road, suggested that residents stop looking at the internet because some people are posting to cause drama and the posts are not based on facts and stated that conditional zoning would be an extra tool that the town would have if ever faced with zoning issues.

John Levas, 1200 Plantation Drive, asked that if the Town approved the development of the property on Old Pollocksville Road to hire an engineer to investigate the water flow. He stated his property holds water that drains from Old Pollocksville Road.

Amy Richardson, 118 Randonwood Lane, thanked the Council for what happened at the work session for upholding the integrity of the local government and holding it to the highest standard. She stated that many citizens in town are afraid to speak out against Councilman Castranova, because he has become intimidating and uses his social media platform and his followers to speak out against anyone who speaks out against his agenda. She stated that he represents the Town whether they agree or disagree, like the other council members.

James Gadwell, Outrigger Road, stated that there should be a plan and timeline for the development of the property. He stated that the Council needs to get along.

Jon Hall, 105 Knotline, stated that he and his wife are very active in Town. He asked that all decisions be made with due diligence and not a reflection of what is best for them personally, but what is best for the Town.

Art Seaman, 302 Pirates Road, spoke in opposition of conditional zoning.


Vote – Table Conditional Zoning – Councilman Sheffield motioned to table conditional zoning until a time that shall be mutually agreed upon by the Council. Councilman Sheffield withdrew his motion.

Vote – Add to Agenda – Councilman Sheffield motioned to add to the agenda the item of tabling conditional zoning. The motion carried unanimously.

Vote – Table Conditional Zoning – Councilman Sheffield motioned to table conditional zoning until the February 2025 Council workshop. The motion passed with 3 ayes and 2 nays with Councilman Leonard and Councilwoman Maurer voting nay.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 9:21 p.m.



Kristie J. Nobles, CMC
Town Clerk

**River Bend Town Council
Work Session Minutes
April 13, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
James Castranova
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 21

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, April 13, 2023 at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

VOTE – Addition to Agenda

Councilman Weaver motioned to add item 5A to vote on a member to the Parks and Recreation Advisory Board. The motion carried unanimously.

VOTE – Addition to Agenda

Councilman Weaver motioned to add item 5B, an exemption for the Parks and Recreation Advisory Board Municipal Building Use prohibitions. The motion carried unanimously.

VOTE – Approval of Agenda

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

Discussion - AIA Water and Sewer Resolutions

The Town Manager stated that the Town has received a \$150,000 grant for the water system and a \$150,000 grant for the sewer system. He stated that these resolutions are required to receive the grant funding.

VOTE - AIA Water Resolution

Councilman Sheffield motioned to approve the AIA Water Resolution as presented. The motion carried unanimously. (see attached)

VOTE - AIA Sewer Resolution

Councilman Castranova motioned to approve the AIA Sewer Resolution as presented. The motion carried unanimously. (see attached)

Discussion – Audit Committee Recommendation

Councilman Leonard stated that the Audit Committee met on April 3rd and recommended Thompson, Price, Scott, Adams and Company to provide audit services FY 22-23 through FY 24-25.

VOTE – Audit Committee Recommendation

Councilman Leonard motioned to accept the Audit Committee's recommendation to engage Thompson, Price, Scott, Adams and Company to provide audit services beginning with FY22-23 and FY23-24 and FY24-25, and to authorize the Mayor to execute the contract on behalf of the Town. The motion carried unanimously.

Discussion – Parks and Recreation Special Assignment from Council

Councilman Weaver stated that the Council had directed the Parks and Recreation Advisory Board to review the Town's recreational amenities and to provide the Council with recommendations on potential additions. He stated that he has created a document that gives the advisory board more guidance of what the Council is asking of it. Councilman Leonard asked Councilman Weaver if he had discussed it with the advisory board and he stated he had not, that he was waiting until the Council approved the document.

VOTE – Parks and Recreation Special Assignment from Council

Councilman Weaver motioned to approve the Parks and Recreation Special Assignment as presented. The motion carried unanimously. (see attached)

VOTE – Parks and Recreation Advisory Board Appointment

Councilman Weaver motioned to appoint Ms. Beddow to the Parks and Recreation Advisory Board for the appropriate term. The motion carried unanimously.

Discussion –Building Use Policy Exemption

Councilman Weaver stated that the Parks and Recreation Advisory Board has an event planned that would include painting, and the use of paint is currently prohibited. He recommended amending the Building Use Policy to include an exemption for town events from the prohibitions. Councilman Leonard asked if the Council could exempt Town activities from the prohibitions and the Town Attorney stated that the Council could. The Town Manager asked if the event included alcohol and the Parks and Recreation Chairperson stated that there would not be any alcohol. The Town Manager stated that he is less concerned with painting with an advisory board because the Town funds that advisory board, whereas the town does not fund private events by the public held on town property. It was decided that the Town Manager would revise the current Building Use Policy and present it at the next Council meeting.

Discussion – Parks and Recreation July 4th Recommendation

Councilman Weaver stated that the Parks and Recreation Advisory Board had originally requested \$20,000 for the July 4th celebration but have since amended their request to \$10,000. The Town Manager stated that he had invited the Parks and Recreation and the Red Caboose Library chairpersons to this meeting to answer any questions that the Council may have regarding this and the next item. Councilman Leonard stated that he is concerned that the City of New Bern is having fireworks at the same time and he is also concerned with having a split event and the town staff availability for both events. Councilwoman Maurer stated that her main concern is safety and security, that she spoke with Chief Joll who stated that he did not have the staff for an event for that length of time. Councilman Weaver stated that the Town would need to contact surrounding agencies for assistance, and he thinks the rate is \$35 an hour per officer. Councilman Leonard asked how many additional officers were needed and Councilman Weaver stated that it would be based on the anticipated number of guests. He also stated that there would need to be a lot of planning for law enforcement coverage for an event of that size. The Town Manager stated law enforcement would be needed for the afternoon event at the Country Club. He asked if additional help other than law enforcement would be necessary at that event and the Parks and

Recreation chairperson, Keenan Castranova, stated that CERT and Community Watch would be needed. Councilwoman Maurer stated that CERT only has about 3 volunteers and is not active. She also stated that Community Watch struggled to get volunteers for the Easter Egg Hunt. The Town Manager asked if Ms. Castranova has reached out to those groups and she stated that she has. The Town Manager stated that he has the 10:00 a.m. through 1:00 p.m. activity staffed. Councilman Sheffield asked what size the stage in the request is and Councilman Castranova stated that it is a 16' x 20'. He stated that a vendor will build the stage a few days prior to the event and take it down a few days after. Councilwoman Maurer asked about parking at the golf course and the Town Manager stated that when fireworks were discussed in previous years the parking was going to be in the grassy area at the golf course. He also stated that the event is less than 2 months away and if the Council chooses to approve the fireworks, he would need to secure the fireworks contractor as soon as possible. Councilman Leonard asked about the additional security needed for an all-day event and the cost of that. Councilman Weaver stated that the Police Chief would determine if the additional staff is needed and the Town Manager stated that this event was not included in the overtime budget item in the current year and that would need to be considered. The Mayor asked if it would be acceptable to gather more information on staffing and vote on this item at next week's meeting, and Councilman Weaver agreed.

Discussion – Parks and Recreation Red Caboose Library Recommendation

Councilman Weaver stated that the Parks and Recreation Advisory Board has made two recommendations for the Red Caboose Library, which is sponsored by the Parks and Recreation Advisory Board. He stated the Parks and Recreation Advisory Board recommends removing the conditions that prevent the Red Caboose Library from requesting funds from the Town Council and the board also recommended that the library have its separate budget from the Parks and Recreation Advisory Board's budget. Councilman Weaver asked if there was an agreement that the Red Caboose Library would not request funding from the Town and Councilwoman Maurer stated that there was an agreement that was made in good faith and she felt it was time to move forward with the library because it has done a lot for the town. Councilman Weaver asked if there was a binding contract and the Town Attorney stated that it wasn't a binding contract, but it was entered into the minutes of that meeting when the Council approved the Red Caboose Library to become a part of the Parks and Recreation Advisory Board. The Town Manager stated that Council did not imply that condition, that the library offered not to ask for funds when they requested to be included in that advisory board. Councilman Sheffield stated that he felt the only issue was if the library budget would become separate from the Parks and Recreation budget and there is no indication how much funding the library would request. The Town Manager stated that he has spoken with Linda Klopff, representative for the Red Caboose Library, and she has submitted an amount to him because the Council is currently in budget season. Councilman Leonard asked if the funding is needed mainly for rent and Linda Klopff stated that was correct, and that rent and insurance are the largest expenses. Councilman Weaver asked if the Red Caboose Library is a private organization and Linda Klopff stated that is it open to the public, then the Town Attorney stated that it is a separate cooperative entity of the Town of River Bend. The Town Manager stated that town could hire the Red Caboose Library to provide services to the Town of River Bend in a contractual agreement.

VOTE – Red Caboose Library Contract

Councilman Sheffield motioned to look into establishing a contract for library services at a future meeting. The motion carried unanimously.

Councilman Weaver stated that the additional recommendation from the Parks and Recreation Advisory Board was to have a separate budget for the Red Caboose Library and that would no longer be needed if the Council pursues a contract with the library. The Council agreed.

Discussion – Planning Board Rezoning Recommendation for Parcel 8-206-083

Councilman Sheffield stated the Planning Board has recommended to the Council to rezone parcel 8-206-083 from Institutional to PDR-MF (multi-family housing). Councilman Sheffield

stated that a Public Hearing is required before the Council can cast their vote on the recommendation.

VOTE – Public Hearing for Parcel 8-206-083 Rezoning

Councilman Sheffield motioned to schedule a Public Hearing on the Planning Board's Recommendation to rezone parcel 8-206-083 on May 18, 2023 at 7:00 p.m. The motion carried unanimously.

CLOSED SESSION

Councilman Sheffield moved to go into a Closed Session under NCSG §143-318.11(a)(3). The motion carried unanimously. The Council entered Closed Session at 8:01 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:25 p.m. The motion carried unanimously.

REVIEW – Agenda for the April 20, 2023 Council Meeting

The Council reviewed the agenda for the April 20, 2023, Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 8:27 p.m.



Kristie J. Nobles, CMC
Town Clerk

Town of River Bend Resolution
AMERICAN RESCUE PLAN WATER INFRASTRUCTURE

Whereas, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water infrastructure needs, and

Whereas, the North Carolina Department of Environmental Quality has offered Rescue Plan (ARP) funding in the amount of \$150,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

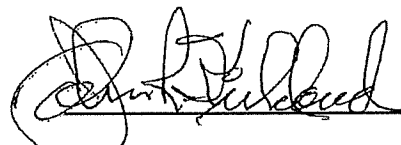
Whereas, the Town of River Bend intends to perform said project in accordance with the agreed scope of work,

Now, therefore be it resolved, by the River Bend Town Council that the Town of River Bend does hereby accept the American Rescue Plan (ARP) offer of \$150,000.

That the Town of River Bend does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

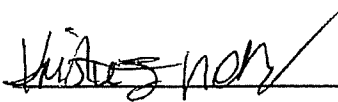
That Delane Jackson, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 13th day of April, 2023



John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk, CMC

Town of River Bend Resolution

AMERICAN RESCUE PLAN WASTEWATER INFRASTRUCTURE

Whereas, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their wastewater infrastructure needs, and

Whereas, the North Carolina Department of Environmental Quality has offered Rescue Plan (ARP) funding in the amount of \$150,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

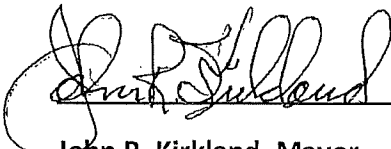
Whereas, the Town of River Bend intends to perform said project in accordance with the agreed scope of work,

Now, therefore be it resolved, by the River Bend Town Council that the Town of River Bend does hereby accept the American Rescue Plan (ARP) offer of \$150,000.

That the Town of River Bend does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

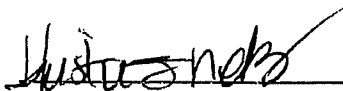
That Delane Jackson, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 13th day of April, 2023



John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk, CMC

The Council recently approved a motion to direct the P&R Advisory Board to work on a special project. Councilman Weaver presented that motion. In an effort to make sure that Council understands the assignment and is in agreement with it, he has presented the following language. If approved by Council, Councilman Weaver, acting as the P&R Liaison, will deliver the directive to the P&R Advisory Board.

Members of the P&R Advisory Board,

It is the goal of the Mayor, Town Council, and Town Manager, to provide recreational amenities that accommodate the widely ranging demographics of our citizens.

The Town of River Bend currently has a paved walking track (unlit), fenced in dog park, small pavilion, fishing/water view dock, basketball court, toddler playground/area, and a large field area that can be used for many activities.

The demographics of our town have been changing for quite some time and we now have more families with children of varying age ranges than ever before.

Simply put, It's time to reevaluate our recreational areas for potential improvements so that we are providing everyone with safe and engaging recreational amenities.

The council is tasking the P&R Advisory Board with providing a recommendation and comprehensive list of potential additions to our growing recreational areas that would be an enhancement and benefit to our entire community.

Do not burden yourselves with ascertaining the specific costs of these amenities (as in actual quotes), this can be done at a later time. We are currently seeking input on what our citizens need and would like their leaders to provide.

1. It is requested that the P&R Advisory board provide a comprehensive recommendation of needed enhancements to the recreational spaces within town limits.
2. It is requested that this recommendation be submitted to the members of town council no later than December 1, 2023.

Respectfully,

River Bend Town Council

**River Bend Town Council
Regular Meeting Minutes
April 20, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
James Castranova
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 32

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, April 20, 2023, at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilwoman Maurer motioned to amend item 8B by adding CAC appointment of Pat Lineback and move CAC Median Presentation to item 8C. The motion carried unanimously.

Vote – Deletion to Agenda – Councilwoman Maurer motioned to remove item 13 from the agenda. The motion passed with four ayes and one nay with Councilman Castranova voting nay.

The Mayor stated that item 13 is regarding the Animal Ordinance and Councilwoman Maurer stated she felt this topic should be discussed at a future meeting when the Council has more time to discuss it. Councilman Castranova stated that the item was to discuss as a preliminary matter and that there is a resident that will speak, that is being threatened with fines that would accumulate. He stated that he would like to discuss the topic and to make a motion to stay any fines of this ordinance until there is an opportunity to discuss the ordinance. He stated that it would not be fair to the resident if the Council passes an exemption to the ordinance after he has been fined. Councilman Leonard stated that the resident can still speak, but this is very early in the stage of how the Council works this process. He stated that the Council has never and he believes never should have any stays for any ordinances because it sets a bad precedent. Councilman Castranova stated he disagreed.

VOTE – Approval of Agenda

Councilwoman Maurer motioned to accept the agenda as amended. The motion passed with four ayes and one nay with Councilman Castranova voting nay.

ADDRESSES THE COUNCIL

Linda Klopff – Red Caboose Library – expressed concern for Town funding of the Red Caboose Library (see attached)

Brett Beddow – stated that he had been notified that he was in violation of the town ordinance for having chickens. He asked the Council to consider allowing chickens.

CONSENT AGENDA

The Mayor presented the Council with the Consent Agenda. Councilman Castranova stated that he would like to remove and discuss the minutes from the March 9, 2023 Work Session. Councilman Leonard **moved to approve the Consent Agenda as amended**. The motion carried unanimously. Within this motion, the following items were approved:

- A. Approve:
Minutes of the March 16, 2023 Regular Council Meeting

Councilman Castranova stated that under the “Discussion - Remove Councilman Castranova’s Liaison Responsibilities” in the minutes, it states that “Councilman Leonard asked Councilman Castranova if he has met with any developers. Councilman Castranova stated that he has met with one developer and that it is perfectly legal.” Councilman Castranova stated that he did not say that and that sentence is completely embellished. Councilman Castranova stated that he said “Yes and that is all he said”. Councilman Castranova stated that the reason he responded yes is because Jay Ammon, the developer who is proposing to rezone the 20 acres behind the Howell Center, approached him about this project and never informed him what he wanted to speak to him about. He stated he would never agree to meet with Mr. Ammon or any developer to discuss anything because he believes that gives the appearance of impropriety. Councilman Castranova stated that even though it is legal he never stated that at that meeting. He stated that not knowing what Mr. Ammon wanted to discuss with him or his plan and sitting down with Ellis Development is a lot different and he resents trying to tie those together. Councilman Leonard stated that it was his understanding that Councilman Castranova has met with Mr. Ammon on more than one occasion and discussed that and even supported his proposal. Councilman Castranova stated that the information Councilman Leonard stated was not correct. Councilman Weaver asked if there was a way to hear what was specifically said at the meeting and the Town Manager stated that every meeting is recorded. He stated that the Council has a few options, they can table these minutes until the next meeting and the Town Clerk can listen to the audio and get an exact transcript or the Council can amend the minutes to remove the language “it is perfectly legal” and add that Councilman Castranova stated “yes”, if the Council agrees to that. Councilman Leonard stated that if the minutes are amended, then his statement after Councilman Castranova statement would need to be amended. Councilman Leonard stated that he is not in favor of amending the minutes this evening. Councilman Castranova stated that he did not say “it is illegal to meet with Ellis, that it gives the appearance of impropriety and probably violates the Town’s ethics code.” Councilman Leonard stated that Councilman Castranova is entitled to his opinion. Councilwoman Maurer asked the Town Attorney to clarify if it was legal to meet with a developer and she feels it is a part of their due diligence to meet with someone who asks to meet with the Council. The Town Attorney stated that it is legal to meet with developers as long as they do not violate the Open Meeting Laws and there is a whole host of situations on which you would meet with a developer. He stated that local government officials meet with developers and a lot of the time the atmosphere is very complementary and they work together with elected officials to develop an area and sometimes it is not. Councilman Leonard stated that it does not violate the Town’s code of ethics as far as he understands. The Town Attorney stated that as long as there is no determination as to what this Council would do until they have heard the facts, held the public hearings and things like that, he does not believe it does. Councilman Leonard stated that someone who has made up their mind prior to that, might be an ethical violation. Councilman Weaver stated that the question at hand is the minutes.

Vote – March 9, 2023 Work Session Minutes – Councilman Sheffield motioned to table the minutes until the next work session. The motion carried unanimously.

Councilman Castranova stated that the letter to the Citizens of River Bend that was included in the March 9, 2023 minutes contains numerous untrue statements and are defamatory. That the untrue statements were known to be untrue when the statements were made. He stated an example was "Councilman Castranova has been cautioned in the past about his personal attacks against members of this body." He stated he was never cautioned in the past about personal attacks and he has never made any personal attacks. He stated those statements are untrue and the Council knew they were untrue, he is requesting the defamatory letter be removed permanently. The Town Attorney stated that effectively the matter has been tabled and the Council can take those comments under advisement and that it can be considered when the matter is taken up at the work session.

TOWN MANAGER'S REPORT

The Manager stated that the new Public Works building project is moving as scheduled. He stated that the skeleton of the storage shelter had been installed and 25% of the roof has been installed and construction on the main building will begin soon. He stated that the project is on time and on budget.

The Manager stated that the Budget Workshops will begin on Tuesday, May 2, 2023 at 4:00 p.m. at Town Hall with the next meeting on Thursday, May 4, 2023 at 4:00 p.m. .

ADMINISTRATIVE REPORTS

CAC – Councilwoman Maurer

Councilwoman Maurer presented the following report.

The CAC met for a Special Meeting on April 19, 2023. The board members voted unanimously to recommend that Pat Lineback be appointed to the CAC. The Beautification awards for April were awarded to yards located at 105 Commander Court and 208 Shoreline Drive. You can find the entire list of nominees in the weekly River Bend E-News. Nominations for the May award will begin on May 1st. You can obtain nomination forms from the town website, a QR code that will be printed in upcoming announcements, or by email, cac.riverbend@gmail.com. The Plantation Drive median project has started. A presentation will be made tonight by chairperson, Brenda Hall. Other plans and programs will be presented at later dates. There currently are three vacancies on the Community Appearance Commission. This is an active group. Members may work on one or all of the projects. If you are interested, contact Chairwoman Brenda Hall or me to find out more about joining the board or volunteering for a project. The next meeting is scheduled for July 19, 2023 at 4 pm in the Municipal Building.

Vote – CAC Appointment – Councilwoman Maurer motioned to appoint Pat Lineback to the Community Appearance Commission for a term beginning April 20, 2023 and expiring June 30, 2024. The motion carried unanimously.

Councilwoman Maurer introduced Brenda Hall from the Town of River Bend's Community Appearance Commission (CAC) and she gave a presentation on a study that Tom Glasgow of the Craven County Cooperative Extension, completed on the Plantation Drive Median. Her presentation included several pictures of trees in the median that were damaged, diseased or otherwise suffering. She stated that upon approval from the Council the CAC would consult with experts to develop options that would include road safety, better utilization of median space, landscape replacement recommendations, and a priority list, She also stated that the estimated costs based on the recommendations could be spread out over multiple budget cycles if needed. She accepted questions from the Council. Councilman Leonard asked if the presentations could be available to the public and the Town Manager stated that Mrs. Hall's PowerPoint is on the website and Mr. Glasgow's presentation had technical difficulties. Councilman Leonard stated that the Council has received many emails with false information and he stated the residents can

get the right information on the Town's website. The Mayor and the Council praised Mrs. Hall for the presentation. Councilwoman Maurer stated that she had distributed the official CAC recommendation to the Council. (see attached)

PARKS & RECREATION – COUNCILMAN WEAVER

Parks & Recreation

Councilman Weaver stated that the Parks and Recreation Advisory Board met on April 5th and the main two topics are to be discussed later tonight.

Organic Garden

Councilman Weaver stated that the Organic Garden has a workday scheduled for Saturday April 22nd at 9:00 a.m. He stated that the garden is preparing for the spring and summer vegetables.

Red Caboose Library (RCL)

Councilman Weaver stated that the library met on April 13th and the library is hosting a Murder Mystery Night Fundraiser on May 20th at 6:00 p.m. He stated that the Book / Tech Mobile would be at the Municipal Building on Friday May 19th, at 2:00 p.m. through 5:00 p.m.

Discussion – Building Use Policy Amendment

Councilman Weaver stated that the amended Building Use Policy is included in the agenda package. Councilman Leonard asked if there are public dumpsters for those who are using the building or would they need to dispose of their own trash and the Town Manager stated they would need to dispose of their own trash.

Vote – Building Use Policy Amendment – Councilman Weaver motioned to approve the Building Use Policy as amended. The motion carried unanimously. (see attached)

Discussion – Funding for 4th of July Celebration

Councilman Weaver stated that the Parks and Recreation Advisory Board had requested funding for the July 4th Celebration. Councilman Sheffield stated that he felt the agenda presented would be an all-day event and it would be a long event ending at 9:15 p.m. Councilman Weaver stated that he would like to have the fireworks celebration. He stated he feels that it is the duty of the Council, to set the advisory boards up for success. He feels this is a large event to plan on such a short notice. He also stated that he felt that with it currently being budget season that this event would do well next year, with an entire year to plan. The Mayor agreed. Councilman Castranova stated that he felt this sounds like the Council is trying to micromanage the advisory board, and from what he understood from the Town Manager is that the Council appropriates a budget and it is up to the advisory board on how they spend it. He stated that the Town has an advisory board to make those decisions and the Council appropriates the money and that is the separation of the powers, as he understands it. Councilman Weaver stated that the Parks and Recreation is an advisory board. Councilman Castranova stated that he understood the motion to state how the advisory board can spend the money, and Councilman Weaver restated the motion. The Town Manager stated that at last year's budget session the \$4,100 was budgeted for this year's July 4th Celebration that is what the Council approved.

Vote – Funding for 4th of July Celebration – Councilman Weaver motioned to limit July 4th Celebration to the traditional activities with a budget of \$4,100. The motion passed with four ayes and one nay with Councilman Castranova voting nay.

FINANCE – COUNCILMAN LEONARD

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of March. She stated the total of the Town's Cash and Investments as of 23 Work Sess

March 31, 2023, were \$4,074,513 and Ad valorem tax collections for FY22-23 were \$718,430 and Vehicle Ad valorem tax collections were \$65,668.

ENVIRONMENTAL AND WATERWAYS – COUNCILMAN LEONARD

Councilman Leonard presented the following report:

Chairman Ackiss opened the EWAB meeting Monday April 3rd 2023 at 7 PM in the small conference room in the municipal building. There was a quorum. There were no visitors. The minutes from February 6th, 2023, were approved. Councilman Leonard gave a council updated. Old business: Canal bulkhead inspections will start on Wednesday 19 April 2024. New Business: Questions about mosquito control, Councilman Leonard will check with the manager. Some discussion about storm water swales being inspected and cleaned as needed. Volunteer hours: 10. Next meeting will be on May 1st 2023 at 7 PM in the small conference room in the municipal building. Chairman Ackiss adjourned the meeting at 7:34 PM.

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report:

The regular meeting of the Planning Board was held on April 6th at 6:00pm in the Municipal building. A quorum was present. Some guests attended the meeting. Chairman Lippert invited anyone who wished to address the board to do so. No one spoke either for or against the board's only topic for the meeting, a zoning change request by Jay Ammon of Spectrum Builders for an approximately twenty acre site between the Howell Center and Riverstone. Manager Jackson made it abundantly clear that the request before the board would be the first step in many required to actually make any change to the zoning. The site is currently zoned ID, or institutional. Mr. Ammon asks that it be changed to PDRMF. Mr. Ammon, who was present, shared his preliminary plans with the board. He wants to build around 90 duplex units of about 1200 square feet each. Each unit is to be two bedroom and two bath. After many questions and much discussion the board voted to approve the zoning request and send it to the council for the next step. The meeting was adjourned. The next scheduled meeting is set for May 4th and is open to the public.

MAYOR'S REPORT

The Mayor presented the following report.

Government at the National, State and Local levels are now linked in a time where the nature of laws and regulations are often more complex than at any previous time in the Nation's history. Both the Federal and State agencies prepare regulations that implement new laws/acts conforming to the mandates of their "administrative procedures act." Compliance with the "law/act" can make the issuing of final rules for public guidance a more lengthy process.

The public is often not aware that the implementation of new direction given by the legislature will require one or more of the U S or State departments to issue regulations that are developed in compliance with the "administrative procedures act" before the legislative mandate can be implemented. The result is that local government cannot act as quickly as the public would prefer. Unhappy citizens may go to "social media"(SM) post that the personnel of local government are "dragging their feet" and those who read the post may accept this as truth.

The above is an example of fact misrepresented in a (SM) post, but accepted as truth. This is representative of how SM posts have impacted the operation of local governments across the nation.

Your Town Staff works very hard to comply with all Federal and State regulations and accomplish this compliance in a timely fashion. Please seek factual information rather than automatically accepting SM posting of a position that may be short of fact.

Thank you for reading and thanks for considering the intent of this article as you evaluate the accuracy of what may be posted on SM.

PUBLIC COMMENT

Inga Chandler, 123 Norbury Drive, stated she had received an anonymous letter regarding the proposed re-zoning near the Howell Center. She stated that she is concerned with speeding in the area and requesting speed bumps as she is concerned for the safety of the children in the area.

Jon Hall, 105 Knotline Road, stated there is a lot of negativity that is spread on Facebook and some people have predisposed opinions made before having any facts. He stated that he felt the Council should speak about the rumors and any disinformation.

Jim Gadwell, 202 Outrigger Road, praised the Police Department. He stated that he felt zoning was in place for a reason and does not feel it should be changed. He inquired about allowing goats and pigs in Town and asked if that met the zoning requirements. He stated that if they allow changes it would open the floodgate. He stated that the Council was doing a good job at destroying the Town.

Rebekah Royston, 109 Starboard Drive, stated that she became a member of the Parks and Recreation Advisory Board to bring more activities to Town for children. She stated she was very disappointed in the Council's decision for the 4th of July Event. She stated she has spent a lot of time preparing for this event. She stated she felt the vote was personal and against the Parks and Recreation Advisory Board.

CLOSED SESSION

Councilman Sheffield moved to go into a Closed Session under NCSG §143-318.11(a)(3)(6). The motion carried unanimously. The Council entered Closed Session at 8:24 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:55 p.m. The motion carried unanimously.

ADJOURNMENT/RECESS

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



Kristie J. Nobles, CMC
Town Clerk

Revised

Dear Councilmen Maurer, Leonard, Sheffield, Castranova, and Weaver,

I received a copy of a letter that was sent to a sizable group of community members on April 12th by a previous councilman. As I reviewed it, I identified a number of things that I would like to set right as I believe you may have read that missive as well. There was more there than met the eye in my opinion.

When the Red Caboose Library (RCL) requested to join the Town of RiverBend they acted in good faith. There was no mention in that request claiming that the RCL would never, ever, request a change in its status with Parks and Rec or the Town. It should be noted that the reason it was requesting town inclusion is that the Library was displaced from its operational home by the Town of RiverBend when they tore down the building they were in. This was after 40 years of providing good service to the community. The first step in getting a true home for the Library was determined for it to be "a legal part of the Town". Most thought it had this status already.

The Library has persevered through many recent challenges providing improved services without charge by an all volunteer staff. This was done by renting a building through the financial support of our community. I must be very honest and state that every time I have met a new Library Patron in the last few years and explain the situation under which the RCL operates the reaction is the same. They are surprised and appalled and ask why is this?

Regarding the possibility of a satellite Library unit from the county, this is a non starter. It has been looked into in the past more than once. Satellite units are based on logistics like distance from the main branch and transportation needs, not primarily population. That is why those small towns are being served in that manner. I have been told that the county library system priority at this time is expanding it's services in the main branch. This in itself will take quite some time. Please note the the RCL has a very long mutually supportive, cordial relationship with the county system.

Each respects the value and services it brings to the community. We do not oppose them in any way, we welcome them, especially the new Book/Tech mobile!

There is no double taxation here. What RiverBend has is very much like other entities. For example when you go to a park, it may be funded by the county (Glenburnie), state (Fort Macon), or Feds (Yellowstone) or our Town, the community park spaces which include area around Town Hall and the Kayak Launch. Each may provide a different experience that you value, some of them even overlapping occasionally . Same thing with Libraries.

Please note the changes and improvements made to Library Services are not the result of actions by any councilman. They are the result of good decisions by the RCL Board and the dedication, perseverance, and plain hard work and support of its volunteers and patrons. Period.

What I do not understand is the opposition, to supporting the continuation of this beloved, long standing free service to the community, a Library; by anyone, including an ex-councilman. We are talking about is current community needs and the near future, Please, lets not go backward. We have come too far.

Sincerely and Respectfully,
Linda C. Klopff, Concerned Citizen of RiverBend

RIVER BEND RED CABOOSE LIBRARY INVENTORY AS OF 12-31-22

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>
FICTION	2,295	2,215	2,108	1,906
HISTORY	97	87	77	52
BIOGRAPHIES	79	58	50	26
AUTO BIOGRAPHIES	24	19	15	13
FOOD	37	35	27	18
GARDEN/NATURE	33	25	11	10
NEW BERN	15	13	11	10
POETRY	28	27	25	16
OLF HELP	24	22	0	0
SPIRITUALITY	22	19	0	0
HEALTH & WELLNESS	18	17	0	0
MISC NON-FICTION	14	0	0	0
CHILDREN	416	327	325	117
TWEENS	219	184	148	0
CD AUDIO BOOKS	133	118	118	114
DVDS	<u>363</u>	<u>289</u>	<u>177</u>	<u>61</u>
	3,817	3,455	3,092	2,242

INVENTORY STATISTICS DO NOT INCLUDE PAPERBACKS, MAGAZINES, PUZZLES, GAMES

Libraries From Websters Comprehensive Dictionary of the English Language

1. A collection lot books, pamphlets ect. kept for reading and consultation, especially such a collection arranged to facilitate reference, as by classification and indexing.
2. A building, an apartment, or a series of apartments, or a series of apartments containing such a collection. The Library of Congress.
3. A series of books having some characteristic in common issued by the same publisher.
- 4, A collection of books for recreation or study belonging to a private individual : a doctors library.
5. A commercial establishment for selling or hiring out books -circulating library A library from which books can be taken away under certain restrictions: also lending library; distinguished from a reference library, where books may consulted but not carried away.

Yes, the Red Caboose IS a Library!

To: Council Members, Delane Jackson, Town Manager
From: Brenda Hall, CAC Chair
Date: April 20, 2023
Subj: CAC recommendations

The CAC had a Special Meeting on April 19, 2023, 4 PM, Municipal Building. A quorum of three board members were present. There were two motions for the CAC members to vote on.

The first motion was made to recommend Pat Lineback to become a CAC Member. The motion passed unanimously.

The second motion was made to review final recommendations for the Plantation Median Project presented to Town Council on 4.20.2023. The motion passed unanimously.

Final CAC recommendations were:

1. Tree Health Safety

- a. Identify trees that need to be removed from the Plantation Drive medians
- b. Mitigate risks of diseased and dying trees and shrubs with prompt removal
- c. Remove invasive shrubs
- d. Include Anchor Way median in the process for the same issues identified on Plantation Drive
- e. Hire certified Tree Arborist to assess all trees on town property, annually

2. Road Safety

- a. Consider alternative median space utilization
 - i. Install walk path down the center of the longest median stretch (.8 miles) which....
 1. Decreases wind and storm liability by removing diseased and unhealthy trees/shrubs
 2. Improves utilization for pedestrians and bikers
 3. Improves aesthetics of median by planting appropriate plantings where space is available
 4. Creates barrier between cars and pedestrians
 5. Reduces risks of injuries to pedestrians and cyclists
 - ii. Remove medians, level ground, and repave roads with designated walk path on at least one side of the road
- b. Explore Grant funding opportunities for alternative median usage
 - I. Craven County funding from the Infrastructure Investment and Jobs Act (IIJA). Monies available to fund design/feasibility study for project and/or potential grant writing assistance to find the best grant funding for this project.
 - II. The AARP Community Challenge Grant Program that is part of the nationwide AARP Livable Communities initiative.

3. Maintenance

- a. Provide education and accountability for workers who are maintaining our community's trees
- b. Plant replacement shrubs that are appropriate for space and growing conditions of the medians
- c. Provide funding for annual Tree Arborist assessment and follow through with recommendations
- d. Maintain healthy trees and oversight according to River Bend's Tree City designation
- e. Enforce Tree City's Tree Care Ordinance that provides clear guidance for planting, maintaining, and removing trees from streets, parks, and public spaces

**TOWN OF RIVER BEND
BUILDING USE POLICY**

As a service to the community, the town's meeting rooms may be made available on an equitable basis for the lawful activities of groups or individuals. Approval by the town to use its facilities does not constitute official endorsement of the event nor of the beliefs, viewpoints, policies or affiliation of its sponsors. The meeting rooms shall not be used for any purpose that is not a permitted use in the town's zoning regulations.

(I) WHO MAY USE THE MEETING ROOM/FACILITY. The town's meeting rooms may be reserved for activities by the following. These are examples and it is not an all-inclusive list.

- a. Individuals
- b. Groups officially affiliated with the Town of River Bend
- c. Other agencies that are affiliated with local, state or federal governments
- d. Legally established organizations, non-profits and civic groups such as Boy Scouts of America, Girl Scouts of the USA, Lions Club, Rotary Club, Shriners, etc.
- e. Private organizations such as home owners associations, political party organizations and other private groups

The person who signs the meeting room request form will be recognized as the sponsor of the event and shall be the person who is responsible for compliance with this policy.

(II) HOURS. The hours the Meeting Room may be used are:

Monday through Friday	8:30 a.m. to 10:00 p.m.
Saturday	8:30 a.m. to 10:00 p.m.
Sunday	11:00 a.m. to 7:00 p.m.

(III) RESERVATIONS. Requests for the use of the room must be submitted to the town during normal town office hours. Reservations are not official until confirmed by the town. Adult supervision and responsibility are required for events involving children/minors. The sponsor is required to notify the town immediately of any cancellations. Official meetings of the town government and its boards and commissions have first priority and take precedence over all other activities. Any conflict in scheduling shall be resolved in the town's favor. Non-town affiliated groups/individuals are prohibited from reserving the room/facility on a long-term basis, which is defined as: *more than once per week or any usage during more than twelve consecutive months*. All long-term reservations must be renewed each calendar year on a first-come basis.

- a. The town reserves the right to assign/change room reservations, based on the number of attendees at the function, when rooms are being used simultaneously.
- b. Use of the kitchen will be granted by reservation only. No town supplies may be used without permission.
- c. Rental fees are assessed per room. If you reserve multiple rooms, you are charged per room.
- d. The Municipal Building is the primary location for all meetings. The large meeting room in Town Hall is available for usage but only in very limited circumstances.

(IV) RESPONSIBILITIES OF THE SPONSOR. Activities must begin and end in a timely manner to allow for setup, cleanup and restoration of the room within the time allotted. The sponsor is responsible for setting up the room for the use for which it is intended and for cleaning and restoring it to its original configuration upon completion of the meeting. **The sponsor is responsible for disposal of any/all trash generated during the function.** The sponsor assumes all responsibility for any damage caused to town's facilities and equipment during their usage of the facility. Any damage must be reported immediately to the town. If the meeting begins or ends outside of normal town office hours, the sponsor is responsible for arranging opening and closing, including locking the building once all participants have vacated the building. This can be done by notifying the police officer on duty by calling 252-638-1108.

(V) PROHIBITIONS.

- a. Smoking of any kind (tobacco or e-cigarettes)
- b. Open flames of any kind, except those specifically designed for and used to warm prepared food pans, such as those typically used by caterers
- c. Alcoholic beverages
- d. Cooking (does not include simply warming foods that are cooked elsewhere)
- e. Animals
- f. Any unlawful activity
- g. Painting**

**** the painting prohibition does not apply to official town organizations and/or events**

Events that include the serving of food/drinks are allowed. However, any foods that require cooking shall be cooked elsewhere prior to being used in the town's facilities. Activities that involve more than normal wear and tear on the meeting room facility, generate excessive noise or are disruptive to the conduct of town business may not be permitted.

(VI) RENTAL FEES.

- \$ 40.00 fee for room use up to four hours in a single day
- \$ 80.00 fee for room use more than four hours in a single day.
- \$ 20.00* fee for kitchen use

**Uses that are eligible for room use exemption are exempt from kitchen use fee*

a. Meetings organized by the Town of River Bend, its advisory boards, town-sponsored organizations or town authorized meetings of other local, state or federal governments are exempt from rental fees. Local chapters, that serve the Craven County area, of legally established organizations, non-profits, and civic groups such as Boys Scouts of America, Girls Scouts of the USA, Lions Club, Rotary Club, Shriners, etc. may also be exempted from rental fees. Groups such as these may be considered for exemption from the rental fees by requesting a waiver from the Town Manager, using the form provided by the Town.

b. In addition to the exemption examples stated in VI (a), any meeting/function/activity that is fully open to the public, allows full public participation and does not require an attendee to be

a member of the group, pay an admission fee, own property to be eligible to participate or vote or assesses any type of participation/membership dues or fees may be eligible for exemption.

c. Any meetings/function/activity that is not eligible for exemption based on VI (a)(b) and restricts public attendance and/or participation based on membership, ownership, assessment of fees or in any other manner, or is a private function, is not exempt from the rental fees.

(VII) DEPOSIT.

Any event conducted by non-officially town affiliated groups that includes the serving of food and/or beverages of any kind or any craft activity requires the pre-payment of a \$100 deposit. The deposit may be fully returned to the sponsor following an inspection by the town, provided that the facility was not damaged during the event. Any damages caused during the event, as solely determined by town, shall be assessed to the sponsor and deducted from the deposit. If the damages exceed the amount of the deposit, the sponsor shall be responsible for any additional payment necessary to repair the damages to the town's satisfaction. Failure to pay for any damages shall result in legal action against the sponsor and possible prohibition of future use of the facility by the sponsor/individual/group.

ADOPTED: 12-21-94.

AMENDED: 12-20-00
12-19-01
8-19-21

**River Bend Town Council
Budget Workshop Minutes
May 2, 2023
River Bend Town Hall
4:00 P.M.**

Present Council Members: Mayor John Kirkland
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

Absent Council Members: James Castranova

Town Manager: Delane Jackson
Finance Director: Mandy Gilbert

Members of the Public Present: 1

The Mayor called the meeting to order at 4:00 p.m. The Mayor stated that the budget is the most important thing that the Council does in the whole year. You put this budget in place and once it's approved the Manager executes it. The Mayor announced that he would pause for public comments/questions after items 5, 10 and 14 on the agenda. He then recognized the Town Manager.

The Manager asked the Council to set a date for the Volunteer Picnic. All agreed that June 10 was acceptable. The Manager thanked Mandy Gilbert for her contribution to the budget development process.

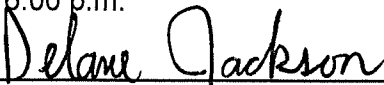
The Manager then began discussions of the Proposed Budget for FY2023-2024, which included a PowerPoint presentation. The Manager presented the Council's priorities and vision statement, which were approved at the January 19, 2023 budget kick-off meeting. The Manager noted the "Fundamentals of Budgeting 101" slides. He also noted the slide that outlined his 10 main goals during budget preparation.

The Manager began to follow the advertised agenda and presented details related to employee compensation and staffing levels, followed by the capital improvement plans, utility and fuel prices, the vehicle replacement plan, IT and various budget related topics. That was followed by a detailed discussion of the following departments: governing board, administration, finance, tax listing, legal services, elections, street maintenance, storm water, public works, and public buildings. The Manager noted that he had made an error in the CAC's budget request and changed that amount from \$1,500 to \$2,500.

There was some discussion about the COLA and inflation. There was some discussion about the fund balance in the general fund. The Manager reminded the Council that the policy now sets \$2,000,000 and 50% as the target for the fund balance in the general fund.

The Manager ended the session with a slide that showed a summary of the departments that had been discussed and asked if there were any questions.

Councilman Sheffield motioned to recess the meeting until May 4, 2023, at 4:00 p.m. The motion was unanimously approved. The meeting recessed at 6:00 p.m.



Delane Jackson, Town Manager

**River Bend Town Council
Budget Workshop Minutes
May 4, 2023
River Bend Town Hall
4:00 P.M.**

Present Council Members: Mayor John Kirkland
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

Absent Council Members: James Castranova

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

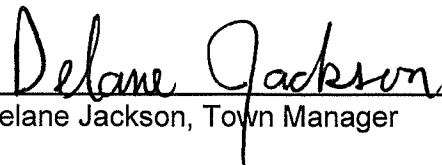
Members of the Public Present: 3

The Mayor called the meeting back to order at 4:00 p.m. The meeting began with a presentation by the Police Chief about the Police Department. The Chief was asked about the possibility of funding a 7th full-time position and the status of the safety equipment. The Chief stated that another position would be helpful with scheduling, particularly when an officer is out. He also stated that some safety equipment had been purchased with a recent grant, but the officers did not have Level 4 ballistic plates for their vests. That was followed by a detailed discussion of the following departments: recreation and special events, parks and CAC, emergency services, animal control, wetlands and waterways, leaf and limb, planning and zoning and then a discussion about general fund revenues and fund balance in the general fund.

During the revenue discussions, the Manager stated that the local sales tax revenues had been much better than anticipated in FY22-23, as was the case in FY21-22. There was a discussion about Powell Bill revenue and how that impacted the town's ability to fund street paving.

The Manager ended the session with several slides that showed the recent history and projections for fund balance in the general fund. He noted that due to the BUS project, the town's fund balance had dipped below the 50% goal during FY20. He noted the fund balance projection for year-ending 2023 was 54% and the projection for year-ending 2024 was for a fund balance of 89%. He stated that this is an in-house projection and not the same as the audited fund balance figures because he does not include depreciation, and these are projections. He noted the FY24 projection was based on receiving 95% of revenues and expending 75% of expenditures for that year. The Manager ended by saying that he was now done with general fund related departments and in the absence of Council action, he intended to move forward as discussed and with the amounts as presented. The Council directed the Manager to determine the costs and the impact on the tax rate to fund a 7th full-time police officer.

With no further questions, Councilman Sheffield motioned to recess the meeting until May 9, 2023, at 4:00 p.m. The motion was unanimously approved. The meeting recessed at 5:45 p.m.



Delane Jackson, Town Manager

**River Bend Town Council
Budget Workshop Minutes
May 9, 2023
River Bend Town Hall
4:00 P.M.**

Present Council Members: Mayor John Kirkland
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver
James Castranova- arrived at 4:19 p.m.

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

Members of the Public Present: 2

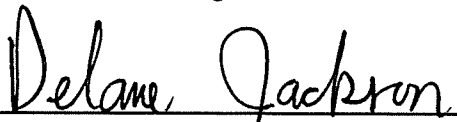
The Mayor called the meeting back to order at 4:00 p.m. and recognized the Town Manager.

The Manager began discussions by presenting the Council with an Excel Spreadsheet that showed that an additional 1.5¢ increase in the tax rate, over the recommended 23¢, would be necessary to fund an additional full-time police officer. The Council discussed various tax rates and their impacts on revenue. After considerable discussion, the Council agreed to fund an additional police officer position by setting the tax rate at 24¢ instead of 23¢ and lowering the Governing Board budget by \$24,000.

The Manager then discussed proposed budgets for the enterprise funds, which included a PowerPoint presentation. The Manager also stated that Public Works Director Brandon Mills was present to answer any questions related to water or sewer operations. The Manager followed the advertised agenda and presented details related to water and sewer funds cash levels, all water and sewer fund departments, water and sewer capital improvement plans, the utility rate model and revenues for the water and sewer funds. The new wastewater treatment plant grant project was also discussed.

The Manager presented the water and sewer rate model and stated that his proposal contained no changes to the rates. During the discussions the Manager reminded the Council that the water and sewer funds had recently transferred \$515,879 each to help fund their portion of a new Public Works building. He showed what impact that had on the water and sewer cash reserves and said those reserves needed to be monitored closely over the next few years for the need for possible rate hikes.

Councilman Sheffield suggested changing the start time for the next budget workshop since most of the major budget items had already been agreed upon. The Manager stated that the May 16th Budget workshop was not needed. The Council agreed to cancel the May 16th budget workshop. With no further questions, Councilman Sheffield motioned to recess the meeting until May 11, 2023, at 6:00 p.m. The motion was unanimously approved. The meeting recessed at 5:30 p.m.



Delane Jackson, Town Manager

**River Bend Town Council
Budget Workshop Minutes
May 11, 2023
River Bend Town Hall
6:00 P.M.**

Present Council Members: Mayor John Kirkland
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver
James Castranova

Town Manager: Delane Jackson

Members of the Public Present: 2

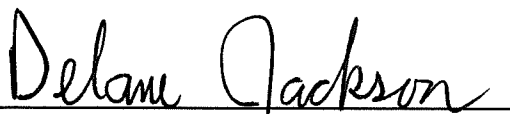
The Mayor called the meeting back to order at 6:00 p.m. and recognized the Town Manager.

The Manager began discussions by presenting the Council with all of the agreed upon changes that had been made in previous budget meetings. There were no objections to any of the changes. The Manager then proceeded with the agenda as scheduled, which included a PowerPoint presentation showing how the 24¢ tax rate would impact revenues for the town and what impact it would have on property owners. The Manager also presented the proposed fee schedule and utility rates and fees. During this segment he recommended eliminating the town ordinance violation penalty chart from the fee schedule. He stated that the town ordinance contained language to address those issues. He also stated that the Town Attorney had advised removing that section from the fee schedule. All agreed to the change.

The Manager stated that he was now finished with his presentation. The Mayor asked if everyone was satisfied with the proposal as presented. All members stated they were satisfied. The Manager stated that he could present his draft budget message at the May 18th Council meeting and thus avoid the need for the May 18th budget workshop. The Council agreed to cancel the May 18th budget workshop.

With the remaining time, the Manager asked to discuss an issue with the Metronet encroachment agreement. All agreed to do so. The Manager informed the Council that Metronet had previously offered to provide free internet service at Town Hall. The Manager stated that Metronet has now stated they could offer service at a reduced price, but not free. Councilman Weaver said he did not want free service to hold up the project. Councilman Weaver motioned to authorize the Manager to negotiate the best deal possible with Metronet and execute the encroachment agreement. The motion was unanimously approved.

With no further business, Councilman Sheffield motioned to adjourn. The motion was unanimously approved. The meeting adjourned at 6:45 p.m.



Delane Jackson, Town Manager

**River Bend Town Council
Work Session Minutes
May 11, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
James Castranova
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 16

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, May 11, 2023 at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

VOTE – Addition to Agenda

Councilman Leonard motioned to add item 7, discussion about the monument for Mr. Frank Efirid and move item 7 to item 8. The motion carried unanimously.

VOTE – Approval of Agenda

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

Discussion – Draft Red Caboose Library Contract

The Manager stated that at the direction of the Council the Town Attorney has created a draft contract for the Red Caboose Library and the Town of River Bend. The Manager stated that in the absence of Linda Klopf, Gloria Kelly with the Red Caboose Library was present to answer any questions the Council may have. The Town Attorney stated that the contract lists the Red Caboose Library but there is no such corporation or registered entity as the Red Caboose Library. He stated he has concerns about entering into a contract with an unregistered entity. Councilman Weaver asked if the Red Caboose Library could create an LLC and the Town Attorney stated that they could, but it is not a requirement for the contract. He stated that creating the LLC would hold people responsible for the contract, not just an unaffiliated group of people. Councilman Sheffield stated that the library does not meet until the following week and then they can review the contract. The Manager stated that the budget starts on July 1 and the Council could adopt the contract at any time. Councilman Weaver stated that an entity would need to be finalized or agreed upon before finalizing the contract and the Town Attorney agreed. Councilwoman Maurer asked if the Red Caboose agreed to the contract, but in the future found a permanent location, would they be allowed to become a part of the Parks and Recreation Advisory Board again. The Town Attorney stated that the contractual relationship would not prevent them from requesting that. The Manager asked Gloria Kelly if she knew of any questions or concerns, and she stated that she did not know of any.

Discussion – Lead and Copper Rule Update

The Manager stated that the Environmental Protection Agency has issued lead and copper requirements. He stated that the Town will have to access every water meter in Town to check for lead or copper lines. He stated that if they find lead lines, it will have to be replaced and if there are copper lines downstream from the lead it will have to be replaced also. The Manager stated that he is completing the application for a principal forgiveness grant to cover the cost of the assessment.

Discussion – Leaf and Limb

The Manager stated that there was a rash of leaf and limb violations this month. He stated that the current leaf and limb rules were adopted by the previous Council, and he wants to confirm that the current Council agrees to the rules. Councilwoman Maurer stated that she would like to change the schedule to allow placement of debris 7 days prior to pick up. The Manager stated that the Council can revise the schedule when the schedule is proposed.

Discussion –Rezoning Procedure

The Manager stated that there is a scheduled public hearing on the rezoning of the lot described by Craven County PIN 8-206-083 on May 18, 2023. He asked the Council if they would like to vote on the rezoning at that meeting or postpone the vote until a later meeting. With the consensus of Council, the vote will be postponed to a later meeting.

Discussion – March 9, 2023 Council Minutes

The Manager stated that the March 9, 2023, Council Minutes were removed from the consent agenda at the April 20, 2023, Council meeting. He stated that the minutes in question and the transcript are included in the agenda package today. The Manager asked the Council for direction on whether to add to the minutes to the May 18 consent agenda. Councilman Leonard stated that minutes are not required to be a verbatim transcript of the meeting. The Manager agreed and stated there is no requirement for the minutes to be verbatim, but actions such as motions and votes are required to be in the minutes. Councilwoman Maurer stated that she feels what was in the minutes was an accurate depiction of what was said. Councilman Leonard stated that he felt that an apology was due to staff for accusations that they put words in people's mouth. Councilman Castranova stated that he didn't feel any of that language in the minutes is necessary and it is a departure from what is normally captured in the minutes. He stated he felt he was targeted with that level of detail. He stated it wasn't exactly accurate and because it did not reflect an actual vote of the Council it should be removed. He stated he did not accuse the staff of anything and he resents that accusation. Councilman Leonard stated that Councilman Castranova said that the minutes were not an accurate representation of what he said, but the transcript showed that it was an exact representation of what he said. Councilman Castranova stated that if they print the exact dialogue then it should be printed exactly the way it was spoken, but none of that is necessary, and to include that is only an attempt to portray him as a hypocrite and a fraud. Councilman Weaver stated that the details in the minutes are included because of Councilman Castranova's continuing threats of legal actions, so they are trying to capture these issues and if that is the case it is documented. He stated that Councilman Castranova keeps accusing everyone of defamatory behavior and malicious statements. Councilman Castranova stated that the letter that Councilman Weaver wrote that is apart of the record contains untrue statements. Councilman Castranova stated that the letter is a misrepresentation of the truth, and it is a defamatory statement and Councilman Weaver knew it when he wrote the letter. Councilwoman Maurer stated that what was written in the minutes is a depiction of what was actually said, it was recorded, and it was determined that it is accurate. Councilman Castranova stated that it was not exactly accurate. Councilman Weaver stated that it stated in the minutes that Councilman Castranova said, "it is perfectly legal" and he stated he did not say that. It was then transcribed, and he said, "it is perfectly legal".. Councilman Castranova stated that he objects to the way the minutes were actually wrote. He stated that the level of detail is a complete departure from the level of detail in other minutes regarding statements made by Council members that do not affect an actual vote. Councilman Castranova stated that he is being

targeted again and it improperly betrays him of being a hypocrite when he has not been a hypocrite and he feels it needs to be stricken. Councilman Leonard suggested that the Council vote to accept the minutes and note Councilman Castranova's objection. The Manager stated that the Council can add the March 9, 2023, Council meeting minutes to the consent agenda for the May 18 meeting and if Councilman Castranova does not approve of that he can vote nay.

VOTE – March 9, 2023 Council Minutes

Councilwoman Maurer motioned to add the March 9, 2023, Council Minutes to the consent agenda for the May 18 meeting. The motion passed with 4 ayes and 1 nay with Councilman Castranova voting nay.

DISCUSSION – Frank Efirid Monument

The Mayor stated that Mr. Frank Efirid was the original developer of the Town of River Bend. He stated that he has received a quote for a monument in recognition of Mr. Frank Efirid to be displayed at Town Hall. After a brief discussion regarding the size and layout of the monument the Mayor stated that it will be added to the agenda for next week's meeting.

Councilman Weaver stated that regarding the March 9 Council Minutes, the letter stated that Councilman Castranova was "cautioned" not "counseled". Councilman Castranova asked Councilman Weaver to read the entire sentence and Councilman Weaver stated that the letter said "Councilman Castranova has been cautioned in the past about his personal attacks against members of this body due to differing viewpoints and his inflammatory behavior that has caused unnecessary disruption between the members of our community." Councilman Castranova asked Councilman Weaver when was he cautioned by the body and Councilman Weaver stated that he would send him the meeting videos that are on the website. Councilman Castranova asked if it was an official action of the Council that cautioned him and Councilman Weaver replied "no", but Councilman Castranova is claiming that he is being targeted and there is a fundamental difference in feeling targeted and being targeted. Councilman Castranova asked Councilman Weaver to explain how he was cautioned and what the personal attacks were. The Mayor stated that they needed to have a private discussion. Councilman Leonard asked to move on to the next item on the agenda.

REVIEW – Agenda for the May 18, 2023 Council Meeting

The Council reviewed the agenda for the May 18, 2023, Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 7:42 p.m.



Kristie J. Nobles, CMC
Town Clerk

**River Bend Town Council
Regular Meeting Minutes
May 18, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
James Castranova
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 68

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, May 18, 2023, at the River Bend Town Hall with a quorum present.

RECOGNITION OF NEW RESIDENTS

Miranda Gavalis – introduced herself and her daughter who is working on her eagle scout.
Tina Cliff – introduced herself and stated she is a real estate agent, and this is her first meeting.
Dave Archer – introduced himself and stated he is from Delaware.
Marvin Coleman – introduced himself and stated he is from Newton / Hickory, North Carolina.
Dustin Huckfeldt – introduced himself and stated he is from Nebraska.

VOTE – Approval of Agenda

Councilman Castranova motioned to adopt the agenda as presented. The motion carried unanimously.

ADDRESSES THE COUNCIL

David Ross – Parks and Recreation – extended an invitation to all River Bend residents to the 4th of July event that will take place on July 4 starting at 10:30 a.m. He stated that volunteers are needed and to sign up for the parade at Town Hall or on the website.

PUBLIC HEARING – Proposed Rezoning Craven County PIN #8-206-083

Councilman Sheffield moved to open the Public Hearing on the proposed rezoning of the parcel described by Craven County Parcel Identification Number #8-206-083. The motion carried unanimously.

At this time the Mayor indicated that those who signed up to speak would be called in the order in which they signed up. There were 7 people who addressed the Council. Those who opposed the proposed rezoning of the property were Art Seaman, Cecil Broome, Frank Broadhurst, Marvin Jackson, Susan Scott, and Joe Routh. Those in favor of the proposed rezoning of the property were Jay Ammon.

Councilman Sheffield moved to close the Public Hearing. The motion carried unanimously.
At this time the Mayor called for a 3 minute recess.

CONSENT AGENDA

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

A. Approve:

Minutes of the March 9, 2023 Work Council Meeting
Minutes of the April 13, 2023 Work Council Meeting
Minutes of the April 20, 2023 Regular Council Meeting
Minutes of the May 2, 2023 Budget Workshop
Minutes of the May 4, 2023 Budget Workshop
Minutes of the May 9, 2023 Budget Workshop
Minutes of the May 11, 2023 Budget Workshop

TOWN MANAGER'S REPORT

The Manager gave the following updates:

- The Public Works building is under construction and the roof is almost complete on the main building. It is scheduled to be completed by December 2023.
- The Manager has completed the documents for the \$100,000 grant that the Town received for a water supply study.
- The Golden Leaf Grant has been closed-out for the drainage improvements that were completed in the Channel Run area.
- The Audit Contract is completed but needs the proper signatures.
- The Budget Message is on the town's webpage and the public hearing will be on June 8, 2023 at 7:00 p.m. at Town Hall.

ADMINISTRATIVE REPORTS

PARKS & RECREATION – COUNCILMAN WEAVER

Parks & Recreation

Councilman Weaver stated that the Parks and Recreation Advisory Board had a special meeting on May 17, 2023, to discuss and finalize the July 4 plans and they need volunteers. The board has extended an invitation to anyone who would like to assist with a special project accessing the parks and recreational areas and submitting their recommendations.

Organic Garden

Councilman Weaver stated that the Organic Garden had a successful workday in April and he stated that the bees are very active and have outgrown their hive.

Red Caboose Library (RCL)

Councilman Weaver stated that the library had a special meeting on May 17, at 2:00 p.m. He stated that the Book / Tech Mobile would be at the Municipal Building on Friday May 19th, at 2:00 p.m. through 5:00 p.m.

CAC – Councilwoman Maurer

Councilwoman Maurer presented the following report.

The CAC did not meet in May. The Beautification awards for May were awarded to yards located at 300 Pirates Road and 2A Mulberry. You can find the entire list of nominees on the town's website and in the weekly River Bend E-News. Nominations for the June award will begin on June 1st. You can obtain nomination forms from the town website, a QR code that will be printed in upcoming announcements, or by email, cac.riverbend@gmail.com. The next step in the Plantation Drive median project is for the Council to discuss the proposal and offer direction. Other

plans and programs will be presented at later dates. There currently are three vacancies on the Community Appearance Commission. This is an active group with diverse interests. Members may work on one or all of the projects. If you are interested, contact Chairwoman Brenda Hall to find out more about joining the board or volunteering for a project. The next meeting is scheduled for July 19, 2023 at 4 pm in the Municipal Building.

FINANCE – COUNCILMAN LEONARD

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of April. She stated the total of the Town's Cash and Investments as of April 30, 2023, were \$3,770,857 and Ad valorem tax collections for FY22-23 were \$723,635 and Vehicle Ad valorem tax collections were \$77,219.

PRESENTATION OF DRAFT FY23-24 BUDGET MESSAGE AND ORDINANCE

The Manager provided the Council with a copy of the Draft Budget Message and Ordinance. He stated it would be released to the public next week.

VOTE – BUDGET PUBLIC HEARING

Councilman Leonard motioned to schedule a Public Hearing on the proposed FY2023-2024 Town Budget on June 8, 2023, at 7:00 p.m. at Town Hall. The motion carried unanimously.

ENVIRONMENTAL AND WATERWAYS – COUNCILMAN LEONARD

Councilman Leonard presented the following report:

Chairman Ackiss opened the EWAB meeting Monday April 3rd 2023 at 7 PM in the small conference room in the municipal building. There was a quorum. There were no visitors. The minutes from February 6th, 2023, were approved. Councilman Leonard gave a council updated. Old business: Canal bulkhead inspections will start on Wednesday 19 April 2024. New Business: Questions about mosquito control, Councilman Leonard will check with the manager. Some discussion about storm water swales being inspected and cleaned as needed. Volunteer hours: 10. Next meeting will be on May 1st 2023 at 7 PM in the small conference room in the municipal building. Chairman Ackiss adjourned the meeting at 7:34 PM.

PUBLIC SAFETY – COUNCILMAN WEAVER

CERT - Councilman Weaver stated that CERT had recently disbanded until further notice. He thanked all the CERT volunteers for their time served.

Community Watch – Councilman Weaver stated that Community Watch will meet on June 21 and they are looking for volunteers to help with traffic control for the July 4 Celebration.

MAYOR'S REPORT

The Mayor presented the following report.

It is worth a repeat to post this monthly Mayor's Report addressing the importance of the Town's budget and the work that the Town Council puts into its development.

The following steps are followed in budget development:

1. The Town Manager as the budget officer (a N.C. General Assembly Statute position mandate) is responsible for preparing a balanced budget and presenting it to the Council. The draft is reviewed with the Manager. Each line item is reviewed with the Manager in a number of budget workshops. These meetings are advertised and are open to the public.
2. During the workshops the Manager responds to questions that individual Council members may ask on any line item presented.

3. After the several workshops are completed, a public hearing is scheduled and advertised. At this hearing citizens may offer comments to the Council on the details of the budget.
4. Following the hearing the Council will vote to formally adopt the FY 2023-2024 River Bend budget.

With the adopted budget in place the Manager is responsible for the execution of approved expenditures without further Council input. During the course of the budget year if a need arises the Manager will prepare a budget amendment to address the need and the Council will vote on approval at a scheduled Council Meeting. I have frequently told the Council that the effort that they spend developing the budget is the most demanding and important task that they address each year. It also is a demanding effort on the part of the Town Manager, Finance Director and the staff. Our Town is fortunate to have a Council and Staff that understand this responsibility and each year has developed a balanced budget and maintained a reserve that has met unanticipated emergency purchases. Thanks to the Manager, Finance Director, Council and Town Staff for this demanding service.

PUBLIC COMMENT

No Public Comments.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 7:56 p.m.



Kristie J. Nobles, CMC
Town Clerk

**River Bend Town Council
Work Session Minutes
June 8, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
James Castranova
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Town Attorney: Dave Baxter

Members of the Public Present: 33

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, June 8, 2023, at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Councilman Castranova stated that he would like to add to the agenda a discussion and a possible motion on the issue of tree harvesting on the 100 acres. He stated he would specifically like to ask the Town Attorney to provide a written opinion regarding whether the 100 acres is grandfathered in from complying with the Tree Preservation Ordinance and what provisions are enforceable. The Mayor asked if Councilman Castranova had any documents for the Council and he stated that he had provided a handout that was on the table (near the door). The Mayor stated that the agenda is provided two days in advance so the Council can review the documents. Councilman Castranova stated that he did not have time and is following the rules for adding to the agenda as posted.

VOTE – Addition to Agenda

The Mayor recognized Councilman Castranova's request as a motion and called for a vote. The motion failed with 2 ayes and 3 nays with Leonard, Maurer, and Sheffield voting nay.

VOTE – Approval of Agenda

Councilman Weaver motioned to accept the agenda as presented. The motion passed with 4 ayes and 1 nay with Castranova voting nay.

PUBLIC HEARING – Proposed FY2023-2024 Budget

Councilman Leonard moved to open the Public Hearing to discuss the proposed FY2023-2024 Budget. The motion carried unanimously.

He then invited anyone who wished to address the proposed FY2023-2024 budget to step to the podium to be heard.

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

VOTE – Efird Monument

Councilman Castranova motioned to approve the purchase of the Efird monument as presented. The motion carried unanimously.

VOTE – Budget Amendment 22-B-06

Councilman Leonard motioned to approve Budget Amendment 22-B-06 as presented. The motion carried unanimously. (see attached)

Discussion – Ammon Rezoning Request

The Manager stated that Mr. Jay Ammon with Spectrum Homes has submitted a rezoning request and the Planning Board has approved the request. He then presented the PowerPoint that was presented to the Planning Board but included some additional information. The Manager stated that Mr. Ammon is in attendance to answer any questions the Council may have. The Council had a brief discussion with Mr. Ammon regarding the rezoning request and his future plans for the property. Councilman Leonard then thanked Mr. Ammon for attending the meeting and answering the questions.

VOTE – FY23-24 Leaf and Limb Schedule

Councilwoman Maurer motioned to approve the FY23-24 Leaf and Limb Schedule as presented. The motion carried unanimously.

Discussion – Advisory Board Appointments

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

Councilman Leonard stated that the Environmental Waterways Advisory Board has three positions available for reappointment. Karl Lichty, Jon Hall, and Paige Ackiss all agree to be reappointed with Paige Ackiss serving as chair.

Councilwoman Maurer stated that the Community Appearance Commission has three positions available but those are vacant. She stated that there is one application on file for Donna Perry. She stated that the CAC members have agreed to appoint her since she served previously. The Council agreed.

Councilman Weaver stated that the Parks and Recreation Advisory Board has three positions available for reappointment with two of those vacant. He stated that Rebekah Royston agreed to be reappointed. He also stated that there are three vacancies in total on the board and three applications on file that the Parks and Recreation Advisory Board has approved. The Council agreed to appoint those as a part of the consent agenda at the next meeting. Those applicants are Richard and Laurie LaMotte and Amy Hendee.

Councilman Sheffield stated that the Planning Board has three positions available for reappointment. Keith Boulware and Kathleen Fleming agree to be reappointed and Kelly Latimer did not wish to be reappointed. He also stated that Kelly Forrest is a Craven County ETJ appointed member and she has resigned.

Councilman Sheffield stated that the Board of Adjustment has three positions available for reappointment. Chris Barta, Patty Leonard, and alternate member David Zinni agree to be reappointed.

Discussion – Conditional Zoning

Councilman Weaver stated that with the recent rezoning request he felt that Conditional Zoning should be discussed even though the Council voted to table the ordinance in January. He stated that without conditional zoning the Council does not have any authority or any power to say we

want these things or we won't rezone the property. He stated that if the Council did that now under the traditional zoning, which the town will keep, they would be violating North Carolina laws. He also stated that the Town Attorney has provided his opinion and he wanted to get the other Council members' opinion on whether they would like to discuss Conditional Zoning at the next Council meeting. Councilman Leonard stated that he agreed with Councilman Weaver and felt it is a valuable tool for the Town to have. Councilman Castranova stated that an item was included in the Attorney's Opinion that he thought was being removed. Councilman Weaver stated that the provided ordinance is the same from when the Council voted to table the topic. Councilman Leonard stated that when the Council discusses the ordinance, changes can be requested then. Councilman Weaver stated that he would have it added to the next meetings agenda for discussion. Councilman Sheffield asked the Town Attorney

Discussion – New Zoning District

Councilman Sheffield stated that he would like for the Council to discuss finding an alternative zoning for multi-family other than PDR-MF. He stated that the only multi family zoning that the Town of River Bend has is PDR-MF and he feels that zone requirements are very lenient on what the town would allow.

VOTE – New Zoning District

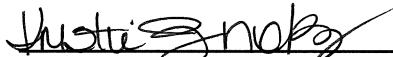
Councilman Sheffield motioned to direct the staff to look into additional zoning districts. The motion carried unanimously.

REVIEW – Agenda for the June 15, 2023 Council Meeting

The Council reviewed the agenda for the June 15, 2023, Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 8:42 p.m.



Kristie J. Nobles, CMC, NCCMC
Town Clerk



**TOWN OF RIVER BEND
 BUDGET ORDINANCE AMENDMENT 22-B-06
 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 January 12, 2023, be amended as follows:

Summary

General Fund	2,278,561
General Capital Reserve Fund	99,847
Law Enforcement Separation Allowance Fund	13,525
Water Fund	884,032
Water Capital Reserve Fund	245,260
Sewer Fund	1,187,139
Sewer Capital Reserve Fund	11,273
Total	<u>4,719,637</u>

Section 1. General Fund

Anticipated Revenues

AD VALOREM Taxes 2022-2023	721,710
AD VALOREM Tax-Motor Vehicle	92,300
Animal Licenses	2,000
Sales Tax 1% Article 39	177,124
Sales Tax 1/2% Article 40	102,899
Sales Tax 1/2% Article 42	88,586
Sales Tax Article 44	11,613
Sales Tax Hold Harmless Distribution	99,000
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	91,000
Beer and Wine Tax	13,225
Video Programming Sales Tax	50,743
Utilities Franchise Tax	108,963
Telecommunications Sales Tax	8,140
Court Refunds	500
Zoning Permits	5,000
Federal Grant (Byrne Justice Assistance Grant)	22,170
Federal Disaster Assistance	5,092
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	<u>291,394</u>
Total	2,278,561

Section 1. General Fund (continued)

Authorized Expenditures

Governing Body	27,000
Administration	296,800
Finance	133,800
Tax Listing	11,600
Legal Services	32,350
Elections	550
Police	664,443
Public Buildings	97,800
Emergency Services	3,700
Animal Control	14,600
Street Maintenance	193,000
Public Works	177,500
Leaf & Limb and Solid Waste	56,092
Stormwater Management	311,395
Wetlands and Waterways	2,900
Planning & Zoning	54,800
Recreation & Special Events	7,600
Parks & Community Appearance	101,200
Contingency	17,931
Transfer To General Capital Reserve Fund	60,000
Transfer To L.E.S.A. Fund	13,500
Total	<u>2,278,561</u>

Section 2. General Capital Reserve Fund

Anticipated Revenues

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

Authorized Expenditures

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

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:

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

Authorized Expenditures:

Separation Allowance	0
Future LEOSSA Payments	13,525
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	330,197
Total	<u>884,032</u>

Authorized Expenditures

Administration & Finance [1]	485,741
Operations and Maintenance	124,000
Transfer To Fund Balance for Capital Outlay	3,500
Transfer To Water Capital Reserve Fund	0
Transfer to PW Capital Projects Fund	270,791
Total	<u>884,032</u>

[1] Portion of department for bond debt service: 152,932

Section 5. Water Capital Reserve Fund

Anticipated Revenues

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

Authorized Expenditures

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

Section 6. Sewer Fund

Anticipated Revenues:

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

Authorized Expenditures:

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

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

Section 7. Sewer Capital Reserve

Anticipated Revenues:

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

Authorized Expenditures:

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

Section 8. Levy of Taxes

There is hereby levied a tax at the rate of twenty-six cents (\$0.26) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2022, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2022-2023" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$278,500,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.67%. The estimated collection rate is based on the fiscal year 2020-2021 collection rate of 99.67% by Craven County who has been contracted to collect real and personal property taxes for the Town of River Bend. Also included is a valuation of \$35,500,000 for purposes of taxation of motor vehicles with a collection rate of 100% by the North Carolina Vehicle Tax System.

Section 9. Fees and Charges

There is hereby established, for Fiscal Year 2022-2023, various fees and charges as contained in Attachment A of this document.

Section 10. Special Authorization of the Budget Officer

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

Section 11. Classification and Pay Plan

Cost of Living Adjustment (COLA) for all Town employees shall be 5.0% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

Section 12. Utilization of the Budget Ordinance

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

Section 13. Copies of this Budget Ordinance

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

Adopted this 8th day of June, 2023



John F. Kirkland, Mayor

Attest:



Kristie J. Nobles, Town Clerk, CMC

**River Bend Town Council
Regular Meeting Minutes
June 15, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
James Castranova
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 24

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, June 15, 2023, at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

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

CONSENT AGENDA

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

A. Approve:

*Minutes of the May 11, 2023 Work Council Meeting
Minutes of the May 18, 2023 Regular Council Meeting*

B. Advisory Board Appointments and Reappointments:

PLANNING BOARD: Reappoint Keith Boulware and Kathleen Flemming to terms beginning July 1, 2023, and ending on June 30, 2025;

PARKS AND RECREATION: Reappoint Rebekah Royston to terms beginning July 1, 2023, and ending on June 30, 2025; and Appoint Amy Hendee to a term beginning June 15, 2023 and ending on June 30, 2024, and appoint Laurie LaMotte and Richard LaMotte to terms beginning June 15, 2023 and ending on June 30, 2025;

CAC: Appoint Donna Perry to a term beginning June 15, 2023 and ending on June 30, 2025,;

ENVIRONMENT AND WATERWAYS ADVISORY BOARD: Reappoint R. Karl Lichty, Jon Hall and Paige Ackiss to terms beginning July 1, 2023, and ending on June 30, 2025;

BOARD OF ADJUSTMENT: Reappoint Chris Barta, Patty Leonard and David Zinni to terms beginning July 1, 2023, and ending on June 30, 2026;

AUDIT COMMITTEE: Reappoint Brian Leonard, Mandy Gilbert, Delane Jackson and Janice Westgate to terms beginning July 1, 2023, and ending on June 30, 2025;

TOWN MANAGER'S REPORT

The Manager gave the following updates:

- Metronet has been working diligently around the town installing fiber optic cable to bring internet services to the town.
- The July Council Work Session meeting has been canceled.
- At this time the Manager presented a PowerPoint on the proposed Fiscal Year 2023-2024 Budget.

ADMINISTRATIVE REPORTS

PUBLIC SAFETY – COUNCILMAN WEAVER

Community Watch – Councilman Weaver stated that Community Watch will meet on June 21 and they are looking for volunteers to help with traffic control for the July 4 Celebration.

VOTE – Restart Discussions on Draft Conditional Zoning Ordinance

Councilman Weaver motioned to restart discussion on the Draft Conditional Zoning Ordinance at the August 10 Work Session. The motion passed with four ayes and one nay with Castranova voting nay.

PARKS & RECREATION – COUNCILMAN WEAVER

Parks & Recreation

Councilman Weaver stated that the Parks and Recreation Advisory Board has canceled the June 17, Father's Day BBQ Event and they are currently needing volunteers for the July 4 Celebration. He also stated that the Parks and Recreation Advisory Board had a special meeting and recommended Richard LaMotte, Laurie LaMotte and Amy Hendee for appointment to the advisory board.

Organic Garden

Councilman Weaver stated that the Organic Garden had a workday on June 9 and there was a lot of volunteers and the summer vegetables were planted.

Red Caboose Library (RCL)

Councilman Weaver stated that the Book / Tech Mobile would be at the Municipal Building on Friday June 16, at 2:00 p.m. through 5:00 p.m.

CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following report.

The CAC did not meet in June. The closing date for the Beautification awards for June is today. The awards will be announced in the next few days. The Fourth of July Festive Award announcement will include information about how to decorate for the Award Competition. The competition will include residence doorways, mailboxes and front yards. She stated that the winners for this award are 105 Plantation and 307 North Carolina. The Plantation Drive median project is on hold until the CAC receives direction from the Council. There currently are three vacancies on the Community Appearance Commission. This is an active group with diverse interests. Members may work on one or all of the projects. If you are interested, contact Chairwoman Brenda Hall to find out more about joining the board or volunteering for a project. The next meeting is scheduled for July 19, 2023 at 4 pm in the Municipal Building.

FINANCE – COUNCILMAN LEONARD

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of May. She stated the total of the Town's Cash and Investments as of May 31, 2023, were \$3,652,028 and Ad valorem tax collections for FY22-23 were \$725,905 and Vehicle Ad valorem tax collections were \$85,580.

VOTE – FY2023-2024 Budget Ordinance

Councilman Leonard motioned to adopt the Fiscal Year 2023-2024 Budget Ordinance and Schedule of Rates and Fees as presented. The motion carried unanimously. (see attached)

ENVIRONMENTAL AND WATERWAYS – COUNCILMAN LEONARD

Councilman Leonard presented the following report:

EWAB met on Monday May 1st, 2023, at 7 PM in the small conference room in the Municipal building. Chairman Ackiss call the meeting to order at 7 PM, there was a quorum. The minutes from the April 3rd, 2023, meeting was read and approved. Councilman Leonard gave a council report. Old business: updates on stormwater management, mosquitoes, and the bulkhead inspections. New Business: Chairman Ackiss noted that some of the channel markers are missing or damaged, he will report to the town manager for action. Volunteer Hours: 16 The next meeting will be on Monday 5 June 2023 at 7 PM in the small conference room in the municipal building. Visitors are always welcome. The meeting adjourned at 7:35 PM.

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield stated that the Planning Board met on June 1, 2023, for the main purpose to adopt a Public Comment Policy. He stated the July meeting is canceled and the next meeting is scheduled for August 3, 2023.

DISCUSSION – Matters Related to Tree Preservation Ordinance

Councilman Castranova stated that he had questions regarding the Town's Tree Preservation Ordinance but most of his questions had been answered. He stated that in the ordinance it states that there should not be any clear cutting if it is solely to make the land marketable or available for development. He asked the Town Attorney to explain who determines this and is it the Town's Managers sole discretion and what factors should go into that. The Town Attorney stated that this ordinance is in the Zoning Ordinance and the Town Manager is the Zoning Administrator, so he makes those decisions. He also stated that if there are any pending applications or site plan documentation submitted it should be considered. Councilman Castranova asked if a rezoning application had been requested but not submitted, should that be taken into consideration and the Town Attorney stated that it could be taken into consideration but would not be a definitive decision relating to the ordinance. Councilman Castranova asked the attorney if there was a way to challenge the Zoning Administrators decision and the attorney stated yes, it could be appealed to the Town's Board of Adjustment. Councilman Castranova then asked who could sue and the Town Attorney stated that the adjacent property owners and community organizations may have a standing to sue. Councilman Leonard asked for clarity, that the property being discussed is not clear cutting but tree harvesting where trees were specifically planted on a tree farm for that use. The Town Attorney stated that if you are referring to the Davis property on Old Pollocksville Road, it is forestry use in a present use value program and has a timber management plan. Councilman Sheffield asked the Town Attorney if the Town Manager asked for his opinion on this issue and the Town Attorney stated yes. Councilman Sheffield then asked if the Town Attorney gave the Town Manager an opinion and the Town Attorney responded "yes". Councilman Sheffield then asked if the Town Manager went by the advice of the Town Attorney and the Town Attorney responded "yes".

MAYOR'S REPORT

The Mayor presented the following report.

June comes every year and every year in North Carolina municipalities must prepare and adopt a budget for the following fiscal year. This process begins with a Budget Workshop meeting of the Council in January. At that Workshop the Council members and Town Manager develop an outline of issues that need to be addressed in the annual budget for the next fiscal year. Thus begins the development of supporting material for the new budget by the Manager and the Town Department Heads and Staff. The Manager begins to assemble material that he will need to

present a draft budget document to members of the Town Council when Budget Work Session Meetings begin in May. At dedicated meetings the Manager and appropriate Department Heads work with the Council in the development of a specific and detailed budget that will be presented for public information. The Council will vote to adopt the budget at its scheduled June meeting. The Manager and Staff spend many hours in the budget preparation and the members of Town Council also spend considerable time in meetings dedicated to completing this document which will guide the fiscal direction of the Town July 2023 thru June 2024. For many years the Government Finance Officers organization recognized River Bend for superior development and execution of the Town's budget. We can all be proud of the work that the Council, Manager and Town Staff put developing this mandated annual fiscal budget and then review its performance month-by-month.

PUBLIC COMMENT

No Public Comments.

CLOSED SESSION

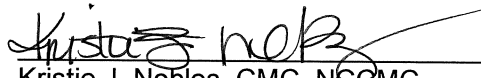
Councilman Sheffield moved to go into a Closed Session under NCSG §143-318.11(a)(3). The motion carried unanimously. The Council entered Closed Session at 8:03 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:19 p.m. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 8:19 p.m.



Kristie J. Nobles, CMC, NSCMC
Town Clerk



**TOWN OF RIVER BEND
 ANNUAL OPERATING BUDGET ORDINANCE
 FISCAL YEAR 2023 - 2024**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the following anticipated fund revenues and departmental expenditures, together with certain fees and schedules, and with certain restrictions and authorizations, are hereby appropriated and approved for the operation of the Town government and its activities for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Summary

General Fund	2,156,391
General Capital Reserve Fund	56,900
Law Enforcement Separation Allowance Fund	12,685
Water Fund	655,335
Water Capital Reserve Fund	10
Sewer Fund	679,035
Sewer Capital Reserve Fund	1
Total	<u>3,560,357</u>

Section 1. General Fund

Anticipated Revenues

AD VALOREM Taxes 2023-2024	935,566
AD VALOREM Tax-Motor Vehicle	90,000
Animal Licenses	1,500
Sales Tax 1% Article 39	195,868
Sales Tax 1/2% Article 40	114,635
Sales Tax 1/2% Article 42	97,901
Sales Tax Article 44	13,090
Sales Tax Hold Harmless Distribution	108,195
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	91,000
Beer and Wine Tax	13,225
Video Programming Sales Tax	49,621
Utilities Franchise Tax	112,169
Telecommunications Sales Tax	6,725
Court Refunds	500
Zoning Permits	7,000
Miscellaneous	15,000
Interest- Powell Bill Investments	50
Interest-General Fund Investments	20,000
Contributions	901
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Sale of Fixed Assets	3,000
Transfer From Capital Reserve Fund	43,504
Appropriated Fund Balance	<u>198,597</u>
Total	<u>2,156,391</u>

Section 1. General Fund (continued)

Authorized Expenditures

Governing Body	65,000
Administration	304,500
Finance	138,000
Tax Listing	13,700
Legal Services	24,000
Elections	0
Police	744,800
Public Buildings	103,600
Emergency Services	5,700
Animal Control	17,100
Street Maintenance	232,200
Public Works	189,000
Leaf & Limb and Solid Waste	52,384
Stormwater Management	47,000
Wetlands and Waterways	2,900
Planning & Zoning	57,000
Recreation & Special Events	10,500
Parks & Community Appearance	61,000
Contingency	20,807
Transfer To General Capital Reserve Fund	55,000
Transfer To L.E.S.A. Fund	12,200
Total	<u>2,156,391</u>

Section 2. General Capital Reserve Fund

Anticipated Revenues

Contributions from General Fund	55,000
Interest Revenue	1,900
Total	<u>56,900</u>

Authorized Expenditures

Transfer to General Fund	43,504
Future Procurement	13,396
Total	<u>56,900</u>

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:

Contributions from General Fund	12,200
Interest Revenue	485
Total	<u>12,685</u>

Authorized Expenditures:

Separation Allowance	0
Future LEOSSA Payments	12,685
Total	<u>12,685</u>

Section 4. Water Fund

Anticipated Revenues

Utility Usage Charges, Classes 1 & 2	210,591
Utility Usage Charges, Classes 3 & 4	12,428
Utility Usage Charges, Class 5	15,002
Utility Usage Charges, Class 8	4,644
Utility Customer Base Charges	278,811
Hydrant Availability Fee	19,764
Taps & Connections Fees	1,250
Nonpayment Fees	10,500
Late payment Fees	7,822
Interest Revenue	3,488
Sale of Capital Asset	0
Appropriated Fund Balance	91,035
Total	655,335

Authorized Expenditures

Administration & Finance [1]	491,335
Operations and Maintenance	140,500
Transfer To Fund Balance for Capital Outlay	23,500
Transfer To Water Capital Reserve Fund	0
Total	655,335

[1] Portion of department for bond debt service: 141,157

Section 5. Water Capital Reserve Fund

Anticipated Revenues

Contributions From Water Operations Fund	0
Interest Revenue	10
Total	10

Authorized Expenditures

Future Expansion & Debt Service	10
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Section 6. Sewer Fund

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	267,170
Utility Usage Charges, Classes 3 & 4	36,679
Utility Usage Charges, Class 5	28,142
Utility Usage Charges, Class 8	16,833
Utility Customer Base Charges	296,108
Taps & Connection Fees	1,250
Late payment Fees	8,384
Interest Revenue	5,836
Sale of Capital Asset	0
Appropriated Fund Balance	18,633
Total	<u>679,035</u>

Authorized Expenditures:

Administration & Finance [2]	482,735
Operations and Maintenance	192,800
Transfer to Fund Balance for Capital Outlay	3,500
Transfer to Sewer Capital Reserve Fund	0
Total	<u>679,035</u>

[2] Portion of department for bond debt service: 121,893

Section 7. Sewer Capital Reserve

Anticipated Revenues:

Contributions From Sewer Operations Fund	0
Interest Revenue	1
Total	<u>1</u>

Authorized Expenditures:

Future Expansion & Debt Service	1
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Section 8. Levy of Taxes

There is hereby levied a tax at the rate of twenty-four cents (\$0.24) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2023, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2023-2024" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$393,280,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.12%. The estimated collection rate is based on the fiscal year 2021-2022 collection rate of 99.12% 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 \$37,500,000 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 2023-2024, 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 4.4% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

Section 12. Utilization of the Budget Ordinance

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2023-2024 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.

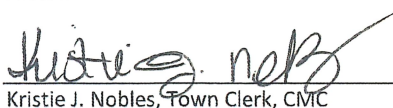
Section 13. Copies of this Budget Ordinance

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 June, 2023.


John R. Kirkland, Mayor

Attest:


Kristie J. Nobles, Town Clerk, CMC



**Town of River Bend
 Schedule of Rates and Fees
 (Attachment A to Budget Ordinance)
 Effective July 1, 2023**

Amounts due are based upon the Fees and Charges Schedule in effect at the time of payment. It is the Town Council's intention that the Fees and Charges Schedule be revised as needed by July 1st of each year. Some fees and charges may be adjusted during the year as circumstances change.

GENERAL FUND

Administrative

Ad Valorem Tax	\$.24 per \$100 assessed valuation
Copies of Public Information	As specified by State Statute
Town Code, entire copy	\$75.00
Notary Fee	\$10.00 per signature after the first
Meeting Rooms	
Four hours or less	\$40.00
Over four hours	\$80.00
Returned Check Processing Charge	\$25, as allowed by G.S. §25-3-506
Administrative Fee for returned bank drafts	\$25.00

Public Safety

Pet License Fee	\$10.00
Golf Cart Registration Fee	\$10.00

Nuisance Abatement Administrative Fee

<u>Cost of Abatement</u>	<u>Fee</u>
\$1 – 1,000	\$50.00
\$1,001 – and up	5% of total abatement cost (maximum fee \$2,000)

Parks

Town Hall Pavilion Use

Up to 25 attendants	No charge
26 - 100 attendants	\$25
Over 100 attendants	\$50

Planning and Zoning

Special Exception Use Permit

\$200 plus cost of required legal advertisement and postage to notify abutting land owners

Variance

\$200 plus cost of required legal advertisement and postage to notify abutting land owners

Appeal to Board of Adjustment

\$200 plus cost of required legal advertisement and postage to notify abutting land owners

Residential Application

Based on amount of project as follows:

Base Fee \$30

\$2 for every \$1,000 of project value after first \$1,000 and up to \$100,000; plus,
\$1 for every \$1,000 above \$100,000 (All values rounded up to nearest \$1,000)

Zoning Administrator can use any appropriate means to verify project valuation.

Residential Flood Plain Application with Zoning Permit

40% of the fee for the Town's residential zoning permit and shall be additional to the zoning permit fee for enclosed structures (fences, decks, and other similar exempt from additional fee).

Commercial Application

Based on amount of project as follows:

Base Fee \$50

\$4 for every \$1,000 of project value after first \$1,000 and up to \$100,000; plus,

\$2 for every \$1,000 above \$100,000 (All values rounded up to nearest \$1,000)

Zoning Administrator can use any appropriate means to verify project valuation.

Commercial Flood Plain Application with Zoning Permit

40% of the fee for the Town's commercial zoning permit and shall be additional to the zoning permit fee for enclosed structures (fences, decks, and other similar exempt from additional fee).

Residential Flood Plain Application without Zoning Permit

Based on amount of project as follows:

Base Fee \$30

\$2 for every \$1,000 of project value after first \$1,000 and up to \$100,000; plus, \$1 for every \$1,000 above \$100,000 (All values rounded up to nearest \$1,000)

Zoning Administrator can use any appropriate means to verify project valuation.

Commercial Flood Plain Application without Zoning Permit

Based on amount of project as follows:

Base Fee \$50

\$4 for every \$1,000 of project value after first \$1,000 and up to \$100,000; plus, \$2 for every \$1,000 above \$100,000 (All values rounded up to nearest \$1,000)

Zoning Administrator can use any appropriate means to verify project valuation.

Engineering Review

Charged to applicant at the actual cost of the service as billed by the contracted engineer.

Zoning Amendment Request (Map or Text)

\$200 plus cost of required legal advertisement and postage to notify abutting land owners

Sign Permit

\$30

Tree Harvest Permit

\$50

Zoning and Subdivision Ordinances

\$25 per set

Wildwood Storage Rental Rates

Unit Number	Unit Size	Monthly Rent
BB 01	5x20	\$35
BB 02	5x20	\$35
BB 03	5x20	\$35
BB 04	5x20	\$35
BB 05	10x20	\$75
BB 06	10x20	\$75
BB 07	10x20	\$75
BB 08	10x20	Town Occupied (TO)
BB 09	10x20	TO
BB 10	10x20	TO
BB 11	10x20	TO
BB 12	10x20	TO
GB 15	10x16	\$65
GB 16	10x16	\$65
GB 17	10x16	\$65
GB 18	10x16	\$65
GB 19	10x16	\$65
GB 20	10x16	TO
GB 21	10x16	TO
GB 22	10x16	TO
OP	Open Spaces (40)	\$25
Late Payment Charge		\$10, assessed after the 10 th of the month
Interest Charge		1.5% monthly on outstanding balances

ENTERPRISE FUNDS

Water and Sewer - Rates and Fees

	Water	Sewer
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 4,001-20,000 gallons	4.50	-
Usage 20,001+ gallons	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 ⁽⁴⁾	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 ⁽⁴⁾	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 ⁽⁴⁾	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	-
Class 10 - Vacant Residences		
Customer Base Charge per month ⁽²⁾	15.24	-
Nonpayment Fee	70.00	-

Special Charges

Service Call - 2 hour minimum	\$35 per hour - signed by customer to initiate work outside of scheduled work hours of 7:00 a.m. - 4:00 p.m. on weekdays and 7:00 a.m. - 3:00 p.m. on weekends
Meter Testing Charge	\$25 - no charge if meter defective
Returned Check Processing Charge	\$25, as allowed by G.S. §25-3-506
Late Payment Charge	10% of amount overdue per month or part of month beginning 30 days after billing date
Irrigation Connection Inspection	\$20

(1) Residential customer deposit may apply. Please refer to Water Resources Department Policy Manual.

(2) Base charges do not include any usage.

(3) The published Initial Connection (Tap) charges are based on the historic River Bend average cost that has been experienced in making connections. There will be cases when, because of the local depth of the service main pipe to which the connection is to be made, or other site specific differences from the norm, the published connection fee will not cover the actual cost of the tap. When the Water Resources Superintendent encounters such conditions, he shall notify the applicant requesting the tap that the cost may exceed the published fee. In those cases, a record of cost associated with the specific tap will be accounted for and if the total cost exceeds the published fee, then the applicant shall pay a fee equal to the actual cost. Initial connection charges are based upon the size of the meter and charged as shown in the appropriate Class above.

(4) The necessary equipment will be provided to the resident at cost. The resident is responsible for installing the irrigation meter on the resident's side of the regular water meter. After installation, the work will be inspected by a Water Resources Department employee.

**River Bend Town Council
Regular Meeting Minutes
July 20, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

Absent Council Member: James Castranova

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

Members of the Public Present: 24

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, July 20, 2023, at the River Bend Town Hall with a quorum present.

VOTE – Additions / Deletions of the Agenda

Vote – Addition to Agenda – Councilwoman Maurer motioned to amend the agenda by adding Closed Session under NCGS§ 143-318.11(a)(3)(6) at the end of the meeting. The motion carried unanimously.

At this time the Mayor stated that Councilman Castranova submitted his resignation today.

Vote – Addition to Agenda – Councilwoman Maurer motioned to amend the agenda by adding Filling of Vacancy as item 9B. The motion carried unanimously.

Councilman Sheffield stated that this would initiate the Town's process of filling the vacancy and that the vacancy would not be filled at this meeting.

VOTE – Approval of Agenda

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

ADDRESSES THE COUNCIL

Art Seaman – presented a petition against the rezoning of property identified as Craven County Property Identification Number 8-206-083.

Jay Ammon – stated he is the contractor requesting the rezoning and has previously built homes in River Bend. He stated that he would build smaller homes / duplexes which he felt there is a need for in the town.

CONSENT AGENDA

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

A. Approve:

Minutes of the June 8, 2023 Work Council Meeting

Minutes of the June 15, 2023 Regular Council Meeting

TOWN MANAGER'S REPORT

The Manager gave the following updates:

- The Town Clerk has obtained her North Carolina Certified Municipal Clerk certification.
- There has been a rezoning application submitted by Robert Davis and Kim Dow for the 100 acre lot on Old Pollocksville Road.
- The Town has entered into a contract for debris removal following an emergency event through a Cooperative Purchasing Agreement with Craven County.

ADMINISTRATIVE REPORTS

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield stated that the Planning Board did not meet in July, but the next meeting is scheduled for August 3, 2023.

VOTE – Jay Ammon Rezoning Request for Craven County PIN 8-206-083

Councilman Sheffield motioned to table the rezoning request vote until the September 14 Council Work Session meeting. The motion carried unanimously.

PUBLIC SAFETY – COUNCILMAN WEAVER

Community Watch – Councilman Weaver stated that Community Watch met on June 21 and elected officers with Egon Lippert serving as chairperson, and Jim Kelly serving as vice chairperson.

PARKS & RECREATION – COUNCILMAN WEAVER

Parks & Recreation

Councilman Weaver stated that the Parks and Recreation Advisory Board met on July 12 and elected officers. He stated that Laurie LaMotte will serve as chairperson, Krysten Howard as vice chairperson and Kathy Noonan as the secretary.

Organic Garden

Councilman Weaver stated that the Organic Garden has had a busy summer with a lot of vegetables being produced. He also stated that there are now two beehives.

Red Caboose Library (RCL)

Councilman Weaver stated that the Book / Tech Mobile would be at the Municipal Building on Friday July 21, at 2:00 p.m. through 5:00 p.m. He also stated that the library has started the process to become a corporate entity which includes a name change.

DISCUSSION– Filling of Vacancy

The Mayor stated that the Town Manager would give a presentation on the town's current ordinance, which governs how the Council fills a vacancy. The Town Manager reviewed a PowerPoint presentation which outlined the process and a proposed timeline for filling the vacancy.

VOTE– Filling of Vacancy - Councilman Weaver motioned to recognize and accept Councilman Castranova resignation effective on July 21, 2023, at 12:01 a.m. and to provide instructions to fill the vacancy as presented in the Town Managers presentation. The motion carried unanimously.

CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following report.

The CAC met on July 19. Two guests were present, Carina Wordham and Dennis Shay. Officers were elected: Chair – Brenda Hall, Vice-Chair – Donna Perry, Secretary – Pat Lineback. The yard awards program was reviewed at the end of its first year. It has been well received and will continue for another year. Next year two workshops will be offered to help residents create festive décor for doors and mailboxes for the Fourth of July. Members have been working on the Plantation median project for over a year. Their first stage was research and seeking a tree and shrub assessment from an expert, Craven County Extension Director Dr. Tom Glasgow. They have developed three different plans to present to the Council at the Work Session on August 10. A committee was formed to plan an Arbor Day program for March 22, 2024. Two Christmas globe light workshops will be offered in October. A maximum of eighteen participants can sign up for each session. There will be a small charge for materials. A workshop preparation meeting and a globe repair session are scheduled for the end of September. At the conclusion of the meeting, Carina Wordham expressed interest in joining CAC. Her application had been submitted. CAC members voted unanimously to submit a favorable recommendation to the Town Council. The next meeting is scheduled for September 20, 2023 at 4 pm in the Municipal Building.

FINANCE – COUNCILMAN LEONARD

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of June. She stated the total of the Town’s Cash and Investments as of June 30, 2023, were \$3,652,035 and Ad valorem tax collections for FY22-23 were \$728,005 and Vehicle Ad valorem tax collections were \$96,393.

VOTE – FY2023-2024 Budget Ordinance

Councilman Leonard motioned to approved Budget Amendment 23-B-01 as presented. The motion carried unanimously. (see attached)

VOTE – Street Paving Award

Councilman Leonard motioned to award the street paving bid to Barnhill Contracting for \$213,750.

ENVIRONMENTAL AND WATERWAYS – COUNCILMAN LEONARD

Councilman Leonard stated that EWAB did not meet in July, but the next meeting is scheduled for August 7, 2023, at 7:00 p.m. at the Municipal Building.

VOTE – Wastewater Treatment Plant Grant Resolution

Councilman Leonard motioned to approve the Wastewater Treatment Plant Grant Resolution as presented. The motion carried unanimously. (see attached)

VOTE – Water Supply Study Project Award

Councilman Leonard motioned to award the Water Supply Study Project Award to Rivers and Associates as presented. The motion carried unanimously.

MAYOR’S REPORT

The Mayor presented the following report.

The less than factual discussions placed on the various “social media” pages do damage to our Town. Many “media” posts are not fact based and the originator should be aware of this shortcoming. I am frequently approached by friends in the New Bern area with comments about the “media” context originating in River Bend. These non-River Bend residents likely do not have the background to determine the validity of the post. It is only fair to say that the less than factual

exchange that is taking place is damaging to our Town. My plea to all is PLEASE seek facts and make certain that what you post is true. The product of government at the Federal, State, and Local level is certainly not instantaneous. Sometimes slow character of output can be frustrating. Many times, the slowness is related to the need to produce a record of decision that will be a legal contract. In the fashion of Churchill, what I state above is stated without prejudice.

PUBLIC COMMENT

No Public Comments.

CLOSED SESSION

Councilman Sheffield moved to go into a Closed Session under NCSG §143-318.11(a)(3)(6). The motion carried unanimously. The Council entered Closed Session at 8:13 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:44 p.m. The motion carried unanimously.

VOTE – Addition to Agenda

Councilman Leonard motioned to add Human Resources Policy Manual Amendment to the agenda. The motion carried unanimously.

VOTE – Human Resources Policy Manual Amendment


Councilman Leonard motioned to approve the Amendment to Article X – Grievance Procedure and Adverse Action Appeal as presented. The motion carried unanimously.

VOTE – Town Manager Merit Pay

Councilman Sheffield motioned to award the Town Manager merit pay in the amount of \$4,318. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 8:46 p.m.



Kristie J. Nobles, CMC, NCCMC
Town Clerk



**TOWN OF RIVER BEND
 BUDGET ORDINANCE AMENDMENT 23-B-01
 FISCAL YEAR 2023 - 2024**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2023-2024 Budget Ordinance be amended as follows:

Summary

General Fund	2,209,051
General Capital Reserve Fund	56,900
Law Enforcement Separation Allowance Fund	12,685
Water Fund	655,804
Water Capital Reserve Fund	10
Sewer Fund	679,504
Sewer Capital Reserve Fund	1
Total	<u>3,613,955</u>

Section 1. General Fund

Anticipated Revenues

AD VALOREM Taxes 2023-2024	935,566
AD VALOREM Tax-Motor Vehicle	90,000
Animal Licenses	1,500
Sales Tax 1% Article 39	195,868
Sales Tax 1/2% Article 40	114,635
Sales Tax 1/2% Article 42	97,901
Sales Tax Article 44	13,090
Sales Tax Hold Harmless Distribution	108,195
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	91,000
Beer and Wine Tax	13,225
Video Programming Sales Tax	49,621
Utilities Franchise Tax	112,169
Telecommunications Sales Tax	6,725
Court Refunds	500
Zoning Permits	7,000
Miscellaneous	15,000
Interest- Powell Bill Investments	50
Interest-General Fund Investments	20,000
Contributions	901
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Sale of Fixed Assets	3,000
Transfer From Capital Reserve Fund	43,504
Appropriated Fund Balance	<u>251,257</u>
Total	2,209,051

Section 1. General Fund (continued)

Authorized Expenditures

Governing Body	65,000
Administration	304,500
Finance	138,625
Tax Listing	13,700
Legal Services	24,000
Elections	0
Police	753,735
Public Buildings	104,500
Emergency Services	5,700
Animal Control	17,100
Street Maintenance	272,950
Public Works	189,000
Leaf & Limb and Solid Waste	52,384
Stormwater Management	47,000
Wetlands and Waterways	2,900
Planning & Zoning	57,000
Recreation & Special Events	10,500
Parks & Community Appearance	62,450
Contingency	20,807
Transfer To General Capital Reserve Fund	55,000
Transfer To L.E.S.A. Fund	12,200
Total	<u>2,209,051</u>

Section 2. General Capital Reserve Fund

Anticipated Revenues

Contributions from General Fund	55,000
Interest Revenue	<u>1,900</u>
Total	56,900

Authorized Expenditures

Transfer to General Fund	43,504
Future Procurement	<u>13,396</u>
Total	56,900

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:

Contributions from General Fund	12,200
Interest Revenue	<u>485</u>
Total	12,685

Authorized Expenditures:

Separation Allowance	0
Future LEOSSA Payments	<u>12,685</u>
Total	12,685

Section 8. Levy of Taxes

There is hereby levied a tax at the rate of twenty-four cents (\$0.24) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2023, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2023-2024" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$393,280,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.12%. The estimated collection rate is based on the fiscal year 2021-2022 collection rate of 99.12% 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 \$37,500,000 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 2023-2024, 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 4.4% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

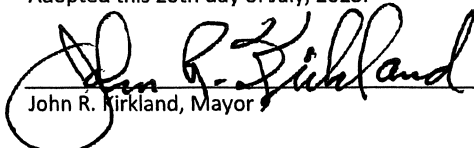
Section 12. Utilization of the Budget Ordinance

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2023-2024 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall ensure the operating staff and officials are provided with guidance and sufficient details to implement their appropriate portion of the budget.

Section 13. Copies of this Budget Ordinance

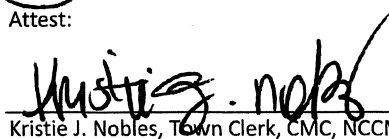
Copies of this Budget Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 20th day of July, 2023.



John R. Kirkland, Mayor

Attest:



Kristie J. Nobles, Town Clerk, CMC, NCCMC

Town of River Bend Resolution

Whereas, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

Whereas, the North Carolina Department of Environmental Quality has offered a State Grant in the amount of \$9,108,500 for the construction of the Wastewater Treatment Plant Enhancements Project, and

Whereas, the Town of River Bend intends to construct said project in accordance with the approved plans and specifications,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF RIVER BEND:

That the Town of River Bend does hereby accept the State Grant offer of \$9,108,500.

That the Town of River Bend does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the grant offer, Section II - Assurances will be adhered to.

That Delane Jackson, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Town of River Bend has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 20th day of July, 2023 at River Bend, North Carolina.





John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk, CMC

Kristie J. Nobles, Town Clerk, CMC

**River Bend Town Council
Work Session Minutes
August 10, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Town Attorney: Ross Hardeman

Members of the Public Present: 32

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, August 10, 2023, at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

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

Message from David Bone, Executive Director – Eastern Carolina Council of Government

The Manager introduced David Bone from the Eastern Carolina Council of Government (ECCOG). Mr. Bone gave a presentation of the available resources that the ECCOG offers and upcoming events. He also expressed gratitude to Patty Leonard who is the Town's appointed representative to the ECCOG.

Discussion – CAC's Plantation Median Recommendations

Councilwoman Maurer stated that the CAC has been working on the median project for over a year. She stated that there are some landscaping issues including dangerous, sick trees and shrubbery that need to be reviewed. She stated that Tom Glasglow has submitted his recommendation. At this time, Councilman Weaver stated that he did not want to remove the medians, but to correct the problem trees and shrubbery. Councilman Leonard agreed and stated that there is no money in the current years budget for this project.

VOTE – CAC's Median Recommendation

Councilman Sheffield motioned to instruct the Town Manager to investigate the cost of having an arborist exam trees on Plantation Drive and Anchor Way. The motion carried unanimously.

At this time the Mayor called for a 2 minute recess.

Discussion – Renew Water Shortage Response Plan

The Manager stated that the Town is required to have a Water Shortage Response Plan, which outlines what is done during a drought or any other condition that limits the Town's water availability. He stated that this plan has to be renewed every 5 years as required by NCDEQ.

VOTE – Renew Water Shortage Response Plan Resolution

Councilman Sheffield motioned to approve the Water Shortage Response Plan Resolution as presented. The motion carried unanimously. (see attached)

VOTE – 2022 Craven County Tax Settlement

Councilman Leonard motioned to approve the 2022 tax settlement from Craven County as presented. The motion carried unanimously.

Discussion – Draft Advisory Board Ordinance Amendment

Councilman Leonard stated that when the Council revised the Advisory Board Ordinance, they did not address the role of the Council Liaison. He stated that most Council members start as Advisory Board members. He stated that there is not anything in the ordinance to prevent Council members from serving on the Advisory Boards. He stated he felt it was a conflict of interest with the Council appointing Advisory Board members and also serving on Advisory Boards.

VOTE – Draft Advisory Board Ordinance Appointments

Councilman Leonard motioned to approve the proposed language in the Advisory Board Ordinance as presented. The motion carried unanimously.

Discussion – Advisory Board Appointments

The Manager stated that there are vacancies on the Advisory Boards and there are three applications in the agenda package that Advisory Boards have recommended. Councilwoman Maurer stated that there are several applicants that have also applied for the Council vacancy. She stated she recommends postponing the Advisory Board appointments until the Council vacancy has been filled. The Council agreed to postpone any Advisory Board appointments until the Council vacancy has been filled.

Discussion – Red Caboose Library Contract

The Mayor introduced Ross Hardeman who is representing the Town Attorney during his absence. Mr. Hardeman stated that he and David Baxter have reviewed and approved the language in the contract for the Red Caboose Community Library and the Town of River Bend. Councilman Leonard asked if the Red Caboose Library was ready to execute the contract and Mrs. Gloria Kelly (vice chair for Red Caboose Library) stated there was one question. She inquired about the payment (item 2.2 of the contract) in the amount of \$5,000 over a 12-month period, with the fiscal year already two months in. The Attorney stated that the contract could be reworded to allow payments over 10 months' time and starting the following year, it would be a 12-month period. The Council agreed.

Discussion – Planning Board's Rezoning Recommendation for 403 Old Pollocksville Road

Councilman Sheffield stated that the Planning Board has received a rezoning request from Robert Davis, the property owner, to rezone a portion of the property from R-20A to R-15. He stated that the Planning Board recommends this request and has sent it to the Council. The Manager stated that a Public Hearing is needed and requires advertising.

VOTE – Public Hearing for 403 Old Pollocksville Road

Councilman Sheffield motioned to schedule a Public Hearing for rezoning of 403 Old Pollocksville Road at the regular Council meeting in September after the new council person has been seated. The motion carried unanimously.

Discussion – Conditional Zoning Ordinance

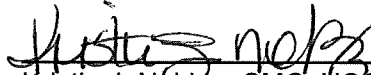
Councilman Weaver stated that Conditional Zoning was tabled at a previous meeting, but he thinks it needs to be readdressed. He stated that he felt this would be a good tool for the Town to have. The Manager stated that the latest drafted ordinance is included in the agenda package. After a discussion the Council agreed to vote on the language within the ordinance at the August 17, 2023, meeting.

REVIEW – Agenda for the August 17, 2023 Council Meeting

The Council reviewed the agenda for the August 17, 2023, Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 8:11 p.m.



Kristie J. Nobles, CMC, NECMC
Town Clerk

**TOWN OF RIVER BEND RESOLUTION
APPROVING WATER SHORTAGE RESPONSE PLAN**

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Town of River Bend has been developed and submitted to the Town Council for approval; and

WHEREAS, the Town Council finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for River Bend, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Town of River Bend that the Water Shortage Response Plan entitled, River Bend Water Shortage Response Plan dated August 10, 2023, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and


BE IT FURTHER RESOLVED that the Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Adopted this the 10th day of August 2023 at River Bend, North Carolina.




John R. Kirkland, Mayor

ATTEST:


Kristie J. Nobles, Town Clerk, CMC

**River Bend Town Council
Regular Meeting Minutes
August 17, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 44

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, August 17, 2023, at the River Bend Town Hall with a quorum present.

VOTE – APPROVAL OF AGENDA

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

ADDRESSES TO COUNCIL

Helmut Weiser – 115 Anchor Way- Spoke about to the CAC Median Project. He stated that he felt that a certified arborist would need to determine which trees need maintenance and which ones need to be removed.

INTERVIEW OF APPLICANTS FOR COUNCIL VACANCY

The Mayor thanked those who applied for this vacancy and for their willingness to serve. He said the applicants had drawn numbers prior to the meeting to determine the order in which they would address the Council. Each applicant would be given two minutes to address the Council, after which each Council member would be permitted two questions to the applicant. The applicants are Lisa Benton, Steve Bokor, Jon Hall, and Micheal Repenning.

The process then began with each candidate, in turn, addressing the Council about their experience and skills, followed by questions from the Council members. After all applicants had spoken, the Mayor again thanked them and reminded the Council that they will make their final decision at the work session meeting on September 14, 2023.

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 20, 2023 Regular Council Meeting

ADMINISTRATIVE REPORTS

PARKS & RECREATION – COUNCILMAN WEAVER

Red Caboose Library (RCL)

Councilman Weaver stated that the Council has been reviewing the proposed contract with the Red Caboose Community Library for a few months now.

VOTE– Red Caboose Community Library Contract

Councilman Weaver motioned to approve the contract with the Red Caboose Community Library as presented. The motion carried unanimously. (see attached)

CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following report.

The CAC did not meet in July. The major news is the Council discussion of the Plantation median report and recommendations for the next step. This is not news to the Council members but is written for River Bend residents. After more than a year of research and planning and two presentations to the Council, it was time for the Council to decide what to do. The members of Council voted *“we instruct the manager to investigate the cost of having an arborist examine trees on Plantation median and make recommendations and Anchor Way.”* One applicant has been recommended for appointment to the board. The Council will vote on the application in September. The next meeting is scheduled for September 20, 2023 at 4 pm in the Municipal Building.

FINANCE – COUNCILMAN LEONARD

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, 2023, were \$3,247,538 and Ad valorem tax collections for FY23-24 were \$0 and Vehicle Ad valorem tax collections were \$0.

ENVIRONMENTAL AND WATERWAYS – COUNCILMAN LEONARD

Councilman Leonard presented the following report.

Chairman Ackiss opened the meeting at 7 PM, all members were present. The minutes of the meeting June 5th 2023 meeting were approved. Councilman Leonard gave a council update. Old business: Alligators; Ray Jakilsch gave a report stating alligators are protected and are not to be disturbed. If there is a problem with one, call NCDNR. Bulkheads: Need to follow up with manager and complete the survey. New business: Election of officers: Chair Paige Ackiss, Vice chair Jon Hall, Secretary Patty Leonard. Discussion on drainage areas in town, most were already addressed by meeting time. National Night Out: EWAB will have a table and information available. NNO is October 5th 2023. Volunteer Hours: 18 Next meeting: October 2nd, 2023 at 7 PM in the small conference room in the municipal building.

Discussion – Advisory Board Ordinance Amendment

The Manager stated that the draft ordinance was in the agenda package with a few minor changes. Councilman Weaver asked the Town Attorney if the language in 3.05.070 B – “ The Town Council may give preference to minority applicants in order to promote diversity when selecting the membership of the committee” is required. The Town Attorney stated that it is not required to be in the ordinance. All of the Council agreed to remove that language in its entirety.

VOTE – Advisory Board Ordinance Amendments

Councilman Leonard motioned to adopt the changes as presented to the Advisory Board Ordinance and remove section (B) in 3.05.070. The motion carried unanimously. (see attached)

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report.

The regular meeting of the River Bend Planning Board was held on August 3rd at 6:00pm in the Community Building. A quorum was present as were several interested citizens. Chairman Lippert called the meeting to order. The usual reports were given. An invitation was made for visitors to address the board. There were some comments. The board then voted to approve a Consistency statement related to the previous recommendation in favor of a re-zoning request by Jay Ammon for parcel 8-206-083. The next item on the agenda was the election of officers. Councilman Sheffield temporarily assumed chairmanship of the board. Egon Lippert was nominated for chairman. Mr. Lippert made it abundantly clear that he would welcome any other nominations. There were none. Mr. Lippert was re-elected unanimously. Robert Kohn was nominated for vice-chairman and was also unanimously re-elected. Allison McCollum was re-elected secretary. Chairman Lippert re-assumed the duties of chairman. Under new business the board took up a re-zoning request for the property known as 403 Old Pollocksville Rd. by Robert Davis and Kimberly Dow. The request was to change approximately 3/5ths of the property from zone R20A to R15. Mr. Davis was present to answer questions. The town manager gave a very detailed PowerPoint presentation. He pointed out the differences in the two zonings and what would be allowed under the proposed re-zoning. He also made it very clear that a proposed site plan by Mr. Davis was entirely preliminary and that nothing would be official until all of the provisions of the town's subdivision ordinances had been met. The board voted to approve the re-zoning request and forward it to the town council for official approval. The next order of business was the filling of a vacancy on the Planning Board. Five citizens had submitted applications for the position. Four of them, Lisa Benton, Carolyn Gadwell, Jon Hall and Carina Wordham were present. Joey Routh did not attend. Each of the applicants was given five minutes to explain to the board why he or she should be selected. The board then voted by secret ballot. Carolyn Gadwell received the most votes and the board voted to recommend to the Town Council that she be selected to fill the vacancy. The meeting was adjourned. The next regular meeting is scheduled for September 7th. All Interested citizens are welcome to attend.

VOTE – Conditional Zoning Language

Councilman Sheffield motioned to approve the language of the draft Conditional Zoning Ordinance. The motion carried unanimously.

VOTE – Conditional Zoning Public Hearing

Councilman Sheffield motioned to schedule a Public Hearing for the Conditional Zoning Ordinance Amendment on October 19, 2023 The motion carried unanimously.

MAYOR'S REPORT

The Mayor presented the following report.

Where do we stand on climate change and sea level rise? There is a considerable discussion printed each day on this subject. The well-defined answers to what has happened and what will happen relative to global climate will not be known until sometime in the future. Living in Eastern North Carolina we should all be concerned about the related rise in sea level as well as the other aspects of global warming. The sea level rise is supported by recorded measurements that cover more than 30 years of recorded observations from positions around the globe (Lee and Wang). The article cited here is from a NASA release of March 17, 2023. A copy of that article is linked below. It is a fact that sea level is rising based on observations made by NASA. The article also links the rise in CO2 to the global warming that contributes to the increase of sea level. This information is important to all of us who live in the coastal plain of North Carolina. This material is not made available to alarm the reader but as an awareness that we need to follow what NASA will continue to research and publish and to monitor what action the State and Federal agencies are taking to cope with the change.

Lee, Jane, and Andrew Wang. "NASA Uses 30-Year Satellite Record to Track and Project Rising Seas." NASA, 17 Mar. 2023, www.nasa.gov/feature/jpl/nasa-uses-30-year-satellite-record-to-track-and-project-rising-seas.

PUBLIC COMMENT

No Public Comments.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The meeting adjourned at 8:36 p.m.



Kristie J. Nobles, CMC, NCCMC
Town Clerk

NORTH CAROLINA

LIBRARY SERVICES AGREEMENT

CRAVEN COUNTY

THIS **LIBRARY SERVICES AGREEMENT**, is made and entered into this 17th day of August, 2023 by and between **TOWN OF RIVER BEND** ("Town"); and the **RED CABOOSE COMMUNITY LIBRARY** ("Library") (hereinafter collectively "Parties").

WITNESSETH:

WHEREAS, the Library provides certain library services and scholastic to the general community; and,

WHEREAS, Town desires to contract with the Library for the Library to provide general library services to all citizens of the Town, without charge or cost.

NOW, THEREFORE, BE IT RESOLVED that for valuable consideration, the adequacy of which is expressed acknowledged by the Parties, the Parties agree to the following terms:

ARTICLE 1

Responsibilities of Library

During the term of this Agreement, and subject to the conditions and terms contained herein, the Library agrees:

1.1 To provide all of those general library services it is currently engaged in, to the citizens and residents of the Town, at no cost, charge or expense to individual citizens and residents of the Town.

1.2 It may solicit donations from its patrons, but shall at all times make clear that such donations are completely voluntary, and that they shall not inure to the benefit of the Town itself.

1.3 Indemnify and hold the Town harmless against all expenses, liabilities and claims of every kind, including reasonable attorney's fees, incurred by the Town arising out of the Library's negligence or intentional acts in performing under this Agreement, as well as the negligence or intentional acts of the Library's employees, volunteers, agents, representatives and independent contractors.

ARTICLE 2

Responsibilities of Town

During the term of this Agreement, and subject to the conditions and terms contained herein, the Town agrees:

2.1 To advertise the Library's activities on the Town's webpage, in a reasonable manner. Such reasonable manner shall be determined in the sole discretion of the Town Manager or his/her designee.

2.2 To pay the Library a total of five-thousand dollars per year (\$5,000), to be paid in twelve (12) equal monthly installments upon receipt of an invoice from the Library, except that in the fiscal year beginning July 1, 2023 and ending June 30, 2024, the Town agrees to pay the Library five-thousand dollars (\$5,000.00) in ten monthly installments beginning September 1, 2023.

ARTICLE 3

Term

The initial term of this Agreement shall terminate on the 30th day of June, 2024. The term of this Agreement can be renewed for subsequent one-year terms upon written consent of both Parties on the same terms provided in this Agreement. During the initial term or any subsequently renewed term of this Agreement, either party, with or without cause, may cancel this Agreement upon thirty (30) days' written notice to the other party. If either party gives notice of cancellation, said notice will not be considered a breach of this Agreement, and said notice will relieve the other party from any future performance under this Agreement.

ARTICLE 4

Independent Contractor

In the performance of services hereunder, the Library and its agents shall at all times act as an independent contractor, and not as an official Town department or as employees or agents of the Town. The Library and its agents shall not have any claim under this Agreement or otherwise against the Town for vacation pay, sick leave, retirement benefits, social security, worker's compensation, disability benefits, unemployment insurance benefits, or employee benefits of any other kind.

ARTICLE 5

Miscellaneous

5.1 Entire Agreement; Modification: This Agreement supersedes all prior agreements and constitutes the entire agreement between the Parties and may not be amended or modified except by a subsequent written agreement executed by both Parties.

5.2 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.

5.3 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.

5.4 Assignment: Except as may otherwise be expressly provided herein, no party may 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.

5.5 Headings & Duplicate Originals: Headings in this Agreement are for convenience and reference only and shall not be used to interpret or construe its provisions.

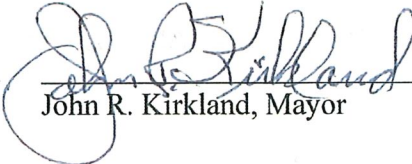
5.6 Duplicate Originals: This Agreement shall be executed in duplicate originals, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

5.7 Governing Law; Exclusive Venue: This Agreement shall be governed by the laws of the State of North Carolina. Exclusive venue for any action, whether at law or in equity, shall be in a court of competent jurisdiction in Craven County, North Carolina.


IN TESTIMONY WHEREOF, the Parties hereto have duly executed this Agreement in duplicate originals, a copy of which is retained by each of the Parties, the day and year first above written.



TOWN OF RIVER BEND

By:  (SEAL)
John R. Kirkland, Mayor

ATTEST:


Kristie J. Nobles, Town Clerk

RED CABOOSE COMMUNITY LIBRARY

By:  (SEAL)
Gloria Kelly, Vice President

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Mandy Gilbert
Mandy Gilbert, Finance Officer
Town of River Bend

Date: 8/21/2023

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF RIVER BEND

BE IT ORDAINED by the Town Council of the Town of River Bend that the Town Code of Ordinances, Title III, Administration, Chapter 3.05, Board and Commissions, be amended as follows:

CHAPTER 3.05: BOARDS AND COMMISSIONS

Parks and Recreation Advisory Board

- 3.05.001 Establishment
- 3.05.002 Purpose
- 3.05.003 Powers and duties
- 3.05.004 Composition and terms of office
- 3.05.005 Organization and procedures

Environment and Waterways Advisory Board

- 3.05.015 Establishment
- 3.05.016 Purpose
- 3.05.017 Powers and duties
- 3.05.018 Composition and terms of office
- 3.05.019 Organization and procedures

Planning Board

- 3.05.035 Establishment
- 3.05.036 Purpose
- 3.05.037 Powers and duties
- 3.05.038 Composition and terms of office
- 3.05.039 Organization and procedures

Community Appearance Commission

- 3.05.055 Establishment
- 3.05.056 Purpose
- 3.05.057 Powers and duties

3.05.058 Composition and terms of office

3.05.059 Organization and procedures

Advisory Board Appointments

3.05.070

Advisory Board Liaison

3.05.080

PARKS AND RECREATION ADVISORY BOARD

§ 3.05.001 ESTABLISHMENT.

A Parks and Recreation Advisory Board (the Board) is hereby created and established.

§ 3.05.002 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on parks and recreation issues to include, but not be limited to, town parks and recreation areas, safety matters in town parks and recreation areas, and recreational activities in town parks and recreation areas.

The Board shall work on other issues assigned by the Council or Manager

§ 3.05.003 POWERS AND DUTIES.

The Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to parks and recreation issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and administer Council and/or Manager approved parks and recreational activities and events to serve the residents of River Bend. The Board may be asked to organize special events or activities by the Council and/or Manager.

§ 3.05.004 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.

§ 3.05.005 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.

- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

ENVIRONMENT AND WATERWAYS ADVISORY BOARD

§ 3.05.015 ESTABLISHMENT.

An Environment and Waterways Advisory Board (the Board) is hereby created and established.

§ 3.05.016 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on environmental and waterways issues and to provide recommendations on waterways and environmental issues or concerns relating to use, preservation, conservation and protection of such resources within the town. The Board shall work on other issues assigned by the Council or Manager.

§ 3.05.017 POWERS AND DUTIES.

The Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to environmental and waterway issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and administer Council and/or Manager approved projects related to environmental and waterway activities and events to serve the residents of River Bend. The Board may be asked to organize special events or activities by the Council and/or Manager.
- (F) To engage in activities to further public education and understanding of the importance of waterways and the environment to the community, and voluntary means by which these resources may be protected.

§ 3.05.018 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.

§ 3.05.019 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.

- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

PLANNING BOARD

§ 3.05.035 ESTABLISHMENT.

A Planning Board (the Board) is hereby created and established.

§ 3.05.036 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on planning and zoning issues to include, but not be limited to, establishment or revision of districts, regulation and restriction of the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in accordance with G.S. § 160D-109. The Board shall work on other issues assigned by the Council or Manager.

§ 3.05.037 POWERS AND DUTIES.

Pursuant to G.S. § 160D-109, the Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to planning and zoning issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.

§ 3.05.038 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, six (6) being appointed by the Council for 2-year staggered terms. The seventh member shall be a citizen living in the town's extraterritorial jurisdiction (ETJ) and shall be appointed by the Craven County Commissioners in accordance with G.S. § 160D-109. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All town-appointed members shall be residents of the town.
- (C) Only the Craven County Commissioners have the authority to remove the ETJ member from the Board. Any ETJ vacancy shall be filled by the Commissioners.
- (D) All members of the Board shall have equal rights, privileges and duties with regards to all matters within the town's planning and zoning jurisdiction.

§ 3.05.039 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.
- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.

COMMUNITY APPEARANCE COMMISSION

§ 3.05.055 ESTABLISHMENT.

A Community Appearance Commission (herein after, the Board) is hereby created and established.

§ 3.05.056 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on community appearance issues to include, but not be limited to, enhancing the appearance of the town, making recommendations for planting of trees, shrubs or other planting materials on town owned property including town right-of-ways, and any other matter that affects the overall appearance of the town. The Board shall work on other issues assigned by the Council or Manager.

§ 3.05.057 POWERS AND DUTIES.

The Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to community appearance issues.
- (B) At the request of the Council and Manager, assist in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and implement Council and/or Manager approved projects related to community appearance. The Board may be asked to conduct special projects or activities by the Council and/or Manager.

§ 3.05.058 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.

§ 3.05.059 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.

- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at the meeting. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.


§ 3.05.070 APPOINTMENT/REMOVAL TO BOARD

- (A) No appointment to fill a vacancy on an Advisory Board shall be made until the vacancy has been advertised for at least 2 weeks. Applicants are encouraged to attend the Council meeting where their consideration of appointment is scheduled, whereby they will be introduced to the Council.
- (B) The following application procedure shall be followed by all applicants:
 - (1) Any person interested in appointment to an Advisory Board shall complete and submit an Advisory Board Application.

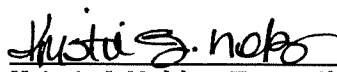
- (2) Before being considered for appointment, an applicant must have attended at least 1 meeting of the Advisory Board they request to be appointed to.
 - (3) All applications for appointment will be reviewed by the Advisory Board. The Advisory Board shall consider all applicants and submit a recommendation for appointment to the Town Council.
 - (4) The Advisory Board Liaison shall submit the appointment recommendation to the Town Council.
- (C) Advisory Board members may resign at any time for any reason. All resignations must be immediately reported in writing or via email to the Town Manager by the Chair, or Liaison. Once a member's resignation becomes effective, that member may only be considered for reappointment following the procedure described herein.
- (D) The Council may remove a Board member, at its discretion, by vote in an open meeting. A Board member who misses 3 consecutive meetings without being excused by the Board shall be considered to have resigned membership in the Board.
- (E) Council members may not serve on an Advisory Board. Upon appointment or election to the Council, an Advisory Board member shall immediately resign from the Advisory Board or be removed from the Advisory Board by a vote of the Council.

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

Adopted this the 17th day of August, 2023


John Kirkland, Mayor

ATTEST:


Kristie J. Nobles, Town Clerk

**River Bend Town Council
Work Session Minutes
September 14, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 20

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, September 14, 2023, at the River Bend Town Hall with a quorum present.

VOTE – Amend the Agenda

Councilwoman Maurer motioned to amend the agenda by removing Closed Session item # 12. The motion carried unanimously.

VOTE – Approval of Agenda

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

At this time Manager Jackson made an announcement that he had applied for a grant for the Town for a brand-new, state-of-the-art water treatment plant with softener. He stated that the grant, in the amount of \$9,393,000, is included in the proposed state budget. He also stated that if the budget is passed this would be the largest grant that the Town has ever received. Councilman Weaver expressed gratitude to the Town Manager and the Council agreed.

Nominations– Select Replacement for Council Vacancy

The Mayor called upon the Town Manager to explain the appointment process. The Council members (in alphabetic order) were called upon to offer their nomination. Councilwoman Maurer nominated Lisa Benton, Councilman Leonard nominated Lisa Benton, Councilman Sheffield nominated Steve Bokor and Councilman Weaver nominated Lisa Benton.

Vote- Replacement for Council Vacancy

Councilman Leonard moved to temporarily appoint Lisa Benton to the River Bend Town Council with a term ending on December 19, 2024. The motion passed with 3 ayes and 1 nay with Councilman Sheffield voting nay.

Administer Oath of Office to New Council Member

The Town Clerk then administered the oath of office to Lisa Benton, and she took her place on the dais.

ADOPTION OF COUNCIL CODE OF ETHICS POLICY

Councilwoman Benton moved to adopt the Council Code of Ethics Policy as presented. The motion carried unanimously. (see attached)

VOTE– Plan Consistency

Councilman Sheffield motioned to approve the resolution on Plan Consistency and Statement of Reasonableness as presented. The motion carried unanimously.

VOTE– Ammon Rezoning Request

Councilman Sheffield motioned to rezone the parcel identified by Craven County PIN 8-206-083 from Institutional to Planned Development Residential – Multifamily. The motion passed with 4 ayes and 1 nay with Councilman Weaver voting nay.

VOTE – CAC Appointment

Councilwoman Maurer motioned to appoint Carina Wordham to the Community Appearance Commission for a term beginning September 14, 2023, and expiring June 30, 2025. The motion carried unanimously.

Councilman Sheffield stated that the Planning Board had previously met and recommended appointing Carolyn Gadwell to the Planning Board.

VOTE – Planning Board Appointment

Councilman Sheffield motioned to appoint Carolyn Gadwell to the Planning Board for a term beginning September 14, 2023, and expiring June 30, 2025. The motion failed with 1 aye and 4 nays with Councilmen Weaver and Leonard, and Councilwomen Maurer and Benton voting nay.

Councilwoman Maurer motioned to appoint Jon Hall to the Planning Board for a term beginning September 14, 2023, and expiring June 30, 2025. The motion carried unanimously.

VOTE – Parks and Recreation Appointment

Councilman Weaver motioned to appoint Elizabeth Stokes to the Parks and Recreation Advisory Board for a term beginning September 14, 2023, and expiring June 30, 2025. The motion carried unanimously.

Discussion – Human Resources Policy Amendment

Manager Jackson stated the Town does not have a policy in place regarding overtime pay for exempt employees during a State of Emergency. He stated that he had spoken with the new Emergency Management Expert at the School of Government, and she recommended the proposed changes to make our policy FEMA compliant. He stated that the Town Attorney had also reviewed and approved her recommendations.

VOTE – Human Resources Policy Amendment

Councilman Weaver motioned to amend Article III, Section II of the Human Resources Policies and Procedures Manual as presented. The motion carried unanimously. (see attached)

Discussion – Water Resources Policy Amendment

Manager Jackson stated that the amended policy would give the Town staff direction on pool fills for water and sewer customers in the town.

VOTE – Water Resources Policy Amendment

Councilwoman Maurer motioned to amend Section 7(G) of the Water Resources Department Policy Manual as presented. The motion carried unanimously. (see attached)

Discussion – Budget Amendment

The Manager stated that during the Budget Workshops the Council had agreed to purchase safety equipment for the Police Department but did not provide funding. He stated that the Police Chief has received quotes, and this Budget Amendment would officially approve funds for the purchase.

VOTE – Budget Amendment

Councilman Leonard motioned to approved Budget Amendment 23-B-02 as presented. The motion carried unanimously. (see attached)

Discussion – Norbury Speed Limit

Councilman Weaver stated that there have been some complaints about speeding on Norbury. He stated that there was a study completed and it showed that there is a very small percentage of speeding. Councilman Leonard stated that speed bumps or signage might help discourage speeding, although there are speed limit signs. Councilman Weaver stated that engineered controlled measures are normally put in place to change human behavior. He stated that he felt permanent speed bumps aren't a good idea but there are temporary speed bumps that would change human behavior, and then these speed bumps can be used on other roads in town. The Council agreed to purchase temporary speed bumps and have those deployed on Norbury.

Discussion – Davis / Dow Rezoning Request

The Manager stated that there is a scheduled Public Hearing for the rezoning request of the Davis / Dow Property located on Old Pollocksville on September 21, 2023. He stated that the property has had the signage displayed and the advertisement has run in the local newspaper to meet the requirements. He stated that once the Public Hearing is held the Council can vote on the rezoning.


REVIEW – Agenda for the September 21, 2023, Council Meeting

The Council reviewed the agenda for the September 21, 2023, Council Meeting.

Councilman Sheffield asked if the liaison responsibilities could be added to the agenda next week and the Council agreed.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 7:55 p.m.



Kristie J. Nobles, GMC, NCCMC
Town Clerk

Blue=delete **Yellow**=add

Section 11. Overtime Pay Provisions

Employees of the Town may be required to work overtime hours as necessary to meet the needs of the Town and as determined and pre-approved by the supervisor.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act ("FLSA") and the North Carolina Wage and Hour Act ("NCWHA"). The Town Manager shall determine, using federal guidelines, which jobs are "non-exempt" and are therefore subject to the FLSA in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 171 hours in a 28-day cycle for sworn police personnel). For non-exempt employees, hours worked beyond the FLSA established limit will be compensated in either compensatory time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will either be paid in accordance with the FLSA or as compensatory time at a rate of one and one-half hours for each hour of overtime worked. Compensatory time off must be taken during the next full pay period unless a special exception is granted by the Town Manager. If it is not taken, the time shall be paid as overtime in accordance with FLSA.

In emergency situations, where employees are required to work long and continuous hours, the Town Manager may grant time off with pay for rest and recuperation to ensure safe working conditions.

To protect the health and safety of staff and ensure efficient and effective rapid response efforts in emergency situations, staff required to work extended continuous hours on site will be permitted to rest and recuperate on site while on duty.

Employees in positions determined to be "exempt" from the FLSA will not receive pay or compensatory time off for hours worked in excess of their normal work periods (a normal work period is defined as 40 hours per week) except when an emergency, as defined by N.C.G.S. 166A-19.3, has been declared by the Mayor or Town Council. During such times, exempt employees will be paid overtime in the same manner as non-exempt employees.

Current Language

A. Swimming Pool Filling

Swimming pools may be filled once a year without the customer having to pay a sewer usage charge on the water used to fill the pool. This does not include routine maintenance and season opening fills. The forgiven sewer usage charge (if a subscriber to this service) will appear as a credit on a subsequent billing. How much sewer usage will be forgiven will be calculated in either of two ways: (1) Where calculations showing the pool's normal functional water capacity are available from a pool construction contractor (in 1,000 gallons) the customer shall bring or mail such documentation with the request for abatement of the sewer charge, or (2) Where the customer utilizes a department-owned meter to record the total usage for filling the pool. A limited number of meters, equipped with "garden hose" fittings are available by contacting the Department. Customers who use these meters will be asked to sign a form accepting responsibility for damage to the meter or other appurtenant equipment and relieving the Town of any liability resulting from the customer's use of the meter. No request for abatement will be approved, under this method, until the meter is returned in working order and the Department verifies the usage. Abated sewer charges will be applied to the next bill cycle after the request for abatement is received and approved.

Proposed Changes

Yellow=add

Blue =delete

Upon request, swimming pools may be filled once per fiscal year (July 1-June 30) without the customer having to pay a sewer usage charge on the water used to fill the pool. This is known as a "pool adjustment" and is only available for River Bend sewer customers. This Pool adjustments do not include routine maintenance and season-opening fills. Pool adjustments are for the initial filling of new pools or for re-filling a pool after it has been drained for maintenance/repair. The forgiven sewer usage charge (if a subscriber to this service) will appear as a credit on a subsequent billing. How much sewer usage will be forgiven The amount of a pool adjustment will be calculated in either of two three ways: (1) Where calculations showing the pool's normal functional water capacity are available from a pool construction/maintenance contractor (in 1,000 gallons) the customer shall bring or mail provide such documentation with the request for a pool adjustment abatement of the sewer charge, or (2) Where the customer utilizes a department-owned meter to record the total usage gallons used for filling the pool, or (3) When the customer agrees to accept a gallons used amount as determined by Town staff. In the absence of a mutually-agreed upon amount, between the town and the customer, no pool adjustment will be made under this method. For option 2, a limited number of meters, equipped with "garden hose" fittings are available by contacting the Department. Customers who use these meters will be asked to sign a form accepting responsibility for damage to the meter or other appurtenant equipment and relieving the Town of any liability resulting from the customer's use of the meter. No request for a pool adjustment abatement will be approved, under this method until the meter is returned in working order and the Department verifies the usage. Abated sewer charges Pool adjustments will be applied to the next bill cycle after the request for abatement is received and approved. The sewer

use rate in effect at the time of the filling will be used to calculate the pool adjustment. To be considered, a request for a pool adjustments must be submitted to the Department within 15 days of the pool filling. The Town reserves the right to reject any request for a pool adjustment when the amount of gallons claimed to be used is determined to be unreasonable by Town staff.

Recommended New Language

Upon request, swimming pools may be filled once per fiscal year (July 1-June 30) without the customer having to pay a sewer usage charge on the water used to fill the pool. This is known as a “pool adjustment” and is only available for River Bend sewer customers. Pool adjustments do not include routine maintenance and season-opening fills. Pool adjustments are for the initial filling of new pools or for re-filling a pool after it has been drained for maintenance/repair. The amount of a pool adjustment will be calculated in either of three ways: (1) Where calculations showing the pool’s normal functional water capacity are available from a pool construction/maintenance contractor (in 1,000 gallons) the customer shall provide such documentation with the request for a pool adjustment, or (2) Where the customer utilizes a department-owned meter to record the total gallons used for filling the pool, or (3) When the customer agrees to accept a gallons used amount as determined by Town staff. In the absence of a mutually-agreed upon amount, between the town and the customer, no pool adjustment will be made under this method. For option 2, a limited number of meters, equipped with “garden hose” fittings are available by contacting the Department. Customers who use these meters will be asked to sign a form accepting responsibility for damage to the meter or other appurtenant equipment and relieving the Town of any liability resulting from the customer’s use of the meter. No request for a pool adjustment will be approved, under this method until the meter is returned in working order and the Department verifies the usage. Pool adjustments will be applied to the next bill cycle after the request is approved. The sewer use rate in effect at the time of the filling will be used to calculate the pool adjustment. To be considered, a request for a pool adjustments must be submitted to the Department within 15 days of the pool filling. The Town reserves the right to reject any request for a pool adjustment when the amount of gallons claimed to be used is determined to be unreasonable by Town staff.

Code of Ethics for the
Town Council of
The Town of River Bend, North Carolina

PREAMBLE

WHEREAS, the Constitution of North Carolina, Article 1, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,” and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s state motto, *Esse quam videri*, “To be rather than to seem,” and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards and councils to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this town, and with obeying the law, and

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Town of River Bend, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Town Council do hereby adopt the following General Principles of Code of Ethics to guide the Town Council in its lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Council members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Council members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of their citizens.
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions.

- As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Town Council and to help to determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a council member's best judgment.

Section 1. Council members should obey all laws applicable to their official actions as members of the Council. Council members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, council members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a council member is behaving unethically because of disagreeing with that council member on a question of policy (and not because of the council member's behavior) is unfair, irresponsible, and itself unethical.

Council members should endeavor to keep up to date, through the council's attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the council may receive concerning specific situations that arise.

Section 2. Council members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values.
- Behaving consistently and with respect toward everyone with whom they interact.
- Exhibiting trustworthiness.
- Living as if they are on duty as elected officials regardless of where they are or what they are doing.
- Using their best independent judgment to pursue the common good as they see it, presenting their opinion to all in a reasonable, forthright, consistent manner.
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others.

- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
- Treating other council members and the public with respect and honoring the opinions of others even while the council members disagree with those opinions.
- Not reaching conclusions on issues until all sides have been heard.
- Showing respect for their offices and not behaving in ways that reflect poorly on those offices.
- Recognizing that they are a part of a larger group and acting accordingly.
- Recognizing that individual council members are not generally allowed to act on behalf of the council but may only do so if the council specifically authorizes it, and that the council must take official action as a body.
- Avoiding conflicts of interest.

Section 3.a. Council members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the council member's action would conclude that the action was inappropriate.

Section 3.b. If a council member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the council's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

Section 4. Council members should faithfully perform the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Council members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the council has authority.

Council members should be willing to bear their fair share of the council's workload. To the extent appropriate, they should be willing to put the council's interests ahead of their own.

Section 5. Council members should conduct the affairs of the council in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should also remember that local government records belong to the public and not to council members or their employees.

In order to ensure strict compliance with the laws concerning openness, council members should make clear that an environment of transparency and candor is to be maintained at all times in the government unit. They should prohibit unjustified delay in fulfilling public record requests. They should take deliberate steps to make certain that any closed sessions held by the council are lawfully conducted and that such sessions do not stray from the purpose for which they are called.

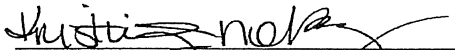
The Mayor and members of this Council do hereby accept and pledge to conduct themselves in accordance with this Code.

This document is to be reviewed by and presented to the Council for adoption following any change in the membership of the Council.

Adopted this 14th day of September, 2023 by the River Bend Town Council.


John R. Kirkland, Mayor

ATTEST:


Kristie J. Nobles, Town Clerk

Originally adopted 8-12-2010
Re-adopted 12-15-2022
Re-adopted 9-14-2023



**TOWN OF RIVER BEND
 BUDGET ORDINANCE AMENDMENT 23-B-02
 FISCAL YEAR 2023 - 2024**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2023-2024 Budget Ordinance as last amended on July 20, 2023, be amended as follows:

<u>Summary</u>	
General Fund	2,209,051
General Capital Reserve Fund	56,900
Law Enforcement Separation Allowance Fund	12,685
Water Fund	655,804
Water Capital Reserve Fund	10
Sewer Fund	679,504
Sewer Capital Reserve Fund	1
Total	3,613,955

Section 1. General Fund

Anticipated Revenues

AD VALOREM Taxes 2023-2024	935,566
AD VALOREM Tax-Motor Vehicle	90,000
Animal Licenses	1,500
Sales Tax 1% Article 39	195,868
Sales Tax 1/2% Article 40	114,635
Sales Tax 1/2% Article 42	97,901
Sales Tax Article 44	13,090
Sales Tax Hold Harmless Distribution	108,195
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	91,000
Beer and Wine Tax	13,225
Video Programming Sales Tax	49,621
Utilities Franchise Tax	112,169
Telecommunications Sales Tax	6,725
Court Refunds	500
Zoning Permits	7,000
Miscellaneous	15,000
Interest- Powell Bill Investments	50
Interest-General Fund Investments	20,000
Contributions	901
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Sale of Fixed Assets	3,000
Transfer From Capital Reserve Fund	43,504
Appropriated Fund Balance	251,257
Total	2,209,051

Section 1. General Fund (continued)

Authorized Expenditures

Governing Body	50,000
Administration	304,500
Finance	138,625
Tax Listing	13,700
Legal Services	24,000
Elections	0
Police	768,735
Public Buildings	104,500
Emergency Services	5,700
Animal Control	17,100
Street Maintenance	272,950
Public Works	189,000
Leaf & Limb and Solid Waste	52,384
Stormwater Management	47,000
Wetlands and Waterways	2,900
Planning & Zoning	57,000
Recreation & Special Events	10,500
Parks & Community Appearance	62,450
Contingency	20,807
Transfer To General Capital Reserve Fund	55,000
Transfer To L.E.S.A. Fund	12,200
Total	<u>2,209,051</u>

Section 2. General Capital Reserve Fund

Anticipated Revenues

Contributions from General Fund	55,000
Interest Revenue	1,900
Total	<u>56,900</u>

Authorized Expenditures

Transfer to General Fund	43,504
Future Procurement	13,396
Total	<u>56,900</u>

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:

Contributions from General Fund	12,200
Interest Revenue	485
Total	<u>12,685</u>

Authorized Expenditures:

Separation Allowance	0
Future LEOSSA Payments	12,685
Total	<u>12,685</u>

Section 6. **Sewer Fund**

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	267,170
Utility Usage Charges, Classes 3 & 4	36,679
Utility Usage Charges, Class 5	28,142
Utility Usage Charges, Class 8	16,833
Utility Customer Base Charges	296,108
Taps & Connection Fees	1,250
Late payment Fees	8,384
Interest Revenue	5,836
Sale of Capital Asset	0
Appropriated Fund Balance	19,102
Total	<u>679,504</u>

Authorized Expenditures:

Administration & Finance [2]	483,204
Operations and Maintenance	192,800
Transfer to Fund Balance for Capital Outlay	3,500
Transfer to Sewer Capital Reserve Fund	0
Total	<u>679,504</u>

[2] Portion of department for bond debt service: 121,893

Section 7. **Sewer Capital Reserve**

Anticipated Revenues:

Contributions From Sewer Operations Fund	0
Interest Revenue	1
Total	<u>1</u>

Authorized Expenditures:

Future Expansion & Debt Service	1
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Section 8. **Levy of Taxes**

There is hereby levied a tax at the rate of twenty-four cents (\$0.24) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2023, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2023-2024" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$393,280,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.12%. The estimated collection rate is based on the fiscal year 2021-2022 collection rate of 99.12% 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 \$37,500,000 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 2023-2024, 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 4.4% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

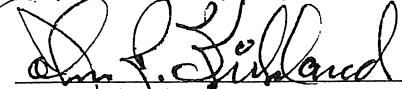
Section 12. **Utilization of the Budget Ordinance**

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2023-2024 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.

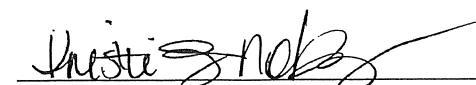
Section 13. **Copies of this Budget Ordinance**

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 14th day of September, 2023.



John R. Kirkland, Mayor

Attest:


Kristie J. Nobles, Town Clerk, CMC, NCCMC

**River Bend Town Council
Regular Meeting Minutes
September 21, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 30

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, September 21, 2023, at the River Bend Town Hall with a quorum present.

VOTE – APPROVAL OF AGENDA

Councilwoman Benton motioned to adopt the agenda as presented. The motion carried unanimously.

RECOGNITION OF NEW RESIDENTS

Terrence Lubsen – introduced himself and stated he is originally from New Jersey and interested in the upcoming zoning issues.

PUBLIC HEARING – Proposed Rezoning Craven County PIN 8-200-029

Councilman Sheffield moved to open the Public Hearing on the proposed rezoning of the parcel described by Craven County Parcel Identification Number 8-200-029 located at 403 Old Pollocksville Road. The motion carried unanimously.

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

CONSENT AGENDA

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

A. Approve:

*Minutes of the August 10, 2023 Work Session Meeting
Minutes of the August 17, 2023 Regular Council Meeting*

TOWN MANAGER'S REPORT

The Manager gave the following updates:

- The Town Clerk has received a scholarship for the Master Municipal Clerk Academy in November.

- The state budget, which includes \$9.3 million for the Town, will likely be passed tomorrow and then go to Governor for review. He stated this grant will allow the Town to build a brand-new Water Treatment Plant for the Town.

ADMINISTRATIVE REPORTS

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield stated that the Planning Board had recommended to the Council the approval of rezoning a portion of the property located at 403 Old Pollocksville Road. He stated that the Town had the required Public Hearing early in the meeting with no comments from the citizens.

VOTE– Plan Consistency

Councilman Sheffield motioned to approve the resolution on Plan Consistency and Statement of Reasonableness as presented. The motion carried unanimously. (see attached)

VOTE– Davis / Dow Rezoning – 403 Old Pollocksville Road

Councilman Sheffield motioned to rezone a portion of the parcel located at 403 Old Pollocksville Road identified by Craven County PIN 8-200-029 with said portion being further described by metes and bounds and shown on the map labeled as Exhibit 1, containing 73.22 acres to R15. The motion carried unanimously.

PARKS & RECREATION – COUNCILMAN WEAVER

Councilman Weaver stated that Parks and Recreation is hosting the Community Yard Sale on September 30, 2023, and there is also a Fall Festival being planned.

CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following report.

The CAC met on September 20, 2023. Agenda items included plans for festive home awards for fall and Christmas, a report on the Council discussion of the Plantation median project, ideas for Arbor Day celebration 2024, Christmas globe repairs and workshops, discussion about participating in National Night Out, and the start of plans for an Independence Day craft décor project. The Christmas globe workshops are scheduled for November 2nd and 4th from 9 am to noon in the Municipal Building. Pre-registration is required. More details will be published soon. The next meeting is scheduled for November 15, 2023, at 4 pm in the Municipal Building.

Councilwoman Maurer stated that the Council has asked the Town Manager to get quotes for a licensed arborist to do an assessment for the CAC Median Project.

VOTE– Median Assessment Project Funding

Councilwoman Maurer motioned to approve funding up to \$2,500, to hire a certified arborist to conduct an assessment of the medians on Plantation Drive and Anchor Way as described in the scope of work dated September 13, 2023. The motion carried unanimously.

FINANCE – COUNCILMAN LEONARD

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of August. She stated the total of the Town's Cash and Investments as of August 31, 2023, were \$3,244,542 and Ad valorem tax collections for FY23-24 were \$28,855 and Vehicle Ad valorem tax collections were \$9,368.

VOTE– NCLM Grants Memorandum of Agreement Resolution

Councilman Leonard motioned to approve the NCLM Grants Memorandum of Agreement Resolution as presented. The motion carried unanimously. (see attached)

MAYOR'S REPORT

The Mayor presented the following report.

The Towns and Cities in North Carolina are chartered by Act of the General Assembly. A Google search for "municipal government in North Carolina" results in the following: "In North Carolina, cities, towns and villages are incorporated municipalities which means that the North Carolina General Assembly (or, in a few cases, a former state agency known as the Municipal Board of Control) has granted a charter authorizing the establishment of a municipal corporation (government) and outlining the powers, authority and responsibilities of the municipal government. Some of these are specified in the charter and some are authorized by state statutes." (NCLM, *How NC Cities Work*)

The Town Charter is printed on the Town's web page and runs for nine pages. The charter is complete with the January 14, 1981, charter and the several amendments that the General Assembly has authorized in the years since 1981. (Rather than print the document here it is requested that citizens read the Charter on the web page.)

The Town Council, Manager and staff must comply with the direction of the Town's Charter, the laws of the State of North Carolina and the laws of the Federal Government. It is apparent that the day-to-day operation of municipal government in North Carolina does not operate by whim, but by direction from the General Assembly and the Federal Congress.

The River Bend Town Council, Manager and Staff has done very well in complying with these mandates. Source: *How NC Cities Work*. How NC cities work. (n.d.). <https://www.nclm.org/advocacy/how-nc-cities-work>

The Mayor then stated that the annual Constitution Week and Fire Prevention Week Proclamations were included in the agenda.

At this time the Mayor asked Janet Nawojski to come to the podium. The Town Clerk read a memorandum that the Mayor sent to Ms. Nawojski. He stated that the River Bend Garden Club has maintained the flower gardens around Town Hall, and he expressed gratitude and thankfulness for their work.

VOTE – CAC Recognition


Councilwoman Maurer motioned to make a payment to the Memorial Garden in the amount of \$600 for recently completed improvements to the Memorial Garden. The motion carried unanimously.

PUBLIC COMMENT

No Public Comments.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The meeting adjourned at 7:59 p.m.



Kristie J. Nobles, CMC, NCCMC
Town Clerk

TOWN OF RIVER BEND

RESOLUTION STATING THAT PROPOSED MAP AMENDMENT TO THE TOWN ZONING MAP IS IN ACCORDANCE WITH ALL OFFICIALLY ADOPTED PLANS, INCLUDING THE COMPREHENSIVE LAND USE PLAN; IS REASONABLE; AND IS IN THE PUBLIC INTEREST.

WHEREAS, the North Carolina General Assembly has given the Town of River Bend (“Town”) the authority to adopt and amend zoning and development regulation ordinances and maps for the purpose of promoting health, safety, morals, or the general welfare of its citizens; and,

WHEREAS, prior to consideration by the governing board of a proposed zoning or development ordinance amendment, N.C.G.S. § 160D-605 requires the Town Council to state whether a proposed zoning map amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable, and N.C.G.S. § 160D-605 further provides that the Town Council shall provide a statement analyzing the reasonableness of a proposed rezoning; and,

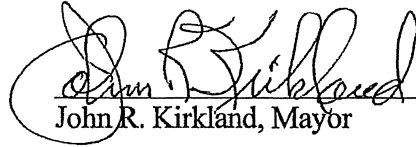
WHEREAS, the Town Council has met to consider and evaluate the proposed map amendment, which is the proposal to rezone a portion of parcel # 8-200-029 from R-20A to R-15 (“Proposed Amendment”); and

WHEREAS, the Town Council considers the Proposed Amendment to be consistent with the Town’s officially adopted plans, including any comprehensive land use plan, because it is in harmony with the above referenced land use plans and provides for the development and growth that is characteristic of Town’s existing residential development, which development and growth will provide for an increased tax base; and,

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Town Council finds that the Proposed Amendment is in accordance with all officially adopted Town plans, including any comprehensive land use plan; that the proposed amendment is reasonable and in the public interest; and is reasonable based on the size, physical conditions, and other attributes of the area proposed to be rezoned and will provide for more affordable housing options in the Town.

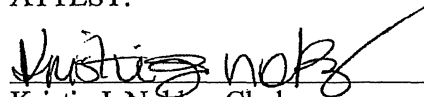
This Resolution is effective upon its adoption this 21st day of September, 2023

TOWN OF RIVER BEND



John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Clerk

**RESOLUTION TO APPROVE A MUNICIPAL ACCOUNTING SERVICES,
CYBERSECURITY AND TECHNICAL ASSISTANCE MEMORANDUM OF
AGREEMENT**

WITNESSETH:

WHEREAS, the North Carolina State Budget Act of 2021 (SL 2021-180, as amended by SL 2021-189, and SL 2022-6) provided to the NC League of Municipalities (League) grant funds provided to the State of North Carolina by the U.S. Treasury pursuant the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319, American Rescue Plan Act of 2021 (ARP); and

WHEREAS, the League received two Award Agreements (OSBM-NCLM-65) from the Office of State Budget and Management (OSBM) and the North Carolina Pandemic Recovery Office (NCPRO); and

WHEREAS, the first Award Agreement is identified as OSBM-NCLM-65. This grant enables the League to provide "financial software and assistance programs for units of local government for expenses related to the COVID-19 pandemic..." This grant is referred to as the Municipal Accounting Services and Cybersecurity Grant; and

WHEREAS, the second Award Agreement is identified as OSBM-NCLM-66. This grant enables the League "to provide guidance and technical assistance to units of local government in the administration of funds from the Local Fiscal Recovery Fund, as established in Section 2.6 of S.L. 2021-25, and in the administration of projects funded through the State Fiscal Recovery Fund, as established in Section 2.2 of S.L. 2021-25." This grant is referred to as the Guidance and Technical Assistance Grant; and

WHEREAS, the Municipal Accounting Services and Cybersecurity Grant and the Guidance and Technical Assistance Grant are collectively referred to herein as the "League Grants".

WHEREAS, the League Grants are deemed part of US Treasury Expenditure Category: 6, Revenue Replacement and shall only be spent on governmental services; and

WHEREAS, pursuant to US Treasury Guidance, units of local government that receive services that are funded by one or both of the League Grants are beneficiaries of one or both of the League Grants, respectively, and such services are provided at no cost to these local governments; and

WHEREAS, the League has established a Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement pursuant to the terms of the League's Municipal Accounting Systems and Cybersecurity Grant and the Guidance and Technical Assistance Grant; and

WHEREAS, this Municipal Accounting System, Cybersecurity and Technical Assistance Memorandum of Agreement will offer local municipalities:

(1) Services rendered by the League (League Services) including but not limited to capital expenditures for special purpose software and computer equipment as set forth in §2 C.F.R. 200.439; and

(2) Services rendered by one or more service providers (Contractor Services), retained by the League on behalf of the Municipality, who are members of a particular profession or possess a special skill as set forth in §2 C.F.R. 200.459; and

(3) Equipment, including information technology systems, and supplies, including computing devices, as set forth in §2 C.F.R. 200.439 and §2 C.F.R. 200.453; and

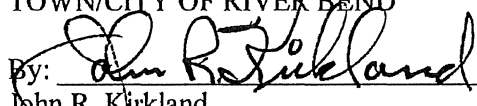
WHEREAS, the Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement, is attached hereto as Exhibit A; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY/TOWN COUNCIL/BOARD OF THE TOWN OF RIVER BEND:

1. That, the Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement is hereby approved.
2. That the Manager/Clerk is authorized to execute the attached Memorandum of Agreement (or one substantially equivalent thereto) and such other agreements as necessary in accordance with the League's Municipal Accounting Services and Cybersecurity Grant and the Guidance and Technical Assistance Grant.

Adopted, this the 21st day of September, 2023

TOWN/CITY OF RIVER BEND

By: 
John R. Kirkland
Mayor


ATTEST:

Kristie J. Nobles
Town Clerk

Exhibit A
MUNICIPAL ACCOUNTING SERVICES, CYBERSECURITY AND
TECHNICAL ASSISTANCE MEMORANDUM OF AGREEMENT (MOA).

MUNICIPAL ACCOUNTING SERVICES, CYBERSECURITY AND TECHNICAL ASSISTANCE MEMORANDUM OF AGREEMENT

This Municipal Accounting Services, Cybersecurity and Technical Assistance Memorandum of Agreement (hereinafter the "Agreement") is entered into as of the Effective Date set out below, by and between the Town of River Bend (hereinafter the "Municipality") and the NC League of Municipalities (hereinafter the League), each additionally referred to as a "Party"; and collectively as the "Parties." This Agreement and the obligations hereunder shall be effective upon execution of this Agreement by all Parties ("Effective Date").

For good and valuable consideration, the adequacy of which is hereby acknowledged, the Parties agree as follows:

Article I. Overview.

1. Enabling Law and Regulation.

The North Carolina State Budget Act of 2021 (SL 2021-180, as amended by SL 2021-189, and SL 2022-6) provided to the League grant funds provided to the State of North Carolina by the U.S. Treasury pursuant the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319, American Rescue Plan Act of 2021 (hereinafter ARP/CSLFRF). Pursuant to this legislation, the League received two Award Agreements from the Office of State Budget and Management (hereinafter OSBM) and the North Carolina Pandemic Recovery Office (hereinafter NCPRO).

The funds are deemed part of US Treasury Expenditure Category: 6, Revenue Replacement and shall only be spent on governmental services.

2. Grants Awarded to the NC League of Municipalities.

The first Award Agreement is identified as **OSBM-NCLM-65**. This grant enables the League to provide "financial software and assistance programs for units of local government for expenses related to the COVID-19 pandemic..." This grant is referred to as the **Municipal Accounting Services and Cybersecurity Grant**.

The second Award Agreement is identified as **OSBM-NCLM-66**. This grant enables the League "to provide guidance and technical assistance to units of local government in the administration of funds from the Local Fiscal Recovery Fund, as established in Section 2.6 of S.L. 2021-25, and in the administration of projects funded through the State Fiscal Recovery Fund, as established in Section 2.2 of S.L. 2021-25." This grant is referred to as the **Guidance and Technical Assistance Grant**.

The Municipal Accounting Services and Cybersecurity Grant and the Guidance and Technical Assistance Grant are collectively referred to herein as the "**League Grants**".

One or both of the League Grants fund this Agreement.

3. Status of the Parties.

The undersigned Municipality is a beneficiary of the League Grants. The service providers retained by the League and funded by the League Grants for the benefit of the Municipality are contractors (“Contractors”).

4. Services Offered.

Pursuant to this Agreement, the League hereby offers the following to the Municipality:

- Services rendered by the League (“League Services”). See Exhibit A.
- Services rendered by one or more service providers (“Contractor Services”) retained by the League on behalf of the Municipality, who are members of a particular profession or possess a special skill as set forth in §2 C.F.R. 200.459. See Exhibit B, as applicable (and subsequent Exhibits, as applicable).
- Equipment, including information technology systems, and supplies, including computing devices, as set forth in §2 C.F.R. 200.439 and §2 C.F.R. 200.453. The League shall fund League Services and Contractor Services pursuant to this Agreement.

The League shall fund League Services and Contractor Services pursuant to this Agreement. The Municipality accepts the League Grant(s) pursuant to this Agreement.

5. Additional Services.

Additional Services (hereinafter “Additional Services”) may be offered to the Municipality by the League during the League’s Grant period pursuant to this Agreement. The Municipality’s official, who is designated in the Municipality’s adopting Resolution, may execute further agreements, modifications of this Agreement, and agree to Additional Services to be provided to the Municipality. These Additional Services shall be described in additional Exhibits to this Agreement (Exhibit C, D, E, etc.) that, when executed by the Parties, shall become part of this Agreement.

6. Term of Agreement.

This Agreement shall begin on the Effective Date of this agreement and shall end when terminated at the discretion either party. All expenditures by the League under this Agreement must be obligated on or before December 31, 2024, and expended on or before December 31, 2026. Unless otherwise terminated, this Agreement shall expire on December, 31, 2026. Agreements executed by the Municipality and the Contractor, as may be reflected in Exhibit B, (and subsequent Exhibits attached hereto, as applicable) will survive termination of this Agreement, unless terminated early by the Municipality and the Contractor.

7. Termination of Agreement.

The League may terminate this Agreement, in whole or in part, at any time upon written notice to the Municipality and the Contractor. The Contractor shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the League to be paid. If the Contractor has any property

in its possession belonging to the League, the Contractor will account for the same, and dispose of it in the manner the League directs.

8. Duties of the Municipality.

The Municipality will utilize League Services and Contractor Services in accordance with this Agreement. It agrees to submit quarterly performance reports for the League Services and Contractor Services received pursuant to this Agreement and to cooperate with the League in appropriate review of these League Services and Contractor Services. The nature and scope of the reports will depend on the project. Any deficiencies or other performance concerns will be addressed with the Municipality and the Contractor.

The Municipality shall obtain and provide to the League a unique entity identifier assigned by the System for Award Management (SAM), which is accessible at www.sam.gov.

The Municipality shall provide the League with all relevant information requested by the League to enable the League to comply with the reporting requirements of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) or other federal or state requirements or audits, unless such information is otherwise confidential under applicable federal or state laws.

Article II. Scope of Funded Activities.

1. Scope of Services

Services provided pursuant to this Agreement are set forth in the Exhibit A & B attached hereto (and subsequent Exhibits as applicable).

2. Approved Budget.

The League, in consultation with the Municipality and the Contractor, shall establish applicable rates and fees to align with the scope of services described in Exhibit B (and subsequent Exhibits as applicable) or amendments thereto as approved in writing by the League. Such charges and rates under this Agreement, once finalized and accepted by the League, are hereinafter referred to as the "Approved Budget". The League shall furnish the Municipality with a copy of the Approved Budget, which will include a detailed summary of charges and rates that the League will be obligated to expend for the benefit of the Municipality using applicable grant funding.

3. Prior Approval for Changes.

The Municipality shall not make any changes, directly or indirectly, to the Contractor Services, or the Approved Budget, without the prior written approval of the League.

4. Allowable Costs for Services Rendered.

All services provided pursuant to this Agreement must fall with the definitions of allowable cost and not be otherwise prohibited under State or Federal law.

Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost

Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance, Subpart E, defines those items of cost that are allowable, and which are unallowable. These allowable cost requirements are:

1. The costs must be reasonable;
2. The costs must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP);
3. The costs must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances;
4. The costs must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items.

5. Prohibited Uses of Funding.

The US Treasury's Final Rule prohibits certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Routine contributions which are part of a payroll obligation for an eligible project are allowed);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or to fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding;
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

Article III. Compensation.

1. Payment of Funds.

The League will pay the Contractor identified in Exhibit B (and other Contractors/Consultants identified in subsequent Exhibits as applicable) for services rendered in accordance with the Approved Budget and for the performance of the Contractor Services. No Contractor Services shall be funded by the League outside the parameters of the League Grants. Fees and costs must be supported by evidence of bona fide services rendered.

The Municipality has no obligation to pay for any services identified in the Approved Budget that are the League's responsibility. Services not expressly agreed to by the League shall be the responsibility of the Municipality.

2. Invoices.

Email invoices to Accountspayablearp@ncfm.org. Expenses must be reasonable and necessary, documented, itemized, and incurred in accordance with this Agreement. All League expenditures under this Agreement must be obligated on or before December 31, 2024 and expended on or before December 31, 2026.

Article IV. Compliance with Grant Agreement and Applicable Laws.

1. Expenditure Authority.

This Agreement is subject to the laws, regulations, and guidance documents authorizing and implementing the ARP/CSLFRF grant, including, but not limited to, the following:

- **Authorizing Statute.** Section 603 of the Social Security Act (42 U.S.C. 803), as added by section 9901(a) of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2).
- **Implementing Regulations.** Subpart A of 31 CFR Part 35 (Coronavirus State and Local Fiscal Recovery Funds), as adopted in the Coronavirus State and Local Fiscal Recovery Funds interim final rule (86 FR 26786, applicable May 17, 2021 through March 31, 2022) and final rule (87 FR 4338, applicable January 27, 2022 through the end of the ARP/CSLFRF award term), and other subsequent regulations implementing Section 603 of the Social Security Act (42 U.S.C. 803).
- **Guidance Documents.** Applicable guidance documents issued from time-to-time by the US Department of Treasury, including the currently applicable version of the Compliance and Reporting Guidance: State and Local Fiscal Recovery Funds.

This Agreement is also subject to all applicable laws of the State of North Carolina.

2. Conflicts of Interest; Gifts & Favors.

The Municipality understands that (1) it will use Fiscal Recovery Funds to pay for the cost of this Agreement, and (2) the expenditure of Fiscal Recovery Funds is governed by the League's Conflict of Interest Policy and the Federal and State regulatory requirements (including, without limitation, N.C. Gen. Stat. § 14-234(a)(1) and N.C. Gen. Stat. § 14-234.3(a)).

The Municipality certifies that, as of the date hereof, to the best of its knowledge after reasonable inquiry, no employee, officer, or agent of the Municipality involved in the selection, award, or administration of this Agreement (each, a "Covered Individual"), nor any member of a Covered Individual's immediate family, nor a Covered Individual's partner, nor an organization which employs or is about to employ a Covered Individual, has a financial or other interest in or has received a tangible personal benefit from Fiscal Recovery Funds, except as to the funds legally expended in this Agreement. Should the Municipality obtain knowledge of any such interest, or any tangible personal benefit described in the preceding sentence after the date hereof, the Municipality shall promptly disclose the same to the League in writing.

The Municipality certifies to the League that it has not provided, nor offered to provide, any gratuities, favors, or anything of value to an officer, employee, or agent of the League. Should the Municipality obtain knowledge of the provision, or offer of a provision, of any gratuity, favor, or anything of value to an officer, employee, or agent described in the preceding sentence after the date hereof, the Municipality shall promptly disclose the same to the League in writing.

3. Records Retention and Access.

The Municipality shall maintain all records, books, papers and other documents related to its performance of Approved Activities under this Agreement (including without limitation personnel, property, financial and medical records) through at least December 31, 2031, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit, or other inquiry involving this Agreement. The Municipality shall make all records, books, papers and other documents that relate to this Agreement, unless otherwise privileged, available at all reasonable times for inspection, review or audit by the authorized representatives of the League, the North Carolina State Auditor, the US Department of Treasury, the US Government Accountability Office, and any other authorized state or federal oversight office.

4. Suspension and Debarment.

The Municipality shall comply with the Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR Part 180, as adopted by the U.S. Department of Treasury at 31 CFR Part 19. The Municipality represents that neither it, nor any of its principals has been debarred, suspended, or otherwise determined ineligible to participate in federal assistance awards or contracts. The Municipality further agrees that it will notify the League immediately if it, or any of its principals, is placed on the list of parties excluded from federal procurement or nonprocurement programs available at www.sam.gov.

5. Byrd Anti-Lobbying Amendment.

The Municipality certifies to the League that it has not used and will not use Federally appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. § 1352. The Municipality shall disclose any lobbying with non-Federally appropriated funds that takes place in connection with obtaining any Federal award. This certification is a material representation of fact upon which the League has relied when entering this Agreement and all liability arising from an erroneous representation shall be borne solely by the Municipality.

6. Publications.

Any publications produced with funds from this Agreement shall display the following language: "This project is supported, in whole or in part, by federal award number SLFRP0129 awarded to NC League of Municipalities through the State of North Carolina by the U.S. Department of the Treasury."

7. Equal Opportunity and Other Relevant Federal Laws

The Municipality agrees during the performance of this Agreement the following:

Civil Rights Laws.

The Municipality shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance.

Fair Housing Laws.

The Municipality shall comply with the Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability.

Disability Protections.

The Municipality shall comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance.

Age Discrimination.

The Municipality shall comply with the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 CFR Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.

Americans with Disabilities Act.

The Municipality shall comply with Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

Clean Air Act.

The Municipality agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. The Municipality agrees to report each violation to Unit and understands and agrees that Unit will, in turn, report each violation as required to the U.S. Department of the Treasury, and the appropriate Environmental Protection Agency Regional Office.

Federal Water Pollution Control Act.

The Municipality agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251 et seq. The Municipality agrees to report each violation to Unit and understands and agrees that Unit will, in turn, report each violation as required to assure notification to the U.S. Department of the Treasury, and the appropriate Environmental Protection Agency Regional Office.

Hatch Act.

The Municipality agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.

Protections for Whistleblowers.

In accordance with 41 U.S.C. § 4712, the Municipality may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

Uniform Relocation Assistance and Real Property Acquisitions Act of 1970.

(42 U.S.C. §§ 4601-4655) The Municipality will implement standards for predictable real property acquisition and relocation expenses for homeowners and tenants of land acquired through eminent domain.

Governmentwide Requirements for Drug-Free Workplace.

31 C.F.R. Part 20. The Municipality will implement required statements, policies and procedures.

Increasing Seat Belt Use in the United States.

Pursuant to Executive Order 13043, 62 Fed. Reg. 19216 (Apr. 18, 1997), The Municipality encourages its employees to adopt and enforce on-the-job seat belt policies and programs for its employees when operating company-owned, rented or personally owned vehicles.

Reducing Text Messaging While Driving.

Pursuant to Executive Order 13513, 74 Fed. Reg. 51225 (Oct. 6, 2009), The Municipality encourages its employees to adopt and enforce policies that ban text messaging while driving.

Article V. Limitations of Liability

1. Limitations of Liability.

In no event shall the League have any liability to the Municipality or any third party for damages resulting from Municipality's use of services provided through this Agreement or any separate agreement between the Municipality and the Contractor identified in Exhibit B (and other Contractors identified in subsequent Exhibits as applicable)

In no event shall the League be liable for any loss of profit or revenue, including but not limited to loss revenue caused by a cyber security breach, by the Municipality or any consequential, indirect, incidental, special, punitive, or exemplary damages incurred or suffered by the Municipality, even if the League has been advised of the possibility of such

loss or damage. Further, except for claims based on U.S. Patent or U.S. Copyright infringement or for personal injury or physical loss or damage to real or tangible personal property caused by the negligence of the League, Municipality agrees that the League's total liability for all claims of any kinds arising as a result of, or related to, this Agreement, whether based on contract, tort, (including but not limited to strict liability and negligence) warranty, or on other legal or equitable grounds, shall be limited to general money damages and shall not exceed the amounts actually received by Municipality under this Agreement.

THE REMEDIES PROVIDED HEREIN ARE EXCLUSIVE AND IN LIEU OF ALL OTHER REMEDIES, EXCEPT FOR THE WARRANTIES SET FORTH IN THIS AGREEMENT. THERE ARE NO WARRANTIES, EXPRESS OR IMPLIED, WHETHER ORAL OR WRITTEN, WITH RESPECT TO THE GOODS AND SERVICES COVERED BY OR FURNISHED PURSUANT TO THIS AGREEMENT, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES (I) OF MERCHANTABILITY, (II) OF FITNESS FOR A PRACTICAL PURPOSE, OR (III) ARISING FROM COURSE OF PERFORMANCE OR DEALING, OR FROM USAGE OF TRADE.

Article VI. General Conditions.

2. Venue and Jurisdiction.

This Agreement will be governed by and construed in accordance with the laws of North Carolina. The exclusive forum and venue for all actions arising out of this Agreement is the appropriate division of the North Carolina General Court of Justice in Wake County. Such actions may not be commenced in, nor removed to, federal court unless required by law.

3. Nonwaiver.

No action or failure to act by the League constitutes a waiver of any of its rights or remedies that arise out of this Agreement, nor shall such action or failure to act constitute approval of or acquiescence in a breach of this Agreement, except as specifically agreed in writing.

4. Limitation of Authority.

Nothing contained in this Agreement may be deemed or construed to in any way stop, limit, or impair the Municipality from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions.

5. Assignment.

The Municipality may not assign or delegate any of their rights or duties that arise out of this Agreement without the League's written consent.

6. Integration.

This Agreement contains the entire agreement between the parties pertaining to the subject matter of this Agreement. With respect to that subject matter, there are no promises, agreements, conditions, inducements, warranties, or understandings, written or oral, expressed, or implied, between the parties, other than as set forth or referenced in this Agreement.

7. North Carolina Public Records Law

Notwithstanding any other provisions of this Agreement, this Agreement and all materials submitted to the Municipality by the League are subject to the public records laws of the State of North Carolina and it is the responsibility of the League to properly designate materials that may be protected from disclosure as trade secrets under North Carolina law as such and in the form required by law prior to the submission of such materials to the Municipality. League understands and agrees that the Municipality may take any and all actions necessary to comply with federal, state, and local laws and/or judicial orders and such actions will not constitute a breach of the terms of this Agreement. To the extent that any other provisions of this Agreement conflict with this paragraph, the provisions of this section shall control.

8. E-Verify

League shall comply with E-Verify, the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law and as in accordance with N.C.G.S. §64-25 et seq. In addition, to the best of League's knowledge, any subcontractor employed by League as a part of this contract shall be in compliance with the requirements of E-Verify and N.C.G.S. §64-25 et seq.

9. Iran Divestment Act

League certifies that, as of the date listed below, it is not on the Final Divestment List as created by the State Treasurer pursuant to N.C.G.S. § 147-86.55, et seq. In compliance with the requirements of the Iran Divestment Act and N.C.G.S. § 147-86.59, League shall not utilize in the performance of the contract any subcontractor that is identified on the Final Divestment List.

10. Companies Boycotting Israel Divestment Act

League certifies that it has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel pursuant to N.C.G.S. 147-86.81.

[Remainder of page left blank intentionally. Signatures are on following page.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by digital signature on the respective dates below, and this Agreement shall be effective upon the date of the Municipality's signature.

NC LEAGUE OF MUNICIPALITIES:

**MUNICIPALITY:
TOWN OF RIVER BEND**

a North Carolina municipal corporation

By:

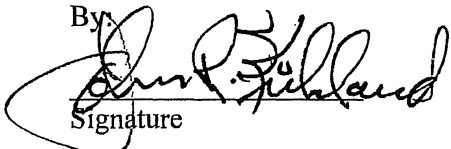
Signature

Rose Vaughn Williams

Executive Director

Date of Signature

By:


Signature

John R. Kirkland
Name

Mayor
Title

9-22-23
Date of Signature

ATTEST:


City/Town/Village Clerk (or designee)

Exhibit A League Services

In addition to the Contractor Services set out in Exhibit B, the League may provide some or all of the services described below.

1. Cyber Security Assessment

The League's Cyber Security Advisor, or Cyber Field Technician ("Security Team"), will conduct a comprehensive assessment of the Municipality's overall cyber security posture ("Security Assessment") against the current standardized framework established by the Center for Internet Security ("CIS"). The Security Team will review approximately 155 security controls in coordination with the Municipality's management, and will provide IT support to establish a baseline security posture matrix. The Security Team will review the results and make appropriate hardware, software, policy, and procedure recommendations in accordance with industry best practices and the baseline standards set by the CIS assessment framework.

2. IT Evaluation

Prior to the installation of accounting software, including Black Mountain software, the League's IT technicians ("Technical Team") will review and evaluate the IT System's environment ("IT Evaluation") of the Municipality to verify the system is adequate to operate the software. The Technical Team will review the computer system for minimum security controls such as password protection, firewall installation and operation, and up to date antivirus programs. The Technical Team will act as a liaison to assist with communications between the software Contractor, which may include Black Mountain Software, and the Municipality. The Technical Team will make appropriate hardware and software recommendations if any deficiencies are found during the IT Evaluation.

3. Hardware and Software Acquisition

In the event that hardware or software deficiencies are found during the IT Evaluation, the League, utilizing funds from the **Municipal Accounting Services and Cybersecurity Grant**, will acquire and transfer title to the Municipality sufficient hardware and software to meet the "Minimum Requirements" as determined by the accounting software Contractor, which may include Black Mountain Software. As determined by the League's IT Director, Cyber Security Advisor, or Cyber Field Technician, computer hardware may be provided under this Agreement, which may include the following: 2 Computers, 1 Laser Printer, 1 Scanner, 2 Monitors, 2 Keyboards, 2 mouse devices, 2 UPS devices. Computer software to be provided under this Agreement may include a Microsoft Office license (if organization has no license).

In the event specific security hardware or software gaps are found during the Security Assessment, the League, utilizing funds from the Cybersecurity Grant, will acquire and transfer title to the Municipality sufficient hardware and software to meet the "Baseline Requirements" as determined by the Security Assessment. As determined by the League's Cyber Advisor, security hardware may be provided under this Agreement, which may include the following: ("NGFW") Next Generation Firewall, Layer 3 Network Switch. Security software may be provided under this agreement, which may include the following: Endpoint Detection & Response ("EDR"), Endpoint

Protection Platform (“EPP”), Extended Detection and Response (“XDR”), or Multi-Factor Authentication (“MFA”).

All hardware and software shall be used only for governmental purposes and primarily used for MAS purposes. The Municipality is responsible for the security, operation, support and maintenance of the provided assets.

4. Hardware and Software Installation

Hardware and software provided by the League will be installed by the Municipality’s IT professionals. If the Municipality has no IT service provider, the League, utilizing funds from the **Municipal Accounting Services and Cybersecurity Grant**, will contract for a third-party IT professional installer to set up and load the hardware and software provided pursuant to this Agreement.

5. Finance Evaluation and Assistance During Implementation

Prior to the installation of the accounting software, which may include Black Mountain software, the League’s Finance Team (“Finance Team”), in consultation with the Municipality and the software Contractor, which may include Black Mountain Software, will determine the appropriate accounting software to be installed. League MAS representatives will further work with accounting software Contractor during the pre-implementation period to prepare the Municipality for conversion actions and assist the Municipality in adopting best practice options for the new system.

6. Ongoing Cyber Security Consulting

Following the initial Security Assessment described in Section 1, the Security Team will consult with the Municipality on an ongoing basis to assist with meeting the recommendations set forth in the assessment and municipal-related cyber security concerns that would typically be addressed by a Chief Information Security Officer (“CISO”).

7. Accounting Assistance Efforts

During the term of this Agreement (as described in Article I, Paragraph 6 above), League Accounting Assistance personnel will provide the Municipality with ongoing assistance with accounting issues, review and assist with best practice accounting and finance processes, and generally assist the Municipality to be current with its bookkeeping and accounting. An emphasis will be placed on ensuring participating Municipalities are prepared for their annual audit. The implementation of best practices and timely preparation should improve the audit experience for both the Municipality and the firm performing the audit.

8. Communication Services

The League’s ARP Communications Specialist will provide the Municipality with communications services to help document and describe how the Municipality utilized ARP/CSLFRF grant funding and the impact of those efforts on the community. Communication activities include, but are not limited to, conducting interviews of municipal staff and officials, researching plans and investment strategies, verifying details of grant investments to deliver community outreach strategies and a press conference.

6. Duties of the Municipality

The Municipality further agrees to: (1) give the League access to data managed by the Municipality in order to facilitate implementation of the Municipal Accounting Services and Cybersecurity Grant; (2) provide on-line “read only” access into the Municipal Accounting System by the League’s Accounting Assistance personnel; (3) permit the League to contact applicable Contractor, including but not limited to Black Mountain Software, on behalf of the Municipality as needed to facilitate implementation of the League’s Grants; (4) make reasonable efforts to maintain industry standards for cybersecurity, which may include allowing the League to perform security audits in the League’s sole discretion; (5) if applicable, use the Standardized Chart of Accounts as provided in the accounting software installation; and (6) respond to all requests from the League or Contractor, as applicable, to verify accuracy of monthly invoices submitted to the League by Contractor for grant-funded services provided by Contractor on behalf of the Municipality.

7. Duties of the League Related to Data Security

The League agrees to: (1) access only the Municipality’s data that is necessary to implement the software; (2) restrict access to the Municipality’s data to designated League employees and agents; and (3) take reasonable measures to safeguard the Municipality’s data.

**River Bend Town Council
Work Session Minutes
October 12, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 9

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, October 12, 2023, at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

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

Discussion – Efirid Ceremony

The Mayor stated the ledger that the Council approved has been delivered to Town Hall. He stated that there will be a dedication ceremony on October 26, 2023, at 2:00 p.m. at Town Hall and extended an invitation to anyone who wished to attend.

VOTE – Parks and Recreation Appointment

Councilman Weaver motioned to appoint Annie Craddock to the Parks and Recreation Advisory Board for a term beginning October 12, 2023, and expiring June 30, 2024. The motion carried unanimously.

Discussion – Update of Mayor – Council Responsibility Chart

Manager Jackson stated that the Mayor – Council Responsibility Chart needed to be updated since the appointment of Councilwoman Benton. After a brief discussion among the Council, it was agreed that Councilwoman Benton would be the Public Safety liaison and the backup liaison to Parks and Recreation. It was also agreed that Councilman Leonard would be the backup liaison to the CAC. The Manager stated he would revise the chart and present it at the next meeting for approval.

Discussion – Town Christmas Tree

Councilman Weaver stated that the Parks and Recreation Advisory Board had suggested that the Town plant a live Christmas tree in a central place for decoration every year. He stated that the advisory board had spoken with an arborist, and he stated that a red cedar tree would grow best in this area. After a brief discussion it was agreed that the Parks and Recreation advisory board would get quotes and information on available trees to present to the Council.

Discussion – Allowing Chickens to be Kept in Town

Councilman Weaver stated that he was approached and asked to bring before the Council, from a resident of town, to discuss the ordinance that prohibits chickens to be kept in Town. He stated that if the Council chose to revise the ordinance to allow chickens, he felt there should be restrictions. Councilman Sheffield stated that he felt depending on the size of the property, that some farm animals could be allowed. Councilman Leonard stated that he would not object to allowing chickens in the same areas of town that equine are allowed. He stated that if the Council allowed chickens, then others would want other farm animals such as goats. He stated that he is also concerned with enforcement of the ordinance. Councilwoman Benton stated that she felt it will make properties hard to sale if the neighbors have chicken coops.

VOTE – Chicken Ordinance

Councilman Sheffield motioned to leave the chicken ordinance as it is. The motion passed with 4 ayes and 1 nay with Councilman Weaver voting nay.

Discussion – Upcoming Public Hearing on Conditional Zoning

The Manager stated that there is a scheduled Public Hearing on Conditional Zoning on October 19, 2023, at 7:00 p.m. at the regular council meeting at Town Hall.

Discussion – Public Nuisance Abatement for Waterway Bulkheads

Manager Jackson stated a copy of the Public Nuisance Ordinance is in the agenda package and he has highlighted the areas that he thinks are applicable to the maintenance of bulkheads. He stated that many bulkheads have been replaced over the years and are in very good shape. Our EWAB volunteers took their boats out and identified a list of properties on the waterways they thought were in violation of our ordinance and needed some attention. They identified 18 properties. As we have discussed in the past, there is a little gray in this area about ownership of those bulkheads. He stated that if the Council has legal questions about ownership that you want to discuss outside of closed session, we can do that now or we can go into closed session at a later time or date and discuss those if you want advice from the town's attorney.

Councilman Leonard stated that he understands there has been a debate about ownership of bulkheads and waterways but with all of that being said, we have the ordinances, and they are in place for a good reason. EWAB has been pushing hard for this and they have been asking me what's going on. Councilman Leonard asked the Town Manager if he is waiting on direction from the Council to start the process and to notify the property owners? The Town Manager stated that without Council action, telling him not to enforce this ordinance, he does not need any action to begin because that is a part of his job as the Code Enforcement Officer. He stated that the last time the Council talked about this, it was a different Council so he wanted to bring everyone on the current Council up to speed because if there are any recuperations through this enforcement action, it will be this Council that is responsible for that. Councilman Weaver stated that as far as the ordinance goes, he agrees with Councilman Leonard, and we are just enforcing our ordinances and its not unreasonable that we request people to maintain their bulkheads. The Town Manager stated that the Town Attorney has spent a lot of time preparing for this item and he is going to bill us, so he feels that one of the Council should at least ask one question of him so we can get our monies worth. Councilman Weaver asked if the Town would get sued if we enforced this? The Town Attorney stated that he would recommend the Council go into closed session to discuss that. Councilwoman Benton stated that given that the waterways in River Bend are navigable, they are considered basically public highways. She stated that when people build docks into them and let them go into disrepair and given that they are attached to the property that they own, are we still allowed to do code enforcement? The Town Attorney said that is a very good question and he recommends that the Council go into closed session to discuss that. He stated that to answer the question, yes you can enforce it but what the repercussions are, if any would fall under attorney-client privilege to talk about in closed session. The Mayor asked if the Council was ready to move on and all agreed.

Discussion – Solicitations of Sponsorships / Donations for Town Events

Councilman Leonard stated that he would like to see a policy created for sponsorship opportunities. Councilman Weaver stated that he felt that sponsorships could benefit both the Town and the sponsor. The Manager stated that he and the Town Clerk have searched for sponsorship policies that other towns use and did not receive any responses. Councilman Leonard asked if the School of Government had a policy and the Manager stated that he had asked the Town Attorney, David Baxter, to check on that. With Mr. Baxter absent tonight, Attorney Trey Ferguson stated that the School of Government has a blog post regarding this. He stated that the Town could receive donations but there is an issue when the gifts or donations come with conditions on certain things. Councilman Leonard stated he felt the Attorney could draft a policy for the Council to review. Manager Jackson suggested that he work with the Attorney to draft a policy that prohibits door-to-door solicitations but allows sponsorships. All agreed to that. Councilman Sheffield asked that the policy prohibit quid pro quo, of the town purchasing service in exchange for donations or sponsorships. All the Council agreed.

Discussion – Development of Advisory Board Liaison Ordinance Language

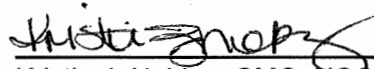
Councilwoman Benton stated that since she is new to the Council, she wanted to discuss the roles and responsibilities of the Council Liaison to the Advisory Boards. The Council reviewed a few draft policies that were presented. After a brief discussion Councilman Weaver suggested that the Town Manager is added to the chain of command. Councilman Leonard stated that he wants a line added that states it is required that the liaison or the liaison backup must attend every advisory board meeting. Some members expressed concern about that requirement. Councilman Leonard said he would be fine with the words "should attend". The Council agreed. The Manager stated that he would have the policy prepared for the regular meeting the following week.

REVIEW – Agenda for the October 19, 2023, Council Meeting

The Council reviewed the agenda for the October 19, 2023, Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting was adjourned at 8:03 p.m.



Kristie J. Nobles, CMC, NCCMC
Town Clerk

**River Bend Town Council
Regular Meeting Minutes
October 19, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

Town Manager: Delane Jackson
Police Sergeant: Steven Fell
Finance Director: Mandy Gilbert
Town Clerk: Kristie Nobles
Town Attorney: David Baxter

Members of the Public Present: 15

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, October 19, 2023, at the River Bend Town Hall with a quorum present.

VOTE – APPROVAL OF AGENDA

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

PUBLIC HEARING – Proposed Zoning Amendment – Conditional Zoning

Councilman Sheffield moved to open the Public Hearing on the proposed zoning amendment on conditional zoning. The motion carried unanimously.

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

CONSENT AGENDA

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

A. Approve:

*Minutes of the September 14, 2023 Work Session Meeting
Minutes of the September 21, 2023 Regular Council Meeting*

TOWN MANAGER'S REPORT

The Manager gave the following updates:

- All grants are moving forward including the Wastewater Treatment Plant grant for 9.1 million dollars.
- The Town has received the 2022 Audit Report from the new auditing firm, Thompson, Price, and Scott.
- The construction on the new Public Works Building is progressing and he expects to schedule a building dedication in December 2023.

ADMINISTRATIVE REPORTS

PUBLIC SAFETY – COUNCILWOMAN BENTON

Councilwoman Benton stated that the Council reviewed the proposed Advisory Board Liaison Ordinance at the work meeting and suggested a few minor changes. Councilwoman Maurer asked that in 3.05.082 (B) that the Mayor and the Town Manager are added to the chain of command in the last sentence to read "If such deviations continue, the liaison shall notify the Council, the Town Manager and the Mayor."

VOTE– Advisory Board Liaison Ordinance

Councilwoman Benton motioned to amend the Advisory Board Liaison Ordinance as presented. The motion carried unanimously. (*see attached*)

PARKS & RECREATION – COUNCILMAN WEAVER

Parks & Recreation

Councilman Weaver stated that Parks and Recreation met twice in October and discussed the details of the Pumpkin Palooza which is October 21, 2023, 2:00 p.m. – 5:00 p.m. Their next meeting is November 1 at 7:00 p.m.

Organic Garden

Councilman Weaver presented the following report: Between August 26 to September 22, 472.2 pounds of produce was harvested with a year-to-date total of 2,208 pounds. The year-to-date total of produce donated to Interfaith Refugee Ministries totals 224.8 pounds. Volunteer hours through September 2023 total 121 hours with a year-to-date total of hours of 1,425. A workday on October 7 had eleven volunteers, including a new person. They worked a total of thirty-three hours. Every area of the garden received attention. All the fall/winter vegetables have been planted. Five summer rows are still producing. The remaining beds have been attended to and covered for the winter. The beehives are healthy. The butterfly nursery still has swallowtail chrysalises. Any that don't open will be kept over the winter. Over one hundred butterflies were released in 2023. River Bend residents are welcome to visit and tour the garden and attend monthly garden volunteer meetings.

CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following report.

The CAC did not meet in October, but they were busy. Their booth at National Night Out drew much attention for its attractive appearance. The Fall Festive Home awards will be announced on October 26. Banners will be displayed on the lawns of the winners. Christmas festive home award dates will be announced following their November meeting. Two Christmas globe workshops are scheduled, November 2nd and 4th, from 9 am to noon in the Municipal Building. Pre-registration is required. There will be a small fee for materials. Refreshments will be provided. Additional activities are in the planning stages, including an Arbor Day event and a Fourth of July decoration project. The next meeting is scheduled for November 15, 2023 at 4 pm in the Municipal Building. The meeting is open to everyone. Please attend if you are interested. There are openings if you would like to join this active advisory board.

FINANCE – COUNCILMAN LEONARD

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of September. She stated the total of the Town's Cash and Investments as of September 30, 2023, were \$2,988,869 and Ad valorem tax collections for FY23-24 were \$71,341 and Vehicle Ad valorem tax collections were \$11,743.

ENVIRONMENTAL AND WATERWAYS – COUNCILMAN LEONARD

Councilman Leonard presented the following report:

EWAB met on Monday October 2nd, 2023 at 7 PM in the small conference room in the municipal building. Chairman Ackiss call the meeting to order at 7 PM, there was a quorum. The minutes

for the August 7th, 2023 meeting were read and approved. Councilman Leonard gave a council report. Old business: 300 Tar Landing trees on the side of property. New sign for EWAB table at National Night Out and materials from the NC Department of Water Resources. New business: Drainage issues on Ashly Place. Town owned bulkhead on Plantation Drive by Knotline Road needs repair/replacement. Volunteer hours: 10 Next meeting: November 6, 2023 at 7 PM in the small conference room in the municipal building.

PLANNING BOARD – COUNCILMAN SHEFFIELD

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

Councilman Sheffield stated that the Council had discussed the Mayor-Council Responsibility Chart at the work session meeting and he stated there were a few new assignments to include newly appointed Councilwoman Benton.

VOTE– Mayor-Council Responsibility Chart

Councilman Sheffield motioned to approve the Mayor-Council Responsibility Chart as presented. The motion carried unanimously. (*see attached*)

MAYOR'S REPORT

The Mayor presented the following report.

The opening line must be "What a Wonderful Event." The annual opportunity to express appreciation to the members of our police force for their 24/7 service to the Town was a picture-perfect event. The weather could not have been better, and the food vendors invited served their special menu to appreciating customers. The Town residents, including children, had an opportunity to meet the individual police officers and relate to them as people that help make River Bend the community that we are pleased to call "home." For this evening the police did not face the issue of making a hostile arrest or responding to a report of violence that could escalate to a dangerous situation. They, the (police officers), had the opportunity to see all of we residents as fellow humans enjoying time together. I believe the annual "National NIGHT OUT" can be a very positive event for River Bend and for every other municipality in the nation. We need to remember to greet our police officers in the same manner as we did during the 3 October event. Thank you, Chief Joll and all of your Officers. We salute you and support the duty that you perform for our safety every day.

PUBLIC COMMENT

No Public Comments.

CLOSED SESSION

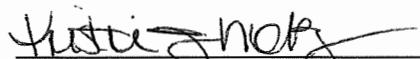
Councilman Sheffield moved to go into Closed Session under NCGS 143-318.11(a)(3)(5)(6) and to discuss the possible acquisition of land owned by Weldon Brown, Jr. and Naqueldon Brown for the location of a new water treatment facility. The motion carried unanimously. The Council entered Closed Session at 7:32 p.m.

OPEN SESSION

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

ADJOURNMENT/RECESS

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



Kristie J. Nobles, CMC, NCCMC
Town Clerk

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF RIVER BEND

BE IT ORDAINED by the Town Council of the Town of River Bend that the Town Code of Ordinances, Title III, Administration, Chapter 3.05, Board and Commissions, be amended as follows:

ADVISORY BOARD LIAISON

§ 3.05.080 ESTABLISHMENT.

An Advisory Board Liaison Section is hereby created and established.

§ 3.05.081 PURPOSE

As codified in Chapter 3.05 of the Town Code of Ordinances, the Town of River Bend has multiple Advisory Boards. In addition to the Advisory Boards listed therein, the town may also have other groups that function in roles similar to an Advisory Board (such as Community Watch, Board of Adjustment, etc.). Also, from time to time, the Town Council (Council) may create a special committee to address a particular topic. A member of Council may be appointed to serve as liaison for such groups (Board). Liaison appointments are only made by an official action of Council. The purpose of this section is to define the role of a liaison.

§ 3.05.082 ROLE OF LIAISON

- (A) A Council-appointed liaison is not a member of the Board. Rather, the liaison is a resource to support the Board in the completion of its assigned duties, subject to the following guidelines:
 - (1) A liaison has no authority to supervise or manage the Board. The liaison shall not take part in any votes or decision making of the Board.
 - (2) Generally put, a liaison shall not attempt to influence the work or recommendations of the Board. More specifically, a liaison shall not take part in the Board's deliberations or discussions unless:
 - a) The Board requests the liaison's participation in a particular discussion. The liaison's input shall represent the position of Council, or the liaison shall identify their input as representing their personal opinion.
 - b) The liaison determines that he/she must speak up in order to remind the Board of Council's directives, town policies, the Open Meetings Law, public records requirements or other specific information which may be necessary to prevent the Board from taking inappropriate action.
- (B) The liaison shall be mindful that the Board is only taking action or doing work that is within the Board's Power and Duties as outlined herein or as otherwise prescribed by Council. If such a deviation occurs, the liaison shall notify the Board's Chairperson. If such deviations continue, the liaison shall notify the Mayor, Council and Town Manager.
- (C) The liaison shall serve as the conduit between the Council and the Board. The liaison shall bring to the Council any requests from the Board, such as, but not limited to, the following:

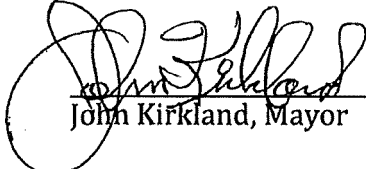
- (1) Questions about the Board's scope of work.
 - (2) Requests from the Board to change the Board's scope of work.
 - (3) Requests of town resources to further the Board's work.
 - (4) Recommendations from the Board to the Council. All recommendations from a Board shall be provided in writing and signed by the Board's Chairperson. The liaison shall follow the town's agenda policy for placing the recommendation on the next Council agenda. Similarly, the liaison shall bring to the Board any directions, requests, or concerns from the Council.
- (D) The liaison should attend all regular meetings of the Advisory Board. When they cannot, they should notify their back-up and the back-up should attend. The liaison shall stay informed of Board activity/action by attending Board meetings or conferring with its members. The liaison shall update the Council at least quarterly (per fiscal year) on the work of the Board by submitting a written report of Board actions. The report shall be included in the Council's regular meeting agenda packet during the months of October, January, April and July. Such reports shall represent the Board's action during the previous quarter.

§ 3.05.083 BOARD OVERSIGHT

- (A) If a Board member or member of the public feels that there is an issue with the operations of the Board, they may speak to the liaison about their concern, in an effort to seek a remedy or clarification.
- (B) If the liaison is unable to resolve the issue, the liaison shall bring the issue to the Mayor, Mayor Pro-Tem and Town Manager for discussion and possible further action. If the issue requires Council action, the Mayor or Mayor Pro-Tem shall bring the issue to the Council by following the town's agenda policy.
- (C) If a liaison feels that there is an issue with the operations of the Board, they shall speak to Board's Chairperson. If the issue is not resolved, the liaison shall bring the issue to the Council for consideration by following the town's agenda policy.

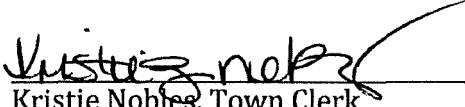
This Ordinance shall be in full force and effect upon its adoption.

Adopted this the 19th day of October, 2023



John Kirkland, Mayor

ATTEST:



Kristie Nobles, Town Clerk

Mayor and Town Council Responsibilities Last Updated 10/19/23

MAYOR	FINANCE & HUMAN RESOURCES	PUBLIC SAFETY	PARKS & RECREATION	ENVIRONMENT	PLANNING	CAC
Mayor: John R. Kirkland	Liaison: Brian Leonard	Liaison: Lisa Benton	Liaison: Jeff Weaver	Liaison: Brian Leonard	Liaison: Buddy Sheffield	Liaison Barbara Maurer
Pro Tem: Buddy Sheffield	Backup: Barbara Maurer	Backup: Buddy Sheffield	Backup: Lisa Benton	Backup: Jeff Weaver	Backup: Barbara Maurer	Backup: Brian Leonard
<p>Serves as official head of Town for purpose of serving civil process and receiving all Town correspondence. Signs official documents approved by Council. Liaison with municipal, county, state governments & private sector.</p> <p>Presides over Town meetings.</p> <p>Town spokesman and media representative.</p> <p>Represents Town for ceremonial purposes.</p> <p>Representative to New Bern Metropolitan Planning Organization</p>	<p>Liaison for financial operations of the Town.</p> <p>Serves as Chair of Town's Audit Committee.</p> <p>Works with staff concerning technology and Human Resource Policy issues.</p>	<p>Liaison with the Community Watch group.</p> <p>Liaison with Coastal Environmental Partnership.</p>	<p>Liaison with Parks & Recreation Advisory Board.</p> <p>Works with volunteers on Fourth of July and other special events.</p>	<p>Liaison with Environment and Waterways Advisory Board (EWAB)</p> <p>Works with staff concerning environmental issues.</p> <p>Liaison with ABC Board</p>	<p>Liaison with Planning Board.</p> <p>Liaison with Board of Adjustment.</p> <p>Alternate to New Bern Metropolitan Planning Organization.</p>	<p>Liaison with Community Appearance Commission (CAC)</p>

**River Bend Town Council
Work Session Minutes
November 9, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 11

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, November 9, 2023, at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

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

VOTE – Mutual Aid Agreement

Councilwoman Benton motioned to approve the Mutual Aid Agreement as presented. The motion carried unanimously. (see attached)

VOTE – Budget Amendment 23-B-03

Councilman Leonard motioned to approve Budget Amendment 23-B-03 as presented. The motion carried unanimously. (see attached)

VOTE – Resolution to Accept \$100,000 Grant

Councilman Leonard motioned to approve the Resolution to accept the ARPA grant offer of \$100,000. The motion carried unanimously. (see attached)

VOTE – Grant Project Ordinance

Councilman Weaver motioned to approve the Water Treatment Improvement Study Grant Project Ordinance as presented. The motion carried unanimously. (see attached)

Discussion – Christmas Tree Planting Project

Councilman Weaver stated that the Parks and Recreation Advisory Board had inquired about planting a permanent tree to serve as the town's Christmas tree. After a brief discussion among the Council, they decided that it would be rushed to have a tree for this holiday season but want the Parks and Recreation Advisory Broad to gather information on the appropriate tree to have it planted before Christmas next year.

Discussion – Future Use of Soon-to-be Vacated Public Works Building

Councilman Leonard stated that in the past the Council has discussed possibilities of what the Council may do with the Public Works Facility. He asked the Town Manager if the town would

receive the grant monies discussed previously to dispose of the facility and the Town Manager stated that he is not sure if the town would receive the funds, but he felt it is highly unlikely that the town is awarded those funds. Councilman Leonard stated the building would not be required to be torn down if the grant is not awarded and the Town Manager agreed. Councilman Leonard stated that in the past the Council has discussed the possibility of providing a space for the Red Caboose Community Library. Councilman Leonard asked if there was any interest in allowing the library to use a portion of the current Public Works Facility and Councilwoman Maurer stated that "It is an excellent idea" and the rest of the Council agreed. Councilman Weaver asked if there was a way to allow the library to use the facility without reversing the contract that was signed between the Red Caboose Community Library and the Town of River Bern? Councilman Sheffield stated that he felt that since the town has signed a contract with the library, the building use could be a part of that contract. The Town Manager stated that he and the Town Attorney had been discussing this and Attorney David Baxter had told him that there was a way to do this. Councilman Leonard stated that he felt this was not a permanent solution for finding the library a home, but it is a long-term solution. Councilman Leonard suggested that the Council would wait for guidance from the Town Manager and the Town Attorney. All agreed.

Discussion – Dress Code

The Mayor stated that he would like to establish a dress code for the Town Council for the council meetings. After a brief discussion the council agreed that in the months of October through March, it would be professional dress for the council at the regular council meetings, but not the work sessions.

Discussion – Draft Conditional Zoning Ordinance

The Town Manager stated that the draft Conditional Zoning Ordinance is included in the agenda package, and this includes the revisions that the Council had requested. He also stated that the Council would vote on this ordinance at the next meeting.

Discussion – Updated Official Zoning Map

The Town Manager presented the updated zoning map with a few minor changes.

VOTE – PDR-MF Study to Planning Board

Councilman Sheffield motioned to direct the Planning Board to study the limitations under PDR-MF to make it more restrictive including possible renaming. The motion carried unanimously.

REVIEW – Agenda for the November 16, 2023, Council Meeting

The Council reviewed the agenda for the November 16, 2023, Council Meeting.

CLOSED SESSION

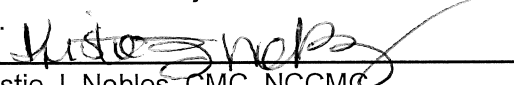
Councilman Sheffield moved to go into Closed Session under NCGS 143-318.11(a)(3)(5)(6) and to discuss the possible acquisition of land owned by Weldon Brown, Jr. and Naqueldon Brown for the location of a new water treatment facility. The motion carried unanimously. The Council entered Closed Session at 7:59 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 9:10 p.m. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting was adjourned at 9:10 p.m.



Kristie J. Nobles, CMC, NCCMC
Town Clerk

2023 STATEWIDE MUTUAL AID AGREEMENT

FOR THE CITY/COUNTY/TOWN OF River Bend

THIS AGREEMENT IS ENTERED INTO BETWEEN THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, AND ITS DIVISION OF EMERGENCY MANAGEMENT OF THE STATE OF NORTH CAROLINA AND BY EACH OF THE ENTITIES THAT EXECUTES AND ADOPTS THE UNDERSTANDINGS, COMMITMENTS, TERMS, AND CONDITIONS CONTAINED HEREIN:

WHEREAS, the State of North Carolina is geographically vulnerable to a variety of natural disasters.

WHEREAS, Chapter 166A of the North Carolina General Statutes, entitled the North Carolina Emergency Management Act, recognizes this vulnerability and provides that its intended purposes are to:

1. Reduce vulnerability of people and property of this State to damage, injury, and loss of life and property;
2. Prepare for prompt and efficient rescue, care, and treatment of threatened or affected persons;
3. Provide for the rapid and orderly rehabilitation of persons and restoration of property;
4. Provide for cooperation and coordination of activities relating to emergency and disaster mitigation, preparedness, response, and recovery.

WHEREAS, pursuant to N.C. Gen. Stat. § 166A-19.12(1) the North Carolina Division of Emergency Management is delegated the powers and duties from the Governor and Secretary of Public Safety to coordinate the activities of all State agencies for emergency management within the State;

WHEREAS, in addition to the State, the Federal Emergency Management Agency (FEMA) has recognized the importance of the concept of coordination between the State and local governments;

WHEREAS, under Chapter 166A and other chapters of the North Carolina General Statutes, entities entering into mutual aid and assistance agreements may include provisions for the furnishing and exchanging of supplies, equipment, facilities, personnel and services; and

WHEREAS, the entities which have chosen to become signatories to this Agreement wish to provide mutual aid and assistance amongst one another at the appropriate times.

THEREFORE, pursuant to G.S. 166A-19.72 and Article 20 of Chapter 160A, these entities agree to enter into this Agreement for reciprocal emergency management aid and

2023 STATEWIDE MUTUAL AID AGREEMENT

assistance, with this Agreement embodying the understandings, commitments, terms, and conditions for said aid and assistance, as follows:

SECTION I. DEFINITIONS

"Agreement" means this document, the North Carolina Statewide Emergency Management Mutual Aid and Assistance Agreement.

"Aid and assistance" include personnel, equipment, facilities, services, and supplies.

"Authorized Representative" means a party's employee who has been authorized, in writing by that party, to request, to offer, or to otherwise provide assistance under the terms of this Agreement. The list of Authorized Representatives for each party executing this Agreement shall be attached to the executed copy of this Agreement. (In the event of a change in personnel, unless otherwise notified, the presumption will be that the successor to that position will be the authorized representative.)

"Disaster declaration" means a gubernatorial declaration that the impact or anticipated impact of an emergency constitutes a Type I, II, III disaster as defined in G.S. 166A-19.21(b)

"Emergency" means an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident or which may be otherwise be defined in G.S. § 166A-19.3(6).

"Emergency Area" The geographical area covered by a state of emergency.

"Incident" means an occurrence, natural or manmade, that necessitates a response to protect life or property. In this Agreement, the word "incident" includes planned events as well as emergencies and/or disasters of all kinds and sizes.

"Local Emergency Management Agency" means a county agency charged with coordination of all emergency management activities for its geographical limits pursuant to G.S. 166A-19.15. It also means any incorporated municipalities emergency management agencies or joint county and incorporated municipalities emergency management agencies.

"Party" means a governmental entity which has adopted and executed this Agreement.

2023 STATEWIDE MUTUAL AID AGREEMENT

“Planned Event” means an incident that is a scheduled nonemergency activity including but not limited to elections, sporting event, concert, parade, funeral coverage, or fairs.

"Provider" means the party which has received a request to furnish aid and assistance from another party in need (the "Recipient").

"Recipient" means the party setting forth a request for aid and assistance to another party (the "Provider").

“State of Emergency” means a finding that an emergency exists by the Governor or General Assembly acting under the authority in G.S. 166A-19.20 or by a governing body of a county or a municipality, or by a mayor or chair of the board of county commissioners acting under the authority of G.S. 166A.

SECTION II. INITIAL RECOGNITION OF PRINCIPLE BY ALL PARTIES; AGREEMENT PROVIDES NO**RIGHT OF ACTION FOR THIRD PARTIES**

As this is a reciprocal contract, it is recognized that any party to this Agreement may be requested by another party to be a Provider. It is mutually understood that each party's foremost responsibility is to its own residents. The provisions of this Agreement shall not be construed to impose an unconditional obligation on any party to this Agreement to provide aid and assistance pursuant to a request from another party. Accordingly, when aid and assistance have been requested, a party may in good faith withhold the resources necessary to provide reasonable and adequate protection for its own community, by deeming itself unavailable to respond and so informing the party setting forth the request.

Given the finite resources of any jurisdiction and the potential for each party to be unavailable for aid and assistance at a given point in time, the parties mutually encourage each other to enlist other entities in mutual aid and assistance efforts and to enter into such agreements accordingly. Concomitantly, the parties fully recognize that there is a highly meritorious reason for entering into this Agreement, and accordingly shall attempt to render assistance in accordance with the terms of this Agreement to the fullest extent possible.

Pursuant to G.S. 166A-19.60 and as elaborated upon in Section X of this Agreement, all functions and activities performed under this Agreement are hereby declared to be governmental functions. Functions and activities performed under this Agreement are carried out for the benefit of the general public and not for the benefit of any specific individual or individuals. Accordingly, this Agreement shall not be construed as or deemed to be an Agreement for the benefit of any third parties or persons and no third parties or persons shall have any right of action under this Agreement for any cause whatsoever. All immunities provided by law shall be fully applicable as elaborated upon in Section X of this Agreement.

2023 STATEWIDE MUTUAL AID AGREEMENT**SECTION III. PROCEDURES FOR REQUESTING ASSISTANCE**

(i) Mutual aid and assistance shall not be requested unless Recipient deems its resources are inadequate to respond to an imminent or actual emergency. When Recipient becomes affected by an emergency, incident or planned event and deems its resources inadequate, it may request mutual aid and assistance by communicating the request to Provider, indicating the request is made pursuant to this Agreement. The request shall be followed up with a notification to the Division of Emergency Management's 24-Hour Watch whether directly, through WebEOC, or through the appropriate Division of Emergency Management Operations Regional Branch. The Division shall maintain a record of the notification.

A. REQUIRED INFORMATION: Each request for assistance shall include the following information, in writing or by any other available means, to the extent known:

1. Emergency Area and Status: A general description summarizing the condition of the community or emergency area (i.e., whether the emergency and/or disaster declaration is needed, imminent, in progress, or has already occurred) and of the damage sustained to date;
2. Services: Identification of the service function(s) for which assistance is needed and the type of assistance needed;
3. Infrastructure Systems: Identification of the type(s) of public infrastructure system for which assistance is needed (water and sewer, storm water systems, streets) and the type of work assistance needed;
4. Aid and Assistance: The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed;
5. Provider's Traveling Employee Needs--Unless otherwise specified by Recipient, it is mutually understood that Recipient will provide for the basic needs of Provider's traveling employees. Recipient shall pay for all reasonable out-of-pocket costs and expenses of Provider's traveling employees, including, without limitation, transportation expenses for travel to and from the stricken area. Further, Recipient shall house and feed Provider's traveling employees at its (Recipient's) sole cost and expense. If Recipient cannot provide such food and/or housing at the emergency area, Recipient shall specify in its request for assistance that the Provider's traveling employees be self-sufficient.
6. Facilities: The need for sites, structures, or buildings outside Recipient's geographical limits to serve as relief centers or staging areas for incoming emergency goods and services; and

2023 STATEWIDE MUTUAL AID AGREEMENT

Meeting Time and Place: An estimated time and a specific place for a representative of Recipient to meet the personnel and resources of any Provider.

B. STATE AND FEDERAL ASSISTANCE: Recipient shall be responsible for coordinating requests for state or federal assistance with its (Recipient's) Local Emergency Management Agency

SECTION IV. PROVIDER'S ASSESSMENT OF AVAILABILITY OF RESOURCES AND ABILITY TO RENDER ASSISTANCE

When contacted by the Recipient/Local Emergency Management Agency, Provider's authorized representative shall assess Provider's own local situation in order to determine available personnel, equipment, and other resources. If Provider's authorized representative determines that Provider has available resources, Provider's authorized representative shall so notify the Recipient/Local Emergency Management Agency (whichever communicated the request). Provider shall complete a written acknowledgment, whether on the request form received from Recipient or on another form, regarding the assistance to be rendered (or a rejection of the request) and shall transmit it by the most efficient practical means to the Recipient/Local Emergency Management Agency for a final response. Provider's acknowledgment shall contain the following information:

1. In response to the items contained in the request, a description of the personnel, equipment, and other resources available;
2. The projected length of time such personnel, equipment, and other resources will be available to serve Recipient, particularly if the period is projected to be shorter than one week (as provided in the "Length of Time for Aid and Assistance" section [Section VI] of this Agreement.)
3. The estimated time when the assistance provided will arrive at the location designated by the Authorized Representative of the Requesting Party; and
4. The name of the person(s) to be designated as Provider's supervisor (pursuant to the "Supervision and Control" section [Section V] of this Agreement.)
Where a request has been submitted to the Local Emergency Management Agency, the Local Emergency Management Agency shall notify Recipient's authorized representative and forward the information from Provider. The Recipient/Local Emergency Management Agency shall respond to Provider's written acknowledgment by signing and returning a copy of the form to Provider by the most efficient practical means, maintaining a copy for its file.

SECTION V. SUPERVISION AND CONTROL

Provider shall designate one of its employees sent to render aid and assistance to Recipient as a supervisor or point of contact for equipment only missions. As soon as

2023 STATEWIDE MUTUAL AID AGREEMENT

practicable, Recipient shall assign work tasks to Provider's supervisor, and unless specifically instructed otherwise, Recipient shall have the responsibility for coordinating communications between Provider's supervisor and Recipient. Recipient shall provide necessary credentials to Provider's personnel authorizing them to operate on behalf of Recipient.

Based upon such assignments from the Recipient, Provider's supervisor shall:

1. Have the authority to assign work and establish work schedules for Provider's personnel. Further, supervisor shall retain direct supervision and control of Provider's personnel, equipment, and other resources. Provider should be prepared to furnish communications equipment sufficient to maintain communications among its respective operating units, and if this is not possible, Provider shall notify Recipient accordingly;
2. Maintain daily personnel time records, material records, and a log of equipment hours;
3. Report work progress to Recipient at mutually agreed upon intervals.

SECTION VI. LENGTH OF TIME FOR AID AND ASSISTANCE; RENEWABILITY; RECALL

Unless otherwise provided, the duration of Provider's assistance shall be for an initial period of seven days, starting from the time of arrival. Thereafter, assistance may be extended in daily or weekly increments as the situation warrants, for a period agreed upon by the authorized representatives of Provider and Recipient.

As noted in Section II of this Agreement, Provider's personnel, equipment, and other resources shall remain subject to recall by Provider to provide for its own citizens if circumstances so warrant. Provider shall make a good faith effort to provide at least twenty-four (24) hours advance notification to Recipient of Provider's intent to terminate mission, unless such notice is not practicable, in which case as much notice as is reasonable under the circumstances shall be provided.

SECTION VII. REIMBURSEMENTS

Except as otherwise provided below, it is understood that Recipient shall pay to Provider all documented costs and expenses incurred by Provider as a result of extending aid and assistance to Recipient. The terms and conditions governing reimbursement for any assistance provided under this Agreement shall be in accordance with FEMA Public Assistance Guidelines in addition to the following provisions, unless otherwise agreed in writing by Recipient and Provider. Recipient shall be ultimately responsible for reimbursement of all eligible expenses. The Provider may waive some or all requirements for reimbursement, however such an agreement must be documented in the request and/or offer of assistance.

A. Personnel-- During the period of assistance, Provider shall continue to pay its employees according to its then prevailing ordinances, rules, and regulations. Recipient

2023 STATEWIDE MUTUAL AID AGREEMENT

shall reimburse Provider for all direct and indirect payroll costs and expenses including travel expenses incurred during the period of assistance, including, but not limited to, employee retirement benefits as provided by Generally Accepted Accounting Principles (GAAP). However, as stated in Section IX of this Agreement, Recipient shall not be responsible for reimbursing any amounts paid or due as benefits to Provider's personnel under the terms of the North Carolina Workers' Compensation Act (Chapter 97 of the North Carolina General Statutes).

- B. Equipment-- Recipient shall reimburse the Providers for the use of equipment during the period of assistance according to either a pre-established local or state hourly rate or according to the actual replacement, operation, and maintenance expenses incurred. For those instances in which costs are reimbursed by the Federal Emergency Management Agency (FEMA), the FEMA-eligible direct costs shall be determined in accordance with general policies for determining allowable costs which are established in 2 CFR 200, subpart E or other applicable federal laws, regulations, and policies as may be in effect at the time the expenses are incurred. Exceptions to those policies as allowed in 2 CFR 200, subpart E and 2 CFR 200.102 are explained in 44 C.F.R. 206.228 or other applicable federal laws, regulations, and policies as may be in effect at the time the expenses are incurred. Provider shall pay for all repairs to its equipment as determined necessary by its on-site supervisor(s) to maintain such equipment in safe and operational condition.

At the request of Provider, fuels, miscellaneous supplies, and minor repairs may be provided by Recipient, if practical. The total equipment charges to Recipient shall be reduced by the total value of the fuels, supplies, and repairs furnished by Recipient and by the amount of any insurance proceeds received by Provider.

- C. Materials And Supplies—Recipient shall reimburse Provider for all materials and supplies furnished and that are used or damaged by Recipient during the period of assistance, except for the costs of equipment, fuel and maintenance materials, labor, and supplies, which shall be included in the equipment rate established in subsection B of this section (Section VII), Recipient will not be responsible for costs where such damage is caused by gross negligence, willful and wanton misconduct, intentional misuse, or recklessness of Provider's personnel. Provider's personnel shall use reasonable care under the circumstances in the operation and control of all materials and supplies used during the period of assistance. The measure of reimbursement shall be determined in accordance with general policies for determining allowable costs which are established in 2 CFR 200, subpart E or other applicable federal laws, regulations, and policies as may be in effect at the time the expenses are incurred. Exceptions to those policies as allowed in 2 CFR 200, subpart E and 2 CFR 200.102 are explained in 44 C.F.R. 206.228 or other applicable federal laws, regulations, and policies as may be in effect at the time the expenses are incurred. In the alternative, the parties may agree that Recipient will replace, with like kind and quality as determined by Provider, Provider's materials and supplies used or damaged in a reasonable time. If such an agreement is made, it shall be reduced to writing and transmitted to the North Carolina Division of Emergency Management.

2023 STATEWIDE MUTUAL AID AGREEMENT

D. Record Keeping-- Recipient and North Carolina Division of Emergency Management personnel shall provide information, directions, and assistance for record-keeping to Provider's personnel. Provider shall maintain records and submit invoices for reimbursement by Recipient or the North Carolina Division of Emergency Management using the format used or required by FEMA publications, 2 C.F.R. Part 200 or other applicable federal laws, regulations, and policies as may be in effect at the time the expenses are incurred, applicable Office of Management and Budget (OMB) Circulars, state and local laws and regulations.

E. Payment; Other Miscellaneous Matters as to Reimbursements-- The reimbursable costs and expenses with an itemized notice shall be forwarded as soon as practicable after the costs and expenses are incurred, but not later than sixty (60) days following the period of assistance, unless the deadline for identifying damage is extended in accordance with 44 C.F.R. Part 206 or other applicable federal laws, regulations, and policies as may be in effect at the time the expenses are incurred. Recipient shall pay the bill or advise of any disputed items, not later than sixty (60) days following the billing date. These time frames may be modified in writing signed by both parties by mutual agreement. This shall not preclude Provider or Recipient from assuming or donating, in whole or in part, the costs and expenses associated with any loss, damage, or use of personnel, equipment, and resources provided to Recipient.

F. Contracting – If recipient or provider contracts with a third party to perform any aid or assistance under the provisions of this agreement, then the entity shall follow any applicable local, state, or federal contracting requirements.

SECTION VIII. RIGHTS AND PRIVILEGED OF PROVIDER'S EMPLOYEES

Pursuant to G.S. 166A-19.60 whenever Provider's employees are rendering aid and assistance pursuant to this Agreement, such employees shall retain the same powers, duties, immunities, and privileges they would ordinarily possess if performing their duties within the geographical limits of Provider.

SECTION IX. PROVIDER'S EMPLOYEES COVERED AT ALL TIMES BY PROVIDER'S WORKER'S COMPENSATION POLICY

Recipient shall not be responsible for reimbursing any amounts paid or due as benefits to Provider's employees under the terms of the North Carolina Workers' Compensation Act, Chapter 97 of the North Carolina General Statutes, due to personal injury or death occurring during the period such employees are engaged in the rendering of aid and assistance under this Agreement. It is mutually understood that Recipient and Provider shall be responsible for payment of such workers' compensation benefits only to their own respective employees. Further, it is mutually understood that Provider will be entirely responsible for the payment of workers' compensation benefits to its own respective employees pursuant to G.S. 97-51.

2023 STATEWIDE MUTUAL AID AGREEMENT

SECTION X. IMMUNITY

Pursuant to G.S. 166A-19.60 all activities performed under this Agreement are hereby declared to be governmental functions. Neither the parties to this Agreement, nor, except in cases of willful misconduct, gross negligence, or bad faith, their personnel complying with or reasonably attempting to comply with this Agreement or any ordinance, order, rule, or regulation enacted or promulgated pursuant to the provisions of this Agreement shall be liable for the death of or injury to persons or for damage to property as a result of any such activity.

SECTION XI. PARTIES MUTUALLY AGREE TO HOLD EACH OTHER HARMLESS FROM LIABILITY.

To the extent allowed by applicable law, each party (as indemnitor) agrees to protect, defend, indemnify, and hold the other party (as indemnitee), and its officers, employees and agents, free and harmless from and against any and all losses, penalties, damages, assessments, costs, charges, professional fees, and other expenses or liabilities of every kind and arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind in connection with or arising out of indemnitor's negligent acts, errors and/or omissions. Indemnitor further agrees to investigate, handle, respond to, provide defense for, and defend any such claims, etc. at indemnitor's sole expense and agrees to bear all other costs and expenses related thereto. To the extent that immunity does not apply, each party shall bear the risk of its own actions, as it does with its day-to-day operations, and determine for itself what kinds of insurance, and in what amounts, it should carry. Each party understands and agrees that any insurance protection obtained shall in no way limit the responsibility to indemnify, keep, and save harmless the other parties to this Agreement.

Notwithstanding the foregoing, to the extent that each party does not purchase insurance, it shall not be deemed to have waived its governmental immunity by law.

SECTION XII. ROLE OF THE DIVISION OF EMERGENCY MANAGEMENT

Pursuant to GS 166A-19.12(19) and under this agreement, the responsibilities of the North Carolina Division of Emergency Management are: (1) to serve as the central depository for executed Agreements, to maintain a current listing of entities with their authorized representatives and contact information, and to provide this listing to each of the entities on an annual basis; (2) to coordinate the provision of mutual aid and assistance to a requesting party, pursuant to the provisions of this Agreement; (3) to keep a record of all requests for assistance and acknowledgments; (4) to report on the status of ongoing emergency or disaster-related mutual aid and assistance as appropriate; and (5) if the parties so designate, to serve as the eligible entity for requesting reimbursement of eligible costs from FEMA and provide information, directions, and assistance for record keeping pursuant thereto.

2023 STATEWIDE MUTUAL AID AGREEMENT

SECTION XIII. AMENDMENTS

Manner-- This Agreement may be modified at any time upon the mutual written consent of the Recipient and Provider Addition of Other Entities--Additional entities may become parties to this Agreement upon: (1) acceptance and execution of this Agreement; and (2) sending an executed copy of the Agreement to the North Carolina Division of Emergency Management.

SECTION XIV. INITIAL DURATION OF AGREEMENT; RENEWAL; TERMINATION

This Agreement shall be binding for not less than one (1) year from its effective date, unless terminated upon at least sixty (60) days advance written notice by a party as set forth below. Thereafter, this Agreement shall continue to be binding upon the parties in subsequent years, unless canceled by written notification served personally or by registered mail upon the Director of North Carolina Division of Emergency Management, which shall provide copies to all other parties. The withdrawal shall not be effective until sixty (60) days after notice thereof has been sent by the Director of the North Carolina Division of Emergency Management to all other parties. A party's withdrawal from this Agreement shall not affect a party's reimbursement obligations or any other liability or obligation under the terms of this Agreement incurred prior to withdrawal hereunder. Once the withdrawal is effective, the withdrawing entity shall no longer be a party to this Agreement, but this Agreement shall continue to exist among the remaining parties.

SECTION XV. HEADINGS

The headings of various sections and subsections of this Agreement have been inserted for convenient reference only and shall not be construed as modifying, amending, or affecting in any way the express terms and provisions of this Agreement.

SECTION XVI. SEVERABILITY: EFFECT ON OTHER AGREEMENTS

Should any clause, sentence, provision, paragraph, or other part of this Agreement be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Agreement. Each of the parties declares that it would have entered into this Agreement irrespective of the fact that any one or more of this Agreement's clauses, sentences, provisions, paragraphs, or other parts have been so declared invalid. Accordingly, it is the intention of the parties that the remaining portions of this Agreement shall remain in full force and effect without regard to the clause(s), sentence(s), provision(s), paragraph(s), or other part(s) invalidated.

In the event that parties to this Agreement have entered into other mutual aid and assistance contracts, for example pursuant to Chapter 160A of the North Carolina General Statutes, those parties agree that to the extent a request for mutual assistance is made pursuant to this Agreement, those other mutual aid and assistance contracts are superseded by this Agreement.

2023 STATEWIDE MUTUAL AID AGREEMENT

SECTION XVII. EFFECTIVE DATE

This Agreement shall take effect upon its approval by the entity seeking to become a signatory to this Agreement and upon proper execution hereof.

2023 STATEWIDE MUTUAL AID AGREEMENT

IN WITNESS WHEREOF, each of the parties have caused this North Carolina Statewide Emergency Management Mutual Aid and Assistance Agreement to be duly executed in its name and behalf by its Chief Executive Officer, who has signed accordingly with seals affixed and attested with concurrence of a majority of its governing board, as of the date set forth in this Agreement.

DIVISION OF EMERGENCY MANAGEMENT/DEPARTMENT OF PUBLIC SAFETY

BY: *Eddie M. Buffaloe, Jr.*

Eddie M. Buffaloe, Jr.
Secretary

Department of
Public Safety

Date: 11/14/2023 | 07:10:35 PST

BY: *William Ray*

William C. Ray, Director

Division of Emergency
Management

Date: 11/14/2023 | 09:16:53 EST

LOCAL GOVERNMENT UNIT

By: *Delane Jackson*

Chief Executive Officer/Local

Government Name: Delane Jackson

Title: Town Manager

Date: 10/30/2023 | 07:27:31 EDT

Witness: *Kristie Nobles*

Kristie Nobles

Town Clerk

APPROVED AS TO PROCEDURES:

BY: *Will Polk*

Office of General Counsel/Department of Public Safety

Will Polk Deputy General Counsel

Date: 11/13/2023 | 16:26:11 EST

2023 STATEWIDE MUTUAL AID AGREEMENT

Attachment 1

List of Authorized Representatives to Contact for Emergency Assistance

The Statewide Mutual Aid Agreement signed by Delane Jackson on 10/30/2023 | 07:27:31 EDT authorizes: Delane Jackson to maintain and update the primary and alternative representatives. The primary and alternatives may be updated as needed without the formal re-execution of the Statewide Mutual Aid agreement.

PRIMARY REPRESENTATIVE

NAME: Delane Jackson

TITLE: Town Manager

DAY PHONE: 252-638-3870

NIGHT PHONE: 910-872-3882

CELL PHONE: 910-872-3882

FAX:

FIRST ALTERNATE REPRESENTATIVE

NAME: Brandon Mills

TITLE: Public works Director

DAY PHONE: 252-638-3870

NIGHT PHONE: 252-617-2893

CELL PHONE: 252-617-2893

FAX:

SECOND ALTERNATE REPRESENTATIVE

NAME: Sean Joll

TITLE: Police Chief

DAY PHONE: 252-638-3870

NIGHT PHONE: 252-838-2195

CELL PHONE: 252-838-2195

FAX:



**TOWN OF RIVER BEND
 BUDGET ORDINANCE AMENDMENT 23-B-03
 FISCAL YEAR 2023 - 2024**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2023-2024 Budget Ordinance as last amended on September 14, 2023, be amended as follows:

Summary

General Fund	2,210,251
General Capital Reserve Fund	56,900
Law Enforcement Separation Allowance Fund	12,685
Water Fund	655,804
Water Capital Reserve Fund	10
Sewer Fund	679,504
Sewer Capital Reserve Fund	1
Total	<u>3,615,155</u>

Section 1. General Fund

Anticipated Revenues

AD VALOREM Taxes 2023-2024	935,566
AD VALOREM Tax-Motor Vehicle	90,000
Animal Licenses	1,500
Sales Tax 1% Article 39	195,868
Sales Tax 1/2% Article 40	114,635
Sales Tax 1/2% Article 42	97,901
Sales Tax Article 44	13,090
Sales Tax Hold Harmless Distribution	108,195
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	91,000
Beer and Wine Tax	13,225
Video Programming Sales Tax	49,621
Utilities Franchise Tax	112,169
Telecommunications Sales Tax	6,725
Court Refunds	500
Zoning Permits	7,000
Miscellaneous	16,200
Interest- Powell Bill Investments	50
Interest-General Fund Investments	20,000
Contributions	901
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Sale of Fixed Assets	3,000
Transfer From Capital Reserve Fund	43,504
Appropriated Fund Balance	<u>251,257</u>
Total	2,210,251

Section 1. General Fund (continued)

Authorized Expenditures

Governing Body	50,000
Administration	304,500
Finance	138,625
Tax Listing	13,700
Legal Services	24,000
Elections	0
Police	769,335
Public Buildings	104,500
Emergency Services	5,700
Animal Control	17,100
Street Maintenance	272,950
Public Works	189,000
Leaf & Limb and Solid Waste	52,384
Stormwater Management	47,000
Wetlands and Waterways	2,900
Planning & Zoning	57,000
Recreation & Special Events	11,100
Parks & Community Appearance	62,450
Contingency	20,807
Transfer To General Capital Reserve Fund	55,000
Transfer To L.E.S.A. Fund	12,200
Total	<u>2,210,251</u>

Section 2. General Capital Reserve Fund

Anticipated Revenues

Contributions from General Fund	55,000
Interest Revenue	1,900
Total	<u>56,900</u>

Authorized Expenditures

Transfer to General Fund	43,504
Future Procurement	13,396
Total	<u>56,900</u>

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:

Contributions from General Fund	12,200
Interest Revenue	485
Total	<u>12,685</u>

Authorized Expenditures:

Separation Allowance	0
Future LEOSSA Payments	12,685
Total	<u>12,685</u>

Section 4. **Water Fund**

Anticipated Revenues

Utility Usage Charges, Classes 1 & 2	210,591
Utility Usage Charges, Classes 3 & 4	12,428
Utility Usage Charges, Class 5	15,002
Utility Usage Charges, Class 8	4,644
Utility Customer Base Charges	278,811
Hydrant Availability Fee	19,764
Taps & Connections Fees	1,250
Nonpayment Fees	10,500
Late payment Fees	7,822
Interest Revenue	3,488
Sale of Capital Asset	0
Appropriated Fund Balance	91,504
Total	<u>655,804</u>

Authorized Expenditures

Administration & Finance [1]	491,804
Operations and Maintenance	140,500
Transfer To Fund Balance for Capital Outlay	23,500
Transfer To Water Capital Reserve Fund	0
Total	<u>655,804</u>

[1] Portion of department for bond debt service: 141,157

Section 5. **Water Capital Reserve Fund**

Anticipated Revenues

Contributions From Water Operations Fund	0
Interest Revenue	10
Total	<u>10</u>

Authorized Expenditures

Future Expansion & Debt Service	10
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Section 6. Sewer Fund

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	267,170
Utility Usage Charges, Classes 3 & 4	36,679
Utility Usage Charges, Class 5	28,142
Utility Usage Charges, Class 8	16,833
Utility Customer Base Charges	296,108
Taps & Connection Fees	1,250
Late payment Fees	8,384
Interest Revenue	5,836
Sale of Capital Asset	0
Appropriated Fund Balance	19,102
Total	<u>679,504</u>

Authorized Expenditures:

Administration & Finance [2]	483,204
Operations and Maintenance	192,800
Transfer to Fund Balance for Capital Outlay	3,500
Transfer to Sewer Capital Reserve Fund	0
Total	<u>679,504</u>

[2] Portion of department for bond debt service: 121,893

Section 7. Sewer Capital Reserve

Anticipated Revenues:

Contributions From Sewer Operations Fund	0
Interest Revenue	1
Total	<u>1</u>

Authorized Expenditures:

Future Expansion & Debt Service	1
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Section 8. Levy of Taxes

There is hereby levied a tax at the rate of twenty-four cents (\$0.24) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2023, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2023-2024" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$393,280,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.12%. The estimated collection rate is based on the fiscal year 2021-2022 collection rate of 99.12% 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 \$37,500,000 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 2023-2024, 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 4.4% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

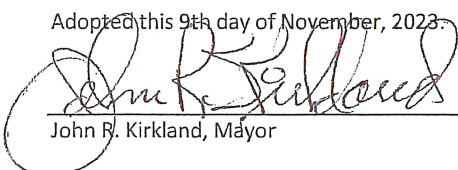
Section 12. Utilization of the Budget Ordinance

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2023-2024 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 9th day of November, 2023.



John R. Kirkland, Mayor

Attest:



Kristie J. Nobles, Town Clerk, CMC, NCCMC



Town of River Bend Resolution

WHEREAS, the American Rescue Plan Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 to assist eligible units of local government with meeting their drinking water and/or wastewater needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered Pre-construction Planning Grant ARPA funding in the amount of \$100,000 to perform the work detailed in the submitted application, and

WHEREAS, the Town of River Bend intends to perform said project in accordance with the agreed scope of work,

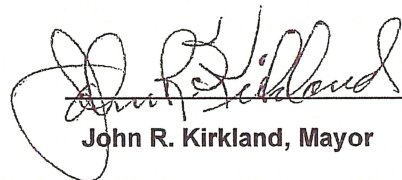
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF RIVER BEND:

That the Town of River Bend does hereby accept the ARPA grant offer of \$100,000; and

That the Town of River Bend does hereby give assurance to the North Carolina Department of Environmental Quality that any *Conditions* or *Assurances* contained in the *Funding Offer and Acceptance* (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and

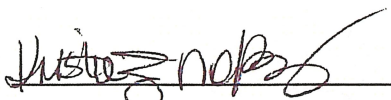
That Delane Jackson, Town Manager and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted this the 9th day of November, 2023 at River Bend, North Carolina.



John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk, CMC





**TOWN OF RIVER BEND
GRANT PROJECT ORDINANCE
WATER TREATMENT IMPROVEMENT STUDY**

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

Section 1. The project authorized is the Water Treatment Improvement Study project described in the work statement contained in the Grant Agreement between this unit and the North Carolina Department of Environmental Quality. This project will provide for the development of a Pre-Construction Analysis of Water Supply Report.

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

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

State Fiscal Recovery Fund Grant	100,000
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Section 4. The following amounts are appropriated for the project:

Prepare Pre-Construction Analysis	99,000
Miscellaneous	1,000
Total	<u>100,000</u>

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

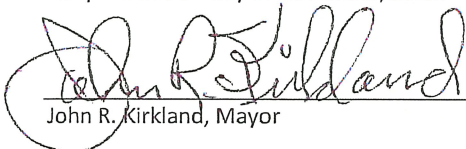
Section 6. Funds may be advanced from the Water Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

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

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

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


Adopted this 9th day of November, 2023.



John R. Kirkland, Mayor



Attest:



Kristie J. Nobles, Town Clerk, CMC, NCCMC

**River Bend Town Council
Regular Meeting Minutes
November 16, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 13

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, November 16, 2023, at the River Bend Town Hall with a quorum present.

VOTE – Amendment of Agenda

Councilwoman Maurer motioned to amend the agenda by adding Zoning Map Update as item 12 B. The motion carried unanimously.

VOTE – Approval of Amended 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 Leonard moved to approve the Consent Agenda as presented. The motion carried unanimously.

A. Approve:

*Minutes of the October 12, 2023, Work Session Meeting
Minutes of the October 19, 2023, Regular Council Meeting*

TOWN MANAGER'S REPORT

The Manager gave the following updates:

- The Town of River Bend has received the Government Finance Officers Association (GFOA) certificate of achievement of excellence in financial reporting for the fiscal year ending June 30, 2022. This is the twelfth year in a row that the Town has received this international recognition. Credit goes to the finance department and Finance Director, Mandy Gilbert.
- Next Month, the Town's newly appointed auditing firm will be at the regular meeting to give the audit presentation.
- The construction on the new public works building is nearing completion. A tentative plan for a building dedication is scheduled for December 15, 2023. In the event of inclement weather, the event will be held inside the building.

- Over the next week to ten days, the engineering firm hired by the town to administer the two Asset Inventory and Assessment (AIA) Grant projects for water and sewer will be present in town. They are working on water and sewer simultaneously but expect to focus primarily on sewer testing within the Channel Run area during that time. They will be smoke testing and televising sewer lines. Please do not be alarmed if you notice smoke coming from manholes or from vent stacks on houses. This is a normal occurrence during testing.
- A more detailed explanation of the two big water and sewer projects will be posted publicly as suggested by Councilman Weaver.

ADMINISTRATIVE REPORTS

PARKS & RECREATION – COUNCILMAN WEAVER

Parks & Recreation

Councilman Weaver stated that the Parks and Recreation Advisory Board met on November 1st at 7:00 p.m. During that meeting, the Town Manager gave a presentation on open meeting laws. Plans for the upcoming Friendsgiving event were finalized. Friendsgiving will be held on November 18th, 2023. Currently, at least thirty people have signed up to participate in the event. The Pumpkin Palooza held on October 18th, 2023, was a successful event with a great turnout. The next Parks & Rec sponsored event will be the annual Christmas Tree Lighting scheduled for Friday, December 1st, 2023, at 6:00 p.m. at the River Bend Municipal Building.

Organic Garden

For the month of October, 289 pounds of produce was harvested with a year-to-date total of 2,477 pounds. The year-to-date total of produce donated to Interfaith Refugee Ministries is 253 pounds. Volunteer hours in October totaled 181 with a year-to-date total of 1606 hours. Garden activity has slowed after nearing completion of preparation for winter. Two beds of winter vegetables have been planted. The last active summer bed is almost finished. The irrigation system has been disconnected. While the beds are covered for the winter, garden volunteers will perform basic winter maintenance and address some larger projects if there are warm days. During the slow period in the garden, work has started on plans for spring planting. It includes research on vegetable varieties, crop rotation and remediating beds that have had unhealthy plants. Planting is scheduled to start in early February. Visitors are always welcome to tour the garden and attend monthly garden volunteer meetings.

CAC – COUNCILWOMAN MAURER

The CAC met on November 15, 2023. The Fall Festive Award winner was 704 Plantation Drive. The winner of the best Halloween decorations was awarded to 107 Boatswain. The Christmas festive home nomination dates will run from December 5-15. Two winners will be announced on December 20. Nominations can be made by the homeowner, a neighbor or someone who likes the decorations. Two Christmas globe workshops were completely filled. Thirty-five more globes were made for the town by class participants who also took home a globe for themselves. The additional globes will be installed around Town Commons. Following a workshop, a resident submitted her application to serve on the board. She is scheduled to attend the January CAC meeting. Board members reviewed the arborist's report on Plantation median. They supported the Town Manager's recommendation to rework a small section of the median in a planned, professional way. It would serve as a model for additional work. The next steps will need to be decided by Council. One critical concern is that any planting must be properly cared for. I suggest we put this item on the agenda for the December work session. The Council should come to some decisions before the budget planning process starts in January. Arbor Day plans are progressing. It will be an event for the entire town. A tree planting ceremony will only be the beginning. I heard that the River Bend Garden Club may work with the CAC. Stay tuned. Planning even further ahead, CAC members are developing an Independence Day craft décor program. The next meeting is scheduled for January 17, 2024, at 4 pm in the Municipal Building.

The meeting is open to everyone. Please attend if you are interested. The members of CAC wish everyone a Happy Thanksgiving.

FINANCE – COUNCILMAN LEONARD

Councilman Leonard congratulated the Finance Department and Director, Mandy Gilbert, for another consecutive year of receiving the GFOA certificate of excellence in financial reporting. Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of October. She stated that the total of the Town's Cash and Investments as of October 31, 2023, was \$2,995,466. Ad valorem tax collections for FY23-24 were \$140,285.16 and Vehicle Ad valorem tax collections were \$30,871.61.

ENVIRONMENT AND WATERWAYS – COUNCILMAN LEONARD

EWAB met on November 6th, 2023, at 7 PM in the small conference room in the Municipal Building. There was a quorum. The minutes of the October 2nd, 2023, meeting were approved. Councilman Leonard gave a council update and answered questions from the members. Old business: Reviewed the National Night Out event. Bulkhead inspections: the last sections will be inspected on November 17th, 2023. Several drainage areas were reviewed. Still one board member short, please think of joining. New business: no new items. Volunteer hours: 17. Next meeting: February 5th, 2024. The meeting adjourned at 7:28 PM.

PLANNING BOARD – COUNCILMAN SHEFFIELD

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

VOTE – CONDITIONAL ZONING ORDINANCE

Councilman Sheffield motioned to approve the amendment to Chapter 15 of the town's zoning ordinance as presented. The motion carried unanimously. (see attached)

VOTE- ZONING MAP

Councilman Sheffield motioned to adopt the updated zoning map, dated November 16, 2023, as the town's official zoning map. The motion carried unanimously. (see attached)

PUBLIC SAFETY – COUNCILWOMAN BENTON

Community Watch- Councilwoman Benton stated that the Police Chief recently met with Community Watch Chair, Egon Lippert, to discuss how the police department can get more involved with Community Watch and work side by side with residents. Councilwoman Benton stated that she plans to volunteer and encouraged everyone to volunteer if possible.

MAYORS REPORT – MAYOR KIRKLAND

Halloween in River Bend

The Parks and Recreation Advisory Board sponsored "Pumpkin Palooza" on the evening of 21 October. This event was aimed at providing costumed children a fun encounter with the Halloween tradition of receiving candy from the adults that they visit. I was privileged to shadow my great granddaughter and great grandson as they made their visit to all the well decorated adults manning equally decorated individual stations. There was a large number of children making their way down the candy reward line. Those children came in a range of ages, some so young that parents were accompanying or providing stroller transport. The evening was pleasant and the soccer field the perfect setting. Thanks P&R for your work in giving the Town's many children a memorable event of River Bend at Halloween 2023.

Recognizing the Town's early developer on 26 October

The Town Council approved the acquisition of a marker to honor Mr. Frank Efird who was the original developer of the Town in the 1960s and the 1970s. This inscribed marker is now located along the sidewalk that surrounds the gazebo and Garden Club Memorial Garden at the pond side of Town Hall. We are pleased that Mr. Efird and his son were able to attend the dedication

of the marker and meet with residents Mr. Lou Columbo and Mrs. Joyce Frazier who assisted Mr. Efirid during the period of early Town development.

CLOSED SESSION

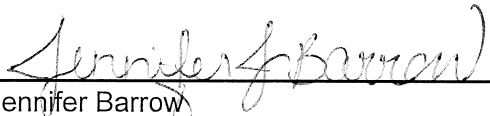
Councilman Leonard moved to go into a Closed Session under NCSG §143-318.11(a)(3)(6). The Council entered Closed Session at 7:45 p.m.

OPEN SESSION

Councilman Leonard moved to return to Open Session at 8:43 p.m. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting was adjourned at 8:43 p.m.



Jennifer Barrow
Deputy Town Clerk

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF RIVER BEND

BE IT ORDAINED by the Town Council of the Town of River Bend that the Town Code of Ordinances, Title XV, Land Usage, Chapter 15.02, Zoning, be amended by adding the language as follows:

§ 15.02.140 CONDITIONAL ZONING DISTRICTS

A. Purpose.

1. Conditional zoning districts are applicable if the regulations and restrictions of a general use zoning district are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of the Town's Code of Ordinances. In these circumstances, a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the Code of Ordinances and adopted land development plan, comprehensive plan, transportation and corridor plans, and other land use and transportation policy documents.

2. The rezoning process established in this section provides for the accommodation of the uses by a reclassification of property into a conditional zoning district, subject to additional conditions which ensure compatibility of the proposed use with the use and enjoyment of neighboring properties. A conditional zoning district bears the same designation as a general use zoning district but is a conditional zoning district subject to additional conditions in which limited uses are permitted and that are contained in the ordinance approving the conditional zoning district. A conditional zoning district allows a particular use or uses to be established only in accordance with specified standards and conditions tailored to each individual development project. This is a voluntary rezoning procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.

3. Conditional zoning districts parallel general use zoning districts. Only those land uses (including uses by right and special uses as identified as in the Schedule of District Use Regulations) permitted in a general use zoning district to which a conditional zoning district corresponds shall be allowed. All requirements of any corresponding general use district and all other requirements of the Code of Ordinances apply to a conditional zoning district except to the extent that the approved rules, regulations and conditions included in the petition for rezoning are more restrictive than the general use district requirements.

B. Process required.

1. A person petitioning for rezoning of a tract of land may elect to request a conditional zoning district for that tract. The conditional zoning district application must specify the actual use or uses, and all other development regulations authorized by state law, which are intended for the property identified in the petition. The intended use or uses and development regulations must be permitted in the corresponding general use district.

2. The Town Council is to approve or disapprove the application on the basis of the specific use or uses and development regulations requested. Development in a conditional zoning district requires approval of a single application similar to a general use district rezoning application.

3. Property may be placed in a conditional zoning district only in response to a petition signed by the owners of all the property to be included or by an agent authorized by all of the owners to file the application. A petition for conditional zoning shall include:

- a) A master site plan prepared in accordance with § 15.02.137 of the Code of Ordinances for a Master Land Use Plan for a Planned Development;
- b) Written supporting documentation that specifies the actual use or uses proposed for the property;
- c) Proposed rules, regulations, and conditions that, in addition to all predetermined requirements of this Code of Ordinances, will govern the development and use of the property; and
- d) A statement analyzing the reasonableness of the proposed rezoning.

4. During its initial review of a conditional zoning petition, which will follow the process as prescribed in §15.02.190-15.02.194 of the Code of Ordinances for traditional rezoning, the Planning Board shall consider whether or not a community informational meeting, to be organized, advertised, conducted and documented by the petitioner, would be beneficial to making project information available to those most likely to be impacted by the proposed zoning change. If the Planning Board concludes that a community informational meeting should be held, the petitioner shall conduct such meeting in accordance with the following provisions.

a) The community informational meeting shall be held prior to the date of the next Planning Board meeting at which the petition will be reviewed. The meeting shall be held within seven miles of the Town of River Bend.

b) Written notice of such a meeting shall be given by the petitioner in the same schedule and manner as prescribed in §15.02.191 (D) and §15.02.193 (A) of the Code of Ordinances for a zoning amendment and public hearing respectively.

c) Within 10 days following the meeting, but prior to any further consideration by the town, the petitioner shall file a written report of the community informational meeting with the Zoning Administrator. The petitioner's report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact; the date; time and location of the meeting; a summary of issues discussed

at the meeting; and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. Additionally, the petitioner shall make available at the meeting a roster for all attendees to voluntarily sign so that a record of attendees may be created. The roster shall include a location for attendees to provide their name, mailing addresses, and telephone number. A copy of the roster of attendees shall be included in the report of the meeting.

d) The purpose of the community informational meeting is for the petitioner to:

(1) Provide specific information and maps regarding the proposed development including but not limited to a description of the proposed zoning change, proposed use(s) of the property, the proposed density and intensity of land uses, the location and arrangement of the proposed land use(s) on the property, the proposed development schedule, and proposed regulations or conditions, in addition to those required by this Ordinance, that will govern the development and use of the property; and

(2) To receive comments and input from citizens likely to be impacted by the proposed zoning change and subsequent development of the property.

e) In the event the petitioner has not held at least one meeting pursuant to this section with 45 days of being notified that a meeting is required, the petitioner shall file a report with the Zoning Administrator documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The petitioner shall also notify the Zoning Administrator efforts to schedule a meeting. No further Planning Board action may be taken until the meeting has been conducted.

f) The adequacy of a meeting held or report filed pursuant to this section shall be considered by the Town Council but shall not be subject to judicial review.

5. Review and approval process. The review and approval process for conditional zoning district petitions involves a legislative hearing and legislative decision by the Town Council, following a recommendation by the Planning Board. The review of conditional zoning district petitions shall be undertaken in accordance with the provisions of this section.

a) In the course of evaluating the proposed use, the Town Council may request additional information deemed appropriate to provide a complete analysis of the proposal.

b) Conditional zoning district decisions are subject to judicial review using the same procedures and standard of review applicable to legislative zoning decisions.

c) Conditional zoning district decisions shall be made in consideration of identified relevant adopted land use plans for the area, including, but not limited to, land development plans, comprehensive plans, strategic plans, district plans, transportation and corridor plans and other land development policy documents.

d) If the conditional zoning district application is approved, the Town Council shall authorize the requested use with reasonable conditions as mutually agreed to in writing by

the applicant and Town Council and determined to be desirable in promoting public health, safety and general welfare.

6. Specific conditions applicable to the conditional zoning districts may be proposed by the petitioner or the town or its agents, but only those conditions mutually agreed to in writing by the town and the petitioner may be incorporated into the zoning regulations or permit requirements.

a) The conditional district rezoning application shall specify the use or uses that are intended for the property, as well as any additional conditions on the use of the property that the applicant may propose be conditions of the rezoning. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to:

(1) Those that address conformance of the development and use of the site to ordinances and officially adopted plans and

(2) Those that address the impacts reasonably expected to be generated by the development or use of the site.

b) Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, the mitigation of environmental impacts, and other matters that the Town Council may find appropriate or the petitioner may propose.

c) Such conditions to approval of the petition may include dedication to the town or state, as appropriate, of any rights-of-way or easements for streets, water, sewer or other public utilities necessary to serve the proposed development.

d) No condition shall be less restrictive than the standards of the general use district or the standards of any overlay district that applies to the property.

e) No condition shall be made part of the application, or shall be attached to approval of the conditional zoning district, which specifies the ownership status, race, religion or character of the occupants of housing units, the minimum value of improvements, or any illegal exclusionary device; or which states that the use of the property will not be subject to regulations or restrictions set forth in the Code of Ordinances which would apply to the property in any event, such as the regulations for an overlay district which covers the property.

f) If for any reason any condition for approval is found to be illegal or invalid or if the petitioner should fail to carry out any condition in the written and signed agreement, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the town to rezone the property to its previous zoning classification or to another zoning district.

g) The conditions shall be agreed upon, put in writing, and signed by both the petitioner and Town upon final approval of the rezoning by the Town Council.

h) After the town has delivered to the newspaper the notice of public hearing for the application, the applicant shall make no changes in the conditions stated in the application,

7. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan or master plan for the district, and any additional approved rules, regulations and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to this Ordinance and to the zoning map.

a) If a petition is approved, only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to division (B)(8) below provided that the change in building layout does not result in an increase in the number of structures.

b) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional zoning district shall be identified by the same designation as the underlying general district followed by the letters "CD" (for example, "R-20 (CD)").

c) No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan for the district.

d) Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of the Code of Ordinances and shall be subject to the same remedies and penalties as any such violation.

8. Alterations to approval. Except as provided in division (B)(8)(a) below, changes to an approved petition or to the conditions attached to the approved petition shall be considered a change to the conditional zoning district and shall be processed as a new conditional zoning application in accordance with the procedures set forth in this section.

a) The Zoning Administrator shall have the delegated authority to approve administrative minor modifications – limited to no more than 5% total changes to the originally approved site plan. The Zoning Administrator shall have no authority to amend the conditions of approval of a petition. Any decision by the Zoning Administrator must be in writing stating the grounds for approval or denial. Minor modifications shall be limited to changes that the Zoning Administrator determines would not:

1. Change the gross square footage of nonresidential development by more than 5%;
2. Change the lot coverage by more than 5%;
3. Change any use or density;

4. Adjust the landscaping requirements by more than 5%; or
5. Adjust the required parking more than 5%.

b) The Zoning Administrator, however, shall always have the discretion to decline to exercise the delegated authority either because he or she is uncertain about approval of the change pursuant to the standard or because a rezoning petition for a legislative hearing and Town Council consideration is deemed appropriate under the circumstances. If the Zoning Administrator declines to exercise this authority, the applicant may file a rezoning petition for a legislative hearing and Town Council decision in accordance with the provisions delineated in this ordinance.

c) Any request for an administrative modification shall be pursuant to a written letter, signed by the owners of all of the property affected by the proposed change, detailing the requested change. Upon request, the applicant shall provide any additional information as deemed necessary by the Zoning Administrator. Upon an approval of an administrative modification, the applicant shall file a sufficient number of copies of the revised site plan as deemed necessary by the Zoning Administrator.

d) If the Zoning Administrator denies approval of the requested administrative modification, the applicant may file a rezoning petition for a legislative hearing and Town Council decision in accordance with the provisions delineated in this ordinance.

9. Review of approved Conditional Zoning Districts. It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than two years after the date of approval of the petition, the Zoning Administrator shall examine and report to the Planning Board the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval.

a) If, following such examination and report of progress, the Planning Board determines that substantial progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Town Council a report which may recommend that the property be rezoned to its previous zoning classification or to another zoning district. If the Town Council concurs with the Planning Board's recommendation, the Town Council may initiate the rezoning of the property in accordance with the procedures delineated in this ordinance.

b) If, upon written request of the developer or petitioner, the Planning Board determines that substantial progress has been made to develop the property, the Planning Board may recommend that an extension of time be granted. The Town Council, after reviewing the recommendation of the Planning Board, may approve an extension of time not to exceed an additional 12 months. Approval of such a time extension by the Town Council may be made without conducting a formal public hearing.

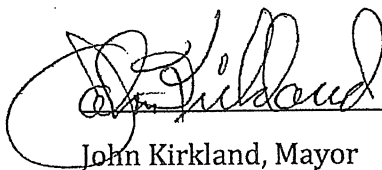
c) If, after the expiration of the original or extended time period, the Planning Board determines that no substantial progress has been made and the Town Council concurs with that determination, the Town Council shall proceed to: conduct a legislative hearing on the

matter to evaluate whether or not another extension of time is warranted; or initiate the rezoning of the property to its previous zoning classification or to another zoning classification using the procedures delineated in this ordinance.

d) For purposes of this section, examples of substantial progress may include: the approval of construction plans for streets, utilities and other infrastructure; the initiation of land preparation activities such as clearing and grading; the initiation of the construction of the principal building(s); and the initiation of the construction of streets, utilities, other infrastructure or required site amenities.

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

Adopted this the 16th day of November, 2023



John Kirkland, Mayor

ATTEST:



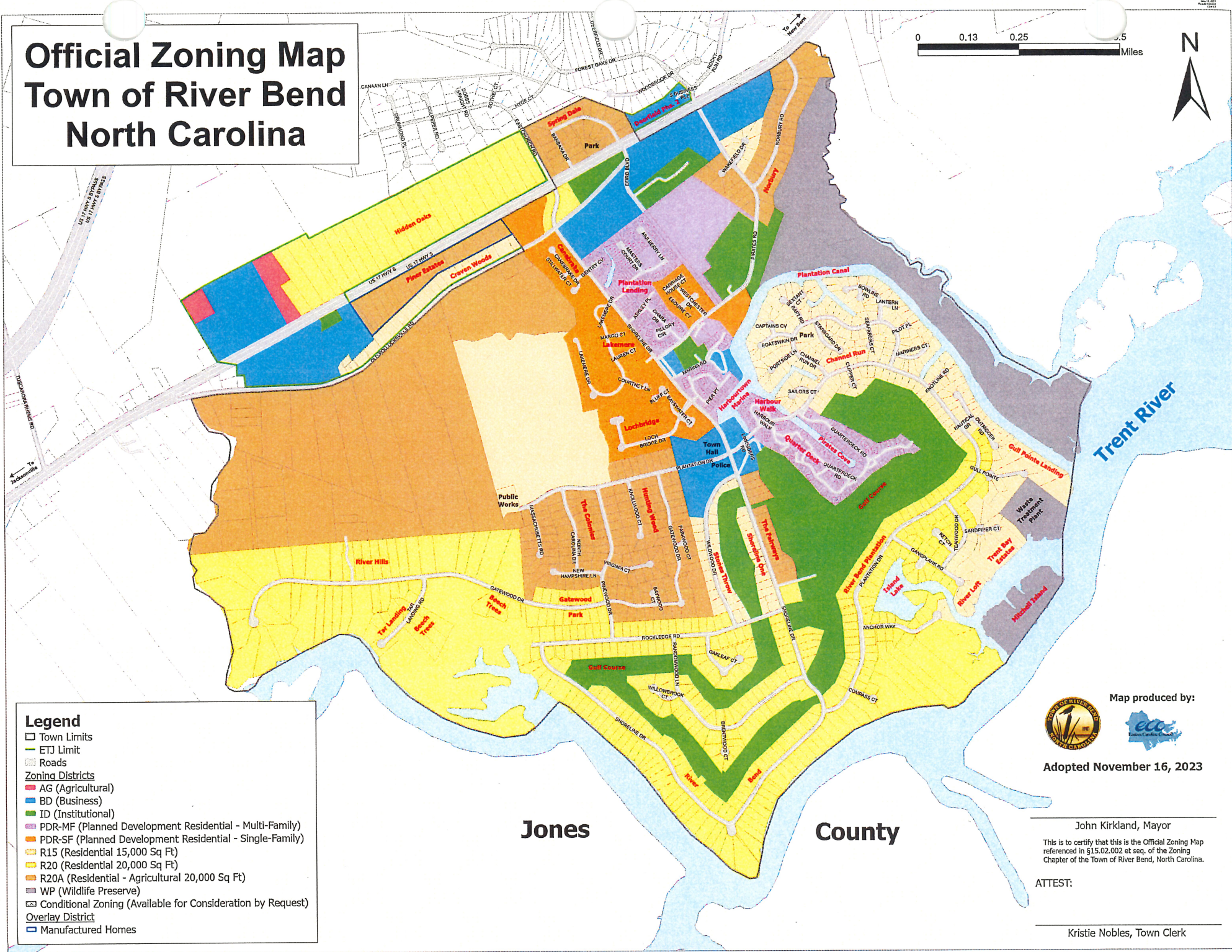
Kristie J. Nobles, Town Clerk

Significant Dates:

August 11, 2022-Town Council directs Planning Board to begin work on ordinance
September 1, 2022-Planning Board selects Havelock ordinance as a template
November 3, 2022-Planning Board discusses draft ordinance
January 5, 2023-Planning Board discusses draft ordinance
January 12, 2023- Town Council discusses draft ordinance
February 2, 2023- Planning Board discusses and approves recommendation
February 9, 2023- Town Council discusses recommendation
February 16, 2023-Town Council discusses recommendation, directs Attorney to review
March 9, 2023- Town Council discusses Attorney's legal opinion on proposal
March 16, 2023- Town Council tables conditional zoning
June 8, 2023- Town Council discusses revisiting the recommendation
June 15, 2023- Town Council votes to restart discussions on August 10, 2023
August 10, 2023- Town Council discusses draft ordinance
August 17, 2023- Town Council discusses draft ordinance and sets date for public hearing
October 19, 2023- Town Council conducts public hearing
November 9, 2023- Town Council reviews final draft ordinance language
November 16, 2023- Town Council adopts ordinance

Official Zoning Map Town of River Bend North Carolina

0 0.13 0.25 0.5 Miles



Legend

- Town Limits
- ETJ Limit
- Roads
- Zoning Districts**
- AG (Agricultural)
- BD (Business)
- ID (Institutional)
- PDR-MF (Planned Development Residential - Multi-Family)
- PDR-SF (Planned Development Residential - Single-Family)
- R15 (Residential 15,000 Sq Ft)
- R20 (Residential 20,000 Sq Ft)
- R20A (Residential - Agricultural 20,000 Sq Ft)
- WP (Wildlife Preserve)
- Conditional Zoning (Available for Consideration by Request)
- Overlay District**
- Manufactured Homes



Map produced by:



Adopted November 16, 2023

Jones

County

John Kirkland, Mayor

This is to certify that this is the Official Zoning Map referenced in §15.02.002 et seq. of the Zoning Chapter of the Town of River Bend, North Carolina.

ATTEST:

Kristie Nobles, Town Clerk

**River Bend Town Council
Work Session Minutes
December 7, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Brian Leonard
Barbara Maurer
Jeff Weaver

Absent Council Member: Buddy Sheffield

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

Members of the Public Present: 11

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, December 7, 2023, at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

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

ADOPTION OF 2024 EMPLOYEE HOLIDAY AND TOWN MEETING SCHEDULE

Councilwoman Benton moved to adopt the 2024 Employee Holiday and Council Meeting Schedule as presented. The motion carried unanimously. (see attached)

VOTE – ARP Policies

Councilman Leonard motioned to approve the Eligible Use Policy, Conflicts of Interest Policy, Allowable Cost and Cost Principles Policy and Procurement Policy as presented. The motion carried unanimously. (see attached)

DISCUSSION – Eastern Carolina Council Representative Appointment

The Town Manager stated that Mrs. Patty Leonard currently serves as the Town's representative to Eastern Carolina Council, and she would continue as the representative if the Council chose to appoint her.

VOTE - Appointment of ECC Representative

Councilwoman Maurer motioned to approve Patty Leonard as the Town's ECC representative. The motion passed unanimously.

DISCUSSION – FY 22-23 Audit Presentation

Finance Director, Mandy Gilbert, stated that Austin Eubanks of Thompson, Price, Scott, Adams & Company would give a presentation on the fiscal year 2022-2023 audit at next week's Council meeting.

Discussion – Plantation / Anchor Way Median Assessment

Councilwoman Maurer stated that she requested that the Planation / Anchor Way Median Assessment Project be added to the agenda for discussion to determine if the Council wants to pursue any of the project any further. She suggested reworking a small section of the median in a planned professional way. She stated this would give the Council an opportunity to see what can be completed and what the costs would be. She also stated that there was no money allocated to this project in the current budget. Councilman Leonard stated that his major concern is safety and there are a few areas that need to be addressed. He stated that he agreed with Councilwoman Maurer with completing a small area first to determine costs and to receive feedback from the surrounding residents. All of the Council agreed with that concept. Councilman Weaver stated that he would like for the “dangerous” areas to be completed immediately and Councilman Leonard asked the Town Manager if he had the opportunity to address the immediate needs that were identified. The Town Manager stated that the areas that were identified as dangerous were completed the previous day. Councilman Weaver stated that with the budget season coming up, that it seems this project would be fitting for that. All of Council agreed.

Discussion – Future Use of Soon-to-be Vacated Public Works Building

Councilwoman Maurer stated that she wanted to discuss further if the Council would like to commit to allowing the Red Caboose Community Library to utilize part of the former Public Works building for their library space. She asked the Town Manager if the contract could make it legal to do. The Town Manager stated he has relayed what the Town Attorney has told him and that the building is a public building, and the Town has to get fair market value for the building’s use. The Town Attorney stated that the contract with the Red Caboose Community Library could be amended. Councilwoman Maurer asked the Council if that was acceptable, and Councilman Leonard agreed. Councilman Weaver stated that his only reservation is that the Parks and Recreation Advisory Board is completing a survey for what amenities the community feels the Town needs and the building may be included in that recommendation. Councilwoman Benton stated that the Parks and Recreation situation is not terribly pertinent, and the library could utilize the space immediately, and she agreed with allowing the library to use the space. The Town Manager stated that Public Works is still using the building and will not be out for some time. The Town Attorney recommended that, when the Council is ready they can amend the contract with the Red Caboose Community Library. Councilman Leonard stated that he would like to wait until the entire Council is present before the Council makes a decision. All agreed to wait until Council Sheffield returned.

REVIEW – Agenda for the December 14, 2023, Council Meeting

The Council reviewed the agenda for the December 14, 2023, Council Meeting.

CLOSED SESSION

Councilman Leonard moved to go into Closed Session under NCGS 143-318.11(a)(3)(5)(6) and to discuss the possible acquisition of land owned by Weldon Brown, Jr. and Naqueldon Brown for the location of a new water treatment facility. The motion carried unanimously. The Council entered Closed Session at 7:37 p.m.

OPEN SESSION

Councilman Leonard moved to return to Open Session at 7:49 p.m. The motion carried unanimously.

VOTE – Contract with Weldon Brown

Councilman Leonard motioned to approve the terms of the option to purchase contract for the land own by Weldon and Naqueldon Brown, et al and to authorize the mayor to sign on behalf of the Town. The motion carried unanimously.

VOTE – Town Managers Contract Revision

Councilman Leonard motioned to approve the amended employee contract, dated December 7, 2023, with the Town Manager as presented. The motion carried unanimously.

VOTE – Town Managers Bonus Pay

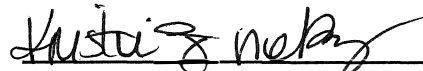
Councilman Leonard motioned to approve a bonus in the amount of \$15,000 for the Town Manager in recognition of his recent work securing grants. The motion carried unanimously.

VOTE – Town Employees Bonus Pay

Councilman Leonard motioned to approve \$5,000 of funding for the Town Manager to use at his discretion to provide bonuses for town employees. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Leonard moved to adjourn. The motion carried unanimously. The meeting was adjourned at 7:55 p.m.



Kristie J. Nobles, CMC, NCCMC
Town Clerk



TOWN OF RIVER BEND

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www.riverbendnc.org

**TOWN OF RIVER BEND
EMPLOYEE HOLIDAY SCHEDULE
2024**

HOLIDAY

DATE

New Year's Day

Monday, January 1

Martin Luther King Day

Monday, January 15

Good Friday

Friday, March 29

Memorial Day

Monday, May 27

Independence Day

Friday, July 5

Labor Day

Monday, September 2

Veterans' Day

Monday, November 11

Thanksgiving Holiday

Thursday, November 28
Friday, November 29

Christmas Holiday

Tuesday, December 24
Wednesday, December 25
Thursday, December 26



TOWN OF RIVER BEND

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**MEETINGS OF THE TOWN COUNCIL OF
THE TOWN OF RIVER BEND
2024**

Work Sessions (2nd Thursday)

7:00 p.m.

January 11
February 8
March 14
April 11
May 9
June 13
July 11
August 8
September 12
October 10
November 14
***December 5

Regular Meetings (3rd Thursday)

7:00 p.m.

January 18
February 15
March 21
April 18
May 16
June 20
July 18
August 15
September 19
October 17
November 21
***December 12

All Council Work & Regular Sessions will be held in the River Bend Town Hall beginning at 7:00 p.m.

*** Changed due to holiday.

Meeting date, time and location are subject to change due to unforeseen circumstances. In such event, proper public notice will be given prior to the meeting.

The public is invited and encouraged to attend all Council meetings.

The Town's Rules of Procedure, Agenda Policy, Public Comment Policy and Public Hearing Policy will be enforced at all Council Meetings.

Kristie Nobles
Town Clerk

**RESOLUTION FOR ALLOWABLE COSTS AND COST PRINCIPLES FOR
EXPENDITURE OF AMERICAN RESCUE PLAN ACT CORONAVIRUS STATE AND
LOCAL FISCAL RECOVERY FUNDS BY NORTH CAROLINA LOCAL GOVERNMENTS**

WHEREAS the Town of River Bend, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the Assistance Listing; and

WHEREAS the Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds provides, in relevant part:

Allowable Costs/Cost Principles. As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

[ARP/CSLFRF] Funds may be, but are not required to be, used along with other funding sources for a given project. Note that [ARP/CSLFRF] Funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.

Treasury's Interim Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

- a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the [ARP/CSLFRF] Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the [ARP/CSLFRF] program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the [ARP/CSLFRF] award such as the cost of facilities or administrative functions like a director's office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).
- b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of [ARP/CSLFRF] award funds; and

WHEREAS Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

WHEREAS Subpart E of the UG (specifically, 200.400) states that:

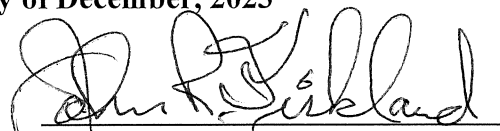
The application of these cost principles is based on the fundamental premises that:

- (a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.
- (b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.

- (c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.
- (d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the Federal award.
- (e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.
- (f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.
- (g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award;

BE IT RESOLVED that the governing board of the Town of River Bend hereby adopts and enacts the following US Cost Principles Policy for the expenditure of ARP/CSLFRF funds.

Adopted this 7th day of December, 2023



John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk, CMC

**TOWN OF RIVER BEND ALLOWABLE COSTS AND COSTS PRINCIPLES
POLICY**

OVERVIEW

Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart E, defines those items of cost that are allowable, and which are unallowable. The tests of allowability under these principles are: (a) the costs must be reasonable; (b) they must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); (c) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items. Unallowable items fall into two categories: expenses which are by their nature unallowable (e.g., alcohol), and unallowable activities (e.g., fund raising).

The Town of River Bend shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with the Town Manager and the Finance Director, who are charged with the administration and financial oversight of the ARP/CSLFRF. Further, all local government employees and officials who are involved in obligating, administering, expending, or monitoring ARP/CSLFRF grant funded projects should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed the Town Manager. As questions on allowability of certain costs may require interpretation and judgment, local government personnel are encouraged to ask for assistance in making those determinations.

GENERAL COST ALLOWABILITY CRITERIA

All costs expended using ARP/CSLFRF funds must meet the following general criteria:

1. Be necessary and reasonable for the proper and efficient performance and administration of the grant program.

A cost must be *necessary* to achieve a project object. When determining whether a cost is necessary, consideration may be given to:

- Whether the cost is needed for the proper and efficient performance of the grant project.
- Whether the cost is identified in the approved project budget or application.
- Whether the cost aligns with identified needs based on results and findings from a needs assessment.

- Whether the cost addresses project goals and objectives and is based on program data.

A cost is *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the Town of River Bend or the proper and efficient performance of the federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARP/CSLFRF award.
- Market prices for comparable goods or services for the geographic area.
- Whether individuals concerned acted with prudence in the circumstances considering their responsibilities to Town of River Bend, its employees, the public at large, and the federal government.
- Whether the Town of River Bend significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the ARP/CSLFRF award's cost.

- 2. Be allocable to the ARP/CSLFRF federal award.** A cost is allocable to the ARP/CSLFRF award if the goods or services involved are chargeable or assignable to the ARP/CSLFRF award in accordance with the relative benefit received. This means that the ARP/CSLFRF grant program derived a benefit in proportion to the funds charged to the program. *For example, if 50 percent of a local government program officer's salary is paid with grant funds, then the local government must document that the program officer spent at least 50 percent of his/her time on the grant program.*

If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized by the ARP/CSLFRF, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

- 3. Be authorized and not prohibited under state or local laws or regulations.**
- 4. Conform to any limitations or exclusions set forth in the principles, federal laws, ARP/CSLFRF award terms, and other governing regulations as to types or amounts of cost items.**

5. **Be consistent with policies, regulations, and procedures that apply uniformly to both the ARP/CSLFRF federal award and other activities of the Town of River Bend.**
6. **Be accorded consistent treatment.** A cost MAY NOT be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost. And a cost must be treated consistently for both federal award and non-federal award expenditures.
7. **Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in the UGG.**
8. **Be net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the local government related to the federal award, they shall be credited to the ARP/CSLFRF award, either as a cost reduction or a cash refund, as appropriate and consistent with the award terms.
9. **Be adequately documented.**

SELECTED ITEMS OF COST

The UGG examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420-.475.

DEPARTMENT OR POSITION(S) responsible for determining cost allowability must be familiar with the Selected Items of Cost. The Town of River Bend must follow the applicable regulations when charging these specific expenditures to the ARP/CSLFRF grant. The Finance Department will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, State laws, Town of River Bend regulations, and program-specific rules may deem a cost as unallowable, and Finance Department personnel must follow those non-federal rules as well.

Exhibit A identifies and summarizes the Selected Items of Cost.

DIRECT AND INDIRECT COSTS

Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

Direct costs are expenses that are specifically associated with a particular ARP/CSLFRF-eligible project and that can be directly assigned to such activities relatively easily with a high degree of accuracy. Common examples of direct costs include salary and fringe benefits of personnel directly involved in undertaking an eligible project, equipment and supplies for the project, subcontracted service provider, or other materials consumed or expended in the performance of a grant-eligible project.

Indirect costs are (1) costs incurred for a common or joint purpose benefitting more than one ARP/CSLFRF-eligible project, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit

more than one project or even more than one federal grant. Common examples of indirect costs include utilities, local telephone charges, shared office supplies, administrative or secretarial salaries.

For indirect costs, the Town of River Bend may charge a 10 percent de minimis rate of modified total direct costs (MTDC). According to UGG Section 200.68 MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance the subawards under the award). MTDC EXCLUDES equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.

SPECIAL PROVISIONS FOR STATE AND LOCAL

There are some special provisions of the UG that apply only to states, local governments, and Indian Tribes.

§ 200.444 General costs of government.

(a) For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in § 200.475). Unallowable costs include:

- (1) Salaries and expenses of the Office of the Governor of a state or the chief executive of a local government or the chief executive of an Indian tribe;
- (2) Salaries and other expenses of a state legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;
- (3) Costs of the judicial branch of a government;
- (4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in § 200.435); and
- (5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.

(b) For Indian tribes and Councils of Governments (COGs) (see definition for *Local government* in § 200.1 of this part), up to 50% of salaries and expenses directly attributable to managing and operating Federal programs by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

§ 200.416 COST ALLOCATION PLANS AND INDIRECT COST PROPOSALS.

(a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.

(b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include:

- (1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and
- (2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

(c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to this part.

§ 200.417 INTERAGENCY SERVICE.

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

COST ALLOWABILITY REVIEW PROCESS

PREAPPROVAL COST ALLOWABILITY REVIEW

Before an ARP/CSLFRF-funded project is authorized, the Finance Director must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review will occur concurrently with the review of project eligibility and *before* obligating or expending any ARP/CSLFRF funds.

- Local government personnel must submit proposed ARP/CSLFRF projects to the Finance Director for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.
- Along with a general review of project eligibility and conformance with other governing board management directives, if required, the Finance Director must review estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the US Treasury.
- If a proposed project includes a request for an unallowable cost, the Finance Director will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.

- Once a proposed project budget is pre-approved by the Finance Director, the local government personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

POST-EXPENDITURE COST ALLOWABILITY REVIEW

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to the local government, the Finance Director must perform a second review to ensure that actual expenditures comprise allowable costs.

- All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the Finance Director will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.
- The Finance Director must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.
- If all cost items are deemed allowable and properly allocable, the Finance Director must proceed through the local government's normal disbursement process.
- If any cost item is deemed unallowable, the Finance Director will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARP/CSLFRF funds. The Finance Director may in their discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the local government remains legally obligated by contract or otherwise to pay the disallowed cost item, it must identify other local government funds to cover the disbursement. The Town of River Bend's governing board must approve any allocation of other funds for this purpose.
- The Finance Director must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

COST TRANSFERS

Any costs charged to the ARP/CSLFRF federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal UGG or other applicable guidelines.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding.

EXHIBIT A

Selected Items of Cost	Uniform Guidance General Reference	Allowability
Advertising and public relations costs	2 CFR § 200.421	Allowable with restrictions
Advisory councils	2 CFR § 200.422	Allowable with restrictions
Alcoholic beverages	2 CFR § 200.423	Unallowable
Alumni/ae activities	2 CFR § 200.424	Not specifically addressed
Audit services	2 CFR § 200.425	Allowable with restrictions
Bad debts	2 CFR § 200.426	Unallowable
Bonding costs	2 CFR § 200.427	Allowable with restrictions
Collection of improper payments	2 CFR § 200.428	Allowable
Commencement and convocation costs	2 CFR § 200.429	Not specifically addressed
Compensation – personal services	2 CFR § 200.430	Allowable with restrictions; Special conditions apply (e.g., § 200.430(i)(5))
Compensation – fringe benefits	2 CFR § 200.431	Allowable with restrictions
Conferences	2 CFR § 200.432	Allowable with restrictions
Contingency provisions	2 CFR § 200.433	Unallowable with exceptions
Contributions and donations	2 CFR § 200.434	Unallowable (made by non-federal entity); not reimbursable but value may be used as cost sharing or matching (made to non-federal entity)
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435	Allowable with restrictions
Depreciation	2 CFR § 200.436	Allowable with qualifications
Employee health and welfare costs	2 CFR § 200.437	Allowable with restrictions
Entertainment costs	2 CFR § 200.438	Unallowable with exceptions
Equipment and other capital expenditures	2 CFR § 200.439	Allowability based on specific requirement
Exchange rates	2 CFR § 200.440	Allowable with restrictions
Fines, penalties, damages and other settlements	2 CFR § 200.441	Unallowable with exceptions
Fund raising and investment management costs	2 CFR § 200.442	Unallowable with exceptions

Gains and losses on disposition of depreciable assets	2 CFR § 200.443	Allowable with restrictions
General costs of government	2 CFR § 200.444	Unallowable with exceptions
Goods and services for personal use	2 CFR § 200.445	Unallowable (goods/services); allowable (housing) with restrictions
Idle facilities and idle capacity	2 CFR § 200.446	Idle facilities - unallowable with exceptions; Idle capacity - allowable with restrictions
Insurance and indemnification	2 CFR § 200.447	Allowable with restrictions
Intellectual property	2 CFR § 200.448	Allowable with restrictions
Interest	2 CFR § 200.449	Allowable with restrictions
Lobbying	2 CFR § 200.450	Unallowable
Losses on other awards or contracts	2 CFR § 200.451	Unallowable (however, they are required to be included in the indirect cost rate base for allocation of indirect costs)
Maintenance and repair costs	2 CFR § 200.452	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454	Allowable with restrictions; unallowable for lobbying organizations
Organization costs	2 CFR § 200.455	Unallowable except federal prior approval
Participant support costs	2 CFR § 200.456	Allowable with prior approval of the federal awarding agency
Plant and security costs	2 CFR § 200.457	Allowable; capital expenditures are subject to § 200.439
Pre-award costs	2 CFR § 200.458	Allowable if consistent with other allowabilities and with prior approval of the federal awarding agency
Professional services costs	2 CFR § 200.459	Allowable with restrictions
Proposal costs	2 CFR § 200.460	Allowable with restrictions
Publication and printing costs	2 CFR § 200.461	Allowable with restrictions
Rearrangement and reconversion costs	2 CFR § 200.462	Allowable (ordinary and normal)
Recruiting costs	2 CFR § 200.463	Allowable with restrictions
Relocation costs of employees	2 CFR § 200.464	Allowable with restrictions

Rental costs of real property and equipment	2 CFR § 200.465	Allowable with restrictions
Scholarships and student aid costs	2 CFR § 200.466	Not specifically addressed
Selling and marketing costs	2 CFR § 200.467	Unallowable with exceptions
Specialized service facilities	2 CFR § 200.468	Allowable with restrictions
Student activity costs	2 CFR § 200.469	Unallowable unless specifically provided for in the federal award
Taxes (including Value Added Tax)	2 CFR § 200.470	Allowable with restrictions
Termination costs	2 CFR § 200.471	Allowable with restrictions
Training and education costs	2 CFR § 200.472	Allowable for employee development
Transportation costs	2 CFR § 200.473	Allowable with restrictions
Travel costs	2 CFR § 200.474	Allowable with restrictions
Trustees	2 CFR § 200.475	Not specifically addressed

CONFLICT OF INTEREST POLICY

APPLICABLE TO CONTRACTS AND SUBAWARDS OF TOWN OF RIVER BEND SUPPORTED BY FEDERAL FINANCIAL ASSISTANCE

I. Scope of Policy

- a. Purpose of Policy. This Conflict of Interest Policy (“*Policy*”) establishes conflict of interest standards that (1) apply when Town of River Bend (“*Unit*”) enters into a Contract (as defined in Section II hereof) or makes a Subaward (as defined in Section II hereof), and (2) meet or exceed the requirements of North Carolina law and 2 C.F.R. § 200.318(c).
- b. Application of Policy. This Policy shall apply when the Unit (1) enters into a Contract to be funded, in part or in whole, by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies, or (2) makes any Subaward to be funded by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this Policy, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

II. Definitions

Capitalized terms used in this Policy shall have the meanings ascribed thereto in this Section II: Any capitalized term used in this Policy but not defined in this Section II shall have the meaning set forth in 2 C.F.R. § 200.1.

- a. “*COI Point of Contact*” means the individual identified in Section III (a) of this Policy.
- b. “*Contract*” means, for the purpose of Federal Financial Assistance, a legal instrument by which the Unit purchases property or services needed to carry out a program or project under a Federal award.
- c. “*Contractor*” means an entity or individual that receives a Contract.
- d. “*Covered Individual*” means a Public Officer, employee, or agent of the Unit.
- e. “*Covered Nonprofit Organization*” means a nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes, excluding any board, entity, or other organization created by the State of North Carolina or any political subdivision of the State (including the Unit).
- f. “*Direct Benefit*” means, with respect to a Public Officer or employee of the Unit, or the spouse of any such Public Officer or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission

directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.

- g. “*Federal Financial Assistance*” means Federal financial assistance that the Unit receives or administers in the form of grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, food commodities, and other Federal financial assistance (except that the term does not include loans, loan guarantees, interest subsidies, or insurance).
- h. “*Governing Board*” means the Town Council of the Unit.
- i. “*Immediate Family Member*” means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
- j. “*Involved in Making or Administering*” means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member, taking action on the Contract or Subaward, whether or not the Public Official actually participates in that action.
- k. “*Pass-Through Entity*” means a non-Federal entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.
- l. “*Public Officer*” means an individual who is elected or appointed to serve or represent the Unit (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the Unit.
- m. “*Recipient*” means an entity, usually but not limited to a non-Federal entity, that receives a Federal award directly from a Federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.
- n. “*Related Party*” means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.
- o. “*Subaward*” means an award provided by a Pass-Through Entity to carry out part of a Federal award received by the Pass-Through Entity. It does not include payments to a contractor or payments to a contractor or payments to an individual that is a beneficiary of a Federal program.

- p. “*Subcontract*” means mean any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders, and changes and modifications to purchase orders.
- q. “*Subcontractor*” means an entity that receives a Subcontract.
- r. “*Subrecipient*” means an entity, usually but not limited to a non-Federal entity, that receives a subaward from a Pass-Through Entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.
- s. “*Unit*” has the meaning specified in Section I hereof.

III. COI Point of Contact.

- a. Appointment of COI Point of Contact. The Town Manager, an employee of the Unit, shall have primary responsibility for managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy. In the event that Town Manager is unable to serve in such capacity, the Finance Director shall assume responsibility for managing the disclosure and resolution of conflicts of interest arising under this Policy. The individual with responsibility for managing the disclosure and resolution of potential or actual conflicts of interest under this Section III (a) shall be known as the “*COI Point of Contact*”.
- b. Distribution of Policy. The COI Point of Contact shall ensure that each Covered Individual receives a copy of this Policy.

IV. Conflict of Interest Standards in Contracts and Subawards

- a. North Carolina Law. North Carolina law restricts the behavior of Public Officials and employees of the Unit involved in contracting on behalf of the Unit. The Unit shall conduct the selection, award, and administration of Contracts and Subawards in accordance with the prohibitions imposed by the North Carolina General Statutes and restated in this Section III.
 - i. G.S. § 14-234(a)(1). A Public Officer or employee of the Unit Involved in Making or Administering a Contract or Subaward on behalf of the Unit shall not derive a Direct Benefit from such a Contract or Subaward.
 - ii. G.S. § 14-234(a)(3). No Public Officer or employee of the Unit may solicit or receive any gift, favor, reward, service, or promise of reward, including but not limited to a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a Contract or Subaward by the Unit.

- iii. G.S. § 14-234.3. If a member of the Governing Board of the Unit serves as a director, officer, or governing board member of a Covered Nonprofit Organization, such member shall not (1) deliberate or vote on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, (2) attempt to influence any other person who deliberates or votes on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, or (3) solicit or receive any gift, favor, reward, service, or promise of future employment, in exchange for recommending or attempting to influence the award of a Contract or Subaward to the Covered Nonprofit Organization.
- iv. G.S. § 14-234.1. A Public Officer or employee of the Unit shall not, in contemplation of official action by the Public Officer or employee, or in reliance on information which was made known to the public official or employee and which has not been made public, (1) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or other information, or (2) intentionally aid another in violating the provisions of this section.

b. Federal Standards.

- i. Prohibited Conflicts of Interest in Contracting. Without limiting any specific prohibition set forth in Section IV (a), a Covered Individual may not participate in the selection, award, or administration of a Contract or Subaward if such Covered Individual has a real or apparent conflict of interest.

- 1. Real Conflict of Interest. A real conflict of interest shall exist when the Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward. Exhibit A attached hereto provides a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.

- 2. Apparent Conflict of Interest. An apparent conflict of interest shall exist where a real conflict of interest may not exist under Section IV (b)(i)(1), but where a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the appearance that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.

- ii. Identification and Management of Conflicts of Interest.

- 1. Duty to Disclose and Disclosure Forms

- a. Each Covered Individual expected to be or actually involved in the selection, award, or administration of a Contract or Subaward

has an ongoing duty to disclose to the COI Point of Contact potential real or apparent conflicts of interest arising under this Policy.

- b. Prior to the Unit's award of a Contract or Subaward, the COI Point of Contact shall advise Covered Individuals expected to be involved in the selection, award, or administration of the Contract or Subaward of such duty.
- c. If the value of a proposed Contract or Subaward exceeds \$250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form contained in Exhibit C (for Contracts) and Exhibit E (for Subawards) from each Covered Individual and file such Conflict of Interest Disclosure Form in records of the Unit.

2. Identification Prior to Award of Contract or Subaward.

- a. Prior to the Unit's award of a Contract or Subaward, the COI Point of Contact shall complete the appropriate Compliance Checklist contained in Exhibit B (for Contracts) and Exhibit D (for Subawards) attached hereto and file such Compliance Checklist in the records of the Unit.

3. Management Prior to Award of Contract or Subaward

- a. If, after completing the Compliance Checklist, the COI Point of Contact identifies a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the COI Point of Contact shall disclose such finding in writing to the Finance Officer and to each member of the Governing Board. If the Governing Board desires to enter into the proposed Contract or Subaward despite the identification by the COI Point of Contact of a potential real or apparent conflict of interest, it may either:
 - i. accept the finding of the COI Point of Contact and direct the COI Point of Contact to obtain authorization to enter into the Contract or Subaward from (a) if Unit is a Recipient of Federal Financial Assistance, the Federal awarding agency with appropriate mitigation measures, or (b) if Unit is a Subrecipient of Federal Financial Assistance, from the Pass-Through Entity that provided a Subaward to Unit; or
 - ii. reject the finding of the COI Point of Contact and enter into the Contract or Subaward. In rejecting any finding of the COI Point of Contact, the Governing Board shall in

writing document a justification supporting such rejection.

- b. If the COI Point of Contact does not identify a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the Unit may enter into the Contract or Subaward in accordance with the Unit's purchasing or subaward policy.

4. Identification After Award of Contract or Subaward.

- a. If the COI Point of Contact discovers that a real or apparent conflict of interest has arisen after the Unit has entered into a Contract or Subaward, the COI Point of Contact shall, as soon as possible, disclose such finding to the Finance Officer and to each member of the Governing Board. Upon discovery of such a real or apparent conflict of interest, the Unit shall cease all payments under the relevant Contract or Subaward until the conflict of interest has been resolved.

5. Management After Award of Contract or Subaward.

- a. Following the receipt of such disclosure of a potential real or apparent conflict of interest pursuant to Section IV(b)(ii)(4), the Governing Board may reject the finding of the COI Point of Contact by documenting in writing a justification supporting such rejection. If the Governing Board fails to reject the finding of the COI Point of Contact within 15 days of receipt, the COI Point of Contact shall:
 - i. if Unit is a Recipient of Federal Financial Assistance funding the Contract or Subaward, disclose the conflict to the Federal awarding agency providing such Federal Financial Assistance in accordance with 2 C.F.R. § 200.112 and/or applicable regulations of the agency, or
 - ii. if Unit is a Subrecipient of Federal Financial Assistance, disclose the conflict to the Pass-Through Entity providing a Subaward to Unit in accordance with 2 C.F.R. § 200.112 and applicable regulations of the Federal awarding agency and the Pass-Through Entity.

V. Oversight of Subrecipient's Conflict of Interest Standards

- a. Subrecipients of Unit Must Adopt Conflict of Interest Policy. Prior to the Unit's execution of any Subaward for which the Unit serves as a Pass-Through Entity, the COI Point of Contact shall ensure that the proposed Subrecipient of Federal Financial Assistance has

adopted a conflict of interest policy that satisfies the requirements of 2 C.F.R. § 200.318(c)(1), 2 C.F.R. § 200.318(c)(2), and all other applicable federal regulations.

- b. Obligation to Disclose Subrecipient Conflicts of Interest. The COI Point of Contact shall ensure that the legal agreement under which the Unit makes a Subaward to a Subrecipient shall require such Subrecipient to disclose to the COI Point of Contact any potential real or apparent conflicts of interest that the Subrecipient identifies. Upon receipt of such disclosure, the COI Point of Contact shall disclose such information to the Federal awarding agency that funded the Subaward in accordance with that agency's disclosure policy.

VI. Gift Standards

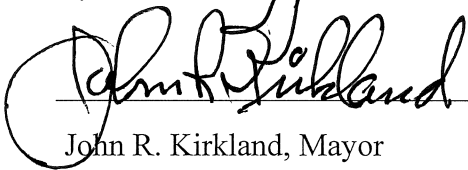
- a. Federal Standard. Subject to the exceptions set forth in Section VI(b), a Covered Individual may not solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.
- b. Exception. Notwithstanding Section VI(a), a Covered Individual may accept an unsolicited gift from a Contractor or Subcontractor of one or more types specified below if the gift has an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of all gifts received by the Covered Individual pursuant to this Section VI(b) does not exceed \$50 in a calendar year:
 - i. honorariums for participating in meetings;
 - ii. advertising items or souvenirs of nominal value; or
 - iii. meals furnished at banquets.
- c. Internal Reporting. A Covered Individual shall report any gift accepted under Section VI(b) to the COI Point of Contact. If required by regulation of a Federal awarding agency, the COI Point of Contact shall report such gifts to the Federal awarding agency or a Pass-Through Entity for which the Unit is a Subrecipient.

VII. Violations of Policy

- a. Disciplinary Actions for Covered Individuals. Any Covered Individual that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to disciplinary action, including, but not limited to, an employee's termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent's contract with the Unit.
- b. Disciplinary Actions for Contractors and Subcontractors. The Unit shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Policy.

- c. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, the Unit shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant: (i) a member of Congress or a representative of a committee of Congress; (ii) an Inspector General; (iii) the Government Accountability Office; (iv) a Treasury or other federal agency employee responsible for grant oversight or management; (v) an authorized official of the Department of Justice or other law enforcement agency; (vi) a court or grand jury; or (vii) a management official or other employee of the Unit, a Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.

Adopted this 7th day of December, 2023


John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk

EXHIBIT A

Examples

<i>Potential Examples of a “Financial or Other Interest” in a Firm or Organization Considered for a Contract or Subaward</i>	<i>Potential Examples of a “Tangible Personal Benefit” From a Firm or Organization Considered for a Contract or Subaward</i>
Direct or indirect equity interest in a firm or organization considered for a Contract or Subaward, which may include: <ul style="list-style-type: none">- Stock in a corporation.- Membership interest in a limited liability company.- Partnership interest in a general or limited partnership.- Any right to control the firm or organization’s affairs. For example, a controlling equity interest in an entity that controls or has the right to control a firm considered for a contract.- Option to purchase any equity interest in a firm or organization.	Opportunity to be employed by the firm considered for a contract, an affiliate of that firm, or any other firm with a relationship with the firm considered for a Contract. A position as a director or officer of the firm or organization, even if uncompensated.
Holder of any debt owed by a firm considered for a Contract or Subaward, which may include: <ul style="list-style-type: none">- Secured debt (e.g., debt backed by an asset of the firm (like a firm’s building or equipment))- Unsecured debt (e.g., a promissory note evidencing a promise to repay a loan).<ul style="list-style-type: none">o Holder of a judgment against the firm.	A referral of business from a firm considered for a Contract or Subaward.
Supplier or contractor to a firm or organization considered for a Contract or Subaward.	Political or social influence (e.g., a promise of appointment to an local office or position on a public board or private board).

EXHIBIT B

COMPLIANCE CHECKLIST FOR OVERSIGHT OF CONTRACT CONFLICTS OF INTEREST

The Town of River Bend (“*Unit*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates the Town Manager as the “COI Point of Contact.” The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Contracts (as defined in Section II) and file the Checklist in the records of the Unit.

Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.
2. If the value of the proposed Contract exceeds \$[250,000], the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual.
3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to the Finance Officer and to each member of the Governing Board.

Definitions.

1. *Covered Individual.* Each person identified in Section 1 of this Checklist is a “Covered Individual” for purposes of this Compliance Checklist and the Policy.
2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

<p>Step 1</p>	<p>Identify the proposed Contract, counterparty, and the subject of the Contract.</p> <p><u>Name of Contract:</u></p> <hr/> <p><u>Name of Counterparty</u></p> <hr/> <p><u>Subject of Contract:</u></p> <hr/>	
<p>2</p>	<p>Identify all individuals involved in the selection, award, or administration of the Contract. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy.</p>	<p><u>Public Officials</u></p> <hr/> <p><u>Employees</u></p> <hr/> <p><u>Agents</u></p> <hr/>
<p>3</p>	<p>Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Contract. [If the estimated Contract amount exceeds \$250,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]</p>	<p><u>Public Officials</u></p> <hr/> <p><u>Employees</u></p> <hr/> <p><u>Agents</u></p> <hr/>
<p>4</p>	<p>Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Contract. If the estimated Contract amount exceeds \$250,000, ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.</p>	<p><u>Public Officials – Related Party</u></p> <hr/> <p><u>Employees – Related Party</u></p> <hr/> <p><u>Agents – Related Party</u></p> <hr/>
<p>Any identified interest in Step 3 is a potential “real” conflict of interest.</p>		
<p>Any identified interest in Step 4 is a potential “real” conflict of interest.</p>		

5	Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the <i>appearance</i> that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract? If yes, explain.			
Any identified interest in Step 5 is a potential “apparent” conflict of interest.		<u>Public Officials</u>	<u>Employees</u>	<u>Agents</u>

COI Point of Contact: _____

Signature of COI Point of Contact: _____

Date of Completion: _____

EXHIBIT C

CONTRACT CONFLICT OF INTEREST DISCLOSURE FORM

FOR OFFICIALS, EMPLOYEES, AND AGENTS

The Town of River Bend (“*Unit*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates the Town Manager as the “COI Point of Contact.”

The COI Point of Contact has identified you as an official, employee, or agent of the Unit that may be involved in the selection, award, or administration of the following contract: _____ (the “*Contract*”). To safeguard the Unit’s expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a Contract. Using the Exhibit A to the Policy as a guide, please answer the following questions:

1. Do you have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

2. Will you receive any tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

3. For purposes of Question 3(a) and 3(b), your “Immediate Family Members” include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

4. Do you have any other partner with a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

6. Does your current or potential employer (other than the Unit) have a financial or other interest in a firm considered for this Contract or will such current or potential employer receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

7. Benefits to Employers

a. Does a current or potential employer (other than the Unit) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

b. Will a current or potential employer (other than the Unit) of any of your Immediate Family Members receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

-
- c. Does a current or potential employer (other than the Unit) of any partner of yours have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- d. Will a current or potential employer (other than the Unit) of any partner of yours receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

8. Does any existing situation or relationship create the appearance that you have a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

9. Does any existing situation or relationship create the appearance that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

10. Does any existing situation or relationship create the appearance that your current or potential employer (other than the Unit) has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

11. Does any existing situation or relationship create the appearance that any current or potential employer (other than the Unit) of any of your Immediate Family Members has a financial or other

interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

12. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any other partner has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

* * * * *

Sign Name: _____

Print Name: _____

Name of Employer _____

Job Title: _____

Date of Completion: _____

* * * * *

EXHIBIT D

COMPLIANCE CHECKLIST FOR SUBAWARD OVERSIGHT

The Town of River Bend (“*Unit*”) has adopted a Conflict of Interest Policy (“*Policy*”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates the Town Manager as the “COI Point of Contact.” The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Subawards (as defined in Section II) and file the Checklist in the records of the Unit.

Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.
2. If the value of the proposed Subaward exceeds \$[250,000], the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual.
3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to the Finance Officer and to each member of the Governing Board.

Definitions.

1. *Covered Individual.* Each person identified in Section 1 of this Checklist is a “Covered Individual” for purposes of this Compliance Checklist and the Policy.
2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

<p>Step 1</p>	<p>Identify the proposed Subaward, Subrecipient, and the subject of the Subaward.</p>	<p><u>Name of Contract:</u> _____ <u>Name of Counterparty</u> _____ <u>Subject of Subaward:</u> _____</p>
<p>2</p>	<p>Identify all individuals involved in the selection, award, or administration of the Subaward. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy. <u>Public Officials</u></p>	<p><u>Employees</u> <u>Agents</u></p>
<p>3</p>	<p>Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Subaward. [If the estimated Subaward amount exceeds \$[250,000], ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.] <u>Public Officials</u></p>	<p><u>Employees</u> <u>Agents</u></p>
<p>4</p>	<p>Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Subaward. If the estimated Subaward amount exceeds \$[250,000], ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]</p>	<p><u>Employees – Related Party</u></p>
<p>Any identified interest in Step 3 is a potential “real” conflict of interest.</p>	<p><u>Public Officials – Related Party</u></p>	<p><u>Agents – Related Party</u></p>

<p>5</p> <p>Any identified interest in Step 5 is a potential “apparent” conflict of interest.</p>	<p><u>Public Officials</u></p>	<p><u>Employees</u></p>	<p>Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the <i>appearance</i> that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Subaward? If yes, explain.</p> <p><u>Agents</u></p>

COI Point of Contact: _____

Signature of COI Point of Contact: _____

Date of Completion: _____

EXHIBIT E

SUBAWARD CONFLICT OF INTEREST DISCLOSURE FORM

FOR OFFICIALS, EMPLOYEES, AND AGENTS

The Town of River Bend (“Unit”) has adopted a Conflict of Interest Policy (“Policy”) that governs the Unit’s expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates the Town Manager as the COI Point of Contact.

The COI Point of Contact has identified you as an official, employee, or agent of the Unit that may be involved in the selection, award, or administration of the following subaward: _____ (the “Subaward”). To safeguard the Unit’s expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a Subaward. Using the Exhibit A to the Policy as a guide, please answer the following questions:

1. Do you have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

2. Will you receive any tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

3. For purposes of Question 3(a) and 3(b), your “Immediate Family Members” include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

4. Do you have any other partner with a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

6. Does your current or potential employer (other than the Unit) have a financial or other interest in a firm considered for this Subaward or will such current or potential employer receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

7. Benefits to Employers

a. Does a current or potential employer (other than the Unit) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

b. Will a current or potential employer (other than the Unit) of any of your Immediate Family Members receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

-
- c. Does a current or potential employer (other than the Unit) of any partner of yours have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

- d. Will a current or potential employer (other than the Unit) of any partner of yours receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

8. Does any existing situation or relationship create the *appearance* that you have a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

9. Does any existing situation or relationship create the *appearance* that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

10. Does any existing situation or relationship create the *appearance* that your current or potential employer (other than the Unit) has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

11. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any of your Immediate Family Members has a financial or other

interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

12. Does any existing situation or relationship create the *appearance* that any current or potential employer (other than the Unit) of any other partner has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

* * * * *

Sign Name: _____

Print Name: _____

Name of Employer _____

Job Title: _____

Date of Completion: _____

* * * * *

ELIGIBLE USE POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY TOWN OF RIVER BEND

WHEREAS the Town of River Bend, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS US Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the Assistance Listing; and

WHEREAS US Treasury has issued a Compliance and Reporting Guidance v.3.0 (February 28, 2022) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

WHEREAS the Compliance and Reporting Guidance states on page 6 that

Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

NOW THEREFORE BE IT RESOLVED that the Town of River Bend hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.

Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds

This policy defines the permissible and prohibited uses of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF) funds. It also outlines the procedures for determining how the Town of River Bend will spend its ARP/CSLFRF funds.

I. PERMISSIBLE USES OF ARP/CSLFRF FUNDING

US Treasury issued its **Final Rule** regarding use of ARP funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its **Interim Final Rule** or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Local governments must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARP funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

II. PROHIBITED USES OF ARP FUNDING

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);

2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires the Town of River Bend to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The Town of River Bend, and any of its contractors or subrecipients, may not expend any ARP/CSLFRF funds for these purposes.

III. PROCEDURES FOR PROJECT APPROVAL

The following are procedures for ARP/CSLFRF project approvals. All Town of River Bend employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding, must be made in writing and include all the following:
 - a. Brief description of the project
 - b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in in the Appendix to the US Treasury Compliance and Reporting Guidance.)
 - c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARP funding should review the Final Rule and Final Rule Overview prior to submitting a proposal.
 - d. Proposed budget, broken down by cost item, in accordance with the Town of River Bend's Allowable Cost Policy.
 - e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Requests for funding must be submitted to Delane Jackson for approval. All requests will be reviewed by Delane Jackson for ARP/CSLFRF compliance and by Amanda Gilbert for allowable costs and other financial review.
3. No ARP/CSLFRF may be obligated or expended before final written approval by Delane Jackson. BOARD APPROVAL AND BUDGET AMENDMENTS WILL BE REQUIRED BEFORE APPROVAL
4. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal.

5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by Delane Jackson and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to Delane Jackson immediately.
6. Delane Jackson must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.
7. Delane Jackson must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

Adopted this 7th day of December, 2023



John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk

Town of River Bend Procurement Policy for Federally Funded Projects

Section 1: Purpose

Application of Policy. The purpose of this policy is to establish guidelines for the procurement of goods, apparatus, supplies, materials, equipment, professional and non-professional services, and construction or repair work that is funded, in whole or in part, with federal financial assistance.

The Town of River Bend shall comply with the standards established in this policy, as well as with state law and any other policies and procedures adopted by town. The requirements of the Policy also apply to any subrecipient of federal financial assistance. In the case of a conflict in governing law or local policy, the town shall follow the most restrictive rule.

Compliance with Federal Law. Unless otherwise directed in writing by the federal awarding agency, or by a state agency acting as a passing-through entity, all procurements that involve the expenditure of federal financial assistance (federal awards) shall be conducted in accordance with the federal procurement requirement identified in 2 C.F.R. §§ 200.318–.327, of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the Uniform Guidance).

Section 2: Code of Conduct

The town has adopted standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents who are engaged in the selection, award, and administration of federal award contracts.

Section 3: Pre-Solicitation Requirements

Prior to any procurement transaction, the following pre-solicitation requirements shall be considered.

1. **No Evasion.** No contract may be intentionally divided into two or more separate purchases with the intent to avoid federal or state competitive procurement requirements.
2. **Interlocal Agreements.** The town shall explore the feasibility of entering into state and local intergovernmental agreements or cooperative agreements, where appropriate, for the procurement of common goods and shared services. Competition requirements may be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.
3. **Surplus Property.** The town shall avoid the acquisition of unnecessary or duplicative items and shall explore the feasibility of purchasing federal surplus property in lieu of purchasing new equipment and property.
4. **Value Engineering.** The town shall consider opportunities to use value engineering in contracts for permanent restorative work projects that are of sufficient size to offer

reasonable opportunities for cost reduction.

5. **Domestic Preferences.** To the greatest extent practicable, the town shall provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, including but not limited to iron, aluminum, steel, cement, and other manufactured products. No sacrifice or loss in price or quality is required in providing this preference, and no preference shall be given if such preference would violate any trade treaty to which the United States is a signatory.
6. **Geographic Preference.** The town shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
7. **Contracting with Minority-Owned, Women-Owned, and Small Business Firms.** For all contracts above the micropurchase threshold, the town shall take all necessary affirmative steps to assure that minority businesses, small businesses, women's business enterprises, historically underutilized businesses, and labor surplus area firms are used when possible. These affirmative steps shall include:
 - a. placing qualified small and minority businesses and women's business enterprises on solicitation lists and soliciting these businesses whenever they are potential sources;
 - b. dividing, when economically feasible, project requirements into smaller tasks or quantities and establishing delivery schedules that encourage maximum participation;
 - c. identifying firms through the U.S. Small Business Administration (SBA) and the U.S. Department of Commerce's Minority Business Development Agency of the North Carolina Department of Commerce; and
 - d. requiring the prime contractor, if subcontracts are to be awarded, to take the affirmative steps included in this section in an effort to make reasonable efforts to contract with disadvantaged business enterprises.
8. **Cost or Price Analysis.** Prior to awarding a contract, the town shall perform a cost or price analysis in connection with every procurement above the Simplified Acquisition Threshold, including contract modifications. See Section 6.4 for additional requirements of the cost/price analysis.
9. **Procurement of Recovered Materials.** The town shall comply with Section 6002 of the

Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the U.S. Environmental Protection Agency (EPA) at 40 C.F.R. part 247 containing the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. For federally funded solicitations, the requesting department shall include in the specifications the use of fully or partially recovered (recycled) materials to the greatest extent consistent with reasonable performance standards in accordance with federal regulations.

Section 4: Solicitation Requirements

1. **Full and Open Competition.** Procurements shall be conducted in a manner that provides full and open competition to ensure objective supplier performance and eliminate unfair competitive advantage. The town shall remain alert to organizational conflicts which would jeopardize the negotiation process and limit competition. The town may not:
 - a. place unreasonable requirements on firms in order for them to qualify to do business;
 - b. require unnecessary experience and excessive bonding or encourage or participate in non-competitive practices among firms or affiliated companies;
 - c. award non-competitive consultant retainer contracts except as expressly provided by funding-source regulations;
 - d. specify (1) that only a “brand name” product be used instead of allowing an “equivalent product” to be offered, though a “brand name or equivalent” description may be used to define the performance or other salient requirements of procurement or (2) the specific features, performance, or other relevant requirements of the named brand that must be met by offerors; or
 - e. take any arbitrary actions that limit or restrict competition.
2. **Contractors Excluded from Bidding.** To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals are excluded from competing for the underlying procurement contract.
3. **Prequalification.** The town ensures that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. The prequalified list

shall be routinely updated. Potential bidders shall not be precluded from qualifying during the solicitation period.

4. **Product Descriptions.** All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, service, or product to be procured. In competitive procurements, these descriptions shall not contain features which unduly limit competition. The description may include a statement of the qualitative nature of the material, product, or service and, when necessary, the minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications shall be avoided whenever possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used to define the performance or other salient requirements of procurement. The solicitation shall identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

Section 5: Bidding Requirements

The town shall comply with the procurement methods set forth in the Uniform Guidance at 2 CFR § 200.320 when entering into purchase, service, and construction contracts and repair contracts that will be funded, in whole or in part, with a federal award. The method of procurement will depend on the anticipated expenditure amounts and the type of service or materials being procured. The town shall also comply with state law and local policy when soliciting bids and awarding contracts.

1. **Informal Procurement Methods:** When the value of the procurement will not exceed the simplified acquisition threshold (SAT) of \$250,000, the town may conduct the procurement using one of the informal procurement methods: micropurchases and small purchase procedures.
 - a. **Micropurchases:** (contracts costing less than \$10,000)

The micropurchase procurement method may be used when the aggregate amount of the purchase/contract is below the micropurchase threshold (\$10,000). Micropurchases may be awarded without competition provided the price term is considered to be fair and reasonable based on market conditions. When making a micropurchase, the town shall:

- i. Obtain price or rate quote from at least one qualified vendor or contractor;
- ii. Document in writing that the price or rate quote is fair and reasonable; and
- iii. To the extent practical, distribute micropurchases equitably among qualified suppliers.

- b. **Small Purchase Procedures:** (Contracts costing between \$10,000 - \$250,000)

The small purchase method may be used for procurements in which the aggregate dollar amount is higher than the micropurchase threshold but does not exceed the SAT (\$250,000). This method does not require formal advertisement; the method of advertising the procurement shall be established by the Town Manager. Price or rate quotes may be received in a variety of format, including email, fax, phone, or any other method.

When conducting procurements using the small purchase procedures method, the Town Manager shall:

- i. Obtain an adequate number of price or rate quotations from vendors or contractors;
- ii. Maintain documentation of price/rate quotes; and
- iii. Award the contract to the lowest cost responsible bidder.

2. **Formal Procurement Methods:** For procurements that cost \$251,000 or more, the town shall conduct the procurement in accordance with one of the formal procurement methods: sealed bids or proposals.

a. **Sealed Bids:** (Contracts costing \$251,000 or more)

The sealed bid method shall be the town's preferred method for procuring construction and repair contracts, provided the following conditions are present: (1) a complete, adequate, and realistic specification or purchase description is available; (2) two or more responsible bidders are willing and able to compete effectively for the business; and (3) the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

When the sealed bid method is used, the town shall satisfy the following conditions:

- i. Solicit sealed bids from an adequate number of qualified sources and provide bidders with sufficient time to prepare a response prior to the date set for bid opening.
- ii. Publicly advertise the Invitation for Bid (IFB).
- iii. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
- iv. Include in the IFB any specifications and pertinent attachments, and clearly define the items or services in order to allow the bidder to properly respond.
- v. Publicly open bids at the time and place prescribed in the IFB.
- vi. Award a firm, fixed-price contract in writing to the lowest responsive and responsible bidder.
- vii. Reject any or all bids only for sound documented reasons.

b. **Competitive Proposals:** (Contracts costing \$251,000 or more for which the sealed bid method is not appropriate)

The town shall use the competitive proposal method when the cost of the contract is above \$250,000 and when the sealed bids method is not appropriate. Proposals are conducted with more than one source submitting an offer, and either a fixed price or cost reimbursement type contract is awarded. The town is required to use the proposals method for qualification-based procurements in the selection of architectural and engineering (A/E) professional services. In the procurement of A/E professional services, the price will be negotiated after the most qualified firm is selected. When the competitive proposals method is used, the town shall satisfy the following conditions:

- i. Publicly advertise the request for proposal (RFP) or request for qualifications (RFQ). Formal advertisement in a newspaper is not required provided the method of advertisement will solicit proposals from an “adequate number” of qualified firms.
- ii. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
- iii. Identify evaluation criteria and relative importance of each criterion (criteria weight) in the RFP or RFQ.
- iv. Consider all responses to the publicized RFP to the maximum extent practical.
- v. Establish a written method for conducting technical evaluations of proposals and selecting the winning firm.
- vi. Award the contract on a fixed-price or cost-reimbursement bases to the most responsible firm with the proposal that is most advantageous to the town, taking into account price and other factors identified in the proposal. Price may not be an evaluation factor for (A/E) service contracts.
- vii. **A/E Service Contracts:** For qualification-based procurement in the selection of architectural and engineering (A/E) professional services, qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. Price shall not be solicited in the RFQ, or used as an evaluation criterion, in awarding A/E professional service contracts.

3. **Noncompetitive Procurement.** Noncompetitive procurements are allowed only under the following conditions.

- i. **Micropurchases.** The aggregate dollar amount of the procurement does not exceed the micropurchase threshold.
- ii. **Sole source.** A contract may be awarded without competitive bidding when the item is available from only one source. The requesting department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.
- iii. **Public Exigency.** A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and

welfare, and the need for the item will not permit the delay resulting from competitive bidding.

- iv. **Agency Approval.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids/quotes from a number of sources as required under this Policy does not result in a qualified winning bidder.
- v. **Inadequate Competition.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after a minimum of two attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.

Section 6: Contract Award

1. **Responsible Contractors.** Contracts shall only be awarded to responsible, responsive contractors/firms possessing the ability to perform successfully under the terms and conditions of the proposed procurement. "Responsible" refers to the character or quality of the bidder, with consideration being given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. "Responsive" refers to the bidder's compliance with all required specifications in the formal solicitation.
2. **Suspension and Debarment.** Prior to awarding a contract, the Town Manager shall verify that a potential contractor is not debarred or suspended using the System for Award Management (SAM.gov). If a contractor has been debarred, suspended, or is otherwise excluded from participation in a federal award program, the contractor may not be awarded the contract. The Town Manager shall maintain documentation of this verification.
3. **Bid Rejections.** Bid submissions and/or proposals may be deemed non-responsive, or contractors may be determined to be non-responsible, for any sound documented reason(s). The documentation will state the reason(s) why each bidder failed to satisfy the responsive, responsible contractor standard for a particular procurement.
4. **Cost and Price Analysis.** Prior to receiving bids or proposals, the town is required to perform a cost or price analysis in connection with every procurement transaction, including contract modifications, falling above the simplified acquisition threshold (\$250,000). To satisfy this requirement, the requesting department shall prepare and submit a memorandum containing the cost/price analysis to the Town Manager.
 - a. A price analysis involves the evaluation of the total proposed price without an evaluation of its separate cost elements and proposed profit. A price analysis is used to verify that the overall price for a specific item is fair and reasonable.
 - b. A cost Analysis involves the evaluation of the separate elements that make up the total cost of a contract (e.g., labor, materials, profit, etc.). The cost analysis is

required for new contracts and contract modifications or change orders, even when the change order results in a lower contract price.

5. **Profit.** For contracts without price competition, or where cost analysis is required in accordance with 2 C.F.R. § 200.323(a), the town must negotiate profit as a separate price element. To establish a fair and reasonable profit, consideration shall be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of the contractor's past performance, and industry profit rates in the surrounding geographical area for similar work.
6. **Estimated Costs.** The town shall use estimated costs in negotiating contract terms only to the extent that the cost estimates included in negotiated prices are allowable under the 2 C.F.R. Part 200, Subpart E, "Cost Principles."
7. **Bonding Requirements.** For construction contracts or subcontracts that exceed the simplified acquisition threshold (\$250,000), the town shall require that contractors meet the minimum bonding requirements listed below.

To be submitted with the bidding documents:

A *bid guarantee* from each bidder equivalent to five percent (5%) of the bid price. The bid guarantee must consist of a firm commitment, such as a bid bond, certified check, or other negotiable instrument accompanying a bid, as assurance that the bidder shall, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

To be submitted at the time of contract award:

A *performance bond* on the part of the contractor that is for 100 percent (100%) of the contract price. A performance bond is a bond executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

A *payment bond* on the part of the contractor that is for 100 percent (100%) of the contract price. A payment bond is a bond executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

Section 7: Prohibited Contracts

1. **Costs-Plus-a-Percentage-of-Construction-Cost Contracts.** The award of costs plus a percentage of construction cost contracts are prohibited.
2. **Time-and-Materials Contracts Disfavored.** The town shall only enter into time and materials contracts if it has determined in writing that no other contract type is suitable for a given procurement. Time and materials contracts prescribe cost as the sum of (a) actual cost of materials and (b) direct labor hours charges at fixed hourly rates that

reflect wages, general and administrative expenses, and profit. Use of time and materials contracts shall require an established price ceiling to ensure that the agreement does not allow for an open-ended contract price with no profit incentive for the contractor to control costs or labor efficiency. These contracts shall be subject to frequent oversight to ensure that the contractor employs efficient methods and effective cost controls.

Section 8: Contract Administration

1. **Contract Oversight.** The Town Manager shall provide proper oversight to ensure that contractors and firms perform the contract requirements in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
2. **Contract Clauses.** All procurement contracts shall contain the applicable provisions described in Appendix II to 2 C.F.R. Part 200, "Contract Provisions for Non-Federal Entity Contracts Under Federal Awards."
3. **Record Retention.** The town shall maintain records sufficient to detail the history of each procurement, including the rationale for the method of procurement and selection of contract type, the basis for the contractor selection or rejection, and the basis for the contract price. These records include, but are not limited to, supporting documentation showing the rationale for the procurement method; written price or rate quotations, such as catalog price, online price, email or written quotes, copies of advertisements, requests for proposals, and bid sheets or bid proposal packets; bid rejection and award letters; purchase orders; executed contracts; and any other supporting documentation or financial records relating to the procurement transaction.
4. **Retention Period.** Unless a federal award prescribes a different record retention period, all financial records, supporting documents, statistical records, and all other records pertinent to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the federal awarding agency or pass-through entity in the case of a subrecipient. An exception to the standard retention period may exist if any of the following circumstances is satisfied:
 - a. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
 - b. When the town has been notified in writing by the federal awarding agency or pass-through entity that the retention period has been extended.
 - c. Records for real property and equipment shall be retained for three years

after final disposition.

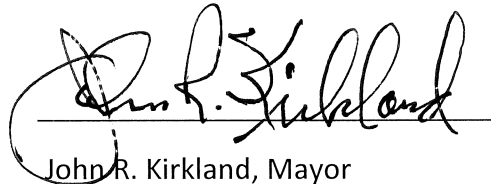
Section 9: Awarding Agency or Pass-Through Entity Review

1. **Agency Review.** Upon request of the awarding federal agency, the town shall make available technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for acquisition. The town shall make the pre-procurement and procurement documents available upon request of the federal awarding agency or pass-through entity when any of the circumstances set forth in 2 C.F.R. § 200.325(b) are satisfied.

Section 10: Compliance with Policy Provisions

1. **Penalties Imposed by Federal Awarding Agency.** If it has been determined that the town has failed to comply with the U.S. Constitution, federal statutes, regulations, or the terms and conditions of a federal award, the federal awarding agency or pass-through entity may impose additional conditions on the town, as described in 2 C.F.R. § 200.208. In cases in which noncompliance cannot be remedied by the imposition of additional conditions, the federal awarding agency or pass-through entity may take one or more of the following actions: temporarily withhold cash payments, disallow costs, suspend, or terminate the award, initiate suspension, or debarment proceedings, withhold further federal awards for the project or program, or take other remedies legally available.

Adopted this 7th day of December, 2023



John R. Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk

**River Bend Town Council
Regular Meeting Minutes
December 14, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

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

Members of the Public Present: 19

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, December 14, 2023, at the River Bend Town Hall with a quorum present.

VOTE – APPROVAL OF AGENDA

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

ADDRESSES to the COUNCIL

Mr. Homer Ray addressed the Council and stated that he felt the Town of River Bend was not bicycle or pedestrian friendly. He asked the Council to considering adding auxiliary lighting to the walking path near Town Hall.

SPECIAL PRESENTATION – Audit Presentation for Fiscal Year 2022-2023

Mr. Austin Eubanks, CPA with Thompson, Price, Scott, Adams & Co., P.A.' stated that the River Bend staff was pleasant and cooperative. He said that his firm has issued an unqualified opinion on River Bend's FY 2022-2023 audit, which is the best rating an auditor can give.

CONSENT AGENDA

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

A. Approve:

*Minutes of the November 9, 2023 Work Session Meeting
Minutes of the November 16, 2023 Regular Council Meeting*

TOWN MANAGER'S REPORT

The Manager stated that the new Public Works Building dedication is tomorrow, December 15, 2023 at noon.

Chief Joll presented Corporal Borner with his Advanced Certificate from the North Carolina Training Standards Division and Officer Johnson with the Chief Award of Excellence for his dedication and hard work over the past year.

ADMINISTRATIVE REPORTS

PARKS & RECREATION – COUNCILMAN WEAVER

Councilman Weaver stated that Parks and Recreation met on December 6, 2023 and have officially changed their meeting time to 6:15 p.m. Their next meeting is January 3, 2024, at 6:15 p.m.

CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following report.

The CAC did not meet in December. If you are enjoying the festive lights at town entrance and around Town Hall, thank the CAC and the workshop participants, who, over the last few years, including this one, have created over 125 light globes. Remember to say thanks to the Public Works staff who installed the lights. The Christmas festive home nomination dates will run from December 5-15. Two winners will be announced on December 20. Nominations can be made by the homeowner, a neighbor or someone who likes the decorations. Board members await the Council's decision on how to proceed following receipt of the arborist's detailed report and recommendations. Planning continues for an Arbor Day celebration and an Independence Day craft décor program. The next meeting is scheduled for January 17, 2024, at 4 pm in the Municipal Building. The meeting is open to everyone. Please attend if you are interested. The members of CAC send holiday greetings to everyone.

DISCUSSION – Future Use of Vacated Public Works Building

Councilwoman Maurer stated that she would like to continue the discussion on the future use of the Public Works Building from last week since the entire Council is now present. She stated that the Town currently has a contract with the Red Caboose Community Library for their services and she would like to see the Town allow the library to utilize the Public Works Building for fair market value. Councilman Leonard said that the Town is a government agency providing space and the library would be a contractor providing services. Councilman Weaver stated that he did not want to rush into making a decision. Councilman Sheffield asked if the Parks and Recreation Advisory Board has offered any recommendation for use of the building. Councilman Weaver stated the Parks and Recreation Advisory Board has not completed the amenity survey of the Town due to a high turnover of members, so he does not know if that building is included in their recommendation. Councilman Sheffield stated that the hours of library are limited and if there would be a way for Parks and Recreation to use the building in addition to the library, then he felt it should be considered. Councilwoman Maurer stated that the library is planning on extending their services and hours when they have more room for events. She also stated that that building is going to need some serious renovations and the library would be responsible for that not the Town, but if Parks and Recreation uses the building the renovations would fall on the Town. Councilman Leonard stated that the Council has been discussing finding the library a permanent home for a few years now. Councilman Sheffield stated that since the library has limited hours, maybe Parks and Recreation can use the building when the library is not. Councilwoman Benton stated that was very reasonable. Councilman Leonard stated he was thinking of maybe a Community Center that has more activities than just the library services. Councilman Sheffield stated he would rather allow the library to use the building instead of paying them money for services. The Town Attorney stated that the Council could amend the contract to include services for a space.

VOTE – Vacated Public Works Building

Councilman Leonard motioned to direct the Town Manager or Town Attorney to draw up a contract / service agreement to provide space in exchange for services that the Red Caboose Community

Library provides the Town, based on discussion from tonight and previously. The motion carried unanimously.

FINANCE – COUNCILMAN LEONARD

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of November. She stated the total of the Town's Cash and Investments as of November 30, 2023, were \$2,608,139 and Ad valorem tax collections for FY23-24 were \$54,464 and Vehicle Ad valorem tax collections were \$6,590.

VOTE – ACCEPT AUDIT REPORT

Councilman Leonard motioned to accept the Fiscal Year 2022-2023 Audit Report presented. The motion carried unanimously.

MAYOR'S REPORT

The Mayor presented the following report.

THE VALUE TO ALL OF THE THANKSGIVING AND CHRISTMAS HOLIDAYS

There is an understanding that we each can take away from these two important holiday celebrations in America. I realize that not everyone will agree with me in my view, however, I have tried to live by these standards and have found that these holidays point us all to important elements of our human interface. Both Thanksgiving and Christmas follow early American Christian tradition, but most other religions of the world have accepted the celebrations into their cultures. As we celebrated Thanksgiving, many families assembled for the occasion to share a daylong reunion and a very specially prepared meal. Many also then reminisced on family events of past celebrations. These discussions are particularly important to the young of the clan who were not participants in the events of family history. This holiday also is a time when Americans of every nationality are most generous in helping persons in need. Christmas has become a worldwide time to share presents with family members and with close friends. It seems that the commercial side of the holiday is launched in early October with ads on television commercials and in newsprint. While the day is the heart of the Christian Faith, still all the world is knowledgeable of the origin. May we all reflect on the positive values that we can and should take from this season of celebration.

PUBLIC COMMENT


Linda Klopff – Randomwood Lane - Thanked the Council for moving forward with allowing the library to utilize space in the old Public Works Building. She stated this has been discussed for a long time and this is a very positive thing for our community. She stated that the library has funds set aside and volunteers to do renovations to the building.

Jon Hall – Knotline Road - Thanked the community, the volunteers, the Council, and the town employees. He stated that it seemed to be a rocky year, but the community seems to be calming down and headed down the right path. He stated he is proud to be a River Bender.

Don Fogle – Anchor Way - He stated that he agreed with Mr. Homer Ray regarding lighting on the walkway. He asked that if the Council rewrites the Red Caboose Community Library contract, that certain performance items are included in the contract. Such as the minimum hours a day the library is open, annual reports on usage and updates on the library inventory. He also stated that the building is currently in the flood plain, should there be another flood.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The meeting adjourned at 7:55 p.m.



Kristie J. Nobles, CMC, NCCMC
Town Clerk