



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870

F 252.638.2580

www.riverbendnc.org

RIVER BEND TOWN COUNCIL AGENDA

Work Session Meeting

December 8, 2022

River Bend Town Hall

5:00 p.m.

1. **VOTE** – Approval of Agenda
2. **VOTE** – Webpage Policy - Jackson
3. **VOTE** – CAC Appointment - Maurer
4. DISCUSSION – Future Use of Current Public Works Building - Sheffield
5. DISCUSSION – Lighting for Walking Trail – Fogle
6. DISCUSSION – Library Service – Van Slyke
7. DISCUSSION – Council Code of Ethics – Jackson
8. DISCUSSION – Mayor and Town Council Responsibility Chart – Jackson
9. DISCUSSION – 2023 Meeting / Holiday Schedule
10. REVIEW AGENDA – Nobles
11. CLOSED SESSION - NCGS§143-318.11(a)(3)

Pledge: Fogle

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.



RECEIVED

OCT 26 2022

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REQUEST FOR APPOINTMENT TO BOARDS OR COMMISSIONS

CAC - Community Appearance

BOARD/COMMISSION FOR WHICH YOU ARE APPLYING

Maggie Bramwell

maggiebramwell17@gmail.com

NAME

E-MAIL ADDRESS

20 Pier Pointe River Bend NC 28562

252-622-0101

STREET ADDRESS

PHONE #

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

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

10 Years administrative Real Estate Experience, campaign work with Our legislative representative

Steve Tyson, worked with is Rivertown Rental team and have shown properties here in River Bend.

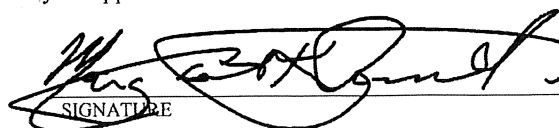
Certified Notary Loan Signing Agent and Notary Public, 15 years of Advertising Experience and

PR and Customer Service with Navy Federal Credit Union. I have served on various

committees with the New Bern Yacht Club as well.

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

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


SIGNATURE

10/24/2022
DATE

Delane Jackson

From: Crowder, Earl <Earl.Crowder@duke-energy.com>
Sent: Tuesday, October 26, 2021 12:24 PM
To: Delane Jackson
Subject: RE: Area Lighting Walking Trail
Attachments: UPPER TRAIL LIGHTING PRINT.png; LOWER TRAIL LIGHTING PRINT.png

Delane-

I've attached the proposed lighting for the walking trail.
Look them over and see what you think about the placement and quantity.

I am proposing a 50W LED OCALA fixture on a black smooth aluminum pole, mounted at 12ft. The fixture is 3000 Kelvin color temperature so it is softer than the 4000 Kelvin 'White' roadways, but not as orange as the older sodium vapor fixtures. I have also used a 12ft mounting height instead of the 16ft mounting height found along the roadways. I think this is more appropriate for the area.

There are two sidewalk/trail crossings that will require boring. Each bore requires an up-front cost of $\$368.24 \times 2 = \736.48 .
The monthly contract for the lighting is $\$23.30 \text{ each} \times 9 = \209.70 .

Please review and let me know your thoughts.
When we have a final plan I will send you a contract and damage waiver for signature.
The material delivery is about 60 calendar days with the installation being completed within 4 weeks after delivery.

Thank you,
Earl

From: Delane Jackson <manager@riverbendnc.org>
Sent: Monday, October 25, 2021 8:05 AM
To: Crowder, Earl <Earl.Crowder@duke-energy.com>
Subject: [EXTERNAL] RE: Area Lighting Walking Trail

Delane Jackson
Town Manager
Town of River Bend
45 Shoreline Drive
River Bend, NC 28562

252-638-3870 x-213
manager@riverbendnc.org



R. Brown Electric Service

P.O. Box 12188
New Bern, NC 28561
(252) 637-9210

Proposal

Date	Proposal #
2/9/2022	7479

Name / Address
TOWN OF RIVERBEND ATTN: ACCOUNTS PAYABLE 45 SHORELINE DR. NEW BERN, N.C. 28562

Project Name or Address		Estimate Submitted By	
POLE LIGHTS		RAY BROWN	
Description	Qty	Cost	Total
FURNISH LABOR, MATERIAL AND EQUIPMENT TO INSTALL AS PER PROVIDED PLANS: - NINE (9) POLES AND LIGHTS - TWO (2) 100A METER/PANEL COMBOS - WIRING FROM POLES TO NEW PANELS R. BROWN ELECTRIC SERVICE TO CONTACT NC-811 FOR LOCATING/MARKING PUBLIC UNDERGROUND UTILITIES. CUSTOMER RESPONSIBLE FOR LOCATING/MARKING PRIVATE UNDERGROUND UTILITIES. R. BROWN ELECTRIC SERVICE NOT RESPONSIBLE FOR DAMAGES TO UNMARKED UTILITIES. TOTAL COST SALES TAX		28,526.00 6.75%	28,526.00 0.00
Total		\$28,526.00	

Signature of Approval

Price valid for 30 days

4

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 Nobles, Town Clerk

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

Mayor and Town Council Responsibilities

Last Updated 11/17/22

MAYOR	FINANCE & HUMAN RESOURCES	PUBLIC SAFETY	PARKS & CAC	ENVIRONMENT	PLANNING
Mayor: John R. Kirkland	Liaison: Vacant	Liaison: Vacant	Liaison: ½ Vacant	Liaison: Brian Leonard	Liaison: Buddy Sheffield
Pro Tem: Vacant	Backup: Brian Leonard	Backup: Buddy Sheffield	Backup: Brian Leonard	Backup: Buddy Sheffield	Backup: Barbara Maurer
<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>Liaison with Community Appearance Commission.</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>



**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



**RIVER BEND TOWN COUNCIL
DRAFT 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 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. Planning Board – Councilman Buddy Sheffield
 - A. Planning Board Report
 - B. Board of Adjustment Report
9. Public Safety – Councilman Don Fogle
 - A. Community Watch

B. CERT

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

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

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

§ 143-318.11. Closed sessions.

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

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

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

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

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

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

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