

**River Bend Town Council  
Special Meeting Minutes  
September 27, 2022  
Town Hall  
3:00 p.m.**

Present Council Members:

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

Town Manager: Delane Jackson  
Town Clerk: Kristie Nobles

Members of the Public Present: 4

**CALL TO ORDER**

Mayor Kirkland called the meeting to order at 3:00 p.m. on Tuesday, September 27, 2022 in the River Bend Town Hall with a quorum present.

**VOTE – Approval of Agenda**

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

**Discussion – Funding for and award of bid for the construction of a new Public Works Facility**

The Manager presented a PowerPoint presentation on the new Public Works Facility bids and stated this presentation was included in the agenda package. He stated that the lowest bid that was received was from Bruin Builders in the amount of \$1,719,596 for the construction of a new Public Works Facility. He also explained and discussed the two bid alternates, which are a storage shelter and a mezzanine. He presented options A, B, C, and D that include various scopes of work, with option "D" including the full scope of work. (see attached slide).

The Manager presented a slide with suggested funding options, which includes utilizing funding from the general, water, and sewer funds since this building would serve Water, Sewer and Public Works activities. He stated funding from the General Fund would not exceed \$825,878 and water and sewer funding would come from reserves in those funds. He stated that water funding would not exceed \$515,879 and sewer funding would not exceed \$515,879. The amount of funding required from each fund depends on which option is approved. The Manager also presented a slide with many other options. He told the Council one option was to do nothing and let the excess funds be used to build the fund balance. (see attached slide).

The Manager stated that the Town has received a grant in the amount of \$964,378 for the construction. Councilman Sheffield stated that he had requested bids from several out of state contractors for the steel building and the quotes were lower than the bid from Bruin Builders. He stated that he recommends that the Council request additional bids from contractors who specialize in steel buildings. The Manager stated that the quotes that Councilman Sheffield had received were for the steel building only and the bid from Bruin Builders includes everything from site prep to the construction of the steel building for the project.

**VOTE – Funding for and award of bid for the construction of a new Public Works Facility**

Councilman Fogle motioned to approve the award for the bid of construction of the Public Works Facility to Bruin Builders for option D in the amount of \$1,719,596 as presented. The motion passed with 3 ayes (Fogle, Van Slyke, Leonard) and 2 nays (Sheffield, Maurer).

**Discussion – Funding for Public Works Facility**

The Manager reviewed the Public Works Capital Project Fund Ordinance Amendment #1 with the dollar amounts that coordinate with the motion from Councilman Fogle's motion to approve the bid award in the amount of \$1,719,596. The Manager stated that the Sewer Capital Fund Amendment and the Water Capital Fund Amendment would need to be amended for the construction of the Public Works facility. He stated that the original amendments were approved in 2006 and the proposed amendments would allow the funds to be used for expansion of the system, the advance payment of the bonds and capital projects.

**VOTE – Sewer Capital Fund Amendment**

Councilman Fogle motioned to approve the Sewer Capital Fund Amendment as presented. The motion carried unanimously. (see attached)

**VOTE – Water Capital Fund Amendment**

Councilman Fogle motioned to approve the Water Capital Fund Amendment as presented. The motion carried unanimously. (see attached)

**VOTE – Public Works Capital Project Fund Ordinance Amendment #1**

Councilman Fogle motioned to approve the Public Works Capital Project Fund Ordinance Amendment #1 as presented. The motion carried unanimously. (see attached)

The Manager stated with the contingencies the total for the project is \$1,996,136 and the Town has received around \$900,000 in grant funding, essentially the Town will pay for half of the project from the reserve account. Councilman Fogle stated that when the Municipal Building was built the cost was nearly the same and the Town's rates were not increased to cover the funding.

Councilman Fogle asked the Manager what options were available for the existing Public Works building. The Manager stated that the North Carolina Department of Emergency Management has a program to remove buildings that are located within the flood plain. The Manager stated that he has submitted the application and if it is approved the Town will be paid around \$350,000 for the value of the building and the amount to demolish the building. Councilwoman Maurer asked Councilman Fogle what he would suggest the Town do with those funds and Councilman Fogle stated he would suggest using those funds to offset the cost of the new Public Works Facility.

**Discussion – Water Fund Capital Improvement Plan Resolution**

The Manager stated that the engineer has estimated that the water system improvement project would cost \$9,393,000. The Manager stated that this project has been added to the Capital Improvement Plan. He also stated that if the grant funding is not approved the project will not be funded and the Town has no obligation to follow through with the project.

**VOTE – Water Fund Capital Improvement Plan Resolution**

Councilman Leonard motioned to approve the Water Fund Capital Improvement Plan Resolution as presented. The motion carried unanimously. (see attached)

**Discussion – Preconstruction Grant Application**

The Manager stated that there are two Grant Applications included in the agenda package. He stated that he needs direction from the Council as to how much funding the Council would like to apply for. He stated that the amount of funding for the Drinking Water Construction Project Grant is a lot less than previous grants he has applied for. He stated that the maximum they can apply

for is \$5,000,000 and the Council agreed that the application should be for \$5,000,000. The Manager stated the maximum they could apply for on the Preconstruction Planning Grant is \$400,000 and the Council agreed that the application should be for \$400,000.

**VOTE – Preconstruction Grant Application**

Councilman Leonard motioned to approve the Preconstruction Grant Application as presented. The motion carried unanimously.

**Discussion – Candidates Night**

Councilman Sheffield stated the he wanted to schedule a candidate's night for all the Council candidates and has learned that there is a candidate's night already planned by another group. He stated that he would suggest using the Town's website to advertise the event and to allow the Town Hall to be used to collect questions for the candidates to answer. He recommended that the top four most frequently asked questions be sent to the candidates for them to answer. He also stated that there would be a moderator who is an intermediary person to determine the questions to be asked. Councilwoman Maurer stated that she spoke with Jon Segal and he is the person that was selected by the organizers to be the moderator. She also stated that she would suggest that the candidates receive the questions before the candidates' night. She also stated she would like to have the answers published.

**VOTE – Candidates Night**

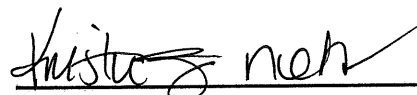
Councilman Sheffield motioned to approve the use of the Town's website to gather questions from citizens for candidate's night on October 19, 2022, to be collected by the Town and directed to the moderator by October 14, 2022. The motion carried unanimously.

**VOTE – Candidates Night**

Councilwoman Maurer motioned to suggest to the organizers that the questions be given to all candidates in advance, giving them an opportunity to respond in advance and submit answers to the moderator; also that all candidates written answers will be published in various electronic ways. The motion carried unanimously.

**ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 4:55 p.m.

  
\_\_\_\_\_  
Kristie J. Nobles  
Town Clerk

The lowest base bid exceeds our original construction funding amount for the entire project by \$545,008 (not including contingencies) which are typically 10% of construction costs. What can we do?

### Some Possible Options

1. Scale back scope of project. The next few slides show 4 different construction options. There could be more ways to scale back scope.
2. Cancel the project and keep the PW where it is.
3. Cancel the project and use what funds we have to upgrade the existing facility.
4. Leave the funding we have in General Fund and don't use it on anything and it will simply be added to Fund Balance.
5. Pause the project and see if prices go down in the future.
6. Re-bid the project and see if we get better pricing.
7. Look for other grant funds to make up the difference.
8. Look into other funding options such as a loan.
9. Cancel the project and fund some other project in the General Fund.
10. Other possible options ????????

*The next few slides discuss the 4 options mentioned in #1 above combined with option mentioned in # 8 above.*



# Construction & Funding Options

		A	B	C	D
		Base Bid	Base plus Alt. #1 (shed)	Base plus Alt. #2 ( mezz)	Base plus #1 & #2
Funding Source			\$218,710	\$130,000	
Amount (as of 8-31-22)		\$1,370,886	\$1,589,596	\$1,500,886	\$1,719,596
1. ARPA Grant (supplanted)	\$825,878	\$548,354	\$635,838	\$600,354	\$687,838
2. Sewer Capital Reserve	\$11,301	\$11,301	\$11,301	\$11,301	\$11,301
3. Water Capital Reserve	\$245,849	\$245,849	\$245,849	\$245,849	\$245,849
4. Sewer Fund	\$1,041,606	\$399,965	\$465,578	\$438,965	\$504,578
5. Water Fund	\$672,517	\$165,417	\$231,030	\$204,417	\$270,030
TOTAL FUNDING		\$1,370,886	\$1,589,596	\$1,500,886	\$1,719,596
Allocation					
General Fund	40%	\$548,354	\$635,838	\$600,354	\$687,838
Sewer Fund	30%	\$411,266	\$476,879	\$450,266	\$515,879
Water Fund	30%	\$411,266	\$476,879	\$450,266	\$515,879
Balance After Allocation					
ARPA		\$277,524	\$190,040	\$225,524	\$138,040
Sewer Capital Reserve		\$0	\$0	\$0	\$0
Water Capital Reserve		\$0	\$0	\$0	\$0
Sewer Fund		\$641,641	\$576,028	\$602,641	\$537,028
Water Fund		\$507,100	\$441,487	\$468,100	\$402,487

Possible  
source for  
contingency  
funding



## RESOLUTION TO AMEND THE SEWER CAPITAL RESERVE FUND

**WHEREAS**, the Town of River Bend ("Town") has previously assessed a Capital Investment Fee to all new sewer service subscribers; and

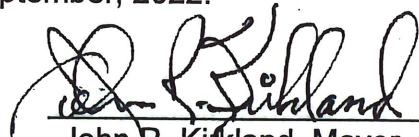
**WHEREAS**, the primary purpose of this Capital Investment Fee was to provide funds for expansion of sewer service to residents; and

**WHEREAS**, due to a change in the law regarding Capital Investment Fees, the town no longer assesses a Capital Investment Fee, but may resolve to do so later,

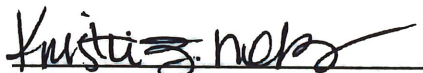
### NOW BE IT THEREFORE RESOLVED:

1. That any future Capital Investment Fees received by the Town for new sewer service shall be deposited into the Sewer Capital Reserve Fund.
2. Expenditures from the Capital Reserve Fund shall be by majority vote of the Council only and shall be restricted to expansion of the sewer system, sewer capital projects or as advanced payment on any Sewer Bonds.
3. At no time shall funds from the Sewer Capital Reserve Fund be used for General Operations or Maintenance of the Sewer Systems without future action by the Council.

Approved this 27<sup>th</sup> day of September, 2022.

  
John R. Kirkland, Mayor

ATTEST:

  
Kristie J. Nobles, Town Clerk

[SEAL]



## RESOLUTION TO AMEND THE WATER CAPITAL RESERVE FUND

**WHEREAS**, the Town of River Bend ("Town") has previously assessed a Capital Investment Fee to all new water service subscribers and a Hydrant Fee to residents for whom hydrant service is available; and

**WHEREAS**, the primary purpose of this Capital Investment Fee and the Hydrant Fee was to provide funds for expansion of water service to residents, and

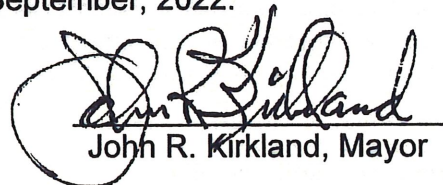
**WHEREAS**, due to a change in the law regarding Capital Investment Fees, the town no longer assesses a Capital Investment Fee, but may resolve to do so later, and

**WHEREAS**, the town now allocates hydrants fees as revenue in the Water Fund,

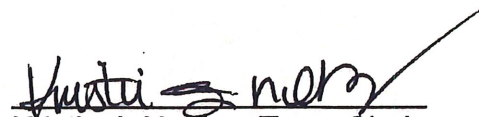
### NOW BE IT THEREFORE RESOLVED:

1. That any future Capital Investment Fees received by the Town for new water service shall be deposited into the Water Capital Reserve Fund.
2. Hydrant Fees received by the Town for hydrant availability shall be recognized as revenue for the operation and maintenance of Water Fund activities.
4. Expenditures from the Capital Reserve Fund shall be by majority vote of the Council only and shall be restricted to expansion of the water system, water capital projects or as advanced payment on any Water Bonds.
5. At no time shall funds from the Water Capital Reserve Fund be used for General Operations or Maintenance of the Water System without future action by the Council.

Approved this 27<sup>th</sup> day of September, 2022.

  
John R. Kirkland, Mayor

ATTEST:

  
Kristie J. Nobles, Town Clerk

[SEAL]





**TOWN OF RIVER BEND**  
**PUBLIC WORKS CAPITAL PROJECTS FUND ORDINANCE AMENDMENT #1**

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

**Section 1.** The following amounts are hereby appropriated for the operation of a Town Capital Projects Fund for the construction of a Public Works Building:

**CAPITAL PROJECTS FUND**

**Revenues:**

Operating Transfer from General Fund	964,378
Operating Transfer from Sewer Capital Reserve Fund	11,265
Operating Transfer from Water Capital Reserve Fund	245,088
Operating Transfer from Sewer Fund	504,614
Operating Transfer from Water Fund	270,791
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	1,996,136

**Expenditures:**

Architectural Services	71,500
Land Acquisition	60,000
Legal Services	2,000
Miscellaneous	5,000
Construction	1,719,596
Contingency	138,040
	<hr/>
	1,996,136

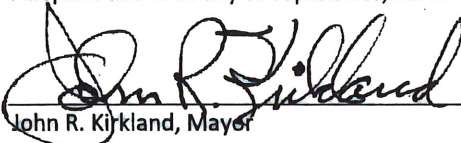
**Section 2.** It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations.

**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 27th day of September, 2022.

  
John R. Kirkland, Mayor

Attest:

  
Kristie J. Nobles, Town Clerk





## Resolution Adopting Capital Improvement Plan

**WHEREAS**, the Town of River Bend operates a public drinking water system; and

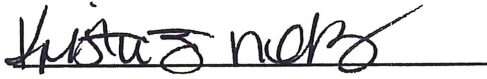
**WHEREAS**, the Town recognizes the value to plan for the long-range capital needs and costs of said system;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of River Bend that Capital Improvement Plan 23-33, which covers FY 22-23 through FY 32-33 is hereby approved presented.

Adopted this 27<sup>th</sup> day of September, 2022

  
\_\_\_\_\_  
John R. Kirkland  
Mayor

Attest:

  
\_\_\_\_\_  
Kristie J. Nobles

