

**TOWN OF WHITE LAKE
BOARD OF COMMISSIONERS
AGENDA COMMUNIQUE**
June 08, 2021
7:00 P.M.

To: H. Goldston Womble, Jr., Mayor
Town Board of Commissioners
H. Clifton Hester, Town Attorney

From: Brenda Clark, Administrative Services Director

Re: June 08, 2021 Regular Meeting

- **OPENING & CALL TO ORDER:** 7:00 P.M.
- **INVOCATION:** Mayor H. Goldston Womble, Jr.
- **AGENDA ADOPTION**

As its first order of business, the Board shall consider the proposed agenda as presented. Board members may by majority vote add, subtract, or revise the order of agenda items in the agenda. Once approved, the Board should follow the agenda as decided upon.

ACTION: Approve the agenda as presented (to include the Supplemental Agenda if one is provided).

AGENDA ITEMS:

1. APPROVAL OF MINUTES

- March 30, 2021 Closed Session In-Person Closed Session Minutes
- May 11, 2021 Regular Virtual Meeting
- May 25, 2021 Adjourned In-Person Meeting

2. PUBLIC HEARING(S)

It is required that citizens desiring to speak at tonight's public hearing(s) must sign up prior to the 7:00 p.m. meeting start.

• **Proposed FY Year 2021–22 Budget**

North Carolina General Statute 159-11(b), 159-12, and 159-13(a) (**AGENDA ITEM #2.1**) requires that the Budget Officer submit a proposed budget and budget message to the governing body by June 1st of each year, that no earlier than ten (10) days after the day the proposed budget is presented to the board and no later than July 1, the governing body must adopt the annual budget ordinance and a public hearing must be held at which time any persons wishing to be heard on the preliminary budget may appear before the board. The proposed budget was presented to the Budget Committee on May 25, 2021 and a public hearing is scheduled tonight for comments from the public. The Town Clerk has certified that notice of a public hearing was duly advertised in a newspaper with general circulation (**AGENDA ITEM #2.2**).

The public hearing may be opened to receive comments at this time. Should no one appear before the Board, the public hearing may be closed.

Hearing Procedures:

- a) Open the hearing; and
- b) Solicit relevant public comments and information; and
- c) Close the hearing after receiving or not any public comments.

3. ADMINISTRATIVE MATTERS

A. Lake Water Management Update

Dr. Diane Lauritsen's report "White Lake Clarity Treatment Completed Prior to 2021 Water Festival" (**AGENDA ITEM #3A.1**) and Dr. Shannon Brattebo with Tetra Tech, Inc. and Dr. Harry Gibbons have provided a "Review of White Lake Water Quality Conditions and Potential Management with Alum" report as information (**AGENDA ITEM #3A.2**).

B. White Lake Sanitary Sewer Improvement Project – Phase I & II Update

Brian Cox with Engineering Services has provided updates for Phase I and II of the Sanitary Sewer Improvement Project as information (**AGENDA ITEM #3B**). The updates will be posted on the Town's website and the www.whitelakewatch.com website.

C. May Utility Release(s) (\$1323.29)

May Utility releases (\$1,323.29) are submitted for the Board's consideration (**AGENDA ITEM #3C**). All leak release requests have been approved by the Public Works Crew Leader.

ACTION: Approve the May utility releases as presented.

D. May Tax Release(s) (\$722.70)

Reductions, refunds, and releases of tax claims are matters to be decided by the Town's governing body. By NC Statute, tax releases are not to be left to the discretion of the Tax Collector. Once a tax bill has been computed, it can only be released by specific authorization of the governing body [NC General Statute 105-380, 105-381(b), and 105-373(a) (3)]. May Tax releases (\$722.70) are presented for the Board's consideration (**AGENDA ITEM #3D**). All releases have been approved by the Bladen County Tax Administrator's office.

ACTION: Approve the May tax releases as presented.

E. May Tax Refund(s) (\$568.90)

Reductions, refunds, and releases of tax claims are matters to be decided by the Town's governing body. By NC Statute, tax refunds are not to be left to the discretion of the Tax Collector. Once a tax bill has been computed, it can only be refunded by specific authorization of the governing body [NC General Statute 105-380, 105-381(b), and 105-373(a) (3)]. Tax refunds (\$568.90) are presented for the Board's consideration (**AGENDA ITEM #3E**). All refunds have been approved by the Bladen County Tax Administrator's office.

ACTION: Approve the May tax refunds as presented.

F. Statute of Limitations for Collection of Delinquent Utility Accounts (\$4,192.03)

N.C.G.S. §25-2-725(1) clarifies the statute of limitations for collecting unpaid water fees as four years (**AGENDA ITEM #3F.1**). In preparing for the 2020-21 Fiscal Year audit, staff determined that twenty-one (21) utility accounts (\$4,192.03) have exceeded the three-year statute of limitations

and the four-year statute of limitations for collection (**AGENDA ITEM #3F.2**). The delinquent accounts are customers who have left owing a balance after their deposit has been applied to their outstanding balance. Staff continues to be aggressive in monitoring utility accounts and terminating services if the account becomes past due. For informational purposes, the delinquent accounts have been submitted to the NC Debt Setoff Program and are flagged should the customer apply for utility services in the future. Staff is asking the Board to release the balances on the delinquent accounts as presented.

ACTION: Release the delinquent utility accounts as presented.

G. Limitations on Use of Remedies for Uncollected Ad Valorem Taxes (\$949.41)

N.C.G.S. §105-378(a) Use of Remedies Barred states that no county or municipality may maintain an action or procedure to enforce any remedy provided by law for the collection of taxes or the enforcement of any tax liens (whether the taxes or tax liens are evidenced by the original tax receipts, tax sales certificates, or otherwise) unless the action or procedure is instituted within 10 years from the date the taxes became due (**AGENDA ITEM #3G.1**). The Tax Collector is asking the Board to release uncollected taxes for 2010 (\$949.41) that exceeds the statute of limitations for collection (**AGENDA ITEM #3G.2**).

ACTION: Release the 2010 uncollected ad valorem taxes as presented.

H. Town of White Lake Zoning Ordinance Text Amendments - Call for Public Hearing

The White Lake Planning Board has worked diligently with guidance from Jean Klein with the Lumber River Council of Government to draft text amendments to the Town of White Lake Zoning Ordinance and Subdivision Ordinance where needed and other changes as they relate to planning and Land Use Management to include the NCGS 160D Checklist per the UNC School of Government Update of August 2020 per Session Law 2020-25.

At their May 20, 2021 meeting, the Planning Board reviewed the final draft of the proposed text amendments and determined that the proposed amendments are consistent with the Town's 2000-2020 Comprehensive Land Use Plan, Goal 2, Objective 2. Comprehensive Plan adopted by the Town Board of Commissioners and made a recommendation that the Town Board of Commissioners consider amending the White Lake Zoning Ordinance and Subdivision Ordinance to incorporate the recent changes in the North Carolina General Statutes including NCGS Chapter 160D and other changes as they relate to planning and Land Use Management (**AGENDA ITEM #3H.1**).

Pursuant to North Carolina General Statute 160A-364 and Article VIII, Amendments and Development Moratoria, Section 8-1 Amendments in General(C)(2) of the Town of White Lake Zoning Ordinance (**AGENDA ITEM #3H.2**), the Board of Commissioners shall hold a public hearing before adopting or amending any ordinance authorized by Article 19, Planning and Regulations Development. Staff is asking the Board to call for a public hearing at the July 13, 2021 Board meeting to gather public comment on amending the White Lake Zoning Ordinance and Subdivision Ordinance to incorporate recent changes in the North Carolina General Statutes including NCGS Chapter 160D and other changes as they relate to planning and Land Use Management.

ACTION: Call for a public hearing as requested.

I. Amendment to Contract to Audit Accounts – Thompson, Price, Scott & Adams

Bryon Scott with Thompson, Price, Scott and Adams has provided an Amendment to Contract to Audit Accounts for FY 19-20 to modify the original due date on the contract from October 31, 2020 to May 30, 2021 due to health-related delays for those involved in the FY 19-20 audit (**AGENDA ITEM #3I**). The Town will work with the auditing firm to determine ways to complete the audit timely if critical personnel are not able to complete the audit. Staff is asking the Board to approve the Amendment to the Contract as presented.

ACTION: Approve the amendment as presented.

4. RESOLUTION(S)/ORDINANCE(S)

A. Resolution #2021-10 For Receiving Federal Funds Under the American Rescue Plan Act (ARPA) of 2021

The American Rescue Plan (ARP) of 2021 will deliver \$350 billion for State, local, territorial, and Tribal governments to respond to COVID-19 emergency and bring back jobs. Part of the American Rescue Plan Act (ARP) provides funding aid for local governments and will be appropriated by the State of North Carolina. ARPA funds cannot be used to fund general operations or to provide for general capital needs. ARPA funds will be subject to audit, and units can expect to be required to repay funds that are not spent in accordance with the restrictions. The deadline for expending ARPA funds has been extended to December 31, 2026, as long as the funds are obligated by December 31, 2024, therefore; the Town has several years over which to spend these funds.

It is estimated the Town will receive \$230,000. The first payment (\$115,000) will be made within 60 days of the law's enactment. The second tranche (\$115,000) will be distributed a year after the first. The Town should plan strategically and thoughtfully about how the funds are spent, not only to ensure compliance with the restrictions on the funds, but also to ensure they are put to their highest and best use. There will likely be multiple opportunities to leverage local dollars with State dollars for needs such as responding to public health emergencies with respect to COVID-19, provide premium pay to essential workers and invest in water and sewer infrastructure.

As part of the funding requirements, the Town must adopt a resolution (**AGENDA ITEM #4A**) affirming the funds will be spent only on federal guidance related expenses as required under the ARP Act, the revenue received under the ARP Act will be kept in a separate fund and will not be commingled with other revenue. Additional information on allowable expenditure categories and a spending plan will be provided in the near future. Staff is asking the Board to adopt the resolution in accordance with the ARP Act guidelines.

ACTION: Adopt Resolution # 2021-10 as presented.

B. FY 2020-21 Budget Ordinance Amendment #2021-20 (Water-Wastewater Fund) (\$133,071)

The finance office is submitting FY 20-21 Budget Ordinance Amendment #2021-20 (\$133,071) for the Board's consideration (**AGENDA ITEM #4B**). Amendment to the Water-Wastewater Fund's FY 20-21 Operating Budget is necessary to move the funds budgeted for the annual loan payment for Phase I of the Sanitary Sewer Project in FY 20-21 to the Wastewater Department's Debt Service Capital Reserve for expending in FY 21-22.

ACTION: Approve FY 20-21 Budget Ordinance Amendment #2021-20 as presented.

C. FY 2020-21 Budget Ordinance Amendment #2021-21 (General Fund) (\$45,003)

The Finance Office is asking the Board to approve FY 20-21 Budget Ordinance Amendment #2021-21 (**AGENDA ITEM #4C**) (\$45,003) to budget unanticipated expenditures and revenues from the onset of COVID-19 in the Administration, Police and Fire Departments.

ACTION: Approve FY 20-21 Budget Ordinance Amendment #2021-21 as presented.

D. FY 20-21 Budget Ordinance Amendment #2021-22 (Water/Wastewater Fund) (\$402)

The Finance Office is asking the Board to approve FY 20-21 Budget Ordinance Amendment #2021-22 (**AGENDA ITEM #4D**) (\$402) to budget unanticipated expenditures and revenues from the onset of COVID-19 in the Water and Wastewater Departments.

ACTION: Approve FY 20-21 Budget Ordinance Amendment #2021-22 as presented.

E. Ordinance #2021-04 To Adopt the Fiscal Year 2021-22 Budget

In accordance with the FY 21-22 Budget Calendar, the FY 21-22 budget was presented to the budget committee at the May 25, 2021 adjourned meeting. Since that time, there has been no request for additional information. As is required by statute, the Board conducted the required public hearing earlier in the meeting. The Board may adopt the budget at any time after the Public Hearing, but no later than June 30th. The Board is requested to adopt the FY 2021-22 Budget Ordinance as presented (**AGENDA ITEM #4E**).

ACTION: Adopt the FY 2021-22 Budget Ordinance as presented.

5. CONTRACTS

A. Diane Lauritsen, Ph.D., LIMNOSCIENCES – Professional Services Contract

Dr. Diane Lauritsen, Ph.D. with LIMNOSCIENCES has provided a Professional Services Contract with the Scope of Work (SOW) as defined in the contract for a fixed fee of \$13,200 for the Board's consideration (**AGENDA ITEM #5A**). As information, the cost of the proposed contract is included in the FY 21-22 Budget Ordinance.

ACTION: Approve the Professional Services Contract for FY 21-22 as presented.

B. Linda Ehrlich, Ph.D., Spirogyra Diversified Environmental Services – Professional Services Contract

Linda Ehrlich, Ph.D. with Spirogyra Diversified Environmental Services has and continues to provide algal identification services for the White Lake Monitoring Program on an as-needed basis and reports the results to Diane Lauritsen, Ph.D. Dr. Ehrlich has provided a Professional Services Contract in the amount of \$7,500 for FY 21-22 (**AGENDA ITEM #5B**). Dr. Lauritsen is asking the Board to approve SDES's contract as presented. As information, the cost of the proposed contract is included in the FY 21-22 Budget Ordinance.

ACTION: Approve the Professional Services Contract for FY 21-22 as presented.

6. OTHER BUSINESS/PREVIOUS AGENDA ITEMS

A. Other Business/Concerns (Board Members)

B. Departmental Briefings/Reports

Department Heads will provide departmental updates at this time and answer any questions the Board may have. The following monthly reports are provided as information.

- Finance Report (**AGENDA ITEM #6B.1**)
- Tax Collector's Report (**AGENDA ITEM #6B.2**)
- Post Office Report (**AGENDA ITEM #6B.3**)
- Police Department Report (**AGENDA ITEM #6B.4**)
- Police Department Fuel Report (**AGENDA ITEM #6B.5**)
- Fire Department Fuel Report (**AGENDA ITEM #6B.6**)
- Public Works Department Fuel Report (**AGENDA ITEM #6B.7**)
- Planning Board Report (The Planning Board under the guidance of Jean Klein, LRCOG reviewed the final draft of the Zoning Ordinance/Subdivision Ordinance Text Amendments and 160D Checklist).

C. Compensatory Leave Balance(s)

In accordance with Article III, the Pay Plan, Section 12, the Benefits Accrual Report is provided as information (**AGENDA ITEM #6C**).

D. Miscellaneous Correspondence(s)

Correspondence to Jeri L. Bonomo following up on a complaint concerning the condition of an abandoned structure at 38 E. Carolina Ave. is provided as information (**AGENDA ITEM #6D**). The Administrator has spoken with Mrs. Bonomo and will provide an update if needed.

E. July 4th Holiday Schedule

The municipal complex will be closed Monday, July 5, 2021 in observance of Independence Day. A public works employee will be on call to respond to any water/sewer emergencies.

7. OPEN FORUM: Three (3) minutes per citizen. Should state name and address.

MEETING ADJOURNED