



**RIVER BEND TOWN COUNCIL
PROPOSED AGENDA
Regular Meeting
September 19, 2024
River Bend Town Hall – 45 Shoreline Drive
7:00 p.m.**

Pledge: Weaver

1. Call to Order (Mayor Kirkland Presiding)
2. Recognition of New Residents
3. Additions / Deletions / Adoption to Agenda
4. Addresses to the Council
 - A. James Myers – Water Quality

5. 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.

6. Public Hearings – None

7. Consent Agenda

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

A. Approve:

*Minutes of the August 8, 2024, Work Session Meeting
Minutes of the August 15, 2024, Regular Council Meeting
Minutes of the September 10, 2024, Council Special Meeting*

8. 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:

9. CAC – Councilwoman Maurer
 - A. CAC Report

10. Finance – Councilman Leonard
 - A. Financial Report - Finance Director
 - B. **VOTE** – 2024 Roadway Evaluation Survey
 - C. **VOTE** – Update to Capital Improvement Plan for Water Fund

11. Planning Board – Councilman Sheffield
 - A. Planning Board Report

12. Public Safety – Councilwoman Benton
 - A. Community Watch
 - B. **VOTE** – Social Media Resolution

13. Parks & Recreation – Councilman Weaver
 - A. Parks and Rec Report
 - B. Organic Garden Report
 - C. **VOTE** – Amendment to Chapter 3.05 – Boards and Commissions

14. Mayor’s Report – Mayor Kirkland

15. Adjournment

ITEM 3



Town of River Bend

RECEIVED

SEP 16 2024

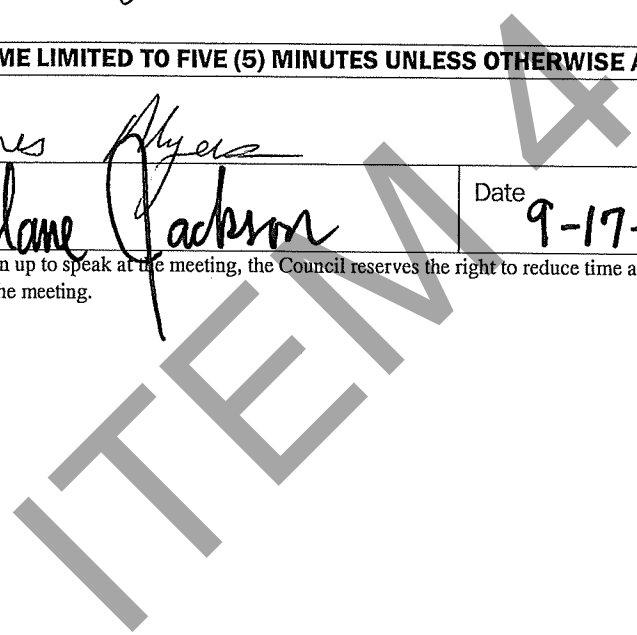
TOWN OF RIVER BEND

Request Type - Select One

- Request to Address the Town Council at Regular Meeting
- Request to Appear on Town Council Meeting Agenda

Meeting Date 9-19-2024		Date of Request 9-16-2024	
SPEAKER'S INFORMATION			
Name James Myers		Phone Number 919-980-1866	
		Email Jamesmyers7185@yahoo.com	
Address 111 Portside LN New Bern NC			
Organization (if any)			
Subject Water Quality			
TIME LIMITED TO FIVE (5) MINUTES UNLESS OTHERWISE APPROVED			
Requestor's Signature James Myers		Time Requested 9:16 5 min	
Approval Delane Jackson		Date 9-17-24	Time (Minutes)* 5

*If more than three (3) people sign up to speak at the meeting, the Council reserves the right to reduce time allowed. Form must be returned to the Clerk by 9:00 am on the Tuesday prior to the meeting. TRB Form # 54 (Rev. 3/22)



**River Bend Town Council
Work Session Minutes
August 8, 2024
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Barbara Maurer
Buddy Sheffield
Jeff Weaver

Absent Council Member: Brian Leonard

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

Members of the Public Present: 10

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, August 8, 2024, at the River Bend Town Hall with a quorum present.

VOTE – Agenda - Addition / Deletion

Councilwoman Benton motioned to remove item #7, Advisory Board Ordinance Amendment from the agenda. The motion carried unanimously.

VOTE – Approval of Agenda

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

DISCUSSION – RFQ for Stormwater Management Grant Project

The Manager stated that the responses to the RFQ for the Stormwater Management Grant Project were due on Friday, August 2 and there were four responses received. He also stated that the review committee has met and recommends Municipal Engineering Services, Inc for engineering services for the stormwater AIA project.

VOTE— RFQ for Stormwater Management Grant Project

Councilman Sheffield moved to accept the recommendation of Municipal Engineering Services, Inc. for engineering services on the stormwater AIA Project and request an engineering contract proposal from them. The motion carried unanimously.

Discussion –Value Engineering Contract Amendment for WWTP Project Ordinance

The Manager stated that at the Special Meeting on July 18 the Council discussed that the bid for the WWTP Project was too high, and the engineer completed additional work to negotiate a lower bid. He stated that the engineer will need to be paid for those services and then the town can submit the proper documents for reimbursement from the state.

VOTE— Value Engineering Contract Amendment for WWTP Project Ordinance

Councilwoman Maurer motioned to approve the Engineering Contract Amendment for the WWTP Project as presented. The motion carried unanimously.

Discussion—WWTP Project Ordinance Amendment

The Manager stated that the attached budget amendment is related to the Engineering Contract Amendment that was approved just prior.

VOTE — WWTP Project Ordinance Amendment

Councilman Weaver moved to approve the WWTP Project Ordinance Amendment as presented. The motion carried unanimously. (see attached)

Discussion —Award Street Paving Bid

The Manager stated that the town had received two bids for the 2024 Street Paving in River Bend. He stated that the town has worked with both of these bidders in the past with no issues, but the bid from Onslow Grading and Paving was less than the other bid. He stated that the town's engineer recommends Onslow Grading and Paving. The Mayor stated that the Council could take action on this recommendation at the next Council meeting.

Discussion —Vehicle Take Home for Police Department

The Manager stated that the Council has directed him to develop a policy that would allow River Bend police officers to drive town vehicles to and from home. He presented a draft policy to that effect. Councilwoman Benton asked if all of the officer's fall within the 20-mile radius as stated in the policy and Chief Joll stated that not all of the officers fall within that radius. Councilman Weaver asked if the policy would allow officers to drive the 20 miles and park at another government agency and the chief stated that the presented policy will not allow that. The Council asked that the policy be revised to allow the officers to drive up to 20 miles and park at other government facilities.

Discussion —Town of River Bend Facebook Page

Councilwoman Benton stated that she would like to open the floor for discussion for an informational only Town of River Bend official town Facebook page. She stated that she felt it would benefit the town to have town information on an official page. She stated that she has had residents reach out to her stating that they cannot find the information they are looking for on the town's website. Councilman Weaver stated that all the information that is needed is on the town website, and he does not support an official town social media platform. Councilman Sheffield stated that it would be a duplicate effort for the town staff and stated that he doesn't find the town website difficult to maneuver. The Mayor stated that the Council could discuss this further in the future.

REVIEW – Agenda for the August 15, 2024, Council Meeting

The Council reviewed the agenda for the August 15, 2024, Council Meeting.

ADJOURNMENT/RECESS

There being no further business, *Councilman Sheffield moved to adjourn. The motion carried unanimously.* The meeting adjourned at 7:44 p.m.

Kristie J. Nobles, MMC, NCCMC
Town Clerk



**TOWN OF RIVER BEND
WASTEWATER TREATMENT PLANT CAPITAL PROJECTS FUND ORDINANCE
AMENDMENT #2**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina, that the Wastewater Treatment Plant Capital Projects Fund Ordinance as last amended on December 15, 2022, 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>	
State Fiscal Recovery Fund Grant	9,108,500
<u>Expenditures:</u>	
Wetlands Mitigation	54,000
Engineering/Administration	661,000
Construction	8,393,500
	<u>9,108,500</u>


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 8th day of August, 2024.



John R. Kirkland, Mayor

Attest:



Kristie J. Nobles, Town Clerk, CMC, NCCMC

**River Bend Town Council
Regular Meeting Minutes
August 15, 2024
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Barbara Maurer
Buddy Sheffield
Jeff Weaver

Absent Council Member: Brian Leonard

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

Members of the Public Present: 15

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, August 15, 2024, at the River Bend Town Hall with a quorum present.

VOTE – APPROVAL OF AGENDA

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

PUBLIC COMMENT

Edwin Vargas – 119 Randomwood – stated that he was pleased with the response from the Town Manager regarding the ditches in the town. He also asked the residents to be patient regarding the ditches and drainage.

CONSENT AGENDA

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

A. Approve:

*Minutes of the July 18, 2024, Special Council Meeting
Minutes of the July 18, 2024, Regular Council Meeting*

At this time the Manager recognized Police Chief Joll. Chief Joll recognized Police Officer Gawrecki and presented her with the River Bend Police Officer of the Year Award. He stated that she is the first officer to be presented with this award and it will be an annual award. He stated that Officer Gawrecki has demonstrated exceptional achievement in law enforcement. He stated this award acknowledges an outstanding officer who works to make their community safe and exemplifies qualities of empathy, strength of character and selflessness throughout the year.

TOWN MANAGER'S REPORT

The Manager gave the following updates:

- The Water Supply Study is moving along and needs to be completed prior to the design of the new water treatment plant. He expects the study should be completed within 60 days and it will be presented to the Council at a meeting.
- The Town continues to work with the state of North Carolina on the Wastewater Treatment Plant project and has met the December 31, 2024, obligation deadline. The next deadline is December 2026 for construction and the grant money has to be spent by that deadline.
- The Manager is currently working on 2 grants that are due mid-October. Those grants are for new water wells and he is reapplying for a supplemental grant funding for the expected increased costs of the Water Treatment Plant.

Police Chief Joll stated that the Water Fun Day is scheduled for September 7, 2024, 12:00 until 2:00. He also stated that the Police Dept has started planning the National Night Out and the date has been set for October 18, 2024.

ADMINISTRATIVE REPORTS

PARKS & RECREATION – Councilman Weaver

Councilman Weaver stated that Parks and Recreation met on August 7 at 6:30 in the Municipal Building. He stated that the board discussed the upcoming events and the budget for the 24-25 year. The next meeting is September 4 at 6:30 at the Municipal Building and the meetings are open to the public.

RIVER BEND COMMUNITY ORGANIC GARDEN

Councilman Weaver gave the following report:

The garden thrived despite unfavorable weather conditions. Garden volunteers showed up daily to work, sometimes starting as early as 6 am. They worked for 196 hours in July. This fall, nine different vegetables will be planted in four beds. Planting will begin in September after each bed has been prepped. Workdays will continue on alternate Saturdays for August. The monthly calendar is full, with at least two gardeners signed up to work each day. The September meeting was cancelled due to it falling on Labor Day. The next meeting is scheduled for October 7, 2024, at 1:30 pm in the Municipal building. Everyone is welcome to attend and participate in monthly garden volunteer meetings and in the garden. The harvest is shared among volunteers, visitors, neighbors and community members.

CAC – Councilwoman Maurer

Councilwoman Maurer presented the following report.

The Community Appearance Commission met on August 7. The following officers were elected: Chairwoman, Brenda Hall; Vice-Chairwoman, Donna Perry; Secretary, Pat Lineback. At the completion of its second year, the yard awards programs were reviewed. The programs are well received, and residents are pleased when they are nominated. The April beautification award will be deleted because it is too early in the season. The Halloween and Christmas festive homes have had the most participation. Some minor modifications will be implemented to increase participation in the other months. The Plantation median project is starting with plans to contact two local experts to assist with design ideas and plant recommendations for the first section. This is a trial to determine whether the project should move forward. The raised bed and sidewalk gardens are doing well. All locations are using perennials and plants that are suited to this region. The CAC Independence Day craft workshops were so well received that they will be repeated next year. The annual Christmas globes workshops are scheduled for November 7 and 9. More information will be posted in the fall. You can always check the CAC Facebook page for

information and updates. There's also a gmail address to contact them directly. Circumstances have created three vacancies on the board. This is a busy, active group. They have several different projects and programs. If you are interested, please attend a meeting and consider submitting an application. Guests and volunteers are always welcome. You don't have to be a board member to participate but you may decide to apply when you see what they are doing. The next meeting is scheduled for Wednesday, November 20 at 4 pm.

FINANCE – Councilwoman Maurer for Councilman Leonard

Financial Report – Finance Director, Mandy Gilbert, presented the financial statement for the month of July to the Council. She stated the total of the Town's Cash and Investments as of July 30, 2025, were \$2,563,947 and Ad Valorem Tax Collections for FY24-25 were \$1,662 and Vehicle Ad Valorem Tax Collections were \$0.

VOTE – 2024 Paving Award

The Manager stated that the Council discussed the 2024 Paving Award at the work session meeting and the engineer recommends Onslow Paving and Grading and their proposed bid is within budget.

Councilwoman Maurer motioned to award the street paving bid to Onslow Paving and Grading in the amount of \$144,175 as presented. The motion carried unanimously.

VOTE – Engineering Services Agreement for Stormwater AIA

Councilwoman Maurer motioned to approve Engineering Service Agreement with Municipal Engineering, Inc. in the amount of \$225,000 as presented. The motion carried unanimously. (see attached)

VOTE – Grant Project Ordinance for Stormwater AIA

Councilwoman Maurer motioned to approve the Grant Project Ordinance as presented. The motion carried unanimously. (see attached)

ENVIRONMENT AND WATERWAYS – Councilman Weaver for Councilman Leonard

Councilman Weaver gave the following report:

Chairman Hall called the meeting to order at 7:02 PM in the small conference room in the municipal building. There was a quorum of members. The minutes from the July 1st, 2024, meeting was approved. Councilman Leonard gave a council update and answered questions from the members. Old Business: Update on weeds in waterways. Discussion on stormwater management and the upcoming storm. Still planning waterways clean up, DTBD. The fish lines disposal containers are being made by PW and will be installed on town property. There's a new fish/turtle feeder on the fishing dock, hopefully it won't be vandalized. New Business: EWAB will have a table at the PD National Night Out on October 1st, 2024. Volunteer hours: 9 The September meeting is scheduled for Labor Day, it has been canceled. The next meeting will be on October 7th, 2024 at 7 PM in the small conference room in the municipal building. The meeting adjourned at 7:35 PM.

VOTE – Public Safety – Vehicle Take Home for Police Department

Councilwoman Benton motioned to approve the Take Home Vehicle Program for the Police Department as presented. The motion carried unanimously. (see attached)

MAYOR'S REPORT

The Mayor presented the following report.

INTEGRITY FOR ALL TODAY - THE GOAL

Some time ago I authored a short essay on integrity. In that article I lamented the general lack of integrity in society today. Forward to the present time and the dilemma that our nation and the world endeavor to solve. It is fair to observe that the need for individual integrity is more important now than ever. It is important in corporate offices, and it is important among every member on the factory floor, and in fact in each of us.

Leadership in all organizations must set the example of integrity that is expected in their organization. The leadership must model the standard that they espouse. The old expression "talk the talk and walk the walk" is the true statement of the need for effective senior leadership. If we can achieve integrity across the entire corporate structure and the entire organizational structure of government many of the national and international problems will be more easily resolved.

Let us all take a vow to master our individual integrity and then encourage colleagues to work on the same acquisition in their lives. As with any vow only through daily consideration of the vow will we become more committed to the nature of guidance that integrity can have in our life. I believe that when we look at the character of people that we have worked with and persons that we consider to be friends we will easily classify those who live comfortably with the commitment to personal integrity. These people are wonderful to have as a positive influence in our lives.

The Rotary Four Way Test of the things that we think say and do are stated as follows:

ROTARY 4 WAY TEST

1. IS IT THE TRUTH?
2. IS IT FAIR TO ALL CONCERNED?
3. WILL IT BUILD GOODWILL AND BETTER FRIENDSHIPS?
4. WILL IT BENEFIT ALL CONCERNED?

This reminder is generally repeated by all members of each club at their weekly meetings. The test is a good reminder to the Rotary members of their commitment to a trait of integrity.

CLOSED SESSION

Councilman Weaver moved to go into Closed Session under NCGS § 143-318.11(a)(3). The motion carried unanimously. The council entered closed session at 7:34 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:04 p.m. The motion carried unanimously.

ADJOURNMENT

There being no further business, *Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 8:04 p.m.*

Kristie J. Nobles, MMC, NCCMC
Town Clerk

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of August 13, 2024 ("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:

Stormwater Asset Inventory Analysis - ("Project").

Project Description

The Town of River Bend was approved for an Emergency Management Disaster Relief and Mitigation Grant from the NC Department of Public Safety in the amount of \$225,000. The Town intends to use these funds to inventory and establish a GIS database and mapping system of the Town's stormwater infrastructure; perform a cross-sectional survey of swales and ditches in designated flood zone areas (1% Annual Chance Flood Hazard); perform a zoom-camera inspection of selected areas of subsurface stormwater infrastructure; prepare a recommendation for construction activities which will improve the stormwater system; and, assist in the preparation of financial reimbursements, project management and grant administration.

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

1. Project Management

Project Management is estimated to span up to twelve months (12) months to be completed by the ENGINEER as follows:

- a) Project Scoping and Contract Preparation
- b) Maintain a project filing system to document and retain project records
- c) Maintain project costs accounting system
- d) Prepare monthly invoices for engineering services to document project progress
- e) Assist in the preparation of reimbursement requests to the funding agency
- f) Provide coordination and administration of any sub-consultants.

2. GIS Stormwater System Inventory and Mapping

The town intends to use part of the grant funds to inventory and establish a GIS based mapping system and database of the town's existing stormwater infrastructure. The ENGINEER will work with the OWNER to locate existing stormwater assets, identify and resolve connectivity issues/discrepancies and determine attribute data. Once the field work is completed, the town's GIS database and mapping will be established.

- a) The ENGINEER shall provide services to locate and inventory the town's existing stormwater infrastructure assets utilizing GPS/GIS based mapping technology. It is understood that the Town of River Bend has adopted a policy of utilizing natural swales in lieu of curb and gutter for all Town streets to the extent possible. In the areas within the Town limits that are *outside of the 1% Annual Chance Flood Hazard boundary*, the inventory shall include the location/inventory of all visible and accessible drainage structures, drop inlets, culverts and a cross-sectional survey of ditches serving the area, except that it does not include swales parallel to the roadway nor the driveway tiles, etc. For areas within the Town limits located *inside the 1% Annual Chance Flood Hazard boundary*, the inventory will also include the location/inventory of all visible and accessible drainage structures, drop inlets, culverts and a cross-sectional survey of ditches serving the area, plus a cross-sectional survey of the roadside swales with inlet and outlet invert elevations of the driveway tiles. Feature attributes will be assigned to all mapped assets (if known) such as structure type, material, age, condition, depth/inverts, etc. GIS mapping for the located stormwater system assets will be provide in ESRI ArcGIS format.
- b) Prior to initial GPS/GIS fieldwork, ENGINEER shall coordinate with the OWNER to assist in the asset inventory and to assist in obtaining 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 structures, pipes, culverts, or any other stormwater 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 properly inventoried and mapped.
- d) The OWNER shall provide any existing records of the stormwater system, as-built drawings or field sketches necessary to assist the ENGINEER in mapping the OWNER's stormwater infrastructure system.

3. Stormwater Condition Assessment

- a) The ENGINEER shall provide services to perform a condition assessment of the existing stormwater system. Zoom and pole-mounted cameras will be used to perform a Level II aboveground inspection of curb/drop inlets, junction boxes and storm manholes located in potential problem areas.
- b) Larger pipes and culverts (greater than 60" in diameter or height), ditches, streams and other easily accessed conveyances, not requiring a Confined Space Entry Permit, would be visually inspected by qualified personnel.
- c) Prepare and administer sub-consultant agreement for zoom camera inspections and other condition assessment services.
- d) Upon completion of the condition assessment, the ENGINEER shall provide a comprehensive report to the OWNER summarizing the results of the condition assessment. The report will contain videos, photographs and individual inspection reports for all assets inspected.
- e) Areas identified in the condition assessment phase as needing immediate attention will be flagged for further evaluation. Condition assessment videos and reports for these areas will be utilized to determine the issues needing attention and the best engineering approach to address the issue(s).

- f) Once all data has been gathered, a recommendation for construction activities such as regrading the swales/ditches and/or relaying the driveway tiles on grade, or any other recommended activity which will improve the stormwater system will be included in a final report.

4. **Grant 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 three (3) reimbursement requests.
- b) One (1) meeting with the Town Board at the close of the project, to present the findings and recommendations and provide an overview of the tasks and accomplishments of the project for the Town board.
- c) Grant 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 twelve (12) months of the date of the notification to proceed from the Owner.

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.

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 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.

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:

Task	Phase/Description	Basis	Fee
.1	GIS Stormwater System Inventory/Mapping/Condition Assessment	LS	\$ 120,000.00
.2	Zoom Camera Inspections	LS	80,000.00
.3	Final Report w/recommendations for Improvements	LS	15,000.00
.4	Grant Administration / Project Management	LS	10,000.00
TOTAL ENGINEERING SERVICES FEE		\$	225,000.00

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, including services resulting from changes in the defined "Scope of Services", extent or character of 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

ITEM

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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: Hon. John Kirkland

Title: Mayor

Date Signed: 8/16/24

ENGINEER: Municipal Engineering, Inc.

By: *Travis L. Woodie*

Print Name: Travis L. Woodie

Title: COO/CFO

Date Signed: August 13, 2024

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: Bobby Blowe, 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

8/16/2024
Date

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This is **Appendix 1, Engineer's Standard Hourly Rates**, referred to in and part of the Short Form of Agreement between Owner and Engineer for Professional Services dated August 13, 2024.

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:*

Effective March 1, 2024

Sr. Principal Engineer	\$230.00 per hour
Sr. Project Engineer	\$175.00 per hour
Principal Project Manager	\$175.00 per hour
Professional Geologist	\$170.00 per hour
Senior Project Manager	\$155.00 per hour
Senior Engineer I	\$155.00 per hour
Funding Director	\$165.00 per hour
Funding Administrator	\$165.00 per hour
Expert Witness	\$220.00 per hour
Design Engineer	\$100.00 per hour
Environmental Specialist II	\$110.00 per hour
Environmental Specialist	\$ 90.00 per hour
Lead Senior Designer	\$105.00 per hour
Senior Designer	\$ 95.00 per hour
Design Technician	\$ 90.00 per hour
Professional Land Surveyor	\$165.00 per hour
Survey - Robotics	\$150.00 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	

Municipal Engineering, Inc. reserves the right to periodically adjust the aforementioned rate schedule




**TOWN OF RIVER BEND
GRANT PROJECT ORDINANCE
STORMWATER 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 Stormwater Asset Inventory and Assessment project described in the work statement contained in the Grant Agreement between this unit and the North Carolina Department of Public Safety Emergency Management. This project is more familiarly known as the River Bend 2024 Stormwater 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 Department of Public Safety Emergency Management and the budget contained herein.
- Section 3.** The following revenues are anticipated to be available to complete this project:
- | | |
|--|---------|
| Emergency Management Disaster Relief and Mitigation Grant (DRMG) | 225,000 |
|--|---------|
- Section 4.** The following amounts are appropriated for the project:
- | | |
|---|---------|
| GIS Stormwater System Inventory/Mapping/ Condition Assessment | 120,000 |
| Zoom Camera Inspections | 80,000 |
| Final Report with recommendations for improvements | 15,000 |
| Grant Administration/Project Management | 10,000 |
| Total | 225,000 |
- 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 General 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 15th day of August, 2024.


John R. Kirkland, Mayor

Attest:


Kristie J. Nobles, Town Clerk, CMC, NCCMC

River Bend Police Department

Take-Home Vehicle Program (THVP)

General Order 21

Effective Date 08-15-2024

21.01 Purpose: The purpose of this directive is to establish guidelines for the department's take-home vehicle program (THVP).

21.02 Policy: It is the policy of the River Bend Police Department (RBPD) to assign take-home vehicles to eligible personnel. This policy applies to all employees who are assigned a take-home vehicle.

RULES AND PROCEDURES

21.03 Take-Home Vehicle Privileges:

- A. The use of take-home department vehicles is a privilege, not a right, that may be modified or revoked at any time, by the Police Chief, on an individual basis.
- B. Full-time, non-probationary officers (as defined in Article IV, Section 4 of the Town's Human Resources Policies and Procedures Manual) that live within 20 miles of the River Bend town limits are eligible to be assigned a take-home vehicle. For supervisory, full-time, non-probationary personnel, the mileage limit will be determined on an individual basis by the Police Chief, subject to approval by the Town Manager.
- C. Officers who reside outside 20 miles of River Bend town limits are authorized to leave the vehicle secured on government property within the 20 mile limit. Examples of authorized locations include fire departments, EMS stations, police department, city halls and other government buildings. Location must be approved by the Chief of Police.

21.04 Vehicle Assignment:

- A. Assigned vehicles are not to be operated by anyone other than the assigned employee unless authorized by a supervisor.
- B. The Chief of Police approves all assignments of take-home vehicles to eligible personnel.
- C. The assignment of take-home vehicles will be based on the operational needs of the department. Vehicles may be reassigned by the Chief of Police as necessary.

21.05 Provisions:

- A. Vehicles must be secured, and the keys removed when parked and unattended. When a department vehicle is not in use off-duty, all firearms will be removed (except when at a State, Federal, or other facility where the storage of firearms is not allowed on-premises).
- B. Any theft of equipment or damage to a take-home vehicle shall be immediately reported to the Chief of Police.

- C. When operating a police vehicle off shift, officers must be armed with a department-authorized firearm and carry their badge and department identification. Appropriate civilian attire is required if not in uniform per General Order 12.11.
- D. Employees assigned a mobile data terminal (MDT) must be logged onto the system while operating a marked patrol vehicle, including traveling to and from work in a take-home vehicle. If the employee cannot connect from their residence, the employee must safely activate the MDT once they are within connection range.
- E. Employees will check on-duty prior to leaving their residence and off-duty upon arriving at their residence at any time while operating the vehicle. This will be conducted either through Craven Communications or by use of MDT.
- F. Take-home vehicles shall not be used for personal use while in an off-duty status.

21.06

Off-Duty Enforcement:

- A. When driving a take-home vehicle to and from work outside of the jurisdiction of the River Bend Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life, serious property damage or serious personal injury exists.
- B. When providing assistance, officers shall ensure the information about the assistance provided is relayed to Craven Communications and entered into CAD.
- C. As soon as reasonably practicable, officers shall notify the local 911 center and request an on-duty officer to respond from the agency with appropriate jurisdiction.

END

**River Bend Town Council
Special Meeting Minutes
September 10, 2024
Town Hall
3:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Barbara Maurer
Buddy Sheffield
Brian Leonard

Absent Council Member: Jeff Weaver

Town Manager: Delane Jackson
Public Works Director: Brandon Mills

Rivers and Associates: Greg Churchill

Members of the Public Present: 20

CALL TO ORDER

Mayor Kirkland called the Special Meeting to order at 3:00 p.m. on Monday, September 10, 2024, at the River Bend Town Hall with a quorum present.

Discussion – Wastewater Treatment Plant Project Update

At this time the Mayor called on the Manager. The Manager announced that Councilman Weaver had called in sick and could not attend. The Manager introduced the Public Works Director, Brandon Mills and Greg Churchill of Rivers and Associates, who is the engineer on the project. He stated that the purpose of the meeting is to update the Council on the status of the Wastewater Treatment Plant (WWTP) project and to seek Council action on how to proceed. The Manager stated that he is now aware of how the state plans to administer the \$800,000,000 in fund shifting. He stated that it would not be used up-front on projects, but rather on the tail-end of projects that are in danger of not being completed by the ARPA deadline of December 31, 2026. He said there was no guarantee that any fund shifting would be available for our project, but at least it was a possible safety net for us. He recommended that we proceed as quickly as possible as if no fund shifting was available. The Manager stated that in the absence of additional funding, modifying the scope of the project to try to get it down to within the current budget was the next option. He stated that would require lots of work including engineering, permitting, bidding and more. Greg Churchill provided a proposed schedule and discussed it with Council. He and the Manager stated that there was no guarantee at this point that a revised project scope would get approval by the funding agency, receive permits from the permitting agency or come in on budget. Both stated that we will only know after the appropriate steps have been taken. The Council asked questions from all three and discussed the possibilities. The Manager asked the Council how they wanted to proceed.

VOTE – Wastewater Treatment Plant Project

Councilman Leonard motioned to direct Rivers and Associates to provide an amendment to the engineering services agreement to allow for a re-design of the project scope to fit within the current budget and ARPA guidelines. During the discussion Greg Churchill reiterated that he could not guarantee that the bid would fit within the current budget. The Town Manager stated

that would be the target and we would only know after opening the bids. All understood that condition. *The motion carried unanimously.*

ADJOURNMENT

There being no further business, *Councilman Sheffield moved to adjourn. The motion carried unanimously.* The meeting adjourned at 3:46 p.m.

Delane Jackson
Town Manager

ITEM 1

**River Bend Town Council
Regular Meeting Minutes
August 15, 2024
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Barbara Maurer
Buddy Sheffield
Jeff Weaver

Absent Council Member: Brian Leonard

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

Members of the Public Present: 15

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, August 15, 2024, at the River Bend Town Hall with a quorum present.

VOTE – APPROVAL OF AGENDA

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

PUBLIC COMMENT

Edwin Vargas – 119 Randomwood – stated that he was pleased with the response from the Town Manager regarding the ditches in the town. He also asked the residents to be patient regarding the ditches and drainage.

CONSENT AGENDA

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

A. Approve:

*Minutes of the July 18, 2024, Special Council Meeting
Minutes of the July 18, 2024, Regular Council Meeting*

At this time the Manager recognized Police Chief Joll. Chief Joll recognized Police Officer Gawrecki and presented her with the River Bend Police Officer of the Year Award. He stated that she is the first officer to be presented with this award and it will be an annual award. He stated that Officer Gawrecki has demonstrated exceptional achievement in law enforcement. He stated this award acknowledges an outstanding officer who works to make their community safe and exemplifies qualities of empathy, strength of character and selflessness throughout the year.

TOWN MANAGER'S REPORT

The Manager gave the following updates:

- The Water Supply Study is moving along and needs to be completed prior to the design of the new water treatment plant. He expects the study should be completed within 60 days and it will be presented to the Council at a meeting.
- The Town continues to work with the state of North Carolina on the Wastewater Treatment Plant project and has met the December 31, 2024, obligation deadline. The next deadline is December 2026 for construction and the grant money has to be spent by that deadline.
- The Manager is currently working on 2 grants that are due mid-October. Those grants are for new water wells and he is reapplying for a supplemental grant funding for the expected increased costs of the Water Treatment Plant.

Police Chief Joll stated that the Water Fun Day is scheduled for September 7, 2024, 12:00 until 2:00. He also stated that the Police Dept has started planning the National Night Out and the date has been set for October 18, 2024.

ADMINISTRATIVE REPORTS

PARKS & RECREATION – Councilman Weaver

Councilman Weaver stated that Parks and Recreation met on August 7 at 6:30 in the Municipal Building. He stated that the board discussed the upcoming events and the budget for the 24-25 year. The next meeting is September 4 at 6:30 at the Municipal Building and the meetings are open to the public.

RIVER BEND COMMUNITY ORGANIC GARDEN

Councilman Weaver gave the following report:

The garden thrived despite unfavorable weather conditions. Garden volunteers showed up daily to work, sometimes starting as early as 6 am. They worked for 196 hours in July. This fall, nine different vegetables will be planted in four beds. Planting will begin in September after each bed has been prepped. Workdays will continue on alternate Saturdays for August. The monthly calendar is full, with at least two gardeners signed up to work each day. The September meeting was cancelled due to it falling on Labor Day. The next meeting is scheduled for October 7, 2024, at 1:30 pm in the Municipal building. Everyone is welcome to attend and participate in monthly garden volunteer meetings and in the garden. The harvest is shared among volunteers, visitors, neighbors and community members.

CAC – Councilwoman Maurer

Councilwoman Maurer presented the following report.

The Community Appearance Commission met on August 7. The following officers were elected: Chairwoman, Brenda Hall; Vice-Chairwoman, Donna Perry; Secretary, Pat Lineback. At the completion of its second year, the yard awards programs were reviewed. The programs are well received, and residents are pleased when they are nominated. The April beautification award will be deleted because it is too early in the season. The Halloween and Christmas festive homes have had the most participation. Some minor modifications will be implemented to increase participation in the other months. The Plantation median project is starting with plans to contact two local experts to assist with design ideas and plant recommendations for the first section. This is a trial to determine whether the project should move forward. The raised bed and sidewalk gardens are doing well. All locations are using perennials and plants that are suited to this region. The CAC Independence Day craft workshops were so well received that they will be repeated next year. The annual Christmas globes workshops are scheduled for November 7 and 9. More information will be posted in the fall. You can always check the CAC Facebook page for

information and updates. There's also a gmail address to contact them directly. Circumstances have created three vacancies on the board. This is a busy, active group. They have several different projects and programs. If you are interested, please attend a meeting and consider submitting an application. Guests and volunteers are always welcome. You don't have to be a board member to participate but you may decide to apply when you see what they are doing. The next meeting is scheduled for Wednesday, November 20 at 4 pm.

FINANCE – Councilwoman Maurer for Councilman Leonard

Financial Report – Finance Director, Mandy Gilbert, presented the financial statement for the month of July to the Council. She stated the total of the Town's Cash and Investments as of July 30, 2025, were \$2,563,947 and Ad Valorem Tax Collections for FY24-25 were \$1,662 and Vehicle Ad Valorem Tax Collections were \$0.

VOTE – 2024 Paving Award

The Manager stated that the Council discussed the 2024 Paving Award at the work session meeting and the engineer recommends Onslow Paving and Grading and their proposed bid is within budget.

Councilwoman Maurer motioned to award the street paving bid to Onslow Paving and Grading in the amount of \$144,175 as presented. The motion carried unanimously.

VOTE – Engineering Services Agreement for Stormwater AIA

Councilwoman Maurer motioned to approve Engineering Service Agreement with Municipal Engineering, Inc. in the amount of \$225,000 as presented. The motion carried unanimously. (see attached)

VOTE – Grant Project Ordinance for Stormwater AIA

Councilwoman Maurer motioned to approve the Grant Project Ordinance as presented. The motion carried unanimously. (see attached)

ENVIRONMENT AND WATERWAYS – Councilman Weaver for Councilman Leonard

Councilman Weaver gave the following report:

Chairman Hall called the meeting to order at 7:02 PM in the small conference room in the municipal building. There was a quorum of members. The minutes from the July 1st, 2024, meeting was approved. Councilman Leonard gave a council update and answered questions from the members. Old Business: Update on weeds in waterways. Discussion on stormwater management and the upcoming storm. Still planning waterways clean up, DTBD. The fish lines disposal containers are being made by PW and will be installed on town property. There's a new fish/turtle feeder on the fishing dock, hopefully it won't be vandalized. New Business: EWAB will have a table at the PD National Night Out on October 1st, 2024. Volunteer hours: 9 The September meeting is scheduled for Labor Day, it has been canceled. The next meeting will be on October 7th, 2024 at 7 PM in the small conference room in the municipal building. The meeting adjourned at 7:35 PM.

VOTE – Public Safety – Vehicle Take Home for Police Department

Councilwoman Benton motioned to approve the Take Home Vehicle Program for the Police Department as presented. The motion carried unanimously. (see attached)

MAYOR'S REPORT

The Mayor presented the following report.

INTEGRITY FOR ALL TODAY - THE GOAL

Some time ago I authored a short essay on integrity. In that article I lamented the general lack of integrity in society today. Forward to the present time and the dilemma that our nation and the world endeavor to solve. It is fair to observe that the need for individual integrity is more important now than ever. It is important in corporate offices, and it is important among every member on the factory floor, and in fact in each of us.

Leadership in all organizations must set the example of integrity that is expected in their organization. The leadership must model the standard that they espouse. The old expression "talk the talk and walk the walk" is the true statement of the need for effective senior leadership. If we can achieve integrity across the entire corporate structure and the entire organizational structure of government many of the national and international problems will be more easily resolved.

Let us all take a vow to master our individual integrity and then encourage colleagues to work on the same acquisition in their lives. As with any vow only through daily consideration of the vow will we become more committed to the nature of guidance that integrity can have in our life. I believe that when we look at the character of people that we have worked with and persons that we consider to be friends we will easily classify those who live comfortably with the commitment to personal integrity. These people are wonderful to have as a positive influence in our lives.

The Rotary Four Way Test of the things that we think say and do are stated as follows:

ROTARY 4 WAY TEST

1. IS IT THE TRUTH?
2. IS IT FAIR TO ALL CONCERNED?
3. WILL IT BUILD GOODWILL AND BETTER FRIENDSHIPS?
4. WILL IT BENEFIT ALL CONCERNED?

This reminder is generally repeated by all members of each club at their weekly meetings. The test is a good reminder to the Rotary members of their commitment to a trait of integrity.

CLOSED SESSION

Councilman Weaver moved to go into Closed Session under NCGS § 143-318.11(a)(3). The motion carried unanimously. The council entered closed session at 7:34 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:04 p.m. The motion carried unanimously.

ADJOURNMENT

There being no further business, *Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 8:04 p.m.*

Kristie J. Nobles, MMC, NCCMC
Town Clerk

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of August 13, 2024 ("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:

Stormwater Asset Inventory Analysis - ("Project").

Project Description

The Town of River Bend was approved for an Emergency Management Disaster Relief and Mitigation Grant from the NC Department of Public Safety in the amount of \$225,000. The Town intends to use these funds to inventory and establish a GIS database and mapping system of the Town's stormwater infrastructure; perform a cross-sectional survey of swales and ditches in designated flood zone areas (1% Annual Chance Flood Hazard); perform a zoom-camera inspection of selected areas of subsurface stormwater infrastructure; prepare a recommendation for construction activities which will improve the stormwater system; and, assist in the preparation of financial reimbursements, project management and grant administration.

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

1. Project Management

Project Management is estimated to span up to twelve months (12) months to be completed by the ENGINEER as follows:

- a) Project Scoping and Contract Preparation
- b) Maintain a project filing system to document and retain project records
- c) Maintain project costs accounting system
- d) Prepare monthly invoices for engineering services to document project progress
- e) Assist in the preparation of reimbursement requests to the funding agency
- f) Provide coordination and administration of any sub-consultants.

2. GIS Stormwater System Inventory and Mapping

The town intends to use part of the grant funds to inventory and establish a GIS based mapping system and database of the town's existing stormwater infrastructure. The ENGINEER will work with the OWNER to locate existing stormwater assets, identify and resolve connectivity issues/discrepancies and determine attribute data. Once the field work is completed, the town's GIS database and mapping will be established.

- a) The ENGINEER shall provide services to locate and inventory the town's existing stormwater infrastructure assets utilizing GPS/GIS based mapping technology. It is understood that the Town of River Bend has adopted a policy of utilizing natural swales in lieu of curb and gutter for all Town streets to the extent possible. In the areas within the Town limits that are *outside of the 1% Annual Chance Flood Hazard boundary*, the inventory shall include the location/inventory of all visible and accessible drainage structures, drop inlets, culverts and a cross-sectional survey of ditches serving the area, except that it does not include swales parallel to the roadway nor the driveway tiles, etc. For areas within the Town limits located *inside the 1% Annual Chance Flood Hazard boundary*, the inventory will also include the location/inventory of all visible and accessible drainage structures, drop inlets, culverts and a cross-sectional survey of ditches serving the area, plus a cross-sectional survey of the roadside swales with inlet and outlet invert elevations of the driveway tiles. Feature attributes will be assigned to all mapped assets (if known) such as structure type, material, age, condition, depth/inverts, etc. GIS mapping for the located stormwater system assets will be provide in ESRI ArcGIS format.
- b) Prior to initial GPS/GIS fieldwork, ENGINEER shall coordinate with the OWNER to assist in the asset inventory and to assist in obtaining 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 structures, pipes, culverts, or any other stormwater 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 properly inventoried and mapped.
- d) The OWNER shall provide any existing records of the stormwater system, as-built drawings or field sketches necessary to assist the ENGINEER in mapping the OWNER's stormwater infrastructure system.

3. Stormwater Condition Assessment

- a) The ENGINEER shall provide services to perform a condition assessment of the existing stormwater system. Zoom and pole-mounted cameras will be used to perform a Level II aboveground inspection of curb/drop inlets, junction boxes and storm manholes located in potential problem areas.
- b) Larger pipes and culverts (greater than 60" in diameter or height), ditches, streams and other easily accessed conveyances, not requiring a Confined Space Entry Permit, would be visually inspected by qualified personnel.
- c) Prepare and administer sub-consultant agreement for zoom camera inspections and other condition assessment services.
- d) Upon completion of the condition assessment, the ENGINEER shall provide a comprehensive report to the OWNER summarizing the results of the condition assessment. The report will contain videos, photographs and individual inspection reports for all assets inspected.
- e) Areas identified in the condition assessment phase as needing immediate attention will be flagged for further evaluation. Condition assessment videos and reports for these areas will be utilized to determine the issues needing attention and the best engineering approach to address the issue(s).

- f) Once all data has been gathered, a recommendation for construction activities such as regrading the swales/ditches and/or relaying the driveway tiles on grade, or any other recommended activity which will improve the stormwater system will be included in a final report.

4. **Grant 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 three (3) reimbursement requests.
- b) One (1) meeting with the Town Board at the close of the project, to present the findings and recommendations and provide an overview of the tasks and accomplishments of the project for the Town board.
- c) Grant 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 twelve (12) months of the date of the notification to proceed from the Owner.

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.

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 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.

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:

Task	Phase/Description	Basis	Fee
.1	GIS Stormwater System Inventory/Mapping/Condition Assessment	LS	\$ 120,000.00
.2	Zoom Camera Inspections	LS	80,000.00
.3	Final Report w/recommendations for Improvements	LS	15,000.00
.4	Grant Administration / Project Management	LS	10,000.00
TOTAL ENGINEERING SERVICES FEE		\$	225,000.00

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, including services resulting from changes in the defined "Scope of Services", extent or character of 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

ITEM

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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: Hon. John Kirkland

Title: Mayor

Date Signed: 8/16/24

ENGINEER: Municipal Engineering, Inc.

By: *Travis L. Woodie*

Print Name: Travis L. Woodie

Title: COO/CFO

Date Signed: August 13, 2024

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: Bobby Blowe, 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

8/16/2024
Date

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This is **Appendix 1, Engineer's Standard Hourly Rates**, referred to in and part of the Short Form of Agreement between Owner and Engineer for Professional Services dated August 13, 2024.

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:*

Effective March 1, 2024

Sr. Principal Engineer	\$230.00 per hour
Sr. Project Engineer	\$175.00 per hour
Principal Project Manager	\$175.00 per hour
Professional Geologist	\$170.00 per hour
Senior Project Manager	\$155.00 per hour
Senior Engineer I	\$155.00 per hour
Funding Director	\$165.00 per hour
Funding Administrator	\$165.00 per hour
Expert Witness	\$220.00 per hour
Design Engineer	\$100.00 per hour
Environmental Specialist II	\$110.00 per hour
Environmental Specialist	\$ 90.00 per hour
Lead Senior Designer	\$105.00 per hour
Senior Designer	\$ 95.00 per hour
Design Technician	\$ 90.00 per hour
Professional Land Surveyor	\$165.00 per hour
Survey - Robotics	\$150.00 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	

Municipal Engineering, Inc. reserves the right to periodically adjust the aforementioned rate schedule



**TOWN OF RIVER BEND
GRANT PROJECT ORDINANCE
STORMWATER 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 Stormwater Asset Inventory and Assessment project described in the work statement contained in the Grant Agreement between this unit and the North Carolina Department of Public Safety Emergency Management. This project is more familiarly known as the River Bend 2024 Stormwater 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 Department of Public Safety Emergency Management and the budget contained herein.

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

Emergency Management Disaster Relief and Mitigation Grant (DRMG)	225,000
--	---------

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

GIS Stormwater System Inventory/Mapping/Condition Assessment	120,000
Zoom Camera Inspections	80,000
Final Report with recommendations for improvements	15,000
Grant Administration/Project Management	10,000
Total	225,000

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 General 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 15th day of August, 2024.


John R. Kirkland, Mayor

Attest:


Kristie J. Nobles, Town Clerk, CMC, NCCMC

River Bend Police Department

Take-Home Vehicle Program (THVP)

General Order 21

Effective Date 08-15-2024

21.01 Purpose: The purpose of this directive is to establish guidelines for the department's take-home vehicle program (THVP).

21.02 Policy: It is the policy of the River Bend Police Department (RBPD) to assign take-home vehicles to eligible personnel. This policy applies to all employees who are assigned a take-home vehicle.

RULES AND PROCEDURES

21.03 Take-Home Vehicle Privileges:

- A. The use of take-home department vehicles is a privilege, not a right, that may be modified or revoked at any time, by the Police Chief, on an individual basis.
- B. Full-time, non-probationary officers (as defined in Article IV, Section 4 of the Town's Human Resources Policies and Procedures Manual) that live within 20 miles of the River Bend town limits are eligible to be assigned a take-home vehicle. For supervisory, full-time, non-probationary personnel, the mileage limit will be determined on an individual basis by the Police Chief, subject to approval by the Town Manager.
- C. Officers who reside outside 20 miles of River Bend town limits are authorized to leave the vehicle secured on government property within the 20 mile limit. Examples of authorized locations include fire departments, EMS stations, police department, city halls and other government buildings. Location must be approved by the Chief of Police.

21.04 Vehicle Assignment:

- A. Assigned vehicles are not to be operated by anyone other than the assigned employee unless authorized by a supervisor.
- B. The Chief of Police approves all assignments of take-home vehicles to eligible personnel.
- C. The assignment of take-home vehicles will be based on the operational needs of the department. Vehicles may be reassigned by the Chief of Police as necessary.

21.05 Provisions:

- A. Vehicles must be secured, and the keys removed when parked and unattended. When a department vehicle is not in use off-duty, all firearms will be removed (except when at a State, Federal, or other facility where the storage of firearms is not allowed on-premises).
- B. Any theft of equipment or damage to a take-home vehicle shall be immediately reported to the Chief of Police.

- C. When operating a police vehicle off shift, officers must be armed with a department-authorized firearm and carry their badge and department identification. Appropriate civilian attire is required if not in uniform per General Order 12.11.
- D. Employees assigned a mobile data terminal (MDT) must be logged onto the system while operating a marked patrol vehicle, including traveling to and from work in a take-home vehicle. If the employee cannot connect from their residence, the employee must safely activate the MDT once they are within connection range.
- E. Employees will check on-duty prior to leaving their residence and off-duty upon arriving at their residence at any time while operating the vehicle. This will be conducted either through Craven Communications or by use of MDT.
- F. Take-home vehicles shall not be used for personal use while in an off-duty status.

21.06

Off-Duty Enforcement:

- A. When driving a take-home vehicle to and from work outside of the jurisdiction of the River Bend Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life, serious property damage or serious personal injury exists.
- B. When providing assistance, officers shall ensure the information about the assistance provided is relayed to Craven Communications and entered into CAD.
- C. As soon as reasonably practicable, officers shall notify the local 911 center and request an on-duty officer to respond from the agency with appropriate jurisdiction.

END

**River Bend Town Council
Special Meeting Minutes
September 10, 2024
Town Hall
3:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Barbara Maurer
Buddy Sheffield
Brian Leonard

Absent Council Member: Jeff Weaver

Town Manager: Delane Jackson
Public Works Director: Brandon Mills

Rivers and Associates: Greg Churchill

Members of the Public Present: 20

CALL TO ORDER

Mayor Kirkland called the Special Meeting to order at 3:00 p.m. on Monday, September 10, 2024, at the River Bend Town Hall with a quorum present.

Discussion – Wastewater Treatment Plant Project Update

At this time the Mayor called on the Manager. The Manager announced that Councilman Weaver had called in sick and could not attend. The Manager introduced the Public Works Director, Brandon Mills and Greg Churchill of Rivers and Associates, who is the engineer on the project. He stated that the purpose of the meeting is to update the Council on the status of the Wastewater Treatment Plant (WWTP) project and to seek Council action on how to proceed. The Manager stated that he is now aware of how the state plans to administer the \$800,000,000 in fund shifting. He stated that it would not be used up-front on projects, but rather on the tail-end of projects that are in danger of not being completed by the ARPA deadline of December 31, 2026. He said there was no guarantee that any fund shifting would be available for our project, but at least it was a possible safety net for us. He recommended that we proceed as quickly as possible as if no fund shifting was available. The Manager stated that in the absence of additional funding, modifying the scope of the project to try to get it down to within the current budget was the next option. He stated that would require lots of work including engineering, permitting, bidding and more. Greg Churchill provided a proposed schedule and discussed it with Council. He and the Manager stated that there was no guarantee at this point that a revised project scope would get approval by the funding agency, receive permits from the permitting agency or come in on budget. Both stated that we will only know after the appropriate steps have been taken. The Council asked questions from all three and discussed the possibilities. The Manager asked the Council how they wanted to proceed.

VOTE – Wastewater Treatment Plant Project

Councilman Leonard motioned to direct Rivers and Associates to provide an amendment to the engineering services agreement to allow for a re-design of the project scope to fit within the current budget and ARPA guidelines. During the discussion Greg Churchill reiterated that he could not guarantee that the bid would fit within the current budget. The Town Manager stated

that would be the target and we would only know after opening the bids. All understood that condition. *The motion carried unanimously.*

ADJOURNMENT

There being no further business, *Councilman Sheffield moved to adjourn. The motion carried unanimously.* The meeting adjourned at 3:46 p.m.

Delane Jackson
Town Manager

ITEM 1



RIVER BEND POLICE DEPARTMENT



MONTHLY ACTIVITY REPORT

2024

	ACTIVITIES	2024	2024	2024	% of Total Calls	% Change Last 2 Mos.
		June	July	August		
1	ALARMS / 911 UNKNOWN / DISTURBANCE / SHOTS FIRED(0)	13	5	9	0.44%	80.00%
2	ANIMAL COMPLAINTS	4	6	9	0.44%	50.00%
3	ARRESTS	4	1	0	0.00%	-100.00%
4	ASSAULTS / ALL OTHER VIOLENT CRIME	2	1	1	0.05%	0.00%
5	ASSIST CITIZENS / LOCK OUT / QUALITY OF LIFE ISSUES	32	26	22	1.07%	-15.00%
6	ASSIST EMS / FD / FIRST RESPONDERS / MED ASSIST	25	20	22	1.07%	10.00%
7	ASSIST MOTORISTS / FOOT PATROLS / ALL OTHER	34	10	30	1.46%	200.00%
8	ASSIST OTHER AGENCIES	1	5	3	0.15%	-40.00%
9	B & E BUSINESS / RESIDENCE / VEHICLE	1	0	1	0.05%	0.00%
10	CRIM. SUMM. / SUBPOENAS / WARRANTS / CIVIL COMPLAINT	2	2	6	0.29%	200.00%
11	DOMESTICS	2	1	1	0.05%	0.00%
12	FIRES / ALARM	4	2	1	0.05%	-50.00%
13	IDENTITY THEFT / FRAUD	4	3	2	0.10%	-33.00%
14	INVOLUNTARY COMMITMENTS	1	0	1	0.05%	0.00%
15	JUVENILE COMPLAINTS	0	0	1	0.05%	0.00%
16	LARCENIES	0	1	0	0.00%	-100.00%
17	LITTERING	0	0	1	0.05%	0.00%
18	LOUD MUSIC / NOISE COMPLAINTS	2	1	0	0.00%	-100.00%
19	DEATH / MISSING PERSON / RUNAWAY / SUICIDE(A)	0	0	1	0.05%	0.00%
20	PROPERTY DAMAGE / VANDALISM	3	0	1	0.05%	0.00%
21	RESIDENTIAL / BUSINESS CHECKS / COMMUNITY WATCH	1870	1805	1,858	90.33%	3.00%
22	ROADWAY DEBRIS / OBSTRUCTIONS	0	1	0	0.00%	-100.00%
23	ROBBERIES	0	0	0	0.00%	0.00%
24	SOLICITING VIOLATIONS	0	1	0	0.00%	-100.00%
25	SUSPICIOUS PERSONS / VEHICLES / FIELD INTERVIEW	17	6	6	0.29%	0.00%
26	TOWN ORDINANCE CITATIONS	4	3	2	0.10%	-33.00%
27	TOWN ORDINANCE VIOLATIONS	14	5	13	0.63%	160.00%
28	TRAFFIC ACCIDENTS	4	6	6	0.29%	0.00%
29	TRAFFIC STOPS	86	65	34	1.65%	-48.00%
30	TRAFFIC COMPLAINTS-RADAR	3	5	3	0.15%	-40.00%
31	DWI	0	0	0	0.00%	0.00%
32	CHECKPOINTS	2	2	4	0.19%	100.00%
33	DRUG VIOLATIONS	1	2	0	0.00%	-100.00%
34	WELFARE CHECKS	7	9	3	0.15%	-67.00%
35	CASE ASSIST / PW / VEHICLE MAINTENANCE / MEETING	5	3	3	0.15%	0.00%
36	CASE FOLLOW UPS / SPECIAL OPERATION / TRAINING	12	17	13	0.63%	-24.00%
37	TRESPASSING	0	1	0	0.00%	-100.00%
38	OVERDOSE	1	0	0	0.00%	0.00%
39	TOTAL	2160	2015	2057	100.00%	2.00%

Traffic Violations

- 11 State Citations
- 11 Total State Charges
- State Warnings
- 2 Town Citations
- Town Warnings

Community Watch Checks

- 96 100 Pirates
- 100 100 Plantation
- 97 200 Lakemere
- 104 200 Rockledge
- 77 Piner Estates

Phone Calls Answered (638-1108)

227 Incoming Calls

The data being presented in this report is a representation of the original call as it was dispatched.



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870
F 252.638.2580

www.riverbendnc.org

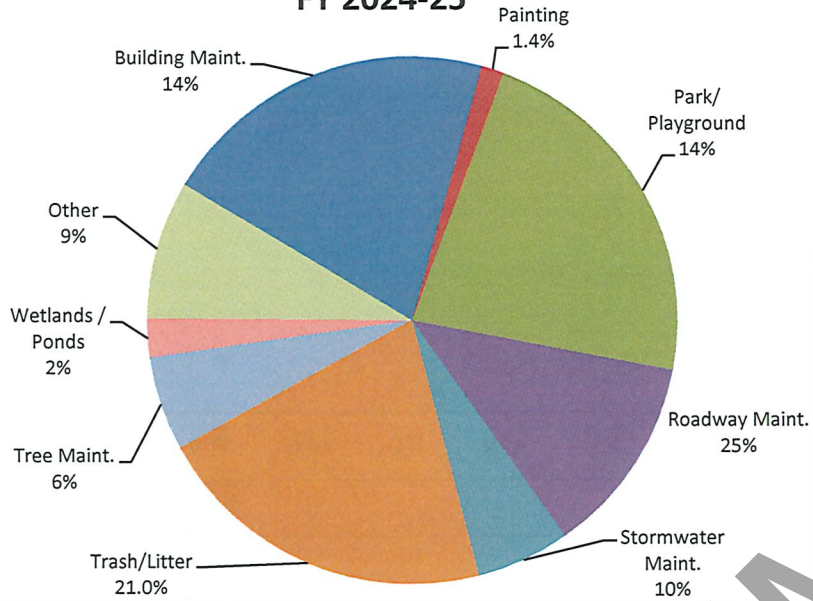
August 2024 Monthly Report Brandon Mills, Director of Public Works

This month, Public Works jetted out several storm water drainage pipes to clear debris, helping to maintain proper stormwater flow throughout the system. We routinely clean out catch basins to prevent pipes from becoming clogged with debris. In addition, we sprayed the parks and playgrounds with herbicide, also a routine activity performed several times a year to control unwanted growth. This not only helps control growth of weeds, but also helps with appearances. Equipment maintenance was also a top priority, with oil and hydraulic filters, and fluid changes on our tractors, and other equipment.

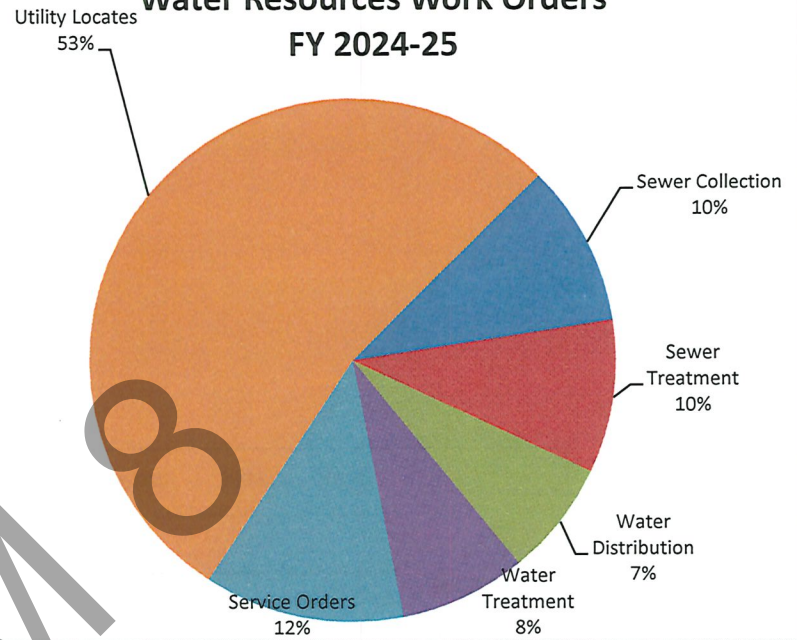
In the Water Resources department, we repaired one lift station pump in-house, with special thanks to Mike Steffa for his excellent work. Routine maintenance was also performed on some of our generators, including oil and filter changes. We also repaired several water meter antennas damaged by lawnmowers and urge citizens to avoid running over meter boxes, as this causes unnecessary damage to the meter reading system.

If you have any questions concerning the Water Resources/Public Works Department, please call us at 252-638-3540, Monday-Friday, 8am-4pm. After hour's water and sewer, emergencies can be reported by dialing the Town Hall at 252-638-3870. 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 252-638-1108, and they will get in contact with the on-call utility systems operator.

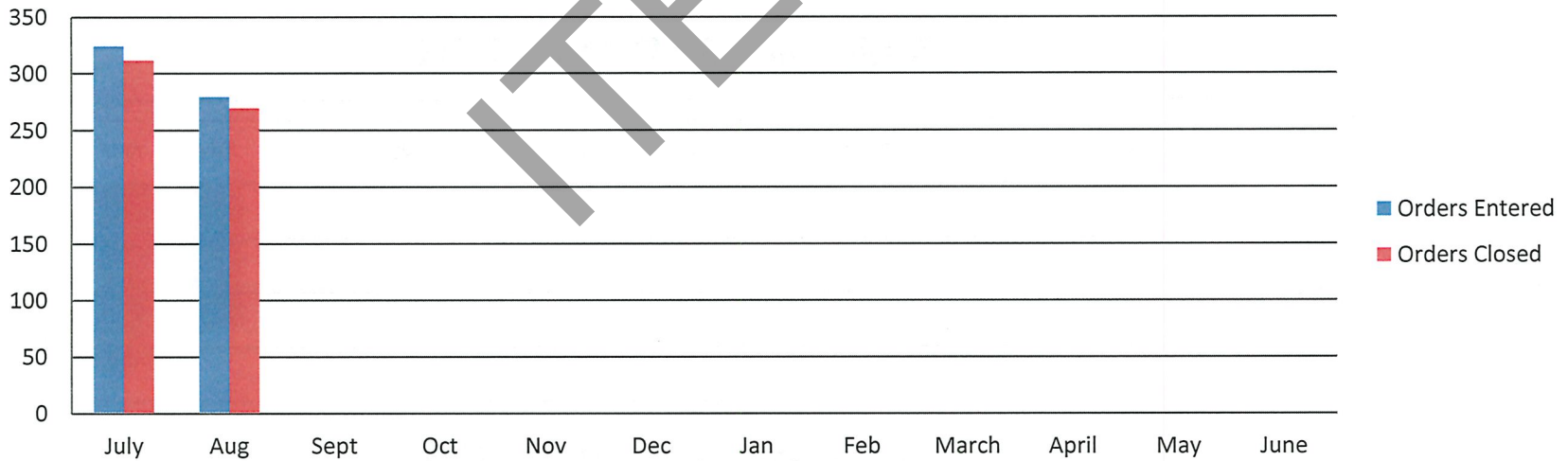
Public Works Work Orders FY 2024-25



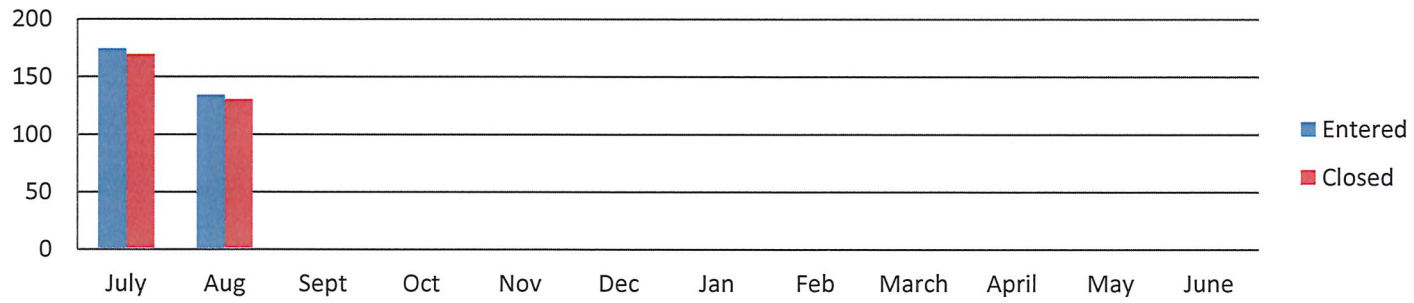
Water Resources Work Orders FY 2024-25



Total Work Orders - FY 2024-25



Water Resources - Work Orders



Public Works - Work Orders





MONTHLY ZONING REPORT

MONTH YEAR

Activity	Monthly	YTD Total
Permit Applications Received	4	8
Permits Issued	4	8
Fees Collected	89.60	390.40
Violations Noted During Weekly Patrol	6	20
Complaints Received From Citizens	1	2
Notice Of Violations Initiated *see details below	6	19
Remedial Actions Taken By Town	0	0

Detail Summary		
Address	Violation	Date Cited
132 Pirates	Parking in grass	12-Aug
121 Norbury	Trailer in front yard	12-Aug
30 Shoreline	State of disrepair	12-Aug
204 Esquire	Grass/overgrowth	12-Aug
130 Pirates	Parking in grass	12-Aug
104 Knotline	State of disrepair	19-Aug

Community Appearance Commission

Liaison Report to Town Council – 9/19/24

The Community Appearance Commission did not meet in September

Nominations for Halloween festive homes will be announced soon.

The annual Christmas globes workshops are scheduled for November 7 and November 9 from 10 am to noon. Check the CAC Facebook (River Bend CAC) page or RB eNews for signup information. There's also a gmail address to contact them directly. It's cac.riverbend@gmail.com

I reported this last month. Due to different circumstances, there are three vacancies on the board. This is a creative, productive group. They have several different projects and programs and they need help to continue to offer them. If you are interested in doing volunteer service for River Bend, this is a great opportunity. Contact them or attend a meeting to see what they are doing. Guests are always welcome. You don't have to be a board member to participate. The next meeting is scheduled for Wednesday, November 20 at 4 pm.

ITEM 9

Town of River Bend



Monthly Financial Report

Printed 9/16/2024

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.



General Fund

Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date		PY % Budget
	Original	Current													Total	% Budget	
	1 Ad Valorem Taxes	980,165													980,165	1,662	
2 Ad Valorem Taxes - Vehicle	104,400	104,400	-	13,648											13,648	13.1%	10.4%
3 Animal Licenses	1,500	1,500	70	40											110	7.3%	9.3%
4 Local Gov't Sales Tax	431,000	431,000	36,474	45,078											81,552	18.9%	17.3%
5 Hold Harmless Distribution	112,233	112,233	8,770	11,635											20,405	18.2%	16.8%
6 Solid Waste Disposal Tax	2,200	2,200	-	542											542	24.6%	26.4%
7 Powell Bill Fund Appropriation	-	-	-	-											-	0.0%	0.0%
8 Powell Bill Allocation	101,000	101,000	-	-											-	0.0%	0.0%
9 Beer & Wine Tax	13,225	13,225	-	-											-	0.0%	0.0%
10 Video Programming Tax	47,041	47,041	-	-											-	0.0%	0.0%
11 Utilities Franchise Tax	116,156	116,156	-	-											-	0.0%	0.0%
12 Telecommunications Tax	6,779	6,779	-	-											-	0.0%	0.0%
13 Court Cost Fees	500	500	27	45											72	14.4%	26.3%
14 Zoning Permits	7,000	7,000	222	108											331	4.7%	30.6%
15 Federal Grants*	-	23,364	-	6,185											6,185	26.5%	0.0%
16 State Grants	-	-	-	-											-	0.0%	0.0%
17 Federal Disaster Assistance	-	-	-	-											-	0.0%	0.0%
18 State Disaster Assistance	-	-	-	-											-	0.0%	0.0%
19 Miscellaneous	15,000	15,000	358	971											1,329	8.9%	14.4%
20 Insurance Settlements	-	-	-	-											-	0.0%	0.0%
21 Interest - Powell Bill	50	50	-	-											-	0.0%	0.0%
22 Interest - Investments	44,533	44,533	5,087	4,701											9,787	22.0%	40.6%
23 Contributions	900	900	660	-											660	73.3%	71.0%
24 Wildwood Storage Rents	18,144	18,144	1,610	1,636											3,246	17.9%	18.3%
25 Rents & Concessions	18,000	18,000	2,020	1,640											3,660	20.3%	18.0%
26 Sale of Capital Assets	-	-	-	-											-	0.0%	153.4%
27 Sales Tax Refund Revenue	-	-	-	-											-	0.0%	0.0%
28 Trans. from Capital Reserve	72,650	72,650	72,650	-											72,650	100.0%	100.0%
29 Trans. from L.E.S.A. Fund	-	-	-	-											-	0.0%	0.0%
31 Appropriated Fund Balance*	321,524	325,155	-	-											-	0.0%	0.0%
Total	2,414,000	2,440,995	129,610	99,437	0	0	0	0	0	0	0	0	0	0	229,047	9.4%	9.0%

*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.



General Fund

Expenditures	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date		PY % Exp
	Original	Current													Total	% Exp	
	1 Governing Body	69,500	69,500	7,551	(873)											6,678	9.6%
2 Administration	331,200	331,200	39,126	20,193											59,319	17.9%	19.2%
3 Finance	156,500	156,500	15,912	9,092											25,004	16.0%	17.1%
4 Tax Listing	14,700	14,700	-	468											468	3.2%	4.3%
5 Legal Services	49,000	49,000	814	2,224											3,039	6.2%	15.1%
6 Elections	600	600	-	-											-	0.0%	0.0%
7 Public Buildings	108,000	108,000	9,610	12,214											21,823	20.2%	19.2%
8 Police*	840,800	867,795	67,932	101,919											169,851	19.6%	13.9%
9 Emergency Management	5,800	5,800	2,100	16											2,116	36.5%	34.3%
10 Animal Control	18,000	18,000	1,894	1,409											3,302	18.3%	17.7%
11 Street Maintenance	235,000	235,000	11,075	10,421											21,496	9.1%	2.8%
12 Public Works	203,000	203,000	17,632	16,147											33,780	16.6%	16.9%
13 Leaf & Limb, Solid Waste	87,500	87,500	8,766	6,538											15,304	17.5%	12.3%
14 Stormwater Management	51,200	51,200	2,856	2,149											5,005	9.8%	9.7%
15 Waterways & Wetlands	2,900	2,900	50	-											50	1.7%	0.0%
16 Planning & Zoning	60,000	60,000	5,520	3,826											9,346	15.6%	16.0%
17 Recreation & Special Events	11,000	11,000	856	-											856	7.8%	11.8%
18 Parks	59,500	59,500	3,912	3,314											7,226	12.1%	11.1%
19 Transfers	86,757	86,757	86,757	-											86,757	100.0%	100.0%
20 Contingency	23,043	23,043	-	-											-	0.0%	0.0%
Total	2,414,000	2,440,995	282,363	189,058	0	0	0	0	0	0	0	0	0	0	471,420	19.3%	16.3%

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	264,754	264,754	-	47,434	-	-	-	-	-	-	-	-	-	-	47,434	17.9%
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	Total	% Col	PY	% Col
	Original	Current																	
Base Charge	280,228	280,228	46,614	283												46,897	16.7%	16.8%	
Consumption	238,040	238,040	47,308	167												47,475	19.9%	18.3%	
Other, incl. transfers	23,784	23,784	1,836	6,170												8,007	33.7%	31.1%	
Hydrant Fee	19,215	19,215	19,215	(153)												19,062	99.2%	100.9%	
Appropriated Fund Bal.*	92,733	95,521	-	-												-	0.0%	0.0%	
Total	654,000	656,788	114,973	6,467	0	0	0	0	0	0	0	0	0	0	0	121,441	18.5%	18.0%	

Expenses	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	Total	% Exp	PY	% Exp
	Original	Current																	
Admin & Finance	507,000	507,000	46,288	26,810												73,098	14.4%	14.2%	
Supply & Treatment*	69,000	71,788	5,092	3,466												8,558	11.9%	8.0%	
Distribution	58,000	58,000	31,698	174												31,872	55.0%	67.4%	
Transfers / Contingency	20,000	20,000	20,000	-												20,000	100.0%	0.0%	
Total	654,000	656,788	103,079	30,450	0	0	0	0	0	0	0	0	0	0	0	133,528	20.3%	17.2%	

Capital (included above)	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date	Total	% Exp
	Original	Current															
Capital Outlay	2,500	2,500	-	-												-	0.0%

Cash Balances		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
Water Capital Reserve Fund (CIF)	21,363	21,458											0

Water Produced	Limit	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date
Average daily gallons	925,000*	313,613	264,323	0	0	0	0	0	0	0	0	0	0	288,968

* This is the permitted daily limit.



Sewer Fund

Revenue	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date		PY
	Original	Current													Total	% Col	% Col
Base Charge	297,179	297,179	49,204	353											49,557	16.7%	16.7%
Consumption	337,525	337,525	61,256	279											61,535	18.2%	17.3%
Other, incl. transfers	18,261	18,261	2,806	4,143											6,949	38.1%	41.0%
Appropriated Fund Bal.*	67,035	69,823	-	-											-	0.0%	0.0%
Total	720,000	722,788	113,266	4,775	0	0	0	0	0	0	0	0	0	0	118,040	16.3%	17.1%

Expenses	Fiscal Year Budget		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date		PY
	Original	Current													Total	% Exp	% Exp
Admin & Finance	502,000	502,000	51,282	26,849											78,131	15.6%	15.4%
Collection*	58,000	60,788	5,560	3,189											8,750	14.4%	23.0%
Treatment	135,000	135,000	5,990	4,985											10,974	8.1%	14.5%
Transfers / Contingency	25,000	25,000	25,000	-											25,000	100.0%	0.0%
Total	720,000	722,788	87,832	35,022	0	0	0	0	0	0	0	0	0	0	122,855	17.0%	15.8%

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
Capital Outlay	2,500	2,500	-	-											-	0.0%

Cash Balances	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
Sewer Fund	755,848	780,999										
Sewer Capital Reserve Fund (CIF)	25,108	25,220										

Wastewater Treated	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	FY to Date
	Limit												
Total Gallons	2,885,000	3,420,000											6,305,000
Average daily gallons	330,000*	93,065	110,323	0	0	0	0	0	0	0	0	0	101,694

* This is the permitted daily limit.

Proposed language for disclaimer to accompany the 2024 Roadway Evaluation Survey

The town's 2024 Roadway Evaluation Survey is a tool used by the Town Council for short-range and long-range planning for future paving and maintenance of the town's streets. The document is based on a snapshot of street conditions as of July, 2024. This document will likely have a lifespan of 10+ years. During that time, street conditions, and subsequently street paving/maintenance priorities, are subject to change. Each year, during the budget process, the Town Council uses engineering recommendations and budget data to make a final decision on funding for street projects. While the Council uses the paving recommendations contained in this document as a guide to establish a priority ranking, there is no guarantee that future street paving will exactly follow the priority ranking as contained in this document.

ITEM 10b

2024 ROADWAY EVALUATION SURVEY

**TOWN OF RIVER BEND
CRAVEN COUNTY, NORTH CAROLINA**

Prepared for:

**Town of River Bend
45 Shoreline Drive
New Bern, NC 28562**

Prepared by:

**Avolis Engineering, PA
P.O. Box 15564
New Bern, NC 28561
(252)633-0068 Office**

**March 18, 2003
Updated May 16, 2007
Updated January 29, 2008
Updated July 22, 2024**



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APPENDICES

Appendix A	Alphabetized Roadway Listing
Appendix B	Prioritized Roadway Listing
Appendix C	Roadway Inspection Reports

FIGURES

Figure 1	2020 Powell Bill Map
Figure 2	Overall Roadway Map

ITEM 10b

1.0 INTRODUCTION AND PURPOSE

The Town of River Bend is responsible for the maintenance and repair of public roads within the Corporate Limits of the Town. It is the Town's desire to utilize its limited resources for roadway maintenance in a responsible manner addressing maintenance and repair needs on a prioritized basis that will result in the best, long-term performance of the roadway system. In order to accomplish this objective, an assessment of roadway conditions and maintenance priorities is needed.

Avolis Engineering, P.A. was contracted by the Town of River Bend to perform an assessment of municipal streets. Private streets were not evaluated. Avolis Engineering, P.A. was tasked with inspecting all public roads, preparing a report documenting maintenance and repair needs and providing a prioritized listing of roadway maintenance and repair needs. This report documents the findings of this roadway assessment.

Avolis Engineering, P.A. prepared the original Roadway Assessment Report in 2003. This report was utilized as a guide and tool in completing roadway repairs and resurfacing from 2003 - 2007. This report was updated to reflect current conditions in 2007. Minor wording edits were made in 2008. The findings contained in this previous report were reviewed at the onset of this inspection effort to help identify those roads that are degrading more rapidly than originally anticipated and to note those repairs that have been previously completed.

This report documents the roadway conditions as of July 2024. The prioritized listing of repairs and maintenance needs was formulated based upon pavement conditions and traffic loading. Cost estimates provided for each priority road segment are based upon current market conditions and are not adjusted for inflation. These figures should be adjusted for inflation if repairs are undertaken in future years.

2.0 SURVEY METHODOLOGY

Avolis Engineering, P.A. utilized the methodology and practices presented in the North Carolina Department of Transportation, Pavement Condition Survey Manual for Raters, dated 2023 as a guide to complete this pavement condition survey. All pavement surfaces and conditions were assessed, based on a visual inspection by Kevin Avolis, P.E. Pavement surfaces were inspected first on foot and secondly by vehicle. The pavement surfaces were assessed for severity of the following pavement failure conditions:

- A. Alligator Cracking
- B. Traverse Cracking
- C. Rutting

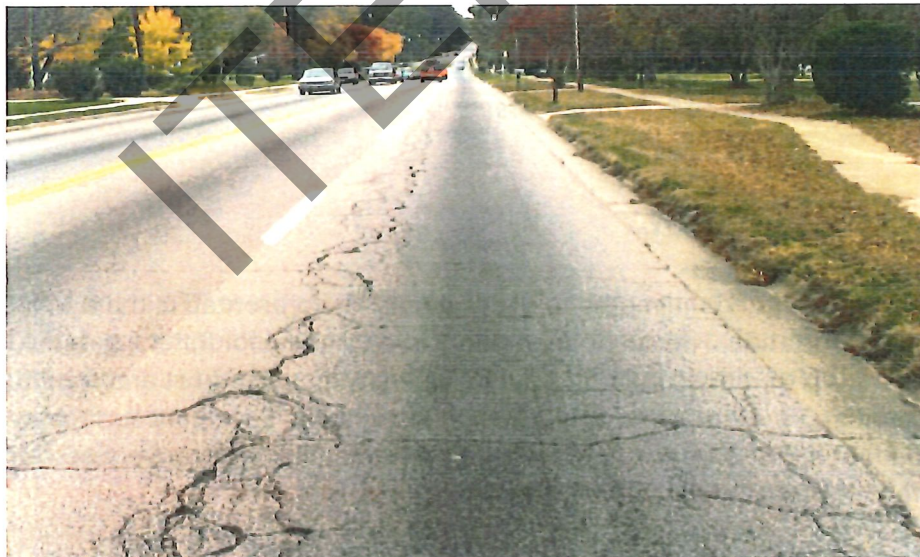
- D. Raveling
- E. Bleeding
- F. Ride Quality
- G. Patching

Each pavement failure condition and rating criteria is described in detail below. Photos included for each pavement failure condition were taken from the NCDOT Pavement Condition Survey Manual for Raters, 2023.

A. Alligator Cracking

Alligator cracking is a load associated structural failure. The failure can be either in the surface, base or subbase. Permanent deformation (rutting) does not have to be present for there to be alligator cracking. Cracking first begins in the wheel path, usually as longitudinal cracking. Further stress creates an alligator pattern. If the surface is very flexible, the longitudinal crack will become wider and an alligator pattern may not develop until severe distress sets in. The proper corrective measure for both alligator and longitudinal cracking is the same since a structural failure is taking place in both cases. Alligator cracking also includes cracking along the pavement edge.

Alligator cracking is rated based upon the percentage of pavement area exhibiting cracking at different degrees of severity (i.e. 10% - None, 30% - Light, 60% - Severe).



B. Transverse Cracking

Block cracks divide the pavement up into roughly rectangular pieces. Block cracking is not load-associated. Cracks are generally caused by shrinkage of the asphalt concrete and daily temperature cycling. Wheel path loads can increase the severity of block cracking if water is allowed to penetrate into the cracks. It is therefore very important to seal these cracks to prevent water penetration into the base materials.

Transverse cracks are rated as light, moderate, or severe as follows:

- (L)ight:** Cracks, usually only transverse, are less than ¼-inch wide and are not spalled; block pattern may not be visible yet; transverse cracks usually 10 to 20 feet apart. Cracks have little or no spalling and joints are usually not bumped up.
- (M)oderate:** Block pattern may be visible with blocks 10 square feet or greater present; cracks are ¼-inch and ½-inch wide; cracks may or may not be spalled; transverse cracks usually 5 to 20 feet apart
- (S)evere:** Cracks may be severally spalled with smaller blocks 2 to 10 square feet present; cracks usually greater than ½-inch wide; transverse cracks may be 1 to 2 feet apart throughout portions of the surface.



C. Rutting

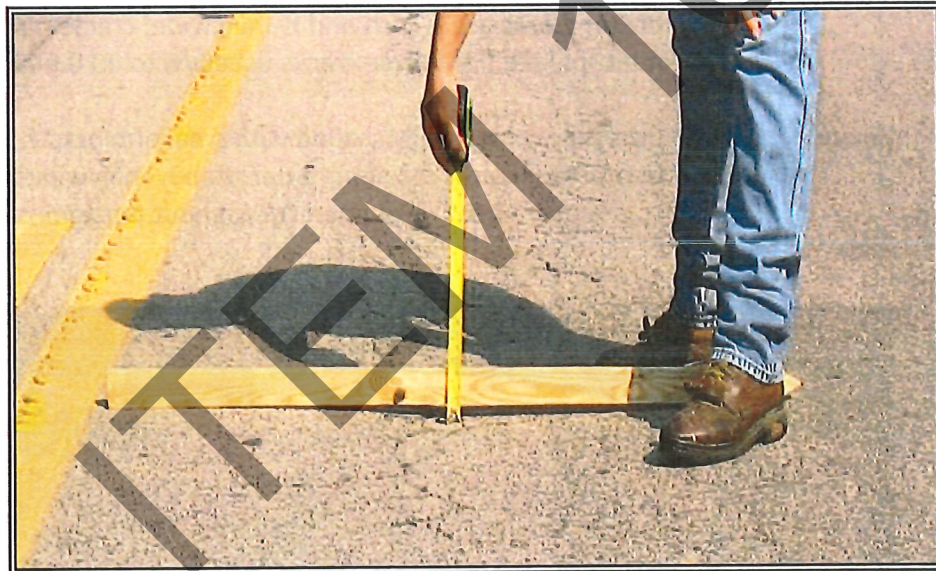
A rut is a surface depression in the wheel path(s) or at the edge of pavement. Rutting comes from a pavement deformation in any of the pavement layers or in the subgrade, usually caused by consolidation or lateral movement of the materials due to traffic loads. Movement in the mix in hot weather or inadequate compaction during construction is the main cause of rutting.

Rutting is rated as light, moderate, or severe as follows:

(L)ight: rutting $\frac{1}{4}$ to less than $\frac{1}{2}$ -inch deep.

(M)oderate: Rutting $\frac{1}{2}$ to less than 1-inch deep.

(S)evere: Rutting 1-inch deep or greater.

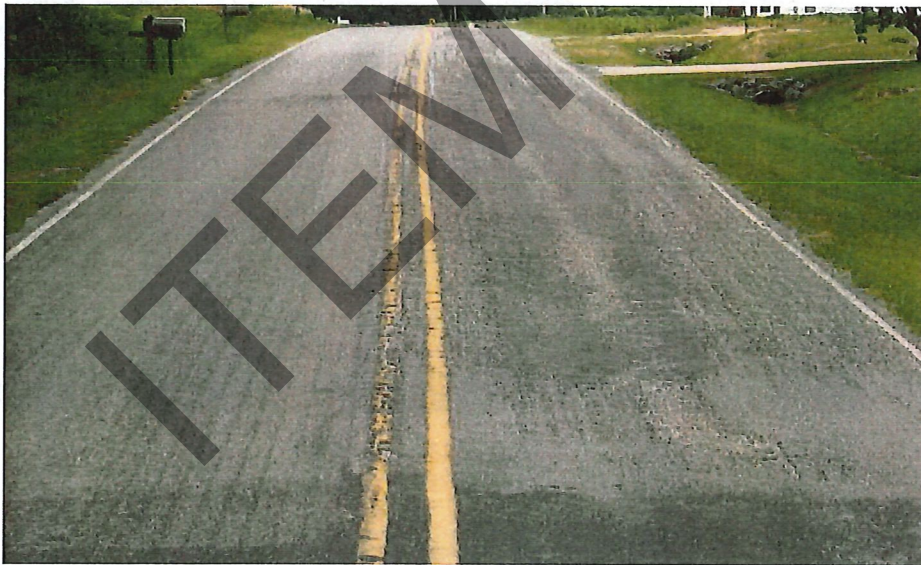


D. Raveling

Raveling is the wearing away of the pavement surface caused by the dislodging of aggregate particles or loss of asphalt binder. Raveling is more common on slurry surfaces than on plant mix surfaces. Raveling indicates either a hardening or poor application of asphalt binder.

Raveling is rated as light, moderate or severe as follows:

- (L)ight:** Aggregate loss is not great; small amounts of stripping may be detected; aggregate has started to wear away.
- (M)oderate:** Some stripping evident, random stripping with small areas (less than one square foot) or strips of aggregate broken away.
- (S)evere:** Stripping very evident; aggregate accumulations may be a problem; large sections (greater than one square foot) of stripping with aggregate layer broken away.



E. Bleeding

Bleeding is a film of bituminous material on the pavement surface that creates a shiny, reflective surface. Bleeding is caused by excess asphalt cement in the mix and/or low air void content. During hot weather the asphalt fills the voids of the mix and then expands out onto the surface of the pavement.

Bleeding is rated as light, moderate, or severe as follows:

(L)ight: Condition is present on 10 to 25 percent of the section.

(M)oderate: Condition is present on 26 to 50 percent of the section.

(S)evere: Condition is present on greater than 50 percent of the section.



F. Ride Quality

Ride quality is what the general public perceives as the indicator of how well a road is holding up. Edge rutting, patching and localized dips significantly contribute to ride quality. Ride quality is assessed at the posted speed limit.

Ride quality is rated as light, moderate, or severe as follows:

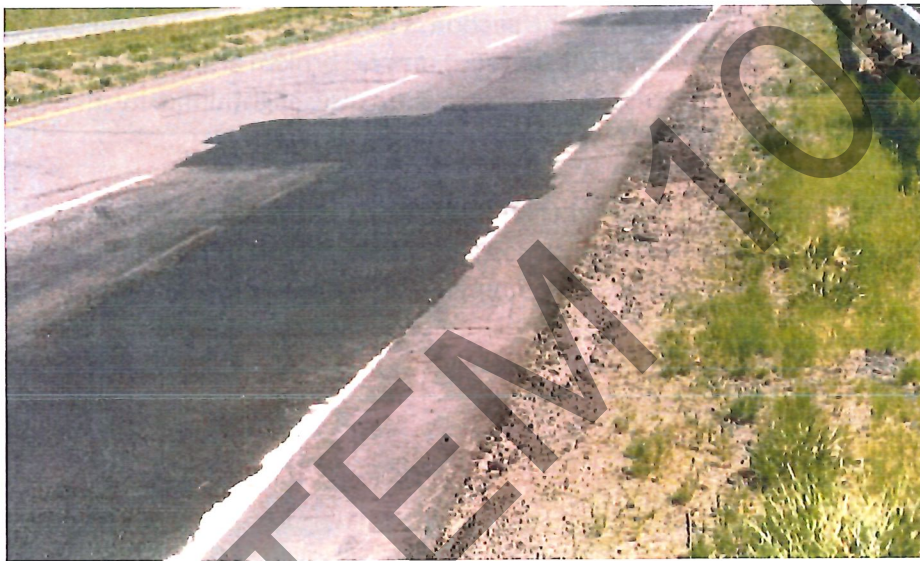
(L)ight (Average): Pavement texture may cause minimum tire noise, isolated cases (up to $\frac{1}{4}$ of the section) of bumps and dips, operating speed can be maintained safely.

(M)oderate (Slightly Rough): $\frac{1}{4}$ to $\frac{1}{2}$ of the section is uneven and bumpy with dips, rises, and ruts; pavement may be broken and cracked with a resulting increase in tire noise; slight difficulty in maintaining operating speed safely.

(S)evere (Rough): Greater than $\frac{1}{2}$ of section is uneven and bumpy; rider is frequently jostled; rather large and frequent pavement failures and rough texture may be present causing a high increase in tire noise and jolts; operating speed cannot be maintained safely.

G. Patching

Patching is defined as any surface area of the existing pavement that indicates some type of maintenance repair has taken place. These patched areas may be skin patches, edges, overlays or full depth patches. They may be in spot locations, along one or both edges, in the wheel paths, across the entire surface for short distances, or a combination of any of these. The quality and condition of the patch is not considered in evaluating patching. It does not matter if all the patches are alligator cracked, rutted or potholed. These conditions are measured in the other distresses. Patching is an indication of the amount of surface area that has received some type of maintenance repair that may or may not be holding up.



To document pavement areas, measurements were taken with hand tapes and measuring wheels. Where appropriate, area calculations were completed by computer based measurements.

Pavement striping was assessed through a visual inspection to determine general striping conditions, unnecessary striping, misplaced striping, and striping deficiencies.

Measurements were made to document each roads width and length. These measurements were utilized to quantify the efforts needed to repair and resurface each road segment.

The information observed for each road segment is documented on the Individual Road Condition Survey forms included in Appendix C.

3.0 INSPECTION RESULTS

Each of the Town's public road segments was inspected utilizing the procedure outlined in **Section 2.0** above. Upon the completion of this inspection effort, a review was made of the documented roadway conditions.

The overall conditions of the road system within the Town of River Bend is considered to be relatively good. Based upon the repair and overlay efforts that have been completed within the last 24 years, it is apparent that the Town of River Bend actively pursues and addresses the repair and maintenance needs of its road system to ensure its long-term performance.

The anticipated serviceable life of asphalt roadways is 20 to 30 years and is dependent upon the integrity of the roadway section and the traffic loading. A large portion of the Town's roadways have been overlaid over the last 24 years. Those roadway segments that have not been overlaid and are the originally constructed pavement sections exhibited the highest level of degradation. Additionally, those roadway segments that were overlaid in excess of 18 – 20 years ago as a part of the Town's maintenance program are beginning to exhibit light to moderate signs of pavement distress.

A prioritized listing of repair and maintenance needs was formulated based upon the factors outlined above. Twelve roadway segments were identified as priorities requiring maintenance and repair needs over the next 3 to 5 year period.

Included in Appendix **A** is an alphabetized listing of all roadway segments evaluated. Included in Appendix **B** is a priority ranking of road segments based on repair and maintenance needs. This priority listing was formulated considering all of the factors discussed in **Section 2.0** above. Those roads needing the most immediate attention are identified by a higher priority number (Priority 1, 2, 3...).

Figure 1 includes the Town of River Bend Powel Bill Map and documents the roadway sections inspected. Included in **Figure 2** is an Overall Roadway Map. This map visually depicts roadway repairs completed in 2000 through 2024.

4.0 SUMMARY AND RECOMMENDATIONS

The prioritized listing of roadway maintenance and repair needs provides the recommended sequence of repair and maintenance efforts as of July 2024. The following road segments were identified that are of original construction and have not received an overlay in the Town’s Maintenance Program:

PRIORITY	ROAD SEGMENT	PROJECT COST
1	Norbury Drive	\$124,000.00
2	Margo Court	\$11,500.00
3	Marina Road	\$32,100.00
4	Wakefield Drive	\$41,750.00
5	Pilot Place	\$11,500.00
6	Lantern Lane	\$7,700.00
7	Quarterdeck Cluster I and II	\$84,000.00
8	Pier Pointe	\$105,100.00
9	Bluff Court	\$12,800.00
Total Cost – Priority 1 - 9		\$430,450.00

These roadway segments should be programmed for resurfacing as funding becomes available.

Other roadway segments identified that will require maintenance and repair needs within the next 3 to 5 years include the following:

PRIORITY	ROAD SEGMENT	PROJECT COST
10	Pirates Road – Shoreline Drive to Wakefield Drive	\$267,000.00
11	Shoreline Drive – US Highway 17 to Plantation Drive South	\$454,900.00
12	Plantation Drive – Gull Pointe to Shoreline Drive South	\$230,325.00
Total Cost – Priority 10 - 11		\$952,225.00

These roadway segments are classified as thoroughfare roads and are subject to heavier traffic loading than the roadway segments identified as Priority 1 – 9 (all local roads). These thoroughfare road segments should be monitored annually as the maintenance program for that year is developed to ensure that all critical maintenance needs are addressed and that these thoroughfare segments are not allowed to deteriorate to a state that would require significant repairs.

CAPITAL IMPROVEMENT PLAN		Prior Year	Current Year	Future Years					
Water Fund	Updated 9-19-2024			2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029
Appropriation: Annual		20,000	15,000	20,000	20,000	25,000	30,000	150,000	
Appropriation: Grant/Loan/Other Funds		0	16,500,000	3,500,000					
Appropriation: For Vehicles (50/50 with sewer)		3,500	5,000	5,500	5,500	6,000	6,500	45,000	
FY Appropriation:		\$ 23,500	\$ 16,520,000	\$ 3,525,500	\$ 25,500	\$ 31,000	\$ 36,500	\$ 195,000	
Capital Projects	Prior Project yr.								
<i>Administration:</i>									
Vehicle Replacement (split Water/Sewer)	Per schedule						24,500	42,500	
Backhoe (split with water and general)	21-22								
<i>Treatment</i>									
Well #1 Replacement				1,750,000					
Well #2 Replacement				1,750,000					
Treatment House Corrosion Prevention	20-21							18,000	
Filter Media Rehab	10-11					20,000		40,000	
Well #1 Pump Replacement	13-14	23,000							
Water Treatment Plant Improvements			16,500,000						
Sampling Station Replacement	23-24						10,000		
<i>Distribution</i>									
Line Extension (2 on Old Pollockville Rd.)					35,000				
Howell Center and Riverstone Backflow	11-12			6,000					
Industrial Meter Replacement						6,000			
Elevated Tank Projects							25,000		
FY Expenditures:		23,000	16,500,000	3,506,000	35,000	26,000	59,500	100,500	
Any reserves shown in ending balance line are accounted for in fund balance		2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	2029-2035	
Ending Balance		\$ 500	\$ 20,500	\$ 40,000	\$ 30,500	\$ 35,500	\$ 12,500	\$ 130,000	

Planning Board Report – Sept. 2024

The River Bend Planning Board met on Sept. 5th at 6:00 pm in the Community Building. All board members were present as well as numerous interested citizens. Manager Jackson was unable to attend. Chairman Lippert called the meeting to order. The usual reports were given. There was no public comment. There was no old business.

The only new business was the election of officers. Councilman Sheffield took over as temporary chair and conducted the election. Chairman Egon Lippert, vice Chairman Bob Kohn and Secretary Allison McCollum were all re-elected to their respective offices.

There were several questions from the audience, many having to do with the development of the Davis property on Old Pollocksville Rd. In particular, citizens wanted to know about the possibility of a road through the development linking Plantation Drive with Old Pollocksville Rd. Councilman Sheffield informed them of the current status of a potential road in the absence of Manager Jackson. Essentially, the developers are not expected to complete the entire road since a substantial portion of such a road would be outside the bounds of the property being developed. The town is looking into ways to complete approximately 25% of the road. All thinking on this matter is completely speculative at this point. No concrete action has been taken and cannot be until the developer's plans are officially set. The developers have not submitted an official plan but could do so as early as the next Planning Board meeting which is scheduled for October 3rd.

Town of River Bend Resolution on Social Media

Whereas, social media, in numerous platforms, is a common tool for people, business and government to communicate and exchange thoughts, ideas and positions; and

Whereas, the Town of River Bend does use social media in a very limited manner and only on platforms that are approved for use by the Town Council; and

Whereas, the Town of River Bend recognizes the potential advantages and the potential disadvantages of social media, and encourages everyone to exercise caution in separating fact from fiction while consuming information on non-official social media sites; and

Whereas, the Town of River Bend finds it necessary to officially adopt a stance on social media;

Now, therefore be it resolved, by the Town of River Bend Town Council that:

1. No town staff, employee or elected official is authorized to officially speak, post or comment on non-Town social media sites on behalf of the Town of River Bend.
2. The Town of River Bend is only responsible for the content of social media sites that are officially approved by and operated by the Town of River Bend.
3. The Town of River Bend does not monitor or exercise any control over, or have any responsibility for, the operation or content of any non-Town operated social media sites and/or the users thereof.
4. The Town of River Bend is not responsible for or liable for any content on non-Town sites.

Adopted this the 19th day of September, 2024

John Kirkland, Mayor

ATTEST:

Kristie Nobles, Town Clerk

River Bend Community Organic Garden (RBCOG)

Monthly Report – September 2024

The garden is transitioning from summer to fall. Garden volunteers worked for 155 hours in August.

Fall planting will begin in mid-September.

Workdays will continue on alternate Saturdays in September. Volunteers can also sign-up on the monthly calendar.

The next meeting is scheduled for October 7, 2024 at 1:30 pm in the Municipal building. Everyone is welcome to attend and participate in monthly garden volunteer meetings and in the garden.

RBCOG Rept to Council – 9/2/24

File in P&R and COG

ITEM 13b

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

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

PARKS AND RECREATION ADVISORY BOARD

§ 3.05.001 ESTABLISHMENT.

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

§ 3.05.002 PURPOSE.

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

§ 3.05.003 POWERS AND DUTIES.

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

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

§ 3.05.004 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.

(B) All members shall be residents of the town.

§ 3.05.005 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.
- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All official meetings of the Board shall be held in a town-owned building or on the town's campus. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.
- (H) Board activities, events, functions (not to include official Board meetings) may be held at non-town owned property or facilities, with the written consent of the property owner, provided that the activity does not conflict with any other provision of the Town's Code of Ordinances.

ENVIRONMENT AND WATERWAYS ADVISORY BOARD

§ 3.05.015 ESTABLISHMENT.

An Environment and Waterways Advisory Board (the Board) is hereby created and established.

§ 3.05.016 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on environmental and waterways issues and to provide recommendations on waterways and environmental issues or concerns relating to use, preservation, conservation and protection of such resources within the town. The Board shall work on other issues assigned by the Council or Manager.

§ 3.05.017 POWERS AND DUTIES.

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

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to environmental and waterway issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.
- (E) The Board, at its discretion and operating within its budget, may organize and administer Council and/or Manager approved projects related to environmental and waterway activities and events to serve the residents of River Bend. The Board may be asked to organize special events or activities by the Council and/or Manager.
- (F) To engage in activities to further public education and understanding of the importance of waterways and the environment to the community, and voluntary means by which these resources may be protected.

§ 3.05.018 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.

§ 3.05.019 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.

- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All official meetings of the Board shall be held in a town-owned building or on the town's campus. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.
- (H) Board activities, events, functions (not to include official Board meetings) may be held at non-town owned property or facilities, with the written consent of the property owner, provided that the activity does not conflict with any other provision of the Town's Code of Ordinances.

PLANNING BOARD

§ 3.05.035 ESTABLISHMENT.

A Planning Board (the Board) is hereby created and established.

§ 3.05.036 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on planning and zoning issues to include, but not be limited to, establishment or revision of districts, regulation and restriction of the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in accordance with G.S. § 160D-109. The Board shall work on other issues assigned by the Council or Manager.

§ 3.05.037 POWERS AND DUTIES.

Pursuant to G.S. § 160D-109, the Board shall report to the Town Council and shall have the following powers and duties:

- (A) At the direction of the Council and/or Manager, conduct studies and make recommendations on matters relating to planning and zoning issues.
- (B) At their request, assist the Council and/or Manager in the resolution of complaints and concerns registered by the town's citizens, governmental agencies, or other entities.
- (C) All Board reports, recommendations, or requests for actions shall be coordinated, when appropriate, with other town boards working through the Manager and Council.
- (D) Because the Board is advisory in purpose, no Board member shall make, or have the authority to make, any contractual or financial obligations or arrangements on behalf of, or for, the town.

§ 3.05.038 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, six (6) being appointed by the Council for 2-year staggered terms. The seventh member shall be a citizen living in the town's extraterritorial jurisdiction (ETJ) and shall be appointed by the Craven County Commissioners in accordance with G.S. § 160D-109. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All town-appointed members shall be residents of the town.
- (C) Only the Craven County Commissioners have the authority to remove the ETJ member from the Board. Any ETJ vacancy shall be filled by the Commissioners.
- (D) All members of the Board shall have equal rights, privileges and duties with regards to all matters within the town's planning and zoning jurisdiction.

§ 3.05.039 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.

- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All official meetings of the Board shall be held in a town-owned building or on the town's campus. All meetings shall be open to the public, shall be conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at all meetings. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.
- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.
- (H) Board activities, events, functions (not to include official Board meetings) may be held at non-town owned property or facilities, with the written consent of the property owner, provided that the activity does not conflict with any other provision of the Town's Code of Ordinances.

COMMUNITY APPEARANCE COMMISSION

§ 3.05.055 ESTABLISHMENT.

A Community Appearance Commission (herein after, the Board) is hereby created and established.

§ 3.05.056 PURPOSE.

The purpose of the Board is to advise the Town Council (Council) and Manager on community appearance issues to include, but not be limited to, enhancing the appearance of the town, making recommendations for planting of trees, shrubs or other planting materials on town owned property including town right-of-ways, and any other matter that affects the overall appearance of the town. The Board shall work on other issues assigned by the Council or Manager.

§ 3.05.057 POWERS AND DUTIES.

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

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

§ 3.05.058 COMPOSITION AND TERMS OF OFFICE.

- (A) There shall be seven (7) members of the Board, to be appointed by the Council for 2-year staggered terms. All members shall serve without compensation. The terms of office shall commence on July 1 and end on June 30, 2 years later, unless appointed to fill a vacancy, in which the term would begin immediately and end when the term was scheduled to end.
- (B) All members shall be residents of the town.

§ 3.05.059 ORGANIZATION AND PROCEDURES.

- (A) At the first regular meeting each year following June 30, the Board shall elect a Chair, Vice Chair and a Secretary. The Secretary need not be a member of the Board. The name and contact information for each officer shall be immediately forwarded to the Town Clerk. Any subsequent change in officers shall also be forwarded to the Town Clerk.
- (B) The Board shall set a date (Ex: 2nd Thursday of each month), time and place to conduct its regular meeting. The schedule of regular meetings for the Board shall be maintained in the Office of Town Clerk.
- (C) The Board shall hold a minimum of 4 scheduled meetings per year. Special meetings may be called by Chair, the Manager, or 2 members of the Board. All meetings of the Board shall be conducted in a public, accessible place. All official meetings of the Board shall be held in a town-owned building or on the town's campus. All meetings shall be open to the public, shall be

conducted under the rules of order established by Council, and shall be in accordance with state laws, in particular, the Open Meetings Law. A written agenda shall be prepared and distributed to all Board members and the Liaison at least 48 hours prior to all meetings. Copies of the agenda shall be available to the public at the meeting. A written record of minutes of each meeting shall be kept by the Secretary or, in their absence, a designated person and shall include information on attendance, findings, recommendations, and actions taken by the Board. A draft copy of the minutes shall be provided to the Town Clerk within 10 business days of the meeting. At the next regular meeting of the Board, the draft minutes shall be presented to the Board for official acceptance. Within 10 days of adoption by the Board, a signed copy of the minutes shall be provided to the Town Clerk for retention. In accordance with applicable law, minutes of Board meetings are public record. Board minutes shall be posted on the Town's web page in a manner consistent with the process of posting Town Council minutes.

- (D) A quorum, comprised of more than half the current membership, shall be present at the meeting to take any official action required or authorized by this subchapter. Only appointed Board members are eligible to vote. The Chair is eligible to vote on all matters.
- (E) The Board may adopt by-laws, rules, and other procedures not inconsistent with the town's ordinances and laws of North Carolina, with approval by the Town Manager.
- (F) Pursuant to G.S. § 160D-109, members of appointed boards providing advice to the Town Council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (G) Any official recommendation, arising out of the Board, shall be submitted in writing to the Town Council through the Board's liaison or the Town Manager.
- (H) Board activities, events, functions (not to include official Board meetings) may be held at non-town owned property or facilities, with the written consent of the property owner, provided that the activity does not conflict with any other provision of the Town's Code of Ordinances.

§ 3.05.070 APPOINTMENT/REMOVAL TO BOARD

- (A) No appointment to fill a vacancy on an Advisory Board shall be made until the vacancy has been advertised for at least 2 weeks. Applicants are encouraged to attend the Council meeting where their consideration of appointment is scheduled, whereby they will be introduced to the Council.
- (B) The following application procedure shall be followed by all applicants:
 - (1) Any person interested in appointment to an Advisory Board shall complete and submit an Advisory Board Application.
 - (2) Before being considered for appointment, an applicant must have attended at least 1 meeting of the Advisory Board they request to be appointed to.

- (3) All applications for appointment will be reviewed by the Advisory Board. The Advisory Board shall consider all applicants and submit a recommendation for appointment to the Town Council.
- (4) The Advisory Board Liaison shall submit the appointment recommendation to the Town Council.
- (C) Advisory Board members may resign at any time for any reason. All resignations must be immediately reported in writing or via email to the Town Manager by the Chair, or Liaison. Once a member's resignation becomes effective, that member may only be considered for reappointment following the procedure described herein.
- (D) The Council may remove a Board member, at its discretion, by vote in an open meeting. A Board member who misses 3 consecutive meetings without being excused by the Board shall be considered to have resigned membership in the Board.
- (E) Council members may not serve on an Advisory Board. Upon appointment or election to the Council, an Advisory Board member shall immediately resign from the Advisory Board or be removed from the Advisory Board by a vote of the Council.

ADVISORY BOARD LIAISON

§ 3.05.080 ESTABLISHMENT.

An Advisory Board Liaison Section is hereby created and established.

§ 3.05.081 PURPOSE

As codified in Chapter 3.05 of the Town Code of Ordinances, the Town of River Bend has multiple Advisory Boards. In addition to the Advisory Boards listed therein, the town may also have other groups that function in roles similar to an Advisory Board (such as Community Watch, Board of Adjustment, etc.). Also, from time to time, the Town Council (Council) may create a special committee to address a particular topic. A member of Council may be appointed to serve as liaison for such groups (Board). Liaison appointments are only made by an official action of Council. The purpose of this section is to define the role of a liaison.

§ 3.05.082 ROLE OF LIAISON

- (A) A Council-appointed liaison is not a member of the Board. Rather, the liaison is a resource to support the Board in the completion of its assigned duties, subject to the following guidelines:
 - (1) A liaison has no authority to supervise or manage the Board. The liaison shall not take part in any votes or decision making of the Board.
 - (2) Generally put, a liaison shall not attempt to influence the work or recommendations of the Board. More specifically, a liaison shall not take part in the Board's deliberations or discussions unless:

- a) The Board requests the liaison's participation in a particular discussion. The liaison's input shall represent the position of Council, or the liaison shall identify their input as representing their personal opinion.
 - b) The liaison determines that he/she must speak up in order to remind the Board of Council's directives, town policies, the Open Meetings Law, public records requirements or other specific information which may be necessary to prevent the Board from taking inappropriate action.
- (B) The liaison shall be mindful that the Board is only taking action or doing work that is within the Board's Power and Duties as outlined herein or as otherwise prescribed by Council. If such a deviation occurs, the liaison shall notify the Board's Chairperson. If such deviations continue, the liaison shall notify the Mayor, Council and Town Manager.
- (C) The liaison shall serve as the conduit between the Council and the Board. The liaison shall bring to the Council any requests from the Board, such as, but not limited to, the following:
- (1) Questions about the Board's scope of work.
 - (2) Requests from the Board to change the Board's scope of work.
 - (3) Requests of town resources to further the Board's work.
 - (4) Recommendations from the Board to the Council. All recommendations from a Board shall be provided in writing and signed by the Board's Chairperson. The liaison shall follow the town's agenda policy for placing the recommendation on the next Council agenda. Similarly, the liaison shall bring to the Board any directions, requests, or concerns from the Council.
- (D) The liaison should attend all regular meetings of the Advisory Board. When they cannot, they should notify their back-up and the back-up should attend. The liaison shall stay informed of Board activity/action by attending Board meetings or conferring with its members. The liaison shall update the Council at least quarterly (per fiscal year) on the work of the Board by submitting a written report of Board actions. The report shall be included in the Council's regular meeting agenda packet during the months of October, January, April and July. Such reports shall represent the Board's action during the previous quarter.

§ 3.05.083 BOARD OVERSIGHT

- (A) If a Board member or member of the public feels that there is an issue with the operations of the Board, they may speak to the liaison about their concern, in an effort to seek a remedy or clarification.
- (B) If the liaison is unable to resolve the issue, the liaison shall bring the issue to the Mayor, Mayor Pro-Tem and Town Manager for discussion and possible further action. If the issue requires Council action, the Mayor or Mayor Pro-Tem shall bring the issue to the Council by following the town's agenda policy.
- (C) If a liaison feels that there is an issue with the operations of the Board, they shall speak to Board's Chairperson. If the issue is not resolved, the liaison shall bring the issue to the Council for consideration by following the town's agenda policy.

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

Adopted this the 19th day of September, 2024

John Kirkland, Mayor

ATTEST:

Kristie Nobles, Town Clerk

ITEM 13C

SOCIAL MEDIA (SM) AND GOVERNMENT

It is my belief that SM is very detrimental to our nation at all levels of government. There is much positive that SM can deliver to users seeking specific information for service industries and tradesmen and other similar inquiries. However, posts related to political positions may advance one's personal political view and may purposely misrepresent the truth. The casual reader of the post may adopt and repeat the position read in the SM and accidentally mislead other people.

For the reasons expressed here, I do not participate in the use of SM. I do use Google to find information that I need and trust that information source.

I conclude by repeating that SM can have great utility, but it should not be used to exchange information that, in past generations was discussed over the clothesline.

In closing, I caution all users of SM to be careful about reading everything on SM as fact. We all know that it is not all factual.