



## TOWN OF RIVER BEND

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River Bend, NC 28562

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[www.riverbendnc.org](http://www.riverbendnc.org)

### RIVER BEND TOWN COUNCIL AGENDA

Work Session Meeting  
December 10, 2020  
River Bend Municipal Building  
5:00 p.m.

1. Discussion – Filling of Vacancy - Jackson
2. VOTE – Procedure for Filling Vacancy - Jackson
3. Discussion – Schedule for FY19-20 Audit Presentation - Theis
4. Discussion – Human Resources Policy - Jackson
5. Review Agenda – Nobles

Pledge: Councilman Sheffield

**\*\*\*NOTE – DUE TO CONSTRUCTION AT TOWN HALL,  
THIS MEETING WILL BE HELD IN THE MUNICIPAL  
BUILDING AT 51 SHORELINE DRIVE.**

**DUE TO COVID-19, SEATING IS LIMITED AND ON A  
FIRST-COME BASIS. WE ENCOURAGE EVERYONE  
TO PRACTICE THE 3-W'S.**

Harry McClard  
78 Shoreline Drive  
River Bend, NC 28562

December 3, 2020

To: The Town of River Bend North Carolina

Re: Town Council Resignation

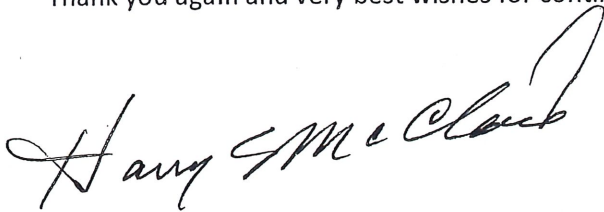
First please let me sincerely thank all of the council and town employees for their courtesies and cooperation during my tenure on the town council. It has been a pleasure and I have enjoyed the entire experience.

However, I am relocating outside River Bend and must offer my resignation effective immediately.

My new address will be:

Bolivia, NC 28422

Thank you again and very best wishes for continued outstanding local government services.

A handwritten signature in black ink that reads "Harry E. McClard". The signature is written in a cursive, flowing style.

Harry E McClard

**RECEIVED**

**DEC 03 2020**

**TOWN OF RIVER BEND**

11:55 am

Handwritten initials in black ink, appearing to be "D.F." or similar, written over a horizontal line.

### **§ 3.01.037 FILLING VACANCIES OF AN ELECTIVE OFFICE.**

(A) The procedures that follow apply to the filling of each position that has been vacated by an elected official.

(B) Subject to the provisions of G.S. §§ 160A-59 and 160A-63 a vacancy that occurs in an elective office shall be filled by appointment of the Town Council.

(C) Upon receipt of notification that a position is vacant, the Mayor shall call a special meeting of the Town Council to be held within one week of the receipt of the notice, to consider the filling of the vacancy. If a Council meeting is scheduled within one week of the receipt of the notification, it will not be necessary to convene a special meeting, and the topic "Filling of Vacancy" will automatically be placed upon the agenda of that meeting.

(D) At the meeting, held under section (C) above, the vacancy shall be recognized by the Council and instructions to fill the vacancy issued. In the event of resignation, the Council shall formally accept the resignation and declare the position as vacant.

(E) Within seven business days following the above meeting, the Town Clerk shall publish a "Notice of Vacancy" requesting applications from interested persons wishing to be considered for appointment. The applications are to be submitted to the Town Clerk by 4:00 p.m. on the fifteenth calendar day after publication of the "Notice of Vacancy."

(F) (1) At the meeting, held under section (C) above, the Council shall determine how it wishes to conduct the selection process, and the candidates shall be informed of this process by the Town Clerk in writing upon submission of their applications.

(2) The Council and Mayor shall consider all applications meeting the requirements at the next regular Council meeting following the deadline date for submission of applications.

(3) At the conclusion of the deliberations, the names shall lay over until the next regular meeting at which time the Council shall select one of the candidates to fill the vacancy. However, if there is only one candidate to fill the vacancy, the candidate may be selected immediately following the deliberations or the Town may re-advertise the vacancy starting with section (E) above.

(G) The Council and Mayor may not formally consider or fill a vacancy of an elective office except in an open meeting.

(H) The term of the person appointed to fill the vacancy shall be subject to the provisions of N.C.G.S. 160A-63.

(I) Regular meeting is defined in Section 3.01.051 of this Chapter.

*Amended 03/21/19*

### Procedure for Applicant Interview

The River Bend Town Council will interview applicants for the position of Town Council member on January 14, 2021. The following procedures will be observed:

1. Prior to convening the meeting, all applicants will meet with the Mayor to draw numbers. The number drawn will determine the order in which the applicants will present their opening statements. Anyone who fails to participate in this drawing will be placed last on the list. If more than one person does not participate, they will be placed after all who have drawn, in alphabetical order.
2. When this item is reached on the agenda, The Mayor will introduce all applicants by name only, in the order determined by the draw and explain the procedures aloud.
3. All applicants will be seated in a designated holding area. When they are called upon, they will approach the designated seat and use the microphone to address the Council.
4. The Mayor will begin the process by recognizing the applicant who drew #1. That person will be directed to the microphone and will be given 3 minutes to make a statement. This will be the time for the applicant to introduce themselves, state their qualifications and the reasons they wish to serve on the Council. At the conclusion of the applicant's statement or 3 minutes, whichever comes first, the Mayor will continue the process by recognizing each applicant based on the order of the draw.
5. Next, the Mayor will call on Town Council members to pose questions to applicants. The first set of questions will be directed to the applicant who drew #2. The Mayor will begin on his left and call upon Council members in the order that they are seated to pose questions. The questions will continue to each applicant in numeric order. The next set of questions will begin with the next applicant. This process will continue until all applicants have been given an opportunity to be asked questions by the Council.
6. The Mayor will begin each round of questions by beginning with a new Council member, based on the order that they are seated. This rotating process will continue until all applicants are interviewed.
7. Each Council member will be allowed to ask up to 2 questions of each applicant. There is no requirement that each Council member must ask 2 questions of each applicant. Since the questions are not predetermined and not shared with the Council in advance, some Council members may have the same question. If that question has already been asked by another Council member, there is no need to ask the question again.
8. Each applicant will have up to 2 minutes to answer each question.

9. The Town Manager will serve as time keeper. A set of colored lights will be used to alert each applicant of their time. The colors mean:

GREEN- The applicant is within time limits and may talk.

YELLOW- The applicant has 30 seconds left and should begin closing their remarks.

RED- Time has expired and the applicant must stop talking.

Any applicants who continues to talk after the red light has been illuminated, will be stopped by the Mayor. This will be done in order to ensure that all applicants have the same time limits and none are given any additional time. The timer will begin after the question has been asked of the applicant.

10. Time or questions will not be shared among applicants. No applicant may transfer their time or questions to another applicant. If a candidate chooses not to use all of their time or if they do not answer a question, their time or question may not be transferred to another applicant. Any unused time or unanswered questions will simply be forfeited.

11. Council members may not transfer questions to another Council member. Any unused questions will simply be forfeited.

12. Applicants will be asked questions by the Council only. The public will not be allowed to ask questions.

13. Applicants will direct their answers to the Council only. During the interview process, no talking among other applicants or members of the public will be allowed.

14. At the conclusion of questions, the Mayor will end the interview process.

15. The Council will vote for a replacement Council member at their meeting on January 21, 2021. At that time, the selected person will be administered the oath of office and shall immediately assume their responsibilities as a member of the Town Council.

### Procedure for Voting on Replacement

B

The River Bend Town Council will vote on applicants for the position of Town Council member on January 21, 2021. The following procedures will be observed:

1. When this item is reached on the agenda, the Mayor will open the floor for nominations, whereupon each Council member may put forward a single nominee. Council members are not required to put forth a nominee. Since each Council member may nominate different applicants, during this process, multiple nominees may be presented and debated. Also, different Council members may nominate the same person. Each Council member may nominate the applicant they consider to be the preferred nominee and explain why they consider any applicant to be the preferred or not preferred nominee.
2. When debate ends the Mayor shall call the roll of each member and each member shall cast a vote of his preferred nominee by stating the name of the nominee. Note- this is not a vote on a motion that has been put forward, therefore this is not an "aye" or "no" vote. This is when a Council member states the name of the person they wish to select. This will be known as Ballot #1.
3. Voting shall continue until a nominee receives a majority of the votes cast (by members present) during a single round of balloting. For example: A majority among River Bend's currently 4-member Council equals 3. Therefore, if all 4 members are present the first nominee to receive 3 votes during a single round of balloting shall be determined as the winner. Other combinations of members present may result in fewer than 3 votes constituting a majority.
4. If a winner is not determined on Ballot #1, any nominee that did not receive a vote and the nominee that received the lowest number of votes will be removed from consideration. Then Ballot #2, with only the remaining nominees, will be considered in the same process as described in Rule #2 above. If during Ballot #1 multiple nominees receive the same number of votes and that vote total constitutes the lowest number of votes received, other than zero, then all nominees receiving that vote total will be eliminated from the next ballot, unless that would eliminate all nominees, In that case, then only those receiving zero votes will be eliminated. If during Ballot #2 all nominees, receiving votes, receive the same number of votes and that vote total represents the lowest number of votes received, then only those receiving zero votes will be eliminated from Ballot #3. If during Ballot #2, no person receives zero votes, then all nominees receiving the same number of votes will be included in Ballot #3. Any nominee receiving zero votes during any ballot will be eliminated from consideration on future ballots. Step # 4 will only be used if there are 3 or more nominees put forth during Step 2.
5. This process shall continue until a nominee receives a majority of votes from Council.
6. After conducting Ballot # 2, if the Council conducts 3 additional ballots in a row wherein no nominee receives a majority of votes among Council, then the Council will utilize the "motion" process, whereby a Council member will put forth a motion to appoint a particular applicant as the appointee. After debate on that motion has ended, the Council will vote on that motion. If that motion ends in a tie, the Mayor shall be allowed to vote on the motion, otherwise the Mayor shall not vote on an appointment.
7. If for any reason, a nominee is not selected during this process, the Town will re-advertise the vacancy and conduct another set of interviews and another vote.

This procedure was used following the resignation of Gene Bauer because there were several applicants (12-20-18). Step # 4 was eliminated from the procedure following the resignation of Bill Wanamaker because there were only 2 applicants (2-21-19).



## INSTRUCTIONS TO APPLICANTS

### LETTERS OF INTEREST FOR APPOINTMENT TO THE TOWN COUNCIL

At its December 10, 2020 meeting, the Town Council approved the following procedures to fill the Council seat left vacant by the resignation of Councilman Harry McClard.

1. The Town Clerk shall publish the "Notice of Vacancy" in the legal section of Sun Journal newspaper. The notice shall also be posted on the Town's webpage.
2. The newspaper notice shall be published on December 16, 2020.
3. The notice shall set a deadline for submission of applications to fill this vacancy as 4:00 p.m. on December 31, 2020. See application details below.
4. Applications shall be submitted to the Town Clerk's office at Town Hall. If applications are mailed they must be received no later than the regular mail delivery on December 31, 2020.
5. The Town Council will conduct interviews with all applicants during open session at the Council Meeting on January 14, 2021.
6. The Council, in open session, at its January 21, 2021 meeting shall vote to select the applicant that shall serve in the vacated seat until December 16, 2021. On December 16, 2021 the candidate elected during the general election will be administered the Oath of Office and shall serve until this term expires in December, 2023.
7. The Oath of Office for this temporary appointment shall be administered at the Council's Regular Meeting on January 21, 2021.
8. The Town Clerk shall furnish all applicants copies of this procedure.
9. This is a temporary appointment. The applicant appointed by the Town Council will only serve in this capacity until December 16, 2021. The person that shall fill the last two years of this term shall be determined based on the results of the Town's next election. The person appointed to this temporary appointment may choose to file as a candidate for this position.
10. Proof of age, residency and registration as a qualified voter in River Bend as of December 31, 2020 shall be required from all applicants and must be included with the application. Any application that does not contain this information shall be rejected.

**DETAILS-** To be considered for appointment, all applicants shall address a letter to the Mayor expressing a desire to be considered as a candidate to fill the vacant Town Council seat. This letter shall be limited to two typed pages and state the candidate's qualifications for serving on the Council and must contain the applicant's phone number and email address. An applicant may also include a resume that is limited to two typed pages that acquaints the Council with the applicant's work experience. The Mayor shall cause the submissions from all applicants to be distributed to the Council by January 5, 2021.

## Request for letters of interest for appointment to Town Council

Due to the resignation of Town Councilman Harry McClard, and in accordance with Chapter 3.01.037 of the Town Code of Ordinances, the Town of River Bend hereby requests letters of interest from all eligible persons wishing to be considered for appointment to fill this vacancy. Applicants must be 21 years old, a resident of River Bend and registered as a qualified voter in River Bend as of December 31, 2020. A copy of the Instructions to Applicants may be obtained at the Office of the Town Clerk between 8:00 a.m. and 4:00 p.m. Monday through Friday. All applicants should carefully read the Instructions to Applicants prior to submitting a letter of interest. To be eligible for consideration, an applicant must follow those instructions. Information is also available on the Town's website at [www.riverbendnc.org](http://www.riverbendnc.org). All letters of interest must be received at Town Hall by 4:00 p.m. on December 31, 2020. Letters can be hand delivered or mailed to: Town of River Bend, Attn: Town Council Vacancy, 45 Shoreline Drive, River Bend, NC 28562



# **Town of River Bend**

## **Council Work Session Meeting**

**December 10, 2020**


**5 p.m.**



# **Filling Vacancy On Town Council**

## **Proposed Process & Calendar**

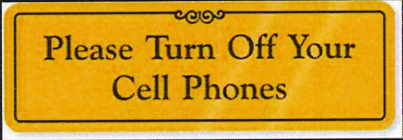
**The process will not become official until approved by Town Council**

  
**Please Turn Off Your  
Cell Phones**

Due to a change in residency, Harry McClard has resigned from The River Bend Town Council. Chapter 3.01.037 of the River Bend Town Ordinance prescribes what process shall be used in filling the vacancy.

The following slides propose a process that will satisfy those requirements. The Council shall determine the selection process used to evaluate any applicants.

With a few minor changes, the proposal described herein was used to fill previous vacancies.



Please Turn Off Your  
Cell Phones

## Calendar For Filling Vacancy

# December 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3 Councilman Resigns	4	5
6	7	8	9	10 Council Receives & Accepts Resignation	11	12
13	14	15	16 Ad Published	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31 Application Deadline		

## Calendar For Filling Vacancy

# January 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 Council Receives Applications	6	7	8	9
10	11	12	13	14 Council Interviews	15	16
17	18	19	20	21 Vacancy Filled	22	23
24	25	26	27	28	29	30
31						

- This will be a temporary appointment. This seat was originally scheduled to be up for election in November 2023.
- Now the seat will be on the ballot as a 2-year seat during the next Town election in November 2021.
- The person appointed to fill the vacancy will serve until December 16, 2021. At that time the person elected to the 2-year term of this seat during the November 2021 election will serve the remainder of the seat's original 4-year term.
- The person temporarily appointed to this seat may file to run as a candidate in the next Town election for this seat, as may any other eligible River Bend resident.
- In the next Town election, there will be three Council seats on the ballot with 4-year terms. They are currently held by Van Slyke, Sheffield & Fogle.
- There will also be one Council seat on the ballot with a 2-year term. It will be held by the person chosen for this temporary appointment.
- The Mayor's 4-year seat will not be on the ballot until 2023.



## Audit Reports of Local Governments



### Annual Audit Reports

North Carolina General Statute 159-34 requires each unit of local government and public authority to have its accounts audited each fiscal year and to submit a copy of the audit report to the Secretary of the Local Government Commission (LGC) as soon as possible after the close of the fiscal year. Audit reports for counties and municipalities are typically due by October 31 based on the terms of the local government's contract with its auditor. The LGC offers units a one-month grace period, after which a report is considered late. Local governments may amend the terms of their contracts, with LGC approval, to further extend the due date under extenuating circumstances.

### Audit Report Submission Status

The map displays the submission status of FY2020 annual audit reports for the 100 counties and 552 municipalities in North Carolina.

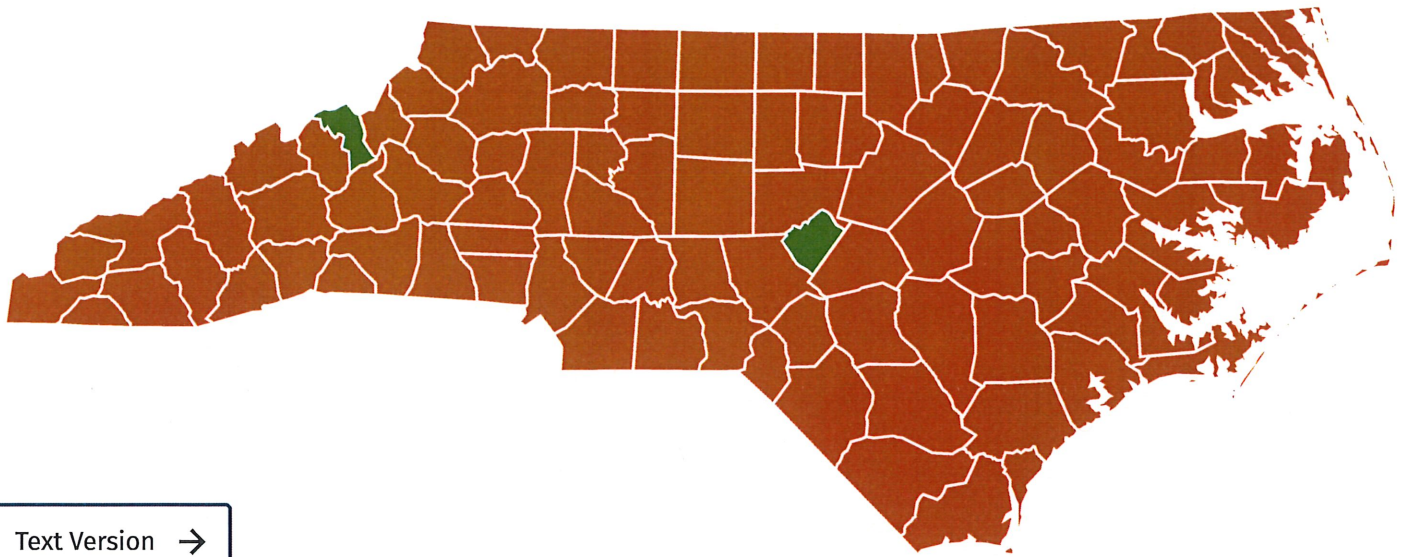
Hover over a county to see a list of all municipalities in the county and the dates the annual audit reports were received by the Secretary of the LGC.

**Please note:** This information is current as of Nov. 30, 2020, and does not reflect audit reports received since that date. Date displayed is the date the initial audit report was received by the Secretary of the LGC; subsequent or corrected submissions of the audit report are not reflected here nor are extensions to the due date based on amended contracts filed with the LGC. A submission date does not imply that the audit report was reviewed or approved by the Secretary of the LGC, only that the report was received. The charter of the town of Spencer Mountain was suspended under NC Session Law 2016-45 and the suspension extended under NC Session Law 2019-29; the charter of the town of Eureka was suspended under NC Session Law 2019-29. Under this legislation, the Local Government Budget and Fiscal Control Act does not apply during the period of suspension; therefore, these towns are not required to submit an annual audit report.

**Important Note on Audit Report Submission Dates** - Due to the impacts of COVID-19, the staff of the LGC will not consider audit reports for counties and municipalities submitted to the LGC as required by NCGS 159-34(a) late until 12:00am on February 1. Please see this [blog post \(https://www.nctreasurer.com/blog/2020/05/15/audit-deadline-june-30-2020-financial-statements\)](https://www.nctreasurer.com/blog/2020/05/15/audit-deadline-june-30-2020-financial-statements) for details.

**Green:** County and all municipalities have submitted annual audit reports

**Orange:** Either the county or one or more municipalities have not yet submitted an annual audit report



Text Version →

## Audit Reports

The annual audit reports submitted by counties and municipalities to the Secretary of the LGC as required under North Carolina General Statute 159-34 are available on the page below.

County and Municipal Annual Audit Reports Submitted to the LGC (<https://www.nctreasurer.com/annual-audit-reports-submitted-local-government-commission>) →

## Resources

### Annual Audit Legislation

North Carolina General Statute 159-34  
([https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_159/GS\\_159-34.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_159/GS_159-34.pdf)) →

### Definitions of “Units of Local Government” and “Public Authorities”

North Carolina General Statute 159-7  
([https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_159/GS\\_159-7.pdf](https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_159/GS_159-7.pdf)) →



**Contact Us**



**RIVER BEND TOWN COUNCIL AGENDA**  
**Regular Meeting**  
**December 17, 2020**  
**River Bend Municipal Building**

Pledge: Sheffield

1. CALL TO ORDER (Mayor Kirkland Presiding)
2. RECOGNITION OF NEW RESIDENTS
3. ADDITIONS/DELETIONS TO AGENDA
4. ADDRESSES TO THE COUNCIL
5. PUBLIC HEARINGS
6. CONSENT AGENDA

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

- A. Approve:  
*Minutes of the November 12, 2020 Work Session*  
*Minutes of the November 19, 2020 Regular Council Meeting*

7. TOWN MANAGER'S REPORT – Delane Jackson

**Activity Reports**

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

**ADMINISTRATIVE REPORTS:**

8. Environment and Waterways – Councilman Brian Leonard
  - A. EWAB Report
9. Planning Board – Councilman Buddy Sheffield
  - A. Planning Board Report
10. Public Safety – Councilman Don Fogle
  - A. Community Watch

11. Parks & Recreation/CAC – Councilman Brian Leonard
  - A. Parks and Rec Report
  - B. CAC Report
  - C. Organic Garden Report
  - D. Library Report
12. Public Works and Water Resources – Mayor John Kirkland
  - A. PWAB Report
13. Finance – Councilman Irving Van Slyke, Jr.
  - A. Financial Report - Finance Administrator
14. MAYOR'S REPORT – Mayor Kirkland
15. PUBLIC COMMENT

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

15. ADJOURNMENT

**\*\*\*NOTE – DUE TO CONSTRUCTION AT TOWN HALL, THIS MEETING WILL BE HELD IN THE MUNICIPAL BUILDING AT 51 SHORELINE DRIVE.**

**DUE TO COVID-19, SEATING IS LIMITED AND ON A FIRST-COME BASIS. WE ENCOURAGE EVERYONE TO PRACTICE THE 3-W'S.**