

**River Bend Town Council
Work Session Minutes
June 10, 2021
Town Hall
5:00 p.m.**

Present Council Members:

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

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Town Attorney: Dave Baxter
Town Finance Administrator: Margaret Theis
Town Police Chief: Sean Joll

CALL TO ORDER

Mayor Kirkland called the meeting to order at 5:00 p.m. on Thursday, June 10, 2021 at the River Bend Town Hall with a quorum present.

PUBLIC HEARING – FY 2021-2022 TOWN BUDGET

Councilman Van Slyke moved **to open the Public Hearing to discuss the proposed Fiscal Year 2021-2022 Budget.** The motion carried unanimously.

He then invited anyone who wished to address the proposed Budget to step to the podium to be heard.

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

The Council will vote on the Proposed Budget at its Regular Meeting on June 17th.

PUBLIC HEARING – Proposed Chapter 15 Zoning Ordinance Amendments

Councilman Sheffield moved **to open the Public Hearing to discuss the proposed Chapter 15 Zoning Ordinance amendments.** The motion carried unanimously.

He then invited anyone who wished to address the proposed Chapter 15 Zoning Ordinance amendments to step to the podium to be heard.

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

The Council will vote on the proposed Chapter 15 Zoning Ordinance amendments at its Regular Meeting on June 17th.

DISCUSSION - LEAF AND LIMB SCHEDULE

The Manager stated that the proposed Leaf and Limb Schedule for the upcoming fiscal year is included in the agenda package. He stated that it follows the same schedule that the town has followed for several years. Councilman Leonard asked the Town Manager if a Council action is required for this item. The Manager stated that a motion was not needed to approve the schedule and with the consensus of the Council, the schedule was accepted. It was also agreed that in the future the Leaf and Limb Schedule did not need to be presented to the Council unless there is a major change.

DISCUSSION - SURPLUS PROPERTY RESOLUTION

The Manager stated that the town received a 2019 Dodge Durango through a grant, and the town has been given permission to sale the automobile although the grant agreement has not expired. The Manager stated that this vehicle has been used at Town Hall for the Zoning Administrator and administration travels. The Manager stated that the original intention was to transfer the Durango to the Police Department when the grant agreement expired. The Manager stated that it would cost about \$12,000 to up-fit this vehicle with the necessary equipment. Councilman Leonard asked the Manager what the trade-in value of this vehicle is if the town wished to trade this in and purchase a Ford Explorer to match the current Police Department fleet. The Manager stated that the current trade-in value is \$25,000 from a local dealership. Councilman Leonard stated that he does not want the Police Department budget to be impacted for providing the proper equipment for the Durango should it be moved to the Police Department fleet. The Mayor stated that the Council would address this subject at a later date. Councilman Leonard suggested selling the Durango now and using the funds to purchase a Ford Explorer, if the winning bid is acceptable.

VOTE - SURPLUS PROPERTY RESOLUTION

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

DISCUSSION – FY 2020-2021 BUDGET AMENDMENT 20-B-07

Councilman Van Slyke stated that the Budget Amendment 20-B-07 presented to the Council is to offset the 27 paydays versus 26 paydays in the approved FY20-21 Budget Ordinance. He stated that the budget amendment was discussed in length at the previous Council meeting.

VOTE – FY 2020-2021 BUDGET AMENDMENT 20-B-07

Councilman Van Slyke motioned to approve the FY 2020-2021 Budget Amendment 20-B-07 as presented. The motion carried unanimously. (see attached)

DISCUSSION – BUILDING USE POLICY

The Manager stated the town's Building Use Policy has not been revised in 20 years. It was discussed in April 2020 but it was tabled at that time. He stated that since the town's buildings have fully opened there have been several inquiries about reserving the meeting rooms. He stated that the current Building Use Policy is not a clear policy that is easily administered. He stated he would like to have a policy that would make the public use of the building and rental fees more defined. Councilman Leonard asked the Manager how fee exemption would be determined. The Manager referred to page 9 of the handout where the organizations are defined. The Town Attorney stated that typically when you waive a fee for use of government property you might violate the emoluments clause of the NC Constitution, so it cannot confer a private benefit. He stated that he thinks the list being questioned is just examples of groups that can be exempted. He stated that, basically any organization that has civic benefit and does not benefit private individuals, which is like the organizations on the list. Councilman Leonard asked who would be responsible for the making the decision of groups that are exempted and what criteria is being used to determine who is exempted. The Manager stated that he has been making that decision and he would use the criteria listed in the new Building Use Policy presented. Councilman Van Slyke asked about clubs that would like to meet regularly that are not nationally recognized. Councilman Leonard asked how many groups are paying for use of the meeting rooms at this moment. The Manager stated that not many groups are paying, but in the past, the policy had not been followed. He also stated that many of the groups were meeting prior to his arrival as Town Manager. He stated that groups reserving the rooms and bringing refreshments could cause damage to the newly constructed building. Councilman Van Slyke stated that he fears that with fees and deposits, this will cause a reduction in use of the building. Councilman Leonard stated that the building was built to be used by the community but the Council must protect the town's assets. Councilman Sheffield asked if there is a way to hold a group liable without the exchange of money. The Town Attorney stated that the responsible party could sign an agreement, but then the town would have to take the responsible party to court for damages. Councilman Sheffield stated that a deposit would make the groups liable for damages but he felt \$250 might be excessive, and suggested that a \$100 deposit would be sufficient. Councilman Leonard

suggested that the town do a trial run of enforcing the current policy and readdress this in six months to a year. The Manager stated that in the current policy in the section of who may use the meeting room, the descriptions are very vague and unrestrictive. The Mayor stated that the Council should take some time to deliberate on this topic and come back next week to discuss further. He also stated that the town staff needs clearer direction from the Council on the policy. Councilman Fogle asked if council members could organize a group to meet, such as a group to play board games without being charged a fee. The Manager stated that those groups would have to pay the fee. He also stated that a town advisory board such as Parks and Recreation could officially sponsor activities and the fee could be waived.

DISCUSSION – ADVISORY BOARD APPOINTMENTS

The Manager stated that a list of all advisory board members was sent to each of the Council liaisons to review for reappointments.

The Mayor stated that the Public Works Advisory Board has been inactive over the past year and has been unsuccessful acquiring new members. He stated that he has discussed the inactivity with the PWAB chairman and the decision was made to recommend disbanding the Public Works Advisory Board. The Mayor stated he would ask the Town Attorney to research the procedure to disband the advisory board.

Councilman Sheffield stated that the Planning Board has three positions available for reappointment. Keith Boulware and Kelly Latimer agree to be reappointed and Kathleen Fleming does not. The Manager stated that those that agree to be reappointed will be reappointed at the next Council meeting. Councilman Fogle asked if the vacant position should be advertised. The Manager stated that all advisory boards that currently have vacancies has been advertised on the town's website and the weekly Enews.

Councilwoman Maurer stated that the Parks and Recreation Advisory Board has three positions available for reappointment. Janet Nawojski, Francine Rice and Gloria Kelly all agree to be reappointed. Councilwoman Maurer stated that one member has resigned leaving a vacancy on the Parks and Recreation Advisory Board. She stated that two applications have been received for that vacancy and one of those applications has been withdrawn. She asked if the vacancy should be advertised. The Manager stated that the Council would vote on the reappointments and new appointments at the next Council meeting. Councilman Fogle objected and stated that advisory board vacancies advertisement should be for a period of time allowing the community members an equal opportunity to apply. The Manager stated that the town would advertise the vacancy immediately and with appointments the following week he felt it would not be adequate time to advertise. Councilman Fogle stated that there is no vacancy on the Parks and Recreation Advisory Board until July 3. He stated that his wife's resignation is effective July 3. The Manager stated that if the resignation is not effective until July 3, there would be no vacancy or appointment next week.

Councilwoman Maurer stated that the Community Appearance Commission has four positions available for reappointment. Lona Farula and Nancy Dell'Aria agree to be reappointed but Judy Lloyd and Lynn Torgersen do not. She stated that there has been one resignation effective immediately, leaving three vacancies. The Manager stated that if the Council wants to advertise one advisory board's vacancies for a certain amount of time that it would need to be done for all vacancies on all advisory boards. Councilwoman Maurer agreed with the Manager. The Manager stated he would have a policy drafted for Council consideration to implement an advertisement period for advisory board vacancies. Councilman Leonard requested that the policy state that applications for advisory boards would be kept on file for one year; therefore there is no need to reapply. The Manager stated that this information is already noted on the application but would have it included in the drafted policy also.

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

Councilman Sheffield stated that the Board of Adjustment has three positions available for reappointment. Chris Barta and Patty Leonard agree to be reappointed. Councilwoman Maurer stated that she did not want to be reappointed due to serving on the Council. Councilman Sheffield stated that Paige Ackiss is an alternate member and should be moved to a full-time member creating a vacancy for the alternate member.

Councilman Van Slyke stated that the Audit Committee has one vacancy and has received an application for that position which would be voted on at the next meeting.

DISCUSSION – ADVISORY BOARD FUNCTIONS AND OPERATIONS

The Manager stated that the current ordinance of the duties and functions of the town's advisory boards was included in agenda package. He stated that Councilman Fogle recommended a meeting with the advisory board chairpersons to discuss the roles, expectations and responsibilities of the advisory boards. The Manager stated that he is having a meeting on June 16, 2021 with all the advisory board's chairpersons to review the Open Meetings Laws and suggested another meeting with Council present to review the Advisory Boards and Commission's Ordinance. Councilman Fogle asked if the advisory boards minutes could be added to the town's website. The Manager stated that the minutes are available to the public at any time but can be uploaded to our website. Councilman Fogle read some notes from a recent advisory board meeting that stated a member bought ice with a discount, when all advisory boards have been instructed to not ask for any discounts for any town activities. Councilwoman Maurer stated that it was her suggestion for the Parks and Recreation Advisory Board to purchase from a particular store because in the past they have given discounts to the town. She stated that she feels that the Parks and Recreation Advisory Board is being targeted with comments from a councilmember. Councilman Leonard stated that he would like a regulation prohibiting council members from serving on advisory boards. Councilman Fogle asked what would be the objections to having a council member serving on advisory boards. Councilman Leonard stated that he felt it would be a conflict of interest and may cause issues for council members and the advisory board's liaison. The Town Attorney stated that he is not aware of any legal prohibitions against allowing council members to serve on advisory boards. Councilman Fogle stated that he wished to serve on advisory boards to get more activities and community involvement. He asked the Mayor if Councilwoman Maurer's decision to ask members of the Parks and Recreation Advisory Board to ask for discounts for town activities is consistent with the Mayors directions regarding discounts. The Mayor stated that the town advisory boards should not request discounts for town activities. Councilwoman Maurer stated that the discounts are offered without the advisory boards asking for one, and they have been accepted in the past.

DISCUSSION – JULY MEETING SCHEDULE

The Manager stated that the work session for July of 2021 is during a holiday week and there are not any pressing items for the agenda. The Council agreed to cancel the July 8, 2021 work session meeting.

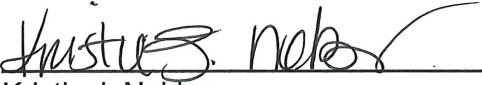
REVIEW AGENDA FOR THE JUNE 17, 2021 COUNCIL MEETING

The Council reviewed the Agenda for the June 17, 2021, Council meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 7:00 p.m.





Kristie J. Nobles
Town Clerk

2021-RES-05

Resolution Declaring Surplus Property and Authorizing Sale of General Fund Vehicle

WHEREAS, the Town of River Bend desires to dispose of certain surplus property of the Town;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of River Bend that:


1. The following described property is hereby declared to be surplus to the needs of the Town:

**2019 Dodge Durango
VIN: 1C4RDJFG8KC812234**

2. The Town Manager is authorized and directed to receive, on behalf of the Town Council, bids for the purchase of the property described above and shall establish a time and date by which all bids must be received. He is also authorized to employ the action method he deems most advantageous to the Town.
3. The Town Clerk shall cause a notice of this sale to be published in the local newspaper of record.
4. The Town shall retain the right to reject any and all bids.



Adopted this 10th day of June, 2021


John R. Kirkland
Mayor

Attest:


Kristie Nobles



**TOWN OF RIVER BEND
BUDGET ORDINANCE AMENDMENT 20-B-07
FISCAL YEAR 2020-2021**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2020-2021 Budget Ordinance as last amended on April 15, 2021, be amended as follows:

Summary

General Fund	2,332,210
General Capital Reserve Fund	164,663
Law Enforcement Separation Allowance Fund	7,888
Water Fund	613,634
Water Capital Reserve Fund	2,800
Sewer Fund	709,484
Sewer Capital Reserve Fund	129
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Total	3,830,808

Section 1. General Fund

Anticipated Revenues

AD VALOREM Taxes 2020-2021	713,246
AD VALOREM Tax-Motor Vehicle	83,200
Animal Licenses	2,400
Sales Tax 1% Article 39	136,448
Sales Tax 1/2% Article 40	81,430
Sales Tax 1/2% Article 42	68,324
Sales Tax Article 44 105-524	9,549
Sales Tax Hold Harmless Distribution	90,202
Solid Waste Disposal Tax	2,500
Powell Bill Allocation	84,500
Beer and Wine Tax	13,500
Video Programming Sales Tax	53,680
Utilities Franchise Tax	114,261
Telecommunications Sales Tax	10,330
Court Refunds	500
Zoning Permits	5,000
Federal Disaster Assistance	14,624
State Disaster Assistance	4,875
State Grant - Police	22,653
State Grant - CARES Act CRF funding	49,650
Recovery Grant NCORR-FDLG-004	99,568
Miscellaneous	13,500
Interest-NCORR-FDLG-004 Investments	1,212
Interest- Powell Bill Investments	50
Interest-Gen Investments	9,755
Contributions	421
Wildwood Storage Rents	18,120
Rents & Concessions	18,000
Transfer From Capital Reserve Fund	164,663
Appropriated Fund Balance	446,048
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Total	2,332,210

Section 1.

General Fund (continued)

**20-B-07
PROPOSED
CHANGES**

Authorized Expenditures

Governing Body	28,700	
Administration	268,691	
Finance (Funding 27th payroll, Muni. Bld. non-capital IT items, TH network closet update)	130,181	10,000
Tax Listing	10,880	
Legal Services (transfer to other depts.)	19,000	-5,000
Elections	0	
Police	596,048	
Public Buildings (Town hall interior improvements)	177,208	8,000
Emergency Services (Covid-19 supplies)	5,000	1,000
Animal Control	14,366	
Street Maintenance (transfer to other depts.)	204,686	-14,000
Public Works	160,240	
Leaf & Limb and Solid Waste	62,999	
Stormwater Management	221,371	
Wetlands and Waterways	72,000	
Planning & Zoning	48,363	
Recovery Grant NCORR-FDLG-004	100,780	
Recreation & Special Events	15,500	
Parks & Community Appearance	50,370	
Contingency	5,968	
Transfer To General Capital Reserve Fund	60,000	
Transfer To L.E.S.A. Fund	6,359	
Transfer To BUS Capital Projects Fund	73,500	
Total	2,332,210	0

Section 2.

General Capital Reserve Fund

Anticipated Revenues

Contributions from General Fund	60,000
Interest Revenue	1,248
Appropriated Fund Balance	103,415
Total	164,663

Authorized Expenditures

Transfer to General Fund	164,663
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Section 3.

Law Enforcement Separation Allowance Fund

Anticipated Revenues:

Contributions from General Fund	6,359
Interest Revenue	100
Appropriated Fund Balance	1,429
Total	7,888

Authorized Expenditures:

Separation Allowance	7,888
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Section 4.

Water Fund

**20-B-07
PROPOSED
CHANGES**

Anticipated Revenues

Utility Usage Charges, Classes 1 & 2	188,595
Utility Usage Charges, Classes 3 & 4	8,534
Utility Usage Charges, Class 5	13,226
Utility Usage Charges, Class 8	2,971
Utility Customer Base Charges	234,862
Hydrant Availability Fee	21,411
Taps & Connections Fees	1,250
Nonpayment Fees	10,500
Late payment Fees	6,723
Interest Revenue	6,794
Sale of Capital Asset	1,501
Appropriated Fund Balance	117,267
Total	613,634

Authorized Expenditures

<i>Administration & Finance [1] (Funding 27th payroll)</i>	455,234	7,500
<i>Operations and Maintenance</i>	154,900	-7,500
Transfer To Fund Balance for Capital Outlay	3,500	
Transfer To Water Capital Reserve Fund	0	
Total	613,634	0

[1] Portion of department for bond debt service: 148,830

Section 5.

Water Capital Reserve Fund

Anticipated Revenues

Contributions From Water Operations Fund	0
Interest Revenue	2,800
Total	2,800

Authorized Expenditures

Future Expansion & Debt Service	2,800
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Section 6. Sewer Fund

**20-B-07
PROPOSED
CHANGES**

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	249,338	
Utility Usage Charges, Classes 3 & 4	17,688	
Utility Usage Charges, Class 5	29,873	
Utility Usage Charges, Class 8	6,202	
Utility Customer Base Charges	292,304	
Taps & Connection Fees	1,250	
Late payment Fees	7,740	
Interest Revenue	9,372	
Sale of Capital Asset	1,500	
Appropriated Fund Balance	94,217	
Total	709,484	

Authorized Expenditures:

<i>Administration & Finance [2] (Funding 27th payroll)</i>	448,384	5,500
<i>Operations and Maintenance</i>	198,100	-5,500
Transfer to Fund Balance for Capital Outlay	63,000	
Transfer to Sewer Capital Reserve Fund	0	
Total	709,484	0

[2] Portion of department for bond debt service: 128,520

Section 7. Sewer Capital Reserve

Anticipated Revenues:

Contributions From Sewer Operations Fund	0
Interest Revenue	129
Total	129

Authorized Expenditures:

Future Expansion & Debt Service	129
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Section 8. **Levy of Taxes**

There is hereby levied a tax at the rate of twenty-six cents (\$0.26) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2020, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2020-2021" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$275,400,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.61%. The estimated collection rate is based on the fiscal year 2018-2019 collection rate of 99.61% by Craven County who has been contracted to collect real and personal property taxes for the Town of River Bend. Also included is a valuation of \$32,000,000 for purposes of taxation of motor vehicles with a collection rate of 100% by the North Carolina Vehicle Tax System.

Section 9. **Fees and Charges**

There is hereby established, for Fiscal Year 2021, various fees and charges as contained in Attachment A of this document.

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

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

Section 11. **Classification and Pay Plan**

Cost of Living Adjustment (COLA) for all Town employees shall be 3.1% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

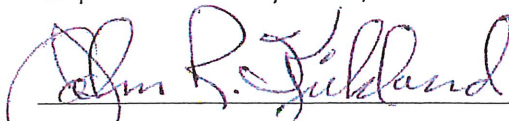
Section 12. **Utilization of the Budget Ordinance**

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2020-2021 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall ensure the operating staff and officials are provided with guidance and sufficient details to implement their appropriate portion of the budget.

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

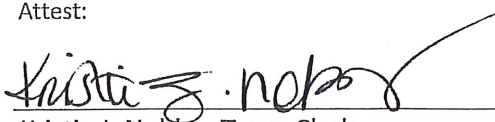
Copies of this Budget Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Proposed this 10th day of June, 2021.



John R. Kirkland, Mayor

Attest:



Kristie J. Nobles, Town Clerk

