



**RIVER BEND TOWN COUNCIL
AGENDA
Regular Meeting
December 15, 2022
River Bend Town Hall
7:00 p.m.**

Pledge: Fogle

1. Call to Order (Mayor Kirkland Presiding)
2. Recognition of New Residents
3. Additions/Deletions to Agenda
4. Addresses to the Council
5. Public Hearings
6. Consent Agenda

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

A. Approve:

*Minutes of the November 10, 2022 Work Session
Minutes of the November 17, 2022 Regular Council Meeting
Minutes of the December 8, 2022 Work Session
Minutes of the May 10, 2018 Closed Session
Minutes of the August 13, 2020 Closed Session
Minutes of the October 8, 2020 Closed Session
Minutes of the November 12, 2020 Closed Session
Minutes of the February 18, 2021 Closed Session
Minutes of the May 13, 2021 Closed Session
Minutes of the June 17, 2021 Closed Session
Minutes of the July 15, 2021 Closed Session
Minutes of the August 18, 2022 Closed Session
Minutes of the September 15, 2022 Closed Session
Minutes of the October 13, 2022 Closed Session*

7. Town Manager's Report – Delane Jackson

Activity Reports

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

Administrative Reports:

8. Public Safety – Councilman Don Fogle
 - A. Community Watch
 - B. CERT

9. CAC – Councilwoman Barbara Maurer
 - A. CAC Report
10. Finance – Councilman Irving Van Slyke, Jr.
 - A. Financial Report - Finance Director
 - B. VOTE – WWTP Capital Project Fund Ordinance #1
11. Environment And Waterways / Parks and Recreation – Councilman Brian Leonard
 - A. EWAB Report
 - B. Parks and Recreation Report
 - i. Organic Garden Report
 - ii. Library Report
12. Mayor's Report – Mayor Kirkland
13. Adjournment Sine Die

14. Call To Order (Mayor Kirkland Presiding)
15. Installation of Council Members – Town Clerk
16. **VOTE** - Appointment of Mayor Pro Tem
17. **VOTE** - Adoption of 2023 Town Council Meeting Schedule
18. **VOTE** - Adoption of 2023 Employee Holiday Schedule
19. **VOTE** - Adoption of Mayor/Council Responsibilities Chart
20. **VOTE** – Code of Ethics
21. Public Comment

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

22. Adjournment

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

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

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

Members of the Public Present: 11

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

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

VOTE – Approval of Agenda

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

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

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

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

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

Discussion – Wastewater Treatment Plant Capital Project Fund Ordinance

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

VOTE – Wastewater Treatment Plant Capital Project Fund Ordinance

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

Discussion – Grant Project Ordinance for Water AIA

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

VOTE – Grant Project Ordinance for Water AIA

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

VOTE – Grant Project Ordinance for Sewer AIA

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

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

Discussion – Engineering Services Agreements

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

Discussion – Finance Officer Appointment

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

VOTE – Finance Officer Appointment Documents

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

Discussion – Short-term Rentals Public Hearing

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

Discussion – Update on Conditional Re-zoning Ordinance

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

Discussion – Additional Leaf and Limb Pickup

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

VOTE – Additional Leaf and Limb Pick-up

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

REVIEW – Agenda for the November 17, 2022 Council Meeting

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

ADJOURNMENT/RECESS

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

Kristie J. Nobles
Town Clerk

ITEM 6



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

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

Summary

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

Section 1.

General Fund

Anticipated Revenues

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

Section 1. General Fund (continued)

Authorized Expenditures

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

Section 2. General Capital Reserve Fund

Anticipated Revenues

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

Authorized Expenditures

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

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:

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

Authorized Expenditures:

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

Section 4. **Water Fund**

Anticipated Revenues

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

Authorized Expenditures

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

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

Section 5. **Water Capital Reserve Fund**

Anticipated Revenues

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

Authorized Expenditures

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

Section 6. **Sewer Fund**

Anticipated Revenues:

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

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	<hr/> 1,187,139

[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	<hr/> 11,273

Authorized Expenditures:

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

Section 8. **Levy of Taxes**

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

Section 9. **Fees and Charges**

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

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

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

Section 11. **Classification and Pay Plan**

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

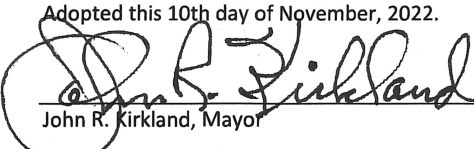
Section 12. **Utilization of the Budget Ordinance**

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

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

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

Adopted this 10th day of November, 2022.



John R. Kirkland, Mayor

Attest:



Kristie J. Nobles, Town Clerk





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

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

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

CAPITAL PROJECTS FUND

Revenues:

State Fiscal Recovery Fund Grant	9,108,500
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Expenditures:

Administration	84,000
Engineering	621,000
Construction	8,403,500
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	9,108,500

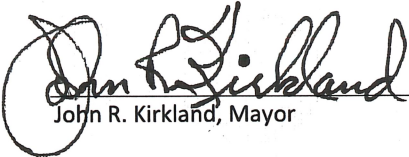
Section 2. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations.

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

Section 4. Copies of this Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

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

Adopted this 10th day of November, 2022.


John R. Kirkland, Mayor

Attest:


Kristie J. Nobles, Town Clerk





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

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

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

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

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

Division of Water Infrastructure Grant	150,000
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Section 4. The following amounts are appropriated for the project:

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

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

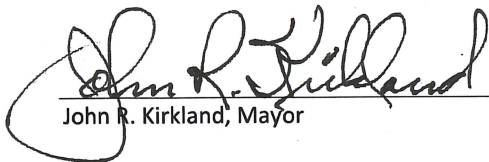
Section 6. Funds may be advanced from the Water Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

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

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

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

Adopted this 10th day of November, 2022.


John R. Kirkland, Mayor

Attest:


Kristie J. Nobles, Town Clerk





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

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

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

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

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

Division of Water Infrastructure Grant	150,000
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Section 4. The following amounts are appropriated for the project:

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

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

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

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

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

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

Adopted this 10th day of November, 2022.


John R. Kirkland, Mayor

Attest:


Kristie J. Nobles, Town Clerk



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

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

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

Members of the Public Present: 24

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilwoman Maurer moved to add CAC Appointments as item 9F. The motion carried unanimously.

VOTE – Approval of Agenda

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

PUBLIC HEARING – Chapter 15.02 of the Town's Zoning Ordinance – Short-term Rentals

Councilman Sheffield moved to open the Public Hearing to discuss Chapter 15.02 of the Town's Zoning Ordinance – Short-term Rentals. The motion carried unanimously.

At this time, the Mayor indicated that those who signed up to speak would be called in the order in which they signed up. There were eight people who addressed the Council, with five of those who spoke opposing short-term rentals.

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

CONSENT AGENDA

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

- A. Approve:
Minutes of the October 13, 2022 Work Session
Minutes of the October 20, 2022 Regular Council Meeting

TOWN MANAGER'S REPORT

The Manager gave the following updates on Town projects:

- Construction of the Town Hall dock replacement has been completed.

- Construction on the Public Works Building is underway; the site has been graded and prepared for the concrete slab.
- The Water Meter Replacement Project has begun and as of today, 223 meters have been replaced.
- The implementation of new computer software has started at Town Hall.

ADMINISTRATIVE REPORTS

PUBLIC SAFETY – Councilman Fogle

Councilman Fogle presented the following reports.

CERT

The CERT meeting for October was cancelled. The next meeting is scheduled for Wednesday, November 23, 2022 at 7:00 pm in the Municipal Building. Check the Town calendar for updates. Mary Holihan and Dana Donahue set up a CERT recruitment table at National Night Out. CERT is always looking for new members. Contact Chief Joll or Mary Holihan for more information.

COMMUNITY WATCH

Community Watch met on Wednesday, October 26, 2022 in the Municipal Building at 7:00 pm. Sergeant Fell and Officer DeStefano gave a general crime update and discussed concerns about speeding on Plantation Drive. Long sleeve shirts will be ordered for winter wear. With the departure of Margaret Theis, her secretary duties were split between Luci Avery and Jim Kelly. Luci will take notes and prepare minutes, and Jim will have community watch hours reported to him for compilation. The group agreed to assist with Trunk or Treat and the shredding event. The next Community Watch meeting is scheduled for February 15, 2023 at 7:00 pm in the Municipal Building. Election of officers will be performed at that time. Community Watch is always looking for new members. Contact Chief Joll or Egon Lippert for more information.

Councilman Fogle Statement

Councilman Fogle stated that near the end of the last Council meeting on October 20, 2022, two audience members heard Councilwoman Maurer call me a “jackass” while the meeting was still in session and the cameras were rolling. They reported this to me immediately after the meeting and it was confirmed in a subsequent review of the tape. I filed a formal complaint against Councilwoman Maurer on October 24, 2022, for exhibiting disrespect toward a peer in a public meeting and for unprofessional and unethical behavior. The following day, Councilwoman Maurer notified the Council via the Town Manager that she would issue an apology tonight. Unfortunately, close associates of Councilwoman Maurer vilified the two whistleblowers on Facebook claiming they were smearing Councilwoman Maurer well after Councilwoman Maurer’s admission. The whistleblowers were telling the truth about Councilwoman Maurer’s statement. If there is an apology tonight, it should include Kathy Noonan and Krysten Howard, the whistleblowers who did what any resident or councilmember should have done in the same situation.

PARKS & RECREATION/CAC – Councilwoman Maurer

Councilwoman Maurer presented the following reports.

Parks & Recreation

Parks and Recreation did not meet on their scheduled November 2 meeting date due to lack of a quorum. The chairperson and four members have resigned due to a longstanding campaign targeting them. Another member resigned in October. I have also resigned as liaison to the board. Councilman Leonard will fill the position until new assignments are determined in January.

Community Appearance Commission (CAC)

The CAC met on November 16. Five members and four guests were in attendance. One guest had two concerns. Brenda told him she would look into them. Three guests have all filed applications for appointments to the CAC. One applicant said she is willing to wait for an

appointment and asked to be considered the next time there is an opening. A motion was made and seconded and the members voted to recommend to the Council that the other two applicants be appointed. They are Christine Soler and Claudia Christie-Ashmore. The applicant in waiting is Maggie Bramwell. This year the town will have one hundred twenty Christmas globe lights to hand at the front entrance and possibly other locations. The Festive Award Program recognized homes on New Hampshire Ave and Teakwood Drive for their tasteful fall decorations. The Christmas Festive Award competition will be officially announced on November 28. Nominations will begin on December 5. The Plantation median project will be presented to the Council after the New Year.

River Bend Community Organic Garden (RBCOG)

RBCOG met on November 7. The Green Team harvested 192 pounds of sweet potatoes. The volunteer papaya tree is about 20 feet high and has twelve papayas on it. Planning has started for spring. A garden workday is scheduled for Saturday, November 19. Carolina Nature Coalition has requested a program about RBCOG. It will mark the return of workshops with additional events planned for 2023. The next meeting is scheduled for December 5 at 1:30 pm. All are welcome.

Red Caboose Library (RCL)

The board met on Nov 3. As a follow-up to last month's report regarding the library's expectations of donations from the Community Picnic, information was received that no donations to the library were made at that event. Some organizers paid for expenses out-of-pocket. They are to be commended for their community event and for their good intentions regarding the library. Tuesday night evening hours have been added. Local author JoAnna Kloster was scheduled to speak on November 16. A permanent home and finances continue to be concerns. The next meeting is scheduled for Dec.1.

Planning Board (for Councilman Sheffield)

The Planning Board was presented with a draft ordinance for conditional zoning that was prepared by Town staff. Asst. Zoning Administrator Allison McCollum reviewed the ordinance and answered questions as needed. The Board did not make any decisions or recommendations, but decided to continue the discussion at the next regular meeting. The rest of the agenda covered routine business. The next meeting of the Planning Board is scheduled for Thursday, December 1, 2022.

CAC Appointments

VOTE – Advisory Board Appointment – Soler

Councilwoman Maurer motioned to appoint Christine Soler to the Community Appearance Commission for a term beginning November 17, 2022 and expiring June 30, 2024. The motion carried unanimously.

VOTE – Advisory Board Appointment –Christie-Ashmore

Councilwoman Maurer motioned to appoint Claudia Christie-Ashmore to the Community Appearance Commission for a term beginning November 17, 2022 and expiring June 30, 2024. The motion carried unanimously.

FINANCE – Councilman Van Slyke

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of October. She stated the total of the Town's Cash and Investments as of October 31, 2022 are \$4,271,235 and Ad valorem tax collections for FY22-23 were \$88,765 and Vehicle Ad valorem tax collections were \$18,602.

Councilman Van Slyke stated that Town Code of Ordinances, Title III, Administration, Chapter 3.01, General Administration Ordinance Amendment was included in the agenda package and

the Council has been reviewing this ordinance. Councilman Sheffield stated that this ordinance would allow someone other than a council member to be the Town's Finance Officer.

Councilman Van Slyke submitted his resignation as the Finance Officer and stated that he has been the Finance Officer for the Town of River Bend for over 18 years. He stated it has been a joy to provide this service to the people of the Town of River Bend and since he was not re-elected, he stated he felt it was time to step down as the Finance Officer for the Town. Councilman Sheffield praised Councilman Van Slyke for his service as the Finance Officer for the Town of River Bend. Councilman Leonard stated there still would be a Council liaison between the Finance Department and the Town's staff.

VOTE – Town Code of Ordinances, Title III, Administration, Chapter 3.01, General Administration Ordinance Amendment

Councilman Van Slyke motioned to approve the Town Code of Ordinances, Title III, Administration, Chapter 3.01, General Administration as presented. The motion carried unanimously. (see attached)

At this time, the Town Manager appointed Mandy Gilbert as the Finance Officer for the Town of River Bend and the Town Clerk administered the Finance Officer Oath to Mandy Gilbert. Councilman Sheffield praised the Finance department and stated the Town has received many national awards.

VOTE – Finance Officer Salary Increase

Councilman Van Slyke motioned to approve a 3% salary increase that is equivalent to Pay Grade AD5, step 13 to the Finance Director. The motion carried unanimously.

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD – Councilman Leonard

Councilman Leonard presented the following report.

EWAB met at 7 PM on Monday 7 November 2022 in the small conference room in the municipal building. Chairman Ackiss called the meeting to order, there was a quorum. There were two visitors. The minutes from the October 2022 meeting were approved. Councilman Leonard gave a council update. **Old business:** discussion about bulkhead inspections, EWAB will coordinate with the town to start inspections. Several stormwater drain areas were inspected by the town and were found to be clear of any blockages. **New business:** Fishing dock completed, discussion about adding life preservers and a ladder. Discussion about cleaning up the ponds that are part of the stormwater drainage system. Volunteer hours total for October 14 hours. There will not be a EWAB meeting in December 2022. Next meeting will be on January 2, 2023, at 7 PM in the small conference room in the municipal building.

The Manager stated that he has received authorization from the state to move forward on Wastewater Treatment Plant Enhancement agreement, the Water AIA agreement and the Sewer AIA agreement.

VOTE – WWTP Enhancements Engineering Services Agreement

Councilman Leonard motioned to approve the Wastewater Treatment Plant Enhancements Engineering Services Agreement with Rivers and Associates as presented. The motion carried unanimously. (see attached)

VOTE – Water AIA

Councilman Leonard motioned to approve the Water System Asset Inventory and Assessment Agreement with Municipal Engineering Services as presented. The motion carried unanimously. (see attached)

VOTE – Sewer AIA

Councilman Leonard motioned to approve the Sewer System Asset Inventory and Assessment Agreement with Municipal Engineering Services as presented. The motion carried unanimously. (see attached)

PLANNING BOARD – Councilman Sheffield

Board of Adjustment

The meeting was held in Town Hall. Chairman Ackiss called the meeting to order at 6:00 pm. A quorum was present. Two new board members, Jon Hall and David Zinni, were sworn in by Mayor Kirkland. Chairman Ackiss explained the reason for the meeting, a special use permit application by Kelsey Rowe for an automotive modification shop on property adjacent to Guy C. Lee on Highway 17 in the River Bend ETJ. Witnesses were sworn in. Town manager Jackson testified that all legal requirements for the application had been met. Ms Rowe presented maps and drawings to illustrate what was to be built on the site. She explained the function of the facility. Board members then asked questions. They were concerned about waste oil, noise and appearance of the site. Ms. Rowe answered the questions. No one spoke in opposition to the permit. The board then considered the application based on numerous criteria that were all deemed to have been met. The board approved the permit with the following conditions: that any outside storage, including vehicles, be behind a 6 foot fence and not visible from Highway 17. That the facility conform to existing River Bend town ordinances regarding noise. The meeting was adjourned. No future meeting has been set at this time.

Discussion- Short-term Rentals

Councilman Sheffield stated that the revision of the Town's ordinance regarding short-term rentals was triggered by a court case in Wilmington, North Carolina. He stated that the court ruled to not allow Wilmington to restrict short-term rentals. He stated that the Town of River Bend is very restricted on how it can regulate short-term rentals. He stated that the amended ordinance would control the zones in which short-term rentals are allowed, which means that properties would have to be at least 15,000 square feet. He stated that if the Town did restrict short-term rentals it would be very difficult for staff to enforce. He stated that if anyone has problems with excessive noise or anything that violates the Towns' ordinances to contact the Police Department. Councilwoman Maurer spoke in opposition of allowing short-term rentals in the Town. Councilman Leonard stated that the state of North Carolina and the court system have severely restricted what the Town of River Bend can do.

VOTE – Short-term Rentals

Councilman Sheffield motioned to approve the Amendment to Chapter 15.02 of the Town's Code of Ordinances as presented. The motion passed with 4 ayes and 1 nay (Maurer). (see attached)

MAYOR'S REPORT

The Mayor presented the following report.

THE INTEGRITY OF NORTH CAROLINA ELECTIONS

I know that the Town Manager has written several articles making the plea that citizens who desire facts about issues of concern related to Town ordinances and infrastructure projects should refer to the Town's Web Page rather than read and accept what they can read on one of the social postings. I know that the Manager has written these articles because I have read them. My effort at critical reading is a listing of online documents that the State Board of Elections has on its web page that provide detail directing the 100 County Election Boards in the conduct of elections in their jurisdictions. At their website under the title "Tips for Monitoring or Observing the Election at Polling Sites" The article details a number of subjects that provide direction for individuals that may wish to observe the conduct of the election process. The article under the section titled "Outside Monitors" states---- Anyone has the right to watch or monitor the election outside the

voting place. This activity must remain outside the buffer zone, which typically extends 50 feet from the entrance of the voting place and is clearly marked. Outside observers may not disrupt voting, intimidate voters, or otherwise impede access to the polls. On-site elections officials have the duty to ensure a safe and orderly voting where voters are not obstructed. These officials are authorized to remove anyone who is disruptive. N.C.G.S. §163-48.

<https://www.ncsbe.gov/about-elections/election-security/tips-monitoring-or-observing-election-polling-sites>

The authority continues with sections titled:

1. Allowed
2. Prohibited

There follows a section titled “Observing the Election Inside”, these observers are appointed by the Political Parties. When one reads this document with its enumerated authority and prohibitions one should assume that the entire election process is well regulated and the results should be without objection. Of course, it follows that the observers need to possess the trait of integrity as relates to their responsibility.

My hope is that rather than posting on or reading words on the “social media” that citizens should first read the State Board of Elections’ website.

PUBLIC COMMENT

Jeff White – 651/665 Old Pollocksville Road – requested a variance to allow him to hunt on his land and have livestock.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 8:17 p.m.

Kristie J. Nobles
Town Clerk

2022-ORD-06

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

BE IT ORDAINED by the Town Council of the Town of River Bend that the Town Code of Ordinances, Title III, Administration, Chapter 3.01, General Administration, be amended as follows:

GENERAL ADMINISTRATION

§ 3.01.075 APPOINTMENT OF TOWN MANAGER.

- A. In accordance with North Carolina General Statute 160A-147, the Council shall appoint a Town Manager to serve at its pleasure. Such appointment is to be made solely on the basis of the manager's executive and administrative experience. Manager shall perform the duties outlined in G.S. § 160A-148 which are also described in § 3.01.003.

Amended 09/17/09

- B. The following non-exclusive list of department heads may be appointed by, removed by, and shall be administratively supervised by, the Town Manager:

1. Chief of Police
2. Finance Director
3. Town Clerk
4. Zoning Administrator
5. Water Resources/Public Works Director

Added 09/17/09

(Prior Code, Ch. 2, Art. IV)

Cross reference: Appointment and term of other officers and employees, see § 3.01.004

§ 3.01.076 APPOINTMENT OF TOWN CLERK.

The Town Manager shall appoint a town clerk who shall perform the duties outlined in G.S. § 160A-171.

Amended 09/17/09

(Prior Code, Ch. 2, Art. IV)

Cross reference: Appointment and term of other officers and employees, see § 3.01.004

§ 3.01.077 APPOINTMENT OF TOWN ATTORNEY.

The Council shall appoint a Town Attorney to serve at its pleasure and to be its legal advisor.

2022-ORD-06

(Prior Code, Ch. 2, Art. IV)

Cross reference: Appointment and term of other officers and employees, see § 3.01.004

§ 3.01.078 APPOINTMENT OF ZONING ADMINISTRATOR.

The Town Manager may appoint a Zoning Administrator who shall perform the duties that are specified by town ordinances and as assigned by the Council. Absent an appointment of an individual to this position, the Town Manager shall be the Zoning Administrator.

Amended 09/17/09

(Prior Code, Ch. 2, Art. IV)

Cross reference: Appointment and term of other officers and employees, see § 3.01.004

FINANCE

§ 3.01.090 APPOINTMENT OF BUDGET OFFICER.

The Town Manager shall serve as the Budget Officer and shall perform the duties outlined in G.S. §§ 159-9 to 12 and related provisions of the General Statutes.

Amended 09/17/09

(Prior Code, Ch. 2, Art. V)

Cross reference: Appointment and term of other officers and employees, see § 3.01.004

§ 3.01.091 APPOINTMENT OF FINANCE OFFICER.

The Town Manager shall appoint a Finance Officer who shall perform the duties outlined in G.S. § 159-25 and related provisions of the General Statutes.

Amended 11/17/22

(Prior Code, Ch. 2, Art. V)

Cross reference: Appointment and term of other officers and employees, see § 3.01.004

§ 3.01.092 APPOINTMENT OF TAX COLLECTOR.

If the town collects taxes, the Council shall appoint a Tax Collector who shall perform those duties that are specified by G.S. § 105-350 "General Duties of Tax Collectors" and as assigned by the Council.

(Prior Code, Ch. 2, Art. V)

Cross reference: Appointment and term of other officers and employees, see § 3.01.004

2022-ORD-06

§ 3.01.093 REFUND OR RELEASE OF AD VALOREM TAXES.

- A. The Finance Officer is delegated authority to approve requests for refund or release of tax of less than \$100.
- B. The Finance Officer shall make monthly reports to the Council concerning the actions taken on requests for release or refund.
- C. Actions taken shall be recorded in Council meeting minutes.

(Prior Code, Ch. 2, Art. V)

§ 3.01.094 DELEGATE AUTHORITY TO DISPOSE OF PERSONAL PROPERTY VALUED AT LESS THAN \$5,000.

- A. Pursuant to the provisions of G.S. § 160A-266(c) the Finance Officer is hereby authorized to dispose of any surplus personal property owned by the Town of River Bend whenever he determines, in his discretion, that:
 - 1. The item or group of items has a fair market value of less than \$5,000;
 - 2. The property is no longer necessary for the conduct of public business; and,
 - 3. Sound property management principles and financial considerations indicate that the interests of the town would best be served by disposing of the property.
- B. The Finance Officer may dispose of any surplus personal property by any means which he judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in G.S. § 160A, Article 12. The sale may be public or private, and with or without notice and minimum waiting period.
- C. The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the town if greater value may be obtained in that manner, and the Finance Officer is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the Finance Officer may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the Council.
- D. The Finance Officer shall keep a record of all property sold under authority of this subchapter and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.
- E. The Finance Officer shall report in writing to the Council on any property disposed of under this subchapter as follows: on February 1 on any property disposed of from July 1 through December 31 of the previous year, and on August 1 on any property disposed of from January 1 through June 30 of the same year.

(Prior Code, Ch. 2, Art. V)

2022-ORD-06

§ 3.01.095 DELEGATE AUTHORITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS OR EQUIPMENT.

- A. *Grant of authority.* Subject to the restrictions and conditions hereinafter provided, when purchasing apparatus, supplies, materials or equipment for use by the Town of River Bend, in addition to the authority as may be provided by G.S. § 143-129(a) and/or otherwise delegated by the Council, the Town Manager shall have the authority to:
1. Prepare, or cause to be prepared, plans and/or specifications setting forth a complete description of the item(s) to be purchased and the characteristics, features and/or requirements therefor;
 2. Include, where appropriate, in specifications for the item(s) to be purchased an opportunity for bidders to purchase as trade-in specified personal property owned by the town;
 3. Advertise, or otherwise secure bids, for item(s), if required under applicable law;
 4. Award contracts for the purchase of the item(s) and, where applicable, award contracts for the purchase of the item(s) and the sale of trade-in property;
 5. Reject bids;
 6. Readvertise to receive bids;
 7. Waive bid bond or deposit requirements;
 8. Waive performance and payment bond requirements; and
 9. Execute and deliver the purchase contract(s).
- B. *Report.* At the first meeting of the Council following the award of any contract(s) pursuant to this subchapter, the Town Manager shall submit a report to the Council summarizing the bids received and the contract(s) awarded. The report shall be included in the minutes of the meeting at which it is received.
- C. *Extent of authority.* Except in cases of purchases from established contracts pursuant to G.S. § 143-129(g), unless otherwise provided by law, the provisions of this subchapter shall apply to the purchase of apparatus, supplies, materials or equipment requiring the estimated expenditure of municipal funds in an amount not to exceed \$15,000 for any 1 item or group of similar items.
- D. *No limitation of other authority.* The provisions of this chapter are not intended to limit, restrict or revoke, in any manner, authority otherwise granted and/or delegated to the Town Manager by statute, law or action of the Council.
- E. *Appropriation required.* No purchase shall be made by the Town Manager under authority of this subchapter unless an appropriation for the purpose has been authorized in the annual budget, or by supplemental appropriation or budget appropriation amendment duly adopted by the Council.
- F. *Application of General Statutes.* In acting pursuant to the authority delegated by this subchapter, the Town Manager shall comply with the requirements of G.S. Article 8, Chapter 143, as from time to time amended, modified, supplemented, revised or superseded, to the same extent as would have otherwise applied to the Council.

(Prior Code, Ch. 2, Art. V)

2022-ORD-06

§ 3.01.096 SPECIAL ASSESSMENTS.

- A. *Purpose of subchapter.* Whereas the Town of River Bend is authorized to make special assessments against benefited property within its corporate limits as set forth in G.S. § 160A-216, this subchapter is enacted to accomplish those purposes as more particularly set forth in G.S. Chapter 160A, Article 10.
- B. *Special assessment procedure.* The Town of River Bend, when consenting to undertake any special assessment activity as set forth in G.S. § 160A-216, shall at all times follow the procedures and requirements as set forth in G.S. Chapter 160A, Article 10.
- C. *Assessment methodology: discretionary decisions.* At any time when the Council shall have discretion relating to any aspect of special assessments, it shall endeavor to balance the needs of the town in general, the needs of those citizens of the town who are benefitted by the special assessments, economic considerations and any other considerations which the Council, in its sole discretion, deems advisable.

(Prior Code, Ch. 2, Art. V)

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

Adopted this the 17th day of November, 2022


John R. Kirkland, Mayor

ATTEST:


Kristie J. Nobles, Town Clerk





ENGINEERS

PLANNERS

SURVEYORS

LANDSCAPE ARCHITECTS

November 8, 2022

Mr. Delane Jackson, Town Manager
Town of River Bend
45 Shoreline Drive
River Bend, North Carolina 28562

SUBJECT: WWTP Enhancements
Engineering Services Agreement

Dear Delane:

Attached for your review, processing and approval are two (2) copies of the proposed Engineering Services Agreement to proceed with consulting services associated with the recently funded River Bend WWTP Enhancements project.

In general, the services required include preparation of the Engineering Report for NCDEQ DWI approval; specific design modifications/updates; revisions/update to the existing construction plans, specifications and contract(s); re-permitting for Environmental, Wetland and Construction purposes; additional Boundary & Topographic survey work; Bid Phase services, Construction Administration and Construction Observation Phase services; and Preparation of Construction Record Drawings. Grant administration assistance will be provided as required to facilitate proper documentation, reimbursement, and closeout.

The following is a summary of the recommended services and associated fees:

Consulting Service	Est. Fee	Fee Basis
Preparation of Engineering Report	\$20,000	Lump Sum
Preliminary and Final Design	\$88,000	Lump Sum
Environmental, Wetland & Construction Permitting	\$19,000	Hourly plus reimb.
Bidding and/or Negotiation	\$32,000	Hourly plus reimb.
Construction Administration	\$190,000	Hourly plus reimb.
Construction Observation	\$260,000	Hourly plus reimb.
Additional Boundary & Topographic Survey	\$13,000	Hourly plus reimb.
Preparation of Record Drawings	\$17,000	Hourly plus reimb.
Total Estimated Cost	\$639,000	

Please let me know if you have any questions. With your permission, I will plan to attend the River Bend Town Council Workshop Meeting on November 10th to address any questions or provide any additional input that is desired.

November 8, 2022
Page 2

We appreciate the opportunity to continue to work with the Town of River Bend, and look forward to assisting the Town with making the WWTP Enhancements project a reality after these many years.

With best regards,



Gregory J. Churchill, P.E.
President

Cc: File

Encls.

ITEM 6

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

Owner: Town of River Bend

By(Signature): [Signature]

Print name: John R. Kirkland

Title: Mayor

Date Signed: 11/21/22

Attest:

[Signature]
Name: Kristie Nobles

Title: Town Clerk

(SEAL)



Address for Owner's receipt of notices:
45 Shoreline Drive
River Bend, NC 28562

Designated Representative (Paragraph 8.03.A):

Delane Jackson

Title: Town Manager

Phone Number: (252) 638-3870 x 213

E-Mail Address: manager@riverbendnc.org

Engineer: Rivers & Associates, Inc.

By(Signature): [Signature]

Print name: Gregory J. Churchill, P.E.

Title: President

Date Signed: 11-8-22

Attest:

[Signature]
Name: James M. Walker, P.L.S.

Title: Vice President/Ass't. Secretary

(SEAL)



Engineer License or Firm's Certificate No. (if required):

F-0334

State of: North Carolina

Address for Engineer's receipt of notices:

107 E. Second Street
Greenville, N.C. 27858

Designated Representative (Paragraph 8.03.A):

Gregory J. Churchill, P.E.

Title: Principal

Phone Number: 252-752-4135

E-Mail Address: gchurchill@riversandassociates.com

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

By (Signature): [Signature]

Typed Name: Amanda Gilbert

Finance Officer

Date: 11/21/22

This document is a MODIFIED version of EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.
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MEI Project No. G22109.0
State Project No. AIA-D-ARP-0132

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of November 17, 2022 ("Effective Date") between the Town of River Bend, North Carolina ("Owner") and Municipal Engineering, Inc. (MEI) ("Engineer").

Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as follows:

Water System Asset Inventory and Assessment (AIA) ("Project").

Project Description

The Town of River Bend was awarded a \$150,000 water system Asset Inventory and Assessment (AIA) Grant from the NCDEQ Division of Water Infrastructure. The town will use these funds to develop a hydraulic model of its water system, update portions of its water system GIS mapping system and develop water system improvement projects for inclusion in the town's Asset Management Plan and CIP.

The ENGINEER'S **Scope of Services** under this Agreement are generally identified as follows:

1. Project Management

Project Management is estimated to span twenty-four (24) months to be completed by the ENGINEER as follows:

- a) Project Scoping and Contract Preparation
- b) One (1) Project Kick-Off Meeting with OWNER
- c) Maintain a project filing system to document and retain project records
- d) Maintain project costs accounting system
- e) Review monthly budgets and invoices for engineering services to oversee and document project progress
- f) Arrange and participate in two (2) project status meetings with OWNER to review progress, budget and schedule and exchange ideas and information. Meetings will be held in-person at Town offices or via online virtual meeting.
- g) Prepare and distribute project status meeting minutes to include a record of decisions made and actions assigned.

2. GIS Asset Inventor and Mapping

- a) The ENGINEER shall provide services to inventory and map the water infrastructure assets utilizing GPS/GIS based mapping technology including inventory location of pipes, valves, hydrants, water meters, pump stations,

MEI Project No. G22109.0
State Project No. AIA-D-ARP-0132

major treatment facility structures, materials, asset features, age, etc. and provide connectivity and GIS mapping for water system assets in ESRI ArcGIS format. Inventory includes approximately 19 miles of distribution lines and appurtenances (valves, hydrants, meters, vaults), 3 wells, 2 treatment plants, and 2 elevated storage tanks.

- b) Prior to initial GPS/GIS fieldwork, ENGINEER shall review and compile existing systems maps, as-built drawings and other data sources to identify gaps in data, assist in the asset inventory and to obtain relevant and missing data.
- c) The ENGINEER is responsible for locating only those above or below ground assets that are visible, readily accessed and safe to enter. It is not the responsibility of the ENGINEER to expose any valves, meters, vaults, or any other water system assets that are covered, paved over or for any reason, inaccessible or unsafe to enter. If such cases arise, the ENGINEER will coordinate with the OWNER to have these assets uncovered or exposed, at the OWNER's expense, so that they may be inventoried and mapped. ***MEI personnel are not certified for confined space entry and will not enter any environment considered hazardous or a confined space.***

2. Water System Hydraulic Model

The consultant will utilize existing GIS system maps, plans, specifications, past water construction projects; interview town staff, and other additional information available for the completion of water system hydraulic modeling.

The Consultant shall perform field investigation to verify the available data and shall collect additional data necessary for the hydraulic models. The data shall include, but not be limited to, pump station capacities, pump curves, water storage tank volumes, pressure relief valve capacities and settings, elevations, water demands including average daily flow (ADF) and peak flows for the major water users within the system.

After records review and field investigation, the Consultant shall develop a water system hydraulic model. The Model shall include, but not be limited to, the following attributes:

- Line lengths
- Line diameters
- Friction factors of pipes
- Node elevations
- Representative demands at each node
- Water storage characteristics & elevations
- Any major Control valves
- All pumping stations characteristics in the water system

The Model shall be calibrated to observe the current field conditions. Field calibration measurements shall be conducted at key locations to provide accurate calibration. If required, the town will perform some fire flow tests for calibration which shall be

MEI Project No. G22109.0
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provided to the Consultant. Hazen-Williams C-Factors shall be assigned based on relative historical values and calibration changes shall be made to the model values on a global basis. Once the base model is calibrated, the Consultant shall perform the following:

- Steady-state analyses of the water distribution system with pumps and tanks under average daily demand and maximum daily demand.
- Extended Period Simulation analyses of the water distribution system based on the average, daily operating conditions and parameters.
- Water Quality analyses on the water system to determine how the system will behave under extreme conditions and if high water age is a potential problem for the system.

At the completion of modeling, the consultant shall prepare a summary report. Shortcomings in flow, pressure, head loss, and water quality shall be noted in the report based on a criterion supplied by the Town or developed in coordination with the Consultant. A plan shall be developed prioritizing recommended enhancements for future improvements.

1. Replacing old cast iron lines, making recommendations for replacement sizes.
2. Completing system loops to provide proper system backbone, residual disinfection, and elimination of maintenance problems caused by dead ends.
3. Addition/replacement of water lines where flow and pressure deficiencies, known areas of chronic discolored water calls and main breaks are identified.
4. Correcting inadequate system pressures and flow to meet AWWA standards.
5. Analysis of existing storage and system capacity.

3. Desktop Condition Assessment

The ENGINEER will conduct a desktop condition assessment of the water distribution system to identify existing and future critical needs. Town operations and maintenance staff, administration and financial staff along with the town's engineers will work together to identify and plan critical capital projects necessary to protect and maintain the water system and meet existing and future demands. Information gathered through this assessment, along with information gathered from the proposed water system model, will be used to prioritize and develop capital improvement projects. ***Note: The OWNER shall be responsible for providing and compiling all in-house documentation (leak/repair reports, O&M records, hydrant flow tests, customer complaints, etc.) requested by the ENGINEER and necessary to perform the desktop condition assessments.***

4. Capital Improvement Planning

Based on results from the desktop condition assessment and the water system model, the ENGINEER will assist the OWNER in identifying and developing projects for

MEI Project No. G22109.0
State Project No. AIA-D-ARP-0132

inclusion into the Town's 10-year Capital Improvements Plan (CIP). The ENGINEER will assist the OWNER in creating and adopting the actual CIP document and inclusion of recommended projects into the CIP. The following criteria will be provided to the OWNER for each potential CIP Project:

- Description of Project
- Need for Project
- Year Needed
- Estimated Project Costs
- Potential Funding Sources

5. Grant/Loan Administration

- a) The ENGINEER shall assist the OWNER with reimbursement/disbursement requests and submitting deliverables as required by the funding agency. The ENGINEER has budgeted for the preparation and submittal of six (6) reimbursement requests.
- b) Preparation and submittal of the AIA Preliminary Project Scope to the NCDEQ/DWL.
- c) One (1) meeting with the Town Board at the close of the project to present project deliverables and provide an overview of the tasks and accomplishments of the AIA grant project for acceptance by the Town board.
- d) Grant/loan close-out activities.

Owner and Engineer further agree as follows:

1.01 *Basic Agreement and Period of Service*

- A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above. Owner shall pay Engineer for its services as set forth in Paragraphs 7.01 and 7.02.
- B. Engineer shall complete its services within twenty-four (24) months of the date specified in the State's Grant Offer & Acceptance letter to the OWNER for Project No. AIA-D-ARP-0132.

2.01 *Payment Procedures*

- A. *Invoices:* Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer's invoice, then the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, after giving seven days written notice to Owner,

MEI Project No. G22109.0
State Project No. AIA-D-ARP-0132

suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension. Payments will be credited first to interest and then to principal.

3.01 *Termination*

A. The obligation to continue performance under this Agreement may be terminated:

1. For cause,

- a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Failure to pay Engineer for its services is a substantial failure to perform and a basis for termination.
- b. By Engineer:
 - 1) upon seven days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or
 - 2) upon seven days written notice if the Engineer's services for the Project are delayed for more than 90 days for reasons beyond Engineer's control.

Engineer shall have no liability to Owner on account of a termination by Engineer under Paragraph 3.01.A.1.b.

- c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience, by Owner effective upon Engineer's receipt of written notice from Owner.

B. The terminating party under Paragraph 3.01.A may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to complete tasks whose value would otherwise be lost, to prepare notes as to the

MEI Project No. G22109.0
State Project No. AIA-D-ARP-0132

status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

- C. In the event of any termination under Paragraph 3.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination.

4.01 *Successors, Assigns, and Beneficiaries*

- A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 4.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.
- C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

5.01 *General Considerations*

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Subject to the foregoing standard of care, Engineer and its consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. This Agreement is to be governed by the law of the state or jurisdiction in which the Project is located.

MEI Project No. G22109.0
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- C. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any of their agents or employees or of any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any construction work; or for any decision made regarding the construction contract requirements, or any application, interpretation, or clarification of the construction contract other than those made by Engineer.
- D. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment for all services relating to preparation of the documents and subject to the following limitations: (1) Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer; (2) any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants; (3) Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Owner shall not create any rights in third parties.
- E. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.
- F. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq., or radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (1) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (2) warrants that the Site is in full compliance with applicable Laws and Regulations.

MEI Project No. G22109.0
State Project No. AIA-D-ARP-0132

- G. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.

6.01 *Total Agreement*

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

7.01 *Basis of Payment—Lump Sum*

- A. Using the procedures set forth in Paragraph 2.01, Owner shall pay Engineer as follows:

Phase/Description	Basis	Fee
Project Management (Task .1)	LS	\$ 10,000.00
GIS Mapping System Updates (Task .2)	LS	70,000.00
Water System Hydraulic Model (Task .3)	LS	50,000.00
Water System Desktop Assessment (Task .4)	LS	10,000.00
CIP Project Planning (Task .5)	LS	5,000.00
Grant Administration (Task .6)	LS	5,000.00
TOTAL ENGINEERING SERVICES FEE		\$ 150,000.00

- B. The portion of the compensation amount billed monthly for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period.

- 7.02 *Additional Services:* For additional services of Engineer's employees engaged directly on the Project, including services resulting from changes in the defined "Scope of Services", extent or character of the Project, the Owner shall pay Engineer an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any. Engineer's standard hourly rates are attached as Appendix 1.

Attachments: Appendix 1, Engineer's Standard Hourly Rates

MEI Project No. G22109.0
State Project No. AIA-D-ARP-0132

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the
Effective Date of which is indicated on page 1.

OWNER: Town of River Bend, North Carolina

By: 

Print Name: John Kirkland

Title: Mayor

Date Signed: 11/21/22

ENGINEER: Municipal Engineering, Inc.

By: 

Print Name: Travis L. Woodie

Title: COO/CFO

Date Signed: November 8, 2022

Engineer License or Firm's Certificate
Number: F-0812 and C-586

State of: North Carolina

Address for giving notices:

Town of River Bend

45 Shoreline Drive

River Bend, NC 28562

Attn: Delane Jackson, Town Manager

Address for giving notices:

Municipal Engineering, Inc.

68 Shipwash Drive

Garner, NC 27529

Attn: Gary M. Flowers, PE

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


Finance Officer

11/21/22
Date

MEI Project No. G22109.0
State Project No. AIA-D-ARP-0132

This is **Appendix 1, Engineer's Standard Hourly Rates**, referred to in and part of the Short Form of Agreement between Owner and Engineer for Professional Services dated November 17, 2022.

Engineer's Standard Hourly Rates

A. Standard Hourly Rates:

1. Standard Hourly Rates are set forth in this Appendix 1 and include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.
2. The Standard Hourly Rates apply only as specified in Paragraphs 7.01 and 7.02, and are subject to annual review and adjustment.

B. Schedule of Hourly Rates:

Hourly rates for services performed on or after the Effective Date are:

MUNICIPAL ENGINEERING, Inc.
N.C. Engineering & Surveying License No. F-0812
N.C. Geologist License No. C-586

STANDARD HOURLY RATE SCHEDULE

Effective January 2022

Sr. Principal Engineer	\$205.00 per hour
Sr. Project Engineer	\$165.00 per hour
Principal Project Manager	\$165.00 per hour
Professional Geologist	\$165.00 per hour
Senior Project Manager	\$155.00 per hour
Senior Engineer I	\$155.00 per hour
Funding Director	\$155.00 per hour
Funding Administrator	\$100.00 per hour
Expert Witness	\$220.00 per hour
Design Engineer	\$100.00 per hour
Environmental Specialist II	\$ 90.00 per hour
Environmental Specialist	\$ 85.00 per hour
Lead Senior Designer	\$ 95.00 per hour
Senior Designer	\$ 90.00 per hour
Design Technician	\$ 85.00 per hour
Professional Land Surveyor	\$165.00 per hour
Survey - Robotics	\$135.00 per hour
Survey - GPS	\$165.00 per hour
Survey Technician	\$ 85.00 per hour
Senior Construction Observer	\$ 90.00 per hour
QA/QC Field Supervisor	\$100.00 per hour
Secretary/Administrative Asst.	\$ 65.00 per hour
Consultants	Cost plus 15%
Direct Costs	Cost plus 15%

No Charge for Mileage or Phone Calls

MEI Project No. G22110.0
State Project No. AIA-W-ARP-0131

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of November 17, 2022 ("Effective Date") between the Town of River Bend, North Carolina ("Owner") and Municipal Engineering, Inc. (MEI) ("Engineer").

Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as follows:

**Sewer System Asset Inventory and Assessment (AIA) Program
State No. AIA-W-ARP-0131 ("Project").**

Project Description

The Town of River Bend wastewater collection system consists of approximately 11 miles of gravity sewer, 5 miles of force main, and 8 duplex pump stations. The collected wastewater is metered and flows to the town's Wastewater Treatment Plant (NC0030406) for ultimate treatment and discharge into the Trent River. The WWTP has a permitted capacity of 0.330 MGD. ***Assessment of the Wastewater Treatment Plant is outside the scope of this project.*** The town was recently awarded an Asset Inventory and Assessment (AIA) grant from the North Carolina Department of Environmental Quality (NCDEQ), Division of Water Infrastructure (DWI) to fund this project.

The purpose of the Sanitary Sewer System Asset Inventory and Assessment program is to develop a sanitary sewer system AIA program that will implement condition assessment and asset inventory management practices and procedures to ensure the long-term sustainability of the wastewater system. By performing conditions assessments and having a current inventory of wastewater assets, the Town of River Bend will be able to make informed, cost-effective decisions regarding system improvements and the operations and maintenance of the wastewater collection system which will minimize the total costs of owning and operating those assets while also delivering the best service and appropriate rates to its customers.

Engineer's Scope of Services under this Agreement are generally identified as follows

The ENGINEER proposes to provide the following Tasks:

1. Project Management

Project Management is estimated to span Twenty Four (24) months to be completed by the ENGINEER as follows:

- a) Project Scoping and Contract Preparation
- b) Project Kick-Off Meeting with OWNER
- c) Maintain a project filing system to document and retain project records

MEI Project No. G22110.0
State Project No. AIA-W-ARP-0131

- d) Maintain project costs accounting system
- e) Review monthly budgets and invoices for engineering services to oversee and document project progress
- f) Arrange and participate in one (1) project status meeting with OWNER to review progress, budget and schedule and exchange ideas and information. Meeting will be held in-person or via online virtual meeting.
- g) Prepare and distribute project meeting minutes to include a record of decisions made and actions assigned.
- h) Provide coordination and administration of any sub-consultants.

2. GIS Asset Inventory and Mapping

- a) The ENGINEER shall provide services to inventory and map the wastewater infrastructure assets utilizing GPS/GIS based mapping technology including inventory location of pipes, manholes (w/inverts), pump stations, and sewer clean-outs, materials, asset features, age, etc. and provide connectivity and GIS mapping for sewer system assets in ESRI ArcGIS format. Inventory includes approximately 11 miles of gravity sewer, 5 miles of force main, and 8 duplex pump stations.
- b) Prior to initial GPS/GIS fieldwork, ENGINEER shall review and compile existing systems maps, as-built drawings, consult with O&M personnel or other town staff that may have knowledge of the system components and locations and other data sources to identify gaps in data, assist in the asset inventory and to obtain relevant and missing data.
- c) The ENGINEER is responsible for locating only those above or below ground assets that are visible, readily accessed and safe to enter. It is not the responsibility of the ENGINEER to expose any manholes, service clean-outs, valves, dry-pits, vaults, or any other wastewater system assets that are covered, paved over or for any reason, inaccessible or unsafe for MEI personnel to enter. If such cases arise, the ENGINEER will coordinate with the OWNER to have these assets uncovered or exposed, at the OWNER's expense, so that they may be inventoried and mapped. ***MEI personnel are not certified for confined space entry and will not enter any environment considered hazardous or a confined space.***
- d) The ENGINEER shall deliver to the OWNER one (1) digital copy (PDF format) and two (2) hard copies of all mapping deliverables which shall consist of an overall system map (36"x 24" size) and indexed map book(s) (11"x 17" sized) showing enlarged sections of the system based on an indexed grid system.

3. Sewer System Condition Assessment

- a) The ENGINEER shall provide services to perform a condition assessment of select segments of the wastewater collection system (segments and final quantities TBD by Owner and Engineer) including smoke testing and cleaning/CCTV inspection of approximately 12,000± linear feet of gravity sewers and Level 2 inspection of approximately 30 manholes. All inspections shall be performed in accordance with National Association of Sewer Service Companies (NASSCO) Pipeline Assessment Certification Program (PACP) and Manhole Assessment Certification Program (MACP) guidelines.
- b) Assist the OWNER with procurement of service providers utilizing tools such as smoke testing and CCTV video inspection of lines and manholes to inspect and assess condition.

MEI Project No. G22110.0
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- c) Prepare and administer sub-consultant agreement for smoke testing, CCTV pipeline and manhole condition assessment services.
- d) Project deliverables shall include smoke testing reports (w/GIS database/coordinates) and photos, manhole inspection reports and photos (MACP compliant) and copies of all CCTV inspection videos. Deliverables shall be provided in electronic format on either a DVD or USB thumb drive.

4. Capital Improvement Project Planning

Based on results from the condition assessment the ENGINEER will assist the OWNER in identifying and developing projects for inclusion into the Town's 10-year Capital Improvements Plan (CIP). The ENGINEER will assist the OWNER in creating and adopting the actual CIP document and inclusion of recommended projects into the CIP. The following criteria will be provided to the OWNER for each potential CIP Project:

- Description of Project
- Need for Project
- Year Needed
- Estimated Project Costs
- Potential Funding Sources

5. Grant Administration

- a) Preparation and submittal of Preliminary Project Scope to the Division of Water Infrastructure
- b) The ENGINEER shall assist the OWNER with reimbursement/disbursement requests and submitting deliverables as required by the funding agency. The ENGINEER has budgeted for the preparation and submittal of six (6) reimbursement requests.
- c) Attend one (1) meeting with the Town Board at the close of the project, to present any project deliverables and provide an overview of the tasks and accomplishments of the AIA grant project for acceptance by the Town board.
- d) Prepare and present a PowerPoint presentation and written Executive Summary to the town board summarizing the project expectations, goals and accomplishments.
- e) Prepare and submit all Grant/loan close-out documents to the NC division of Water Infrastructure for final reimbursement to the town.

Owner and Engineer further agree as follows:

1.01 Basic Agreement and Period of Service

- A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above. Owner shall pay Engineer for its services as set forth in Paragraphs 7.01 and 7.02.
- B. Engineer shall complete its services within two years (24 months) of the date specified in the State's Grant Offer & Acceptance letter to the Owner. for Project No. AIA-W-ARP-0131.

MEI Project No. G22110.0
State Project No. AIA-W-ARP-0131

2.01 *Payment Procedures*

- A. *Invoices:* Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer's invoice, then the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension. Payments will be credited first to interest and then to principal.

3.01 *Termination*

- A. The obligation to continue performance under this Agreement may be terminated:

1. For cause,

- a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Failure to pay Engineer for its services is a substantial failure to perform and a basis for termination.
- b. By Engineer:
- 1) upon seven days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or
 - 2) upon seven days written notice if the Engineer's services for the Project are delayed for more than 90 days for reasons beyond Engineer's control.

Engineer shall have no liability to Owner on account of a termination by Engineer under Paragraph 3.01.A.1.b.

- c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.
2. For convenience, by Owner effective upon Engineer's receipt of written notice from Owner.

MEI Project No. G22110.0
State Project No. AIA-W-ARP-0131

- B. The terminating party under Paragraph 3.01.A may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.
- C. In the event of any termination under Paragraph 3.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination.

4.01 *Successors, Assigns, and Beneficiaries*

- A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 4.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.
- C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

5.01 *General Considerations*

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Subject to the foregoing standard of care, Engineer and its consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. This Agreement is to be governed by the law of the state or jurisdiction in which the Project is located.
- C. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such

MEI Project No. G22110.0
State Project No. AIA-W-ARP-0131

documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment for all services relating to preparation of the documents and subject to the following limitations: (1) Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer; (2) any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants; (3) Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Owner shall not create any rights in third parties.

- D. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.
- E. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq., or radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (1) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (2) warrants that the Site is in full compliance with applicable Laws and Regulations.
- F. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.

6.01 *Total Agreement*

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

MEI Project No. G22110.0
State Project No. AIA-W-ARP-0131

7.01 *Basis of Payment—Lump Sum*

- A. Using the procedures set forth in Paragraph 2.01, Owner shall pay Engineer as follows:

Task	Phase/Description	Basis	Fee
.1	Project Management	LS	\$ 10,000.00
.2	GIS Asset Inventory and Mapping	LS	70,000.00
.3	CCTV Condition Assessment/Smoke Testing	LS	60,000.00
.4	Capital Improvement Project Planning	LS	5,000.00
.5	Grant Administration	LS	5,000.00
TOTAL ENGINEERING SERVICES FEE			\$ 150,000.00

LS: Lump Sum

- B. The portion of the compensation amount billed monthly for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period.

- 7.02 *Additional Services:* For additional services of Engineer's employees engaged directly on the Project, Owner shall pay Engineer an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any. Engineer's standard hourly rates are attached as Appendix 1.

Attachments: Appendix 1, Engineer's Standard Hourly Rates

MEJ Project No. G22110.0
State Project No. AIA-W-ARP-0131

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER: Town of River Bend, North Carolina

By: *John Kirkland*

Print Name: John Kirkland

Title: Mayor

Date Signed: 11/21/22

Address for giving notices:

Town of River Bend

45 Shoreline Drive

River Bend, NC 28562

Attn: Delane Jackson, Town Manager

ENGINEER: Municipal Engineering, Inc.

By: *Travis L. Woodie*

Print Name: Travis L. Woodie

Title: COO/CFO

Date Signed: November 8, 2022

Engineer License or Firm's Certificate
Number: F-0812 and C-586

State of: North Carolina

Address for giving notices:

Municipal Engineering, Inc.

68 Shipwash Drive

Garner, NC 27529

Attn: Gary M. Flowers, PE

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

Amanda B. Gilbert

Finance Officer

11/21/22
Date

This is **Appendix 1, Engineer's Standard Hourly Rates**, referred to in and part of the Short Form of Agreement between Owner and Engineer for Professional Services dated November 17, 2023.

Engineer's Standard Hourly Rates

A. Standard Hourly Rates:

1. Standard Hourly Rates are set forth in this Appendix 1 and include salaries and wages paid to personnel in each billing class plus the cost of customary and statutory benefits, general and administrative overhead, non-project operating costs, and operating margin or profit.
2. The Standard Hourly Rates apply only as specified in Paragraphs 7.01 and 7.02, and are subject to annual review and adjustment.

B. Schedule of Hourly Rates:

Hourly rates for services performed on or after the Effective Date are:

STANDARD HOURLY RATE SCHEDULE

Effective January 2022

Sr. Principal Engineer	\$205.00 per hour
Sr. Project Engineer	\$165.00 per hour
Principal Project Manager	\$165.00 per hour
Professional Geologist	\$165.00 per hour
Senior Project Manager	\$155.00 per hour
Senior Engineer I	\$155.00 per hour
Funding Director	\$155.00 per hour
Funding Administrator	\$100.00 per hour
Expert Witness	\$220.00 per hour
Design Engineer	\$100.00 per hour
Environmental Specialist II	\$ 90.00 per hour
Environmental Specialist	\$ 85.00 per hour
Lead Senior Designer	\$ 95.00 per hour
Senior Designer	\$ 90.00 per hour
Design Technician	\$ 85.00 per hour
Professional Land Surveyor	\$165.00 per hour
Survey - Robotics	\$135.00 per hour
Survey - GPS	\$165.00 per hour
Survey Technician	\$ 85.00 per hour
Senior Construction Observer	\$ 90.00 per hour
QA/QC Field Supervisor	\$100.00 per hour
Secretary/Administrative Asst.	\$ 65.00 per hour
Consultants	Cost plus 15%
Direct Costs	Cost plus 15%

No Charge for Mileage or Phone Calls

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

BE IT ORDAINED by the Town Council of the Town of River Bend that the Town Code of Ordinances, Title XV, Land Usage, Chapter 15.02, Zoning, be amended by making the following changes to the following sections:

I. § 15.02.020 DEFINITIONS.

TOURIST HOME. A residential or commercial structure wherein rooms or the entire structure are rented to provide overnight accommodations or rental terms of less than thirty (30) days for transient guests.

II. § 15.02.124 DISTRICT USE REGULATIONS.

For convenience in the administration of this chapter, there hereby is established and made a part of this chapter the following schedule of district use regulations.

SCHEDULE OF DISTRICT USE REGULATIONS									
KEY: P – Use permitted by right SU – Special use permitted upon approval by Board of Adjustment after recommendation of the Planning Board Blank/Unlisted – Prohibited use									
Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Accessory Building	P	P	P	P	SU	SU	SU	P	
Adult Day Care					P	P	P		G
Bakery, Retail						P	P		G
Financial Services						P	P		G
Barber Shop/Beauty Shop						P	P		G
Boats and Trailer Sales						SU	SU		G
Cabinet, Woodworking or Upholstery Shops						P	P		G
Child Day Care						SU			
Churches	SU	SU	SU	SU	P	SU	SU		E

SCHEDULE OF DISTRICT USE REGULATIONS									
KEY: P – Use permitted by right SU – Special use permitted upon approval by Board of Adjustment after recommendation of the Planning Board Blank/Unlisted – Prohibited use									
Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Clubs and Lounges, Private					P	SU	SU		F
Clothing Store						P	P		G
Computer Sales and Service						P	P		G
Dairy Bar and Ice Cream Parlors						P	P		G
Drug Store						P	P		F
Dry Cleaners/Drop Off/Pick Up Only						P	P		G
Dwellings, Single- Family	P	P	P	P		SU			A
Dwellings, 2-Family				P		SU			A
Dwellings, Multi- Family				P		SU			A
Fire Department Buildings	SU	SU	SU	SU	SU	SU	SU		F
Fitness Center						P	P		G
Florists/Gift Shop						P	P		G
Furniture Store						P	P		G
Golf Course	SU	SU	SU	SU	P	SU	SU		F
Grocery Store						P	P		G
Hardware Sales						P	P		G
Home Occupations	P	P	P		P				G
Tourist Home***	P	P			P	P	P		D

SCHEDULE OF DISTRICT USE REGULATIONS									
KEY: P – Use permitted by right SU – Special use permitted upon approval by Board of Adjustment after recommendation of the Planning Board Blank/Unlisted – Prohibited use									
Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Jewelry and Watch Repair						P	P		G
Libraries	SU	SU	SU	SU		P	P		G
Marina						P			G
Nursing Home and Rest Home					P				G
Office for Business, Professional and Personal Services						P	P		G
Pet Shops (excluding Veterinary Services)						P	P		G
Pharmacy						P	P		G
Photo Shop/Supply						P	P		G
Police Station	SU	SU	SU	SU	SU	SU	SU		F
Public Enterprise**	SU	SU	SU	SU		SU	SU		F
Public Utility	SU	SU	SU	SU	SU	SU	SU		F
Restaurants					P	P	P		F
Schools	SU	SU	SU	SU	SU				F
Service Station						SU	SU		J
Shoe Sales and Repair						P	P		G
Sporting Goods Sales						P	P		G

SCHEDULE OF DISTRICT USE REGULATIONS									
KEY: P – Use permitted by right SU – Special use permitted upon approval by Board of Adjustment after recommendation of the Planning Board Blank/Unlisted – Prohibited use									
Use	R20/ R20A	R15	PDR- SF	PDR- MF	ID	BD	BD- PD	AGR	Parking Code*
Storage Rental Units/Areas						P	P		G
Travel Agency						P	P		G
Utility Tanks, Pumps, Electrical Substations & Related Services	SU	SU	SU	SU	SU	SU	SU	SU	
Wholesale and/or Retail Janitorial Sales & Services						SU	SU		F
Youth Center					P	P	P		G
*Parking code described in §15.02.080 ** As defined by G.S. § 160A-311 *** Non-conforming uses of tourist home at the time of its addition to this ordinance shall be amortized for a period of 12 months from November 17, 2022. After that date, the use must terminate if not permitted in the corresponding zone or a special use permit has not been obtained, as applicable.									

Penalty, see § 1.01.999

Amended 11/17/22

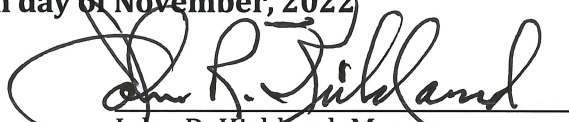
This Ordinance shall be in full force and effect upon its adoption

Adopted this the 17th day of November, 2022



ATTEST:


Kristie J. Nobles, Town Clerk


John R. Kirkland, Mayor

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

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

Absent Council Member: Brian Leonard

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

Members of the Public Present: 9

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

The Mayor stated he would like to add an update from The Coastal Environmental Partnership to the agenda and the Manager stated that closed session is not needed so that update can be added to item 11. Councilman Fogle also suggested rotating items 5 and 6 to keep the topics together.

VOTE – Approval of Agenda

Councilman Van Slyke motioned to accept the agenda as presented with amendments. The motion carried unanimously.

Discussion – Webpage Policy

The Manager stated that the Council had directed him to develop a webpage policy that defines what the Town will and will not post on its webpage. He stated that the Town is constantly asked to advertise private entities activities and announcements and as a whole, he does not allow it. He stated this policy would codify what he has been enforcing. Councilman Fogle asked the meaning of “sanctioned”, and the attorney stated that sanctioned meant events approved by or sponsored by the Town. He cited that the Shred Event as an example.

VOTE – Webpage Policy

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

Discussion – CAC Appointment

Councilwoman Maurer stated that there has been a recent resignation from the Community Appearance Commission and there is an application on file for Maggie Bramwell. She stated that the vacancy has been advertised for 2 weeks and Ms. Bramwell has attended CAC meetings to meet the requirements.

VOTE – CAC Appointment

Councilwoman Maurer motioned to appoint Maggie Bramwell to the Community Appearance Commission for a term beginning December 8, 2022 and expiring June 30, 2023. The motion carried unanimously.

Discussion – Future Use of the Current Public Works Building

Councilman Sheffield stated that the Public Works is in the construction process of having a new administration building built. He stated that he would like the Red Caboose Library to occupy the current Public Works Building after construction is complete on the new Public Works Building. Councilman Fogle stated that the current Public Works building is located within the 100-year flood plan and the Town has applied for a grant that would pay the Town \$380,000 for demolition of the building. Councilman Van Slyke asked the Manager if the grant is approved, could the funds be applied to the construction of the new building. The Manager said yes and that the Council has discussed that in the past but there was no action on that discussion. Councilman Fogle stated that if the grant were approved, he would like the funds to be applied to the construction of the new Public Works Building but if the grant is denied he would like for the Red Caboose Library to have use of the building. Councilman Sheffield stated that he agrees to postpone any decisions until the decision of the grant is received. Councilwoman Maurer stated that if the building were demolished she would like for the library to be able to use the Town's land to put a permanent building on.

Discussion – Library Services

Councilman Van Slyke stated that the Red Caboose Library has been in Town a long time and the library used to be housed in the actual caboose that is now displayed behind the Municipal Building. He stated that he recommends that the Red Caboose facilities and services be included in the 2023-2024 budget discussion.

VOTE – Library Services

Councilman Van Slyke motioned that the Red Caboose Library become a project of consideration in the budget plan for the upcoming fiscal year. The motion carried unanimously.

Discussion – Lighting for Walking Trail

Councilman Fogle stated that there is a proposal in the agenda package to add area lightening around the walking trail near Town Hall. He stated that the proposal includes that lighting that directs the lighting upwards. He suggested that the Manager get a revised proposal with lighting that faces downward, similar to the lighting at the Municipal Building.

Discussion – Council Code of Ethics

The Manager stated that the Code of Ethics was included in the agenda package with a minor change that the Code of Ethics be adopted with every new Council.

Discussion – Mayor and Town Council Responsibility Chart

The Manager reviewed the Mayor and Town Council Responsibility Chart. The councilmembers and the Mayor agreed to appointments as liaisons to the Advisory Boards and other assignments.

Discussion – 2023 Meeting / Holiday Schedule

The Manager stated that the 2023 Council Meeting Schedule and the 2023 Town Holiday Schedule was included in the agenda, and the Council would adopt it at the next meeting.

REVIEW – Agenda for the December 8, 2022 Council Meeting

The Council reviewed the agenda for the December 8, 2022 Council Meeting.

ADJOURNMENT/RECESS

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

Kristie J. Nobles
Town Clerk

ITEM 6

Webpage policy

The Town of River Bend operates a webpage. The main goal of the webpage is to make information about the Town of River Bend easily available to the public. Additionally, only information about groups, organizations, events or activities that are officially affiliated with or sponsored/sanctioned by the Town of River Bend may be placed on the Town's webpage. The webpage is also used to share time sensitive Town alerts, such as notice of meetings, weather advisories or other emergency/special notices. The Town's webpage can also be used to share information from or about other government units or agencies thereof that may be useful to River Bend residents. For example, information from Craven County, The State of North Carolina or its agencies, such as NCDOT, any U.S. Federal agency such as FEMA, CDC, HUD, The National Weather Service, etc. or any such similar government unit and/or agency. Use of the Town's website for a purpose other than what is stated in this policy is strictly prohibited.

ITEM 6

**River Bend Town Council
Closed Session Minutes
May 10, 2018
River Bend Town Hall**

Present Council Members:	Mayor John Kirkland Gene Bauer Bill Camp Buddy Sheffield Bill Wanamaker
Absent Council Member:	Bud Van Slyke
Town Manager:	Delane Jackson
Town Attorney:	Jimmie Hicks

CLOSED SESSION

The Town Attorney informed the Council that Ernest Thomas has requested that the EEOC issue him a right to sue ruling prior to completing their investigation into his allegations.

The EEOC closed their case and issued a right to sue letter to Ernest. The Town Attorney said that we should probably expect a law suit. He further explained that the issuance of a right to sue letter from EEOC does not mean that the EEOC believes the town has done anything wrong in this matter. It simply means that the EEOC is not going to take action against the town but they have given Ernest permission to do so if he wants to. Buddy Sheffield asked if this meant that he wants a settlement. The attorney said there is no way to tell what he wants until we hear from him. The attorney said that Ernest has 90 days to file a suit. No action was taken.

Delane Jackson
Town Manager

**River Bend Town Council
Closed Session Minutes
August 13, 2020
River Bend Town Hall
5:00 P.M.**

Present Council Members:

Mayor John Kirkland
Don Fogle
Brian Leonard
Bud McClard
Buddy Sheffield
Bud Van Slyke

Town Manager: Delane Jackson
Town Attorney: David Baxter

CLOSED SESSION

The manager and attorney met with the Council to discuss legal considerations related to obstructions in the town's streets rights-of-way. The topic had arisen due to a recent Notice of Violation that was sent to the Yagoda's at 425 Pinewood Drive because they have constructed a substantial, brick and mortar mailbox in the town's right-of-way on Plantation Drive, just a few inches from the edge of the pavement. The Manger presented the Council with an extensive packet of information related to the town's rights-of-ways and copies of the emails about the mailbox between the town and the Yagoda's. It also included emails on the topic between the manager and attorney. The manger explained that the Yagoda's had previously attended a Council meeting to complain about the first notice of violation they received in March. They claim that Allison McCollum had given them written permission to build it on the town's property. The manager stated that Allison did not give them permission. The manager presented a draft of a letter that he intends to send to the Yagoda's citing them for violation of Chapter 9.03.02 of the town's ordinance. The attorney has reviewed the letter and stated that it looked fine to him. The Council and attorney agreed that a violation did exist. However, during his investigation of this topic, the manager found that there were 7 other brick mailboxes in the town's right-of-way throughout town. Some of them he considered grandfathered because they were likely built before 1988, when the ordinance was adopted. The manager stated that none of the other 7 were constructed during his tenure as manager so he could not be responsible for them. He stated that the Yagoda's mailbox had been constructed during his tenure, therefore it was his responsibility and he was trying to enforce the ordinance. Councilman Fogle stated that he had moved here from California and until recently, he had no idea that the town owned so much of the land in front of his home. He said that it is likely that most property owners in town are also unaware that they do not own what appears to be their front yard. Councilman McClard said that many of our residents had moved here from other states and where he was from had lots of brick mailboxes close to the road. The manager reminded the Council that the town had recently sold some property to the Yagodas and that they had a survey done, which clearly showed the

limits of their property. He believed that they cannot claim that they did not know where their property lines were. Councilman Leonard stated that the old saying is true-ignorance of the law is not an excuse.

The attorney agreed that the Yagoda's mailbox was in violation of the town's current ordinance but he also noted that unless the town was willing to require the other 7 mailboxes to be removed, there may be some legal issues for the town. He stated that selectively enforcing the ordinance on the Yagoda's may appear to be arbitrary and capricious. The attorney stated there were a few options. One option was to enforce the ordinance on the Yagoda's and all others in violation and have all of the mailboxes removed. One option was to pursue enforcement on only the Yagoda's and see if they complied or filed a suit. He stated the cost of a filing a suit may outweigh their cost of compliance and thus result in their compliance. One option was to enforce the ordinance on nobody and allow all 8 mailboxes to remain but develop a new permitting system to regulate any mailboxes in the future.

The manager stated his objection to not enforcing the long-standing ordinance on the Yagoda's, noting the potential safety hazard of the mailbox due to its proximity to the street and its substantial construction methods. He stated that a car vs. mailbox collision could likely result in serious injury and thus expose the town to liability for allowing it to remain. The attorney agreed that there could be some liability for the town in that scenario for allowing it to remain. After a lengthy discussion and review of the materials in the packet, the Town Council agreed to allow all 8 existing mailboxes to remain and to create a new permitting process for all items placed in the town's street right-of-ways, not just mailboxes.

Delane Jackson
Town Manager

**River Bend Town Council
Closed Session Minutes
October 8, 2020
River Bend Municipal Building
5:00 p.m.**

Present Council Members

Mayor John Kirkland
Don Fogle
Brian Leonard
Bud McClard
Bud Van Slyke
Buddy Sheffield

Town Manager
Town Attorney

Delane Jackson
David Baxter

CLOSED SESSION

The Town Manager informed the Council that he, the Mayor and the town's engineer, Kevin Avolis had met with Robert Davis to discuss the possibility of the town acquiring enough land to build a new town street across his property. The Manager reported the following information from the meeting: Robert and his sister are the owners of a 103 acre tract of land at 403 Old Pollocksville Road, identified by PIN 8-200-029. Kevin Avolis had previously conducted a survey of the land and had presented several options for consideration as a road site to Robert. Maps of those options were reviewed with the Council. Robert had selected an option that basically ran through the middle of the lot from North Carolina Avenue to Old Pollocksville Road. Robert said that they may be interested in selling land to the town for \$30,000 per acre. The engineer had estimated that 5 acres would be needed. The manger told Robert that the town had hoped to acquire it for much less than that because the town would be constructing a road on the land that would be an economic benefit to Robert. The meeting concluded with Robert suggesting that the town make him an offer.

The Manager informed the Council that Robert's land was an ideal site but a road may also work on other lots. He said that he had contacted Weldon Brown, Jr., who is the owner of the adjacent property to see if he was interested in selling land for the road. The Manger reported that Weldon is considering it and is supposed to let him know his decision in the next couple of weeks. The Council agreed to wait to see what happens with Mr. Brown.

The Manger then presented the Council with a draft of regulations to add to the town's ordinance relative to controlling obstructions in the town's streets right-of ways. The proposal was based on the City of Gastonia's regulations. The town attorney stated that he had contacted the City of Gastonia to discuss their regulations. The Manager stated that he had made minor changes to Gastonia's regulations, which he thought would make them applicable to River Bend. The regulations were discussed. After much discussion no consensus was reached. The Manager suggested that he would continue to work on a draft based on feedback from tonight. The Council agreed to table this topic until a later date.

Delane Jackson
Town Manager

**River Bend Town Council
Closed Session Minutes
November 12, 2020
River Bend Municipal Building
5:00 p.m.**

Present Council Members:

Mayor John Kirkland
Don Fogle
Brian Leonard
Bud McClard
Buddy Sheffield
Bud Van Slyke

Town Manager: Delane Jackson
Town Attorney: David Baxter

CLOSED SESSION

The Town Manager discussed the PWAB recommendation and how it impacted the Public Works Director. Councilman Sheffield stated that the Public Works Director worked for the Town Manager and that the Town Manager should be directing the Public Works Director, not the PWAB. The Council agreed.

The Town Manager discussed renewal of his employment contract with the Council. The Manger informed the Council that, as always, he had previously met with the Mayor and Finance Officer to discuss the renewal and that he had sent a copy to the Town Attorney for review. There was a general discussion about the terms of the contract. The Council agreed to all terms.

Delane Jackson
Town Manager

**River Bend Town Council
Closed Session Minutes
February 18, 2021
River Bend Municipal Building
7:00 p.m.**

Present Council Members:

Mayor John Kirkland
Don Fogle
Brian Leonard
Buddy Sheffield
Bud Van Slyke
Barbara Maurer

Town Manager: Delane Jackson
Town Attorney: David Baxter

CLOSED SESSION

The Town Manager explained that the Town's tractor had been taken to Snow Tractor in Ayden for repairs several months ago. Without authorization from the Town, Snow Tractor performed nearly \$9,000 of repairs to the tractor. The Town Manager stated that he had discussed the issue with the Public Works Director and he confirmed that he had not authorized the repairs. The Public Works Director had told the Town Manager that he was shocked when the bill arrived. The Town Manager repeatedly called Snow Tractor to discuss the issue with Ken Snow, owner. The owner never returned his call but the service manager, Brian Beloot did. The Town Manager asked Brian if he had any record of either a verbal or written authorization from the Town to proceed with the repairs. He replied no. The Town Manager explained to Brian that he felt it was a mistake by Snow Tractor to perform such extensive work without authorization. Brian said he would talk to Ken and see if they could do anything about the bill. Brian called the Town Manager on February 10, 2021 and said that Snow Tractor was not going to reduce the bill any.

The Town's Attorney told the Council that in his opinion the Town was not obligated to pay the bill because there was no signed contract, authorization, or pre-audit for the work. He stated that Snow Tractor could sue the town for payment but they would be on shaky legal ground. The Town Manager asked how the Council wanted to proceed. The Council instructed the Town Attorney to send a letter to Snow Tractor informing them that we are not paying and why. If Snow Tractor files suit, the Town will revisit the issue then.

Delane Jackson
Town Manager

**River Bend Town Council
Closed Session Minutes
May 13, 2021
River Bend Municipal Building
7:00 p.m.**

Present Council Members:

Mayor John Kirkland
Don Fogle
Brian Leonard
Buddy Sheffield
Bud Van Slyke
Barbara Maurer

Town Manager: Delane Jackson
Town Attorney: David Baxter

CLOSED SESSION

The Mayor called the meeting to order at 5:30 p.m. and recognized the Town Manager. The Town Manager presented the Council with draft minutes from the closed session meeting of March 19, 2021 and a copy of the opinion letter from David Baxter, dated April 5, 2021, in reference to the application of prior policy regarding continuation of retiree health benefits. The Manager asked the Council to read both documents prior to discussion. He explained that the attorney opinion is property of the Council and he did not have authority to release it without their consent. The Council agreed to give the Town Manager the authority to release the letter if anyone requested to see it. The Council also agreed to approve the minutes of the March 19, 2021 closed session as presented. The Council approved the minutes by signature of each member. The manager explained that the closed session minutes are personnel related and therefore would not be released to the public.

The Town Manager then excused himself from the room so that the Council could discuss his merit bonus. The Mayor distributed the Manager's job description. Councilman Van Slyke discussed the grants received and the positive fiscal position of the Town and its projects as a reflection of the Manager's positive performance and stated that the Manager often performs tasks beyond the scope of his stated job description. Councilman Van Slyke recommended a \$5,000 bonus be given to the Manager. All Council members discussed various positive aspects of the Manager's job performance over the past year and agreed, by consensus, to award a \$5,000 bonus to the Manager by an open session vote once the closed session concluded.

The Town Manager was asked to return to the closed session. The Mayor informed him that the Council had agreed to give him a bonus in the amount of \$5,000. The Mayor then explained that the Council had agreed to authorize Bud Van Slyke and the Town Attorney to modify the Manager's Employment Contract to reflect a salary increase. The Manager stated that he appreciated the salary increase offer but respectfully declined it. He reminded the Council that he had previously told them that if he were offered a raise that he would not accept it. Don Fogle said that refusing the salary increase would mess up the Council's plan. He then said that the plan was to take the Manager off of the regular pay chart since he is the only contract employee. The Manager stated that he works for the Council and could not prevent them from giving him a raise. The Manager stated that he appreciated the Council's support of him.

David Baxter
Town Attorney

**River Bend Town Council
Closed Minutes
June 17, 2021
River Bend Town Hall
7:00 P.M.**

Present Council Members:

Mayor John Kirkland
Don Fogle
Brian Leonard
Barbara Maurer
Buddy Sheffield
Irving Van Slyke

Town Manager: Delane Jackson
Town Attorney: Dave Baxter

CLOSED SESSION

The Council discussed changes to the Town Manager's employment contract. The Council also discussed modifications to the Town's Human Resource Policy to reflect that the Town Manager position is paid by contract and therefore Grade AD-6 should be removed from the pay plan.

Delane Jackson
Town Manager

**River Bend Town Council
Closed Session Minutes
July 15, 2021
River Bend Municipal Building
7:00 p.m.**

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

Absent Council Member: Buddy Sheffield

Town Manager: Delane Jackson
Town Attorney: David Baxter

CLOSED SESSION

The Manager reminded everyone that the current Finance Administrator had submitted her notice of retirement letter. He discussed the advantages of changing the title for that position to Finance Director. He stated that he did not have the authority to make such a change. He noted that during the change of personnel from Margaret to her successor would be the ideal time to make the change, thus allowing the replacement to be hired as the Finance Director. The Council had no objection to the change.

Delane Jackson
Town Manager

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

Present Council Members:

Mayor John Kirkland
Buddy Sheffield
Don Fogle
Barbara Maurer
Brian Leonard
Bud Van Slyke

Town Manager: Delane Jackson
Town Attorney: Dave Baxter

CLOSED SESSION

The Town Manager and Town Attorney updated the Council on the status of former police officer, Johnathan Whitley's grievance claim against the town. The attorney said that he had been in communication with Johnathan's attorney. The Council was given a copy of a letter from Whitley's attorney, which contained a list of five items he requested in order to settle the claim. There was a discussion about how to respond to each item. The Council agreed to authorized the attorney to negotiate with Whitley's attorney for settlement of up to \$7,500 in attorney fees and the up to \$2,332 in back vacation pay. The Council agreed not to pay Whitley for his accrued sick leave and to not meet with him to discuss this matter. The Council also agreed they did not have any control over a previous worker's compensation claim but would not oppose its continuation.

The Town Council discussed changes to the Town Manager's employment contract. All agreed with the proposed changes.

Barbara Maurer suggested that the Town Manager be approved for merit pay due to his job performance and specifically due to the recent success in obtaining over \$9,000,000 in grants for the town. She suggested paying him; the balance of the merit pay in the current budget that was left over after all other employees had been paid their merit. She stated this would not impact the current budget at all. She said that amount was around \$7,000. All agreed with her suggestion.

There was no further business.

Delane Jackson
Town Manager

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

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

Town Manager: Delane Jackson
Town Attorney: Dave Baxter

CLOSED SESSION

The Town Manager and Town Attorney updated the Council on the status of former police officer, Johnathan Whitley's grievance claim against the town. The attorney said that he had been in communication with Johnathan's attorney. The Council was given a copy of a proposed settlement agreement that the town attorney had crafted. The attorney stated that the section related to ADEA would be deleted because Whitley is under 40 years old and therefore that language is not necessary. The attorney also stated that he would add another item to the Exhibit to include that the Town would work in good faith to transfer any of Mr. Whitley's accrued sick leave to a new employer, if allowed.

Councilwoman Maurer expressed her concerns over what could be said by Whitley as a result of the settlement. She asked if a non-disclosure agreement was possible. The attorney said it was possible but it would likely drive up the cost of the settlement. There was some discussion about that issue and it was agreed upon to not include a non-disclosure as part of the settlement agreement.

The attorney stated that Whitley's attorney may not agree to the terms as presented and there may be some more negotiations to come. The attorney suggested giving him and the Town Manager authority to approve any minor revisions, thus avoiding having to come back to Council for approval. The Council agreed to do so.

All Council members agreed to the terms of the proposed settlement agreement as discussed and directed the attorney to proceed with the offer. There was no further business.

Delane Jackson
Town Manager

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

Present Council Members:

Mayor John Kirkland
Don Fogle
Brian Leonard
Barbara Maurer
Buddy Sheffield
Bud Van Slyke

Town Manager: Delane Jackson
Town Attorney: Dave Baxter

CLOSED SESSION

The Town Manager and Town Attorney updated the Council on the status of former police officer, Johnathan Whitley's settlement agreement. The attorney said that he had been in communication with Johnathan's attorney and he had proposed some additional language. The Council was given a copy of a proposed settlement agreement. The attorney and Manager stated they had no issues with the proposed language. The attorney also suggested adding language to protect the town from slanderous statements following the settlement. There was some discussion about that issue and it was agreed upon to include it in the settlement agreement but to not let it be a deal breaker. All Councilmembers agreed to the terms of the proposed settlement agreement as discussed and directed the attorney to proceed with the offer.

The Town Manager stated that due to a recent request by a private citizens group, he needed legal direction concerning the use of the town's web page for advertising events and groups that were not officially connected to or sponsored by the town. He stated that there was no written policy on this and he had just used his discretion in the past and not allowed private groups on the town's webpage. The Town Attorney recommend not allowing any non-official or non-town-sponsored event or activity on use the web page. The Attorney also suggested developing a web page policy for Council to consider. The Council agreed that a policy needed to be developed.

There was no further business.

Delane Jackson
Town Manager



RIVER BEND POLICE DEPARTMENT



MONTHLY ACTIVITY REPORT

2022

	ACTIVITIES	2022	2022	2022	% of Total Calls	% Change Last 2 Mos.
		September	October	November		
1	ALARMS / 911 UNKNOWN / DISTURBANCE / SHOTS FIRED	4	9	10	0.36%	11.00%
2	ANIMAL COMPLAINTS	6	9	7	0.25%	-22.00%
3	ARRESTS	4	4	4	0.14%	0.00%
4	ASSAULTS / ALL OTHER VIOLENT CRIME	2	3	3	0.11%	0.00%
5	ASSIST CITIZENS / LOCK OUT / QUALITY OF LIFE ISSUES	16	15	15	0.53%	0.00%
6	ASSIST EMS / FD / FIRST RESPONDERS / MED ASSIST	33	27	30	1.07%	11.00%
7	ASSIST MOTORISTS / FOOT PATROLS / ALL OTHER	121	139	213	7.56%	53.00%
8	ASSIST OTHER AGENCIES	2	0	0	0.00%	0.00%
9	B & E BUSINESS / RESIDENCE / VEHICLE	0	0	1	0.04%	0.00%
10	CRIM. SUMM. / SUBPOENAS / WARRANTS / CIVIL COMPLAINT	3	3	2	0.07%	-33.00%
11	DOMESTICS	0	2	8	0.28%	300.00%
12	FIRES / ALARM	2	0	2	0.07%	0.00%
13	IDENTITY THEFT / FRAUD	1	1	2	0.07%	100.00%
14	INVOLUNTARY COMMITMENTS	1	1	1	0.04%	0.00%
15	JUVENILE COMPLAINTS	1	1	0	0.00%	-100.00%
16	LARCENIES	0	2	3	0.11%	50.00%
17	LITTERING	0	0	0	0.00%	0.00%
18	LOUD MUSIC / NOISE COMPLAINTS	0	1	0	0.00%	-100.00%
19	DEATH / MISSING PERSON / RUNAWAY / SUICIDE(A)	2	2	4	0.14%	100.00%
20	PROPERTY DAMAGE / VANDALISM	0	3	0	0.00%	-100.00%
21	RESIDENTIAL / BUSINESS CHECKS / COMMUNITY WATCH	1922	1489	2,349	83.42%	58.00%
22	ROADWAY DEBRIS / OBSTRUCTIONS	0	0	0	0.00%	0.00%
23	ROBBERIES	0	0	0	0.00%	0.00%
24	SOLICITING VIOLATIONS	0	0	0	0.00%	0.00%
25	SUSPICIOUS PERSONS / VEHICLES / FIELD INTERVIEW	12	15	10	0.36%	-33.00%
26	TOWN ORDINANCE CITATIONS	0	2	1	0.04%	-50.00%
27	TOWN ORDINANCE VIOLATIONS	1	2	1	0.04%	-50.00%
28	TRAFFIC ACCIDENTS	2	6	4	0.14%	-33.00%
29	TRAFFIC STOPS	194	135	109	3.87%	-19.00%
30	TRAFFIC COMPLAINTS-RADAR	8	6	12	0.43%	100.00%
31	DWI	2	0	0	0.00%	0.00%
32	CHECKPOINTS	0	0	3	0.11%	0.00%
33	DRUG VIOLATIONS	3	2	0	0.00%	-100.00%
34	WELFARE CHECKS	3	2	4	0.14%	100.00%
35	CASE ASSIST / PW / VEHICLE MAINTENANCE / MEETING	2	4	6	0.21%	50.00%
36	CASE FOLLOW UPS / SPECIAL OPERATION / TRAINING	13	16	9	0.32%	-44.00%
37	TRESPASSING	1	0	2	0.07%	0.00%
38	OVERDOSE	0	3	1	0.04%	-67.00%
39	TOTAL	2361	1904	2816	100.00%	48.00%

Traffic Violations

50 State Citations
52 Total State Charges
2 State Warnings
1.00 Town Citations
- Town Warnings

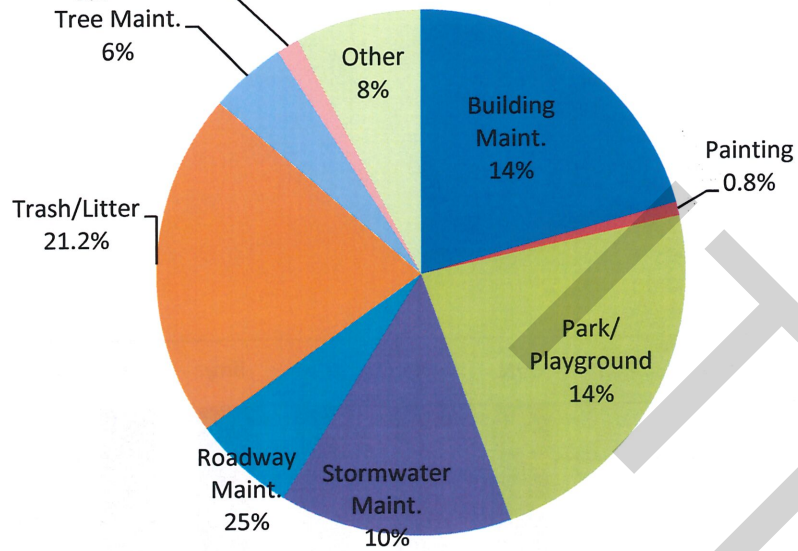
Community Watch Checks

142 100 Pirates
161 100 Plantation
131 200 Lakemere
145 200 Rockledge
56 Piner Estates

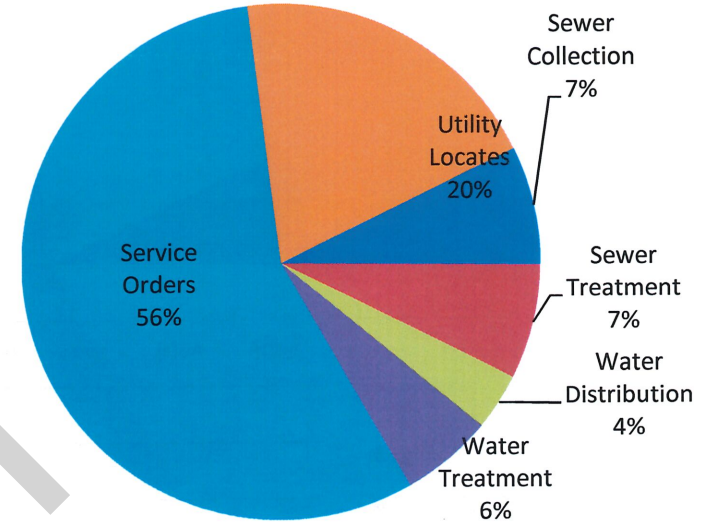
Phone Calls Answered (638-1108)

276 Incoming Calls

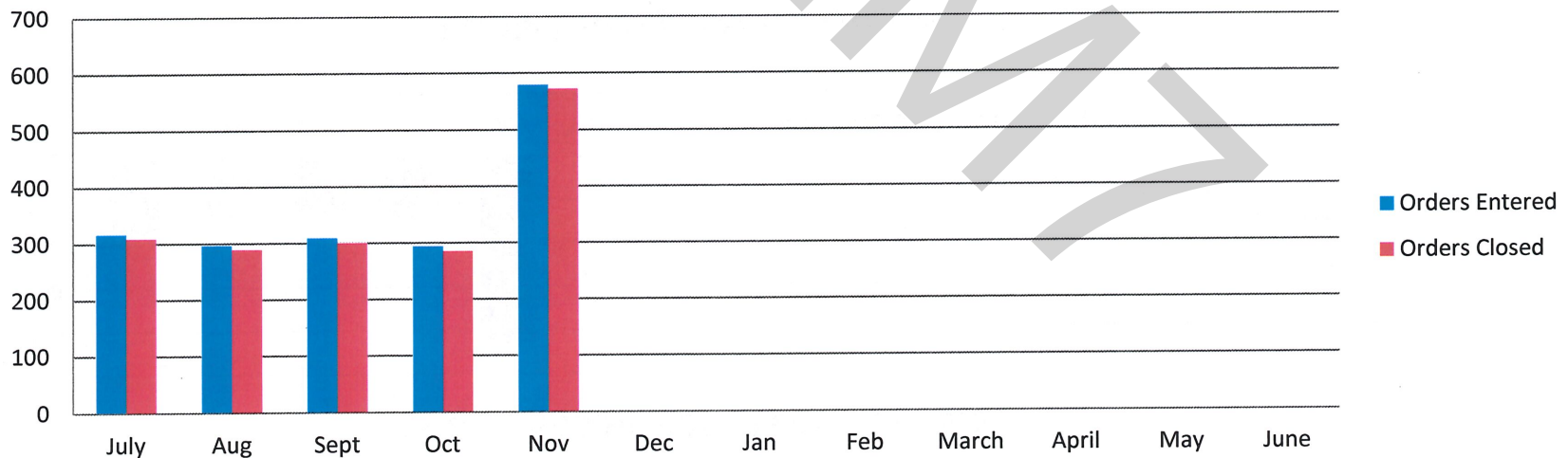
Public Works Work Orders FY 2022-23



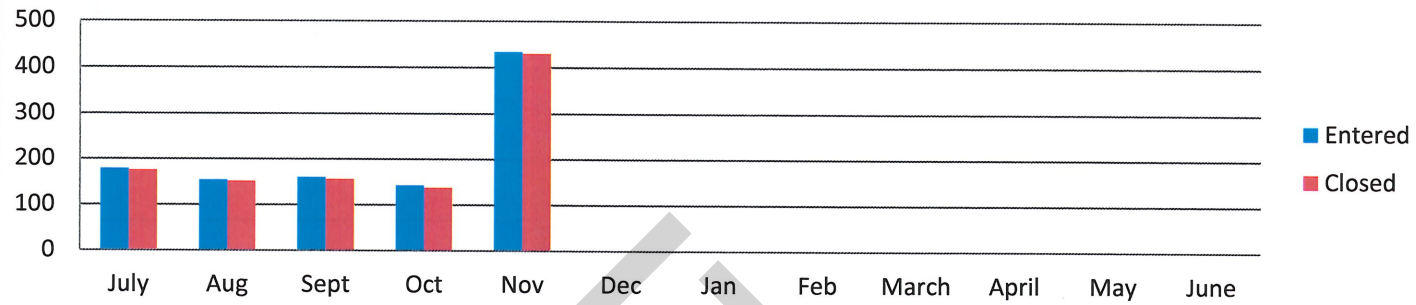
Water Resources Work Orders FY 2022-23



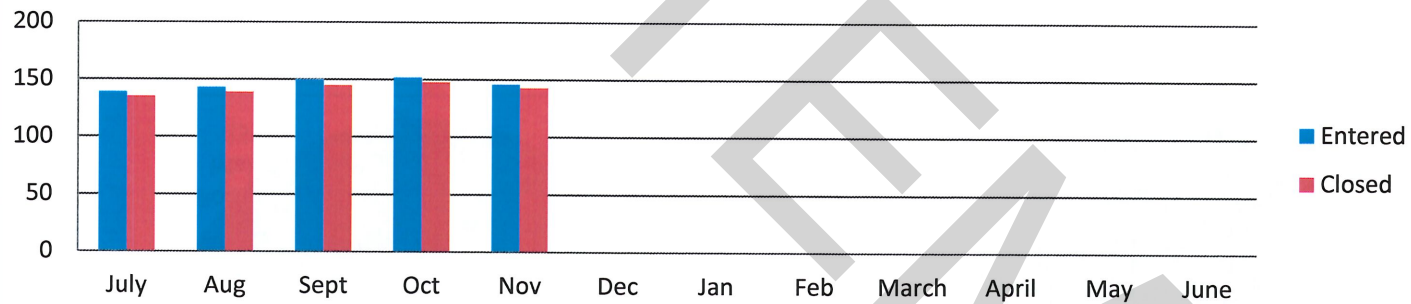
Total Work Orders - FY 2022-23



Water Resources - Work Orders



Public Works - Work Orders



Town of River Bend
FY 2022-2023
Work Order Report



Public Works

Orders Entered	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD	Pending
Building Maintenance	31	30	29	30	31								151	0
Painting	2	1	0	1	2								6	0
Park/Playground	32	34	36	34	32								168	1
Roadway Maintenance	17	19	22	24	22								104	0
Stormwater Maintenance	8	7	9	12	10								46	1
Trash/Litter	30	33	31	30	31								155	0
Tree Maintenance	8	6	8	7	5								34	0
Wetlands / Ponds	2	2	1	2	3								10	1
Other	9	11	14	12	10								56	0
TOTAL	139	143	150	152	146	0	0	0	0	0	0	0	730	3

Orders Closed	135	139	145	148	143								710
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Water Resources

Orders Entered	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD	Pending
Sewer Collection	13	15	16	18	17								79	1
Sewer Treatment	16	17	15	14	15								77	1
Water Distribution	9	8	7	6	8								38	0
Water Treatment	10	12	13	14	13								62	1
Service Orders	84	62	67	47	341								601	0
Utility Locates	46	40	42	44	40								212	1
TOTAL	178	154	160	143	434	0	0	0	0	0	0	0	1069	4

Orders Closed	175	151	156	138	430								1050
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TOTAL	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	YTD
Orders Entered	317	297	310	295	580	0	0	0	0	0	0	0	1799
Orders Closed	310	290	301	286	573	0	0	0	0	0	0	0	1760



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870
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www.riverbendnc.org

November 2022 Monthly Report Brandon Mills, Director of Public Works

Public Works installed the electrical receptacles and lights on the new town dock. We will be able to use these receptacles any time power is needed. Several picnic tables were replaced under the picnic shelter. We also added a picnic table to the new dock. I have seen countless citizens already utilizing the new dock. This dock will last the town for many years to come. Public Works also installed the two outdoor Christmas trees and the Christmas balls that are at the front entrance. The Christmas balls were made by the Community Appearance Committee and citizens during a CAC workshop. I would like to tell them what a good job they did making these balls. They really make the entrance into town beautiful at night when driving in and out of town.

Water Resources repaired a couple water service line leaks. Both leaks were on our side of the water meter and were quickly repaired. One sewer lateral was repaired due to root intrusion at a pipe joint that was cracked. When roots find their way inside of a sewer line that creates blockages and backups. We were able to repair this with our staff. Two air relief valves at the water treatment plants were replaced and four other relief valves cleaned. This is just one part of routine maintenance we do on a regular basis throughout the year to keep our system up and running.

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



MONTHLY ZONING REPORT

MONTH **November** YEAR **2022**

Activity	Monthly	YTD Total
Permit Applications Received	6	38
Permits Issued	6	38
Fees Collected	1016.80	4878.80
Violations Noted During Weekly Patrol	6	34
Complaints Received From Citizens	1	7
Notice Of Violations Initiated *see details below	6	35
Remedial Actions Taken By Town	0	0

Detail Summary		
Address	Violation	Date Cited
266 Shoreline	Boat	2-Nov
103 Knotline	Boat	10-Nov
314 Lochbridge	Trailer	16-Nov
208 Randomwood	Boat	16-Nov
298 Shoreline	Trailer	16-Nov
104 Channel Run	Boat	18-Nov

Liaison Report to Town Council – 12/15/22

Community Appearance Commission

The CAC did not meet in December

Two new advisory board members, Christine Soler and Claudia Christie-Ashmore are already active, helping with the Christmas Festive homes award.

The recent resignation of Nancy Del'Aria left a vacancy. Applicant in waiting Maggie Bramwell was appointed by the Council at the Work Session on December 8.

We thank Nancy for her years of service.

Over one hundred twenty globe lights created by the CAC, members of Parks & Rec and community members were installed on both sides of the front entrance of town by employees of Public Works. Check out the colorful and festive holiday display.

The Christmas/Hanukah Festive Award competition is taking place. Winners will be announced on December 21 and an award banner will be placed on the properties of the winners. Future competitions for yard beautification and holiday festive yards will be announced when they get closer to the dates.

The next meeting is January 18, 2023.

Best wishes for a Happy Holiday Season, Merry Christmas, Happy Hanukah and a healthy, Happy New Year.

Town of River Bend



Monthly Financial Report

Printed 12/10/2022

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

Notes

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

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

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

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

Town of River Bend Financial Dashboard



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

Town of River Bend
Financial Report
Fiscal Year 2022 - 2023



Fund Cash Balances

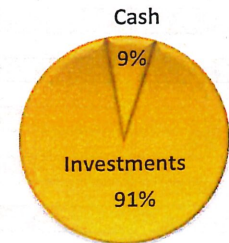
Cash Balances	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1 General Fund*	1,106,249	975,227	982,837	1,011,384	959,557							
2 Powell Bill	-	-	45,742	45,742	45,743							
3 General Capital Reserve	120,893	121,112	121,354	100,154	100,444							
4 ARPA Grant Fund*	482,297	108	108	108	109							
5 ASADRA Capital Projects	-	-	-	-	3,600							
6 Public Works Capital Projects Fund	407,086	851,709	1,885,324	1,890,030	1,889,464							
7 Law Enforcement Separation Allowance*	35,526	35,590	35,661	35,750	35,854							
8 Water Fund*	711,452	757,072	491,466	531,521	521,614							
9 Water Capital Reserve Fund (CIF)	245,404	245,849	1,213	1,216	1,220							
10 Sewer Fund*	1,092,813	1,125,729	631,562	655,272	646,276							
11 Sewer Capital Reserve Fund (CIF)	11,280	11,301	57	57	57							
Total Cash and Investments	4,212,999	4,123,697	4,195,324	4,271,235	4,203,937	-	-	-	-	-	-	-
Truist Cash Accounts	798,787	259,065	322,564	410,311	387,874	-	-	-	-	-	-	-

*These operating funds have equity in the Truist pooled accounts.

In order to obtain more favorable interest rates, the Town deposits funds in the North Carolina Capital Management Trust. We move funds between our cash accounts and these investment accounts to accommodate cash flow for our payables and as revenues are received in order to maintain an adequate amount of cash for operational needs while attempting to minimize bank fees and maximize interest revenue. Based upon historical cash flow and current encumbrances, our staff anticipates the level of cash needed to meet our obligations without having to make an inordinate number of transfers between accounts.

On the table above, the term cash includes those funds we hold in accounts in our designated banking institution (currently Truist). We have two accounts with Truist, a Money Market account that pays a competitive rate of interest, and an operating (checking) account from and to which we make all regular payments and deposits.

The table below shows the balances of each fund account we have in NCCMT at the end of the month. The chart to the right shows how our funds are apportioned between operating cash and investments.



Investments in NCCMT	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1 General Fund	964,712	884,840	886,603	888,816	841,260							
2 Powell Bill	-	-	-	-	-							
3 Capital Reserve (General Fund)	120,893	121,112	121,354	100,154	100,444							
4 ARPA Grant Fund	108	108	108	108	109							
5 Public Works Capital Projects Fund	407,213	851,709	1,885,324	1,890,030	1,889,464							
6 Law Enforcement Separation Allowance	35,526	35,590	35,661	35,750	35,854							
7 Water Fund	623,857	672,517	403,449	404,456	405,754							
8 Water Capital Reserve Fund (CIF)	245,404	245,849	1,213	1,216	1,220							
9 Sewer Fund	1,005,219	1,041,606	538,990	540,335	541,901							
10 Sewer Capital Reserve Fund (CIF)	11,280	11,301	57	57	57							
Total Investments	3,414,212	3,864,632	3,872,760	3,860,924	3,816,063	-	-	-	-	-	-	-

Town of River Bend
Financial Report
Fiscal Year 2022 - 2023



General Fund

Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Budget
1 Ad Valorem Taxes	721,710	721,710	-	97	34,611	54,058	29,509								118,273.92	16.4%
2 Ad Valorem Taxes - Vehicle	92,300	92,300	-	8,812	18	10,076	15,560								34,465.18	37.3%
3 Animal Licenses	2,000	2,000	100	70	100	177	20								467.00	23.4%
4 Local Gov't Sales Tax	380,222	380,222	37,988	35,382	37,856	36,018	35,997								183,240.21	48.2%
5 Hold Harmless Distribution	99,000	99,000	9,266	9,205	10,114	9,809	10,006								48,401.08	48.9%
6 Solid Waste Disposal Tax	2,200	2,200	-	505	-	-	545								1,050.44	47.7%
7 Powell Bill Fund Appropriation	-	-	-	-	-	-	-								-	0.0%
8 Powell Bill Allocation	91,000	91,000	-	-	45,742	-	-								45,741.81	50.3%
9 Beer & Wine Tax	13,225	13,225	-	-	-	-	-								-	0.0%
10 Video Programming Tax	50,743	50,743	-	-	12,883	-	-								12,883.24	25.4%
11 Utilities Franchise Tax	108,963	108,963	-	-	23,003	-	-								23,003.44	21.1%
12 Telecommunications Tax	8,140	8,140	-	-	1,844	-	-								1,844.13	22.7%
13 Court Cost Fees	500	500	23	45	14	23	77								180.00	36.0%
14 Zoning Permits	5,000	5,000	343	1,420	1,840	460	1,017								5,078.80	101.6%
15 Federal Grants*	-	22,170	-	-	-	6,885	13,244								20,129.42	90.8%
16 State Grants*	-	250,000	-	-	-	-	-								-	0.0%
17 Federal Disaster Assistance	-	-	-	-	-	-	-								-	0.0%
18 State Disaster Assistance	-	-	-	-	-	-	-								-	0.0%
19 Miscellaneous	10,000	10,000	1,010	1,866	1,500	1,027	1,534								6,936.78	69.4%
20 Insurance Settlements	-	-	-	1,693	-	664	-								2,356.81	#DIV/0!
21 Interest - Powell Bill	50	50	-	-	0	0	0								0.81	1.6%
22 Interest - Investments	500	500	1,336	1,628	1,764	2,213	2,444								9,384.27	1876.9%
23 Contributions	421	421	1,035	0	-	-	4								1,039.06	246.8%
24 Wildwood Storage Rents	18,144	18,144	1,577	1,680	1,724	1,699	1,208								7,888.27	43.5%
25 Rents & Concessions	18,000	18,000	1,860	1,840	2,020	1,240	1,500								8,460.00	47.0%
26 Sale of Capital Assets	15,000	15,000	-	-	-	-	-								-	0.0%
27 Sales Tax Refund Revenue	-	-	-	-	-	-	-								-	0.0%
28 Trans. from Capital Reserve*	33,000	72,787	33,000	-	-	21,492	-								54,492.00	74.9%
29 Trans. from ARPA Fund	-	-	-	482,189	-	-	-								482,189.23	#DIV/0!
30 Trans. from L.E.S.A. Fund	-	-	-	-	-	-	-								-	0.0%
31 Appropriated Fund Balance*	200,813	291,394	-	-	-	-	-								-	0.0%
Total	1,870,931	2,273,469	87,537	546,432	175,033	145,840	112,664	-	-	-	-	-	-	-	1,067,505.90	47.0%

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

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

Town of River Bend
Financial Report
Fiscal Year 2022 - 2023



General Fund

Expenditures		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Exp
																10,083	33.2%
1	Governing Body	30,400	30,400	7,666	-783	4,505	-768	-537								142,498	48.0%
2	Administration*	279,600	296,800	35,532	25,566	23,908	19,282	38,210								51,591	38.6%
3	Finance*	119,000	133,800	10,647	8,468	8,340	8,497	15,639								2,352	20.3%
4	Tax Listing	11,600	11,600	-	306	346	844	856								11,267	46.9%
5	Legal Services	24,000	24,000	1,624	3,293	3,198	1,359	1,794								-	0.0%
6	Elections	1,000	1,000	-	-	-	-	-								34,798	34.0%
7	Public Buildings	102,300	102,300	7,882	10,383	6,711	5,694	4,128								312,181	47.0%
8	Police*	587,200	664,443	66,342	48,694	43,074	84,023	70,048								2,420	65.4%
9	Emergency Management	3,700	3,700	365	1,954	15	72	15								5,765	39.5%
10	Animal Control	14,600	14,600	1,662	921	929	940	1,313								19,662	10.2%
11	Street Maintenance	193,000	193,000	4,202	7,023	2,342	2,464	3,631								66,820	37.6%
12	Public Works	177,500	177,500	17,299	8,631	11,553	15,703	13,634								17,653	34.6%
13	Leaf & Limb, Solid Waste	51,000	51,000	4,034	332	4,066	619	8,602								88,246	28.3%
14	Stormwater Management*	43,100	311,395	2,444	3,576	3,778	1,450	76,997								33	1.1%
15	Waterways & Wetlands	2,900	2,900	-	-	33	-	-								23,830	43.5%
16	Planning & Zoning*	51,300	54,800	5,812	3,882	3,537	3,703	6,896								1,865	24.5%
17	Recreation & Special Events	7,600	7,600	1,121	179	262	-	304								64,114	63.4%
18	Parks*	79,700	101,200	2,930	25,332	2,943	3,151	29,757								555,689	756.0%
19	Transfers	73,500	73,500	73,500	482,189	-	-	-								-	0.0%
20	Contingency	17,931	17,931	-	-	-	-	-								1,410,867	62.1%
Total		1,870,931	2,273,469	243,064	629,945	119,540	147,031	271,288	-	-	-	-	-	-	-		

Capital / Debt (included above)		Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
		Original	Current													Total	% Exp
1	Capital Outlay*	172,500	228,035	-	22,975	-	38,760	26,371								88,106	38.6%
2	Debt Service - Principle	-	-	-	-	-	-	-								-	0.0%
3	Debt Service - Interest	-	-	-	-	-	-	-								-	0.0%

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



Water Fund

Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Col
1 Base Charge	277,253	277,253	45,982	334	46,082	338	46,068								138,805	50.1%
2 Consumption	236,560	236,560	47,061	232	46,810	136	47,070								141,308	59.7%
3 Other, incl. transfers	19,892	19,892	849	4,437	1,316	3,248	670								10,519	52.9%
4 Hydrant Fee	20,130	20,130	20,130	-	-	-	-								20,130	100.0%
5 Appropriated Fund Bal.*	40,665	323,681	-	-	-	-	-								-	0.0%
Total	594,500	877,516	114,022	5,003	94,208	3,722	93,807	-	-	-	-	-	-	-	310,762	35.4%

Expenses	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
1 Admin & Finance*	467,000	479,225	46,918	22,831	21,859	21,592	45,231								158,430	33.1%
2 Supply & Treatment	75,000	75,000	868	2,691	4,662	2,950	4,151								15,323	20.4%
3 Distribution	49,000	49,000	30,702	671	784	221	381								32,759	66.9%
4 Transfers / Contingency*	3,500	274,291	-	-	270,791	-	-								270,791	98.7%
Total	594,500	877,516	78,488	26,193	298,095	24,763	49,763	-	-	-	-	-	-	-	477,302	54.4%

Capital (included above)	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
1 Capital Outlay*	13,000	16,825	-	-	-	-	2,325								2,325.00	13.8%

Cash Balances

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1 Water Fund	711,452	757,072	491,466	531,521	521,614							
2 Water Capital Reserve Fund (CIF)	245,404	245,849	1,213	1,216	1,220							

Water Produced

FY20-21		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Limit														
1 Total Gallons		8,488,000	8,573,000	8,445,000	9,070,000	7,554,000								42,130,000	
2 Average daily gallons	925,000*	273,806	276,548	281,500	292,581	251,800								275,247	

* This is the permitted daily limit.

Town of River Bend
Financial Report
Fiscal Year 2022 - 2023



Sewer Fund

Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Col
1 Base Charge	294,601	294,601	48,732	397	48,853	467	48,826								147,275	50.0%
2 Consumption	316,810	316,810	61,798	634	64,039	298	63,280								190,049	60.0%
3 Other, incl. transfers	9,901	9,901	1,314	3,079	1,998	2,932	1,532								10,855	109.6%
4 Appropriated Fund Bal.*	48,188	565,827	-	-	-	-	-								-	0.0%
Total	669,500	1,187,139	111,844	4,109	114,890	3,697	113,638	-	-	-	-	-	-	-	348,179	29.3%

Expenses	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
1 Admin & Finance*	455,000	468,025	44,707	23,332	23,225	23,050	47,984								162,298	34.7%
2 Collection	75,000	75,000	5,399	1,055	15,499	811	2,246								25,009	33.3%
3 Treatment	136,000	136,000	10,840	7,305	4,251	15,545	4,005								41,947	30.8%
4 Transfers / Contingency*	3,500	508,114	-	-	504,614	-	-								504,614	99.3%
Total	669,500	1,187,139	60,946	31,693	547,589	39,405	54,235	-	-	-	-	-	-	-	733,868	61.8%

Capital (included above)	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Original	Current													Total	% Exp
1 Capital Outlay*	42,000	45,825	-	-	13,870	-	2,325								16,195	35.3%

Cash Balances			July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
1 Sewer Fund			1,092,813	1,125,729	631,562	655,272	646,276							
2 Sewer Capital Reserve Fund (CIF)			11,280	11,301	57	57	57							

Wastewater Treated			July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	
	Limit															
1 Total Gallons			3,694,000	3,156,000	3,180,000	3,418,000	3,667,000								17,115,000	
2 Average daily gallons		330,000*	119,161	101,806	106,000	110,258	122,233								111,892	

* This is the permitted daily limit.



**TOWN OF RIVER BEND
WASTEWATER TREATMENT PLANT CAPITAL PROJECTS FUND ORDINANCE
AMENDMENT #1**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina, that the Wastewater Treatment Plant Capital Projects Fund Ordinance be amended as follows:

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

<u>CAPITAL PROJECTS FUND</u>		
<u>Revenues:</u>		<u>Changes</u>
State Fiscal Recovery Fund Grant	9,108,500	
<u>Expenditures:</u>		
Administration Wetlands Mitigation	54,000	-30,000
Engineering/Administration	651,000	30,000
Construction	8,403,500	
	9,108,500	0

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

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

Section 4. Copies of this Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

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

Adopted this 15th day of December, 2022.

John R. Kirkland, Mayor

Attest:

Kristie J. Nobles, Town Clerk

Library Liaison Report for Council Meeting – 12/15/22

Red Caboose Library (RCL)

The board met on December 1, 2022.

The library is providing wrapped children's books for Mrs. Santa to give out after the Christmas tree lighting on December 2.

Plans are being made for the Volunteer Appreciation luncheon on Wednesday, January 11 or 18 at 12:30 pm. The date will be confirmed after checking room availability in the Municipal Building.

The board voted to change their meeting day to the second Thursday of the month at 2pm. Room availability was checked before the vote.

The next meeting is scheduled for January 12, 2023 at 2 pm..

ITEM 1

NOVEMBER AND DECEMBER / THANKS AND GIVING SEASON

The November month calls us to be thankful as a nation and a people for the blessings that we enjoy day by day. We accept these gifts pretty much without consideration that we have so much that we considered the norm while much of the world would look on our norm as a luxury. In River Bend some of those gifts for most homes are:

1. Warm and comfortable homes
2. Monetary incomes that allow providing for basic needs
3. A Town well maintained street system and utilities
4. A professional Town staff that maintains these systems in good repair
5. That Staff also files reports to N C State Agencies that are required. Submittal of these reports avoids penalties that would be levied if these reports are not filed in a timely fashion.

Giving

December quickly follows and this month places emphasis on sharing and providing support for less fortunate persons and families in the broad Craven County community. I have witnessed the Town Hall support of the Marine Corps Reserve "Toys for Tots" collection and the collection of food in support of the RCS mission for a number of years. It is always impressive how generous our citizens are in support of these non-profit agencies whose mission is to assist families with basic needs.

We are truly blessed and need to think of others who are not so fortunate. Then consider how we may act to relieve in a small way some other persons who will not be able to enjoy holiday celebrations that we can take for granted. Thanks to all of you in River Bend who will have once again provided generously for these needs.

The passing of Carmen Weisser prompted me to recall some of the many pleasant contacts that I had enjoyed with the Weissers over the years. It has been an honor to have driven the July Fourth Grand Marshals over several years and when driving down Shoreline Drive you could count on seeing Carmen and Helmut waving small US flags, this even before they became US citizens. It was a special pleasure when in 2015 the Town Council selected the Weissers as Grand Marshals and I was pleased to be their driver. The following document is the speech that Helmut delivered to the crowd assembled at Town Hall on that date:

Honored Guests, Dear River Benders,

It's my pleasure and privilege to address you on this important day of our nation. First of all I would like to thank all the volunteers who did spend so many hours to make this celebration a success. My wife Carmen -everybody knows Carmen-and myself, we did live in so many countries and places around the world and made River Bend our home. That means something! But let me start from beginning. More than 30 years ago, we just finished an assignment in Taiwan and got the offer to work in USA for 3 years - in a small city called New Bern. We were excited to get the opportunity to live in this great nation. As the assignment was limited to 3 years only and the following assignment in China was already outlined we did go out to rent a place for that short time. We found a nice place here in River Bend and Carmen and I liked it here from the first day on. River Bend was at that time a small Town of 600 citizen only. Everybody was friendly. When cars were passing by the driver waved and greeted. And we

did so too. Three years passed by and our new assignment in China got pushed out due to political turmoil's and unrest. The 3 years expanded to 10. But there was another problem what we faced –a good problem. We still liked it here so much and we had so many friends in the area. Should we give up that all again? During one of our Sunday walks with the dogs I did feel that Carmen was for the first time not excited to move again. So we came to the common agreement to hold our living space in River Bend and commute between China and River Bend.

It was a long trip that lasted from house to house more than 40 hours. But we could handle that burden. After another 7 years in China, the next assignments were in Utah, Tennessee and Minnesota. That was already a big relief and so much closer to home. A few years ago I got retired and we had to ask ourselves again, where should we live after retirement. Going back to Germany, to another place in Europe or staying here in the great state of North Carolina? River Bend did win this election with 100%. Coming back to River Bend I had to reset my life. And just to give you an example how the difference was between Carmen and myself. At my first 4th of July celebration after a long time away we walked down Shoreline Drive. And so many people called, "Hi Carmen, Hi Carmen!". After listening to it for a while I just made the comment, "and I am the husband and pay all the bills!". But I caught up fast. Volunteering and supporting USO, being a boardmember of Carolina East Foundation and Craven Community College Foundation and a few more organizations brought me back in contact with many old and new friends. Five years ago we decided in living here we should also be citizens of this great nation. Going thru all the application and approval steps there was one of the final questions: "Are you willing to defend the United States against all enemies"? Now I have to add on that Carmen is still an active fencer, and she told clear and loud, "Yes, my foil is always located at the backdoor and I will use it to defend my Country whenever needed". That was so convincing that the immigration officer said with a big smile: "Welcome, we need people like you"! Now in meantime, we -or at least Carmen-are living here in River Bend for more than 30 years already...and still counting! River Bend is a very good place-it is a great place and we have to do everything to preserve it.

With my final remarks I want to thank:

- All the volunteers here and around this great nation for all the service they are giving to our country.
- A special thanks to our Rhems Fire Department and first responders who are on duty whenever needed.
- To our elected Town Leaders: Mayor, Councilwomen and Councilmen; to our County Commissioner's and State Delegates who spend so many hours in their capacity to represent us.
- To our Police Department who holds River Bend safe and sound
- And as a sparkling end to honor our armed forces who are represented here by the Marine Corps, Color Guard and the many Veterans.

Have fun and enjoy the rest of the day.

"God bless you all and the United States of America". Thank You!



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562
T 252.638.3870
F 252.638.2580
www.riverbendnc.org

OATH OF OFFICE

I, _____, do solemnly swear that I will support and maintain the Constitution and Laws of the United States and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as a Councilmember of the Town of River Bend, so help me God.

Dated this 15th day of December, 2022

.....
XXXXXXXXXX

Sworn and Subscribed before me
this 15th day of December, 2022.

.....
Kristie J. Nobles
Town Clerk



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MEETINGS OF THE TOWN COUNCIL OF THE TOWN OF RIVER BEND

2023

Work Sessions* (2nd Thursday)

5:00 p.m.

January 12
February 9
March 9
April 13
May 11
June 8
July 13
August 10
September 14
October 12
November 9
***December 7

Regular Meetings** (3rd Thursday)

7:00 p.m.

January 19
February 16
March 16
April 20
May 18
June 15
July 20
August 17
September 21
October 19
November 16
***December 14

* All Council Work Sessions will be held in the River Bend Town Hall beginning at 5:00 p.m.

** All Council Regular Meetings 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



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**TOWN OF RIVER BEND
EMPLOYEE HOLIDAY SCHEDULE
2023**

HOLIDAY

DATE

New Year's Day

Monday, January 2

Martin Luther King Day

Monday, January 16

Good Friday

Friday, April 7

Memorial Day

Monday, May 29

Independence Day

Friday, June 30

Labor Day

Monday, September 4

Veterans' Day

Friday, November 10

Thanksgiving Holiday

Thursday, November 23

Friday, November 24

Christmas Holiday

Monday, December 25

Tuesday, December 26

Mayor and Town Council Responsibilities

Last Updated 12/15/22

MAYOR	FINANCE & HUMAN RESOURCES	PUBLIC SAFETY	PARKS & RECREATION	ENVIRONMENT	PLANNING	CAC
Mayor: John R. Kirkland	Liaison: Brian Leonard	Liaison: Jeff Weaver	Liaison: James Castranova	Liaison: Brian Leonard	Liaison: Buddy Sheffield	Liaison Barbara Maurer
Pro Tem: Buddy Sheffield	Backup: Barbara Maurer	Backup: Buddy Sheffield	Backup: Barbara Maurer	Backup: Jeff Weaver	Backup: Barbara Maurer	Backup: James Castranova
<p>Serves as official head of Town for purpose of serving civil process and receiving all Town correspondence. Signs official documents approved by Council. Liaison with municipal, county, state governments & private sector.</p> <p>Presides over Town meetings.</p> <p>Town spokesman and media representative.</p> <p>Represents Town for ceremonial purposes.</p> <p>Representative to New Bern Metropolitan Planning Organization</p>	<p>Liaison for financial operations of the Town.</p> <p>Serves as Chair of Town's Audit Committee.</p> <p>Works with staff concerning technology and Human Resource Policy issues.</p>	<p>Liaison with the Community Watch group.</p> <p>Liaison with the Community Emergency Response Team (CERT).</p> <p>Liaison with Coastal Environmental Partnership.</p>	<p>Liaison with Parks & Recreation Advisory Board.</p> <p>Works with volunteers on Fourth of July and other special events.</p>	<p>Liaison with Environment and Waterways Advisory Board (EWAB) .</p> <p>Works with staff concerning environmental issues.</p> <p>Liaison with ABC Board</p>	<p>Liaison with Planning Board.</p> <p>Liaison with Board of Adjustment.</p> <p>Alternate to New Bern Metropolitan Planning Organization.</p>	<p>Liaison with Community Appearance Commission (CAC)</p>

Code of Ethics for the
Town Council of
The Town of River Bend, North Carolina

PREAMBLE

WHEREAS, the Constitution of North Carolina, Article 1, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,” and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s state motto, *Esse quam videri*, “To be rather than to seem,” and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards and councils to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this town, and with obeying the law, and

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the Town of River Bend, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Town Council do hereby adopt the following General Principles of Code of Ethics to guide the Town Council in its lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Council members must be able to act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Council members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of their citizens.
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions.

- As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- Council members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Council members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of the constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Town Council and to help to determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a council member's best judgment.

Section 1. Council members should obey all laws applicable to their official actions as members of the Council. Council members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, council members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a council member is behaving unethically because of disagreeing with that council member on a question of policy (and not because of the council member's behavior) is unfair, irresponsible, and itself unethical.

Council members should endeavor to keep up to date, through the council's attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the council may receive concerning specific situations that arise.

Section 2. Council members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values.
- Behaving consistently and with respect toward everyone with whom they interact.
- Exhibiting trustworthiness.
- Living as if they are on duty as elected officials regardless of where they are or what they are doing.
- Using their best independent judgment to pursue the common good as they see it, presenting their opinion to all in a reasonable, forthright, consistent manner.
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others.

- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves.
- Treating other council members and the public with respect and honoring the opinions of others even while the council members disagree with those opinions.
- Not reaching conclusions on issues until all sides have been heard.
- Showing respect for their offices and not behaving in ways that reflect poorly on those offices.
- Recognizing that they are a part of a larger group and acting accordingly.
- Recognizing that individual council members are not generally allowed to act on behalf of the council but may only do so if the council specifically authorizes it, and that the council must take official action as a body.
- Avoiding conflicts of interest.

Section 3.a. Council members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this council will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the council member's action would conclude that the action was inappropriate.

Section 3.b. If a council member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the council's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

Section 4. Council members should faithfully perform the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Council members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the council has authority.

Council members should be willing to bear their fair share of the council's workload. To the extent appropriate, they should be willing to put the council's interests ahead of their own.

Section 5. Council members should conduct the affairs of the council in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should also remember that local government records belong to the public and not to council members or their employees.

In order to ensure strict compliance with the laws concerning openness, council members should make clear that an environment of transparency and candor is to be maintained at all times in the government unit. They should prohibit unjustified delay in fulfilling public record requests. They should take deliberate steps to make certain that any closed sessions held by the council are lawfully conducted and that such sessions do not stray from the purpose for which they are called.

The Mayor and members of this Council do hereby accept and pledge to conduct themselves in accordance with this Code.

This document is to be reviewed by and presented to the Council for adoption following any change in the membership of the Council.

Adopted this 15th day of December, 2022 by the River Bend Town Council.

John R. Kirkland, Mayor

ATTEST:

Kristie J. Nobles, Town Clerk

Originally adopted 8-12-2010
Re-adopted 12-15-2022

Town of River Bend

Public Comment Policy

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

I. Public Comment Period

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

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

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

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

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

- Adopted June 18, 2015