



TOWN OF RIVER BEND

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RIVER BEND TOWN COUNCIL AGENDA

Work Session Meeting

February 11, 2021

River Bend Town Hall

5:00 p.m.

1. Discussion – Amendment to Chapter 9.01 Animals – Jackson
2. Discussion – Budget Amendment – Jackson
3. Discussion – Speeding Enforcement – Chief Joll
4. Discussion – Developing Priority List for Future Projects - Jackson
5. Review Agenda – Nobles

Pledge: Councilman Fogle

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

GENERAL PROVISIONS

§ 9.01.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any live vertebrate creature.

DOMESTIC ANIMAL.

(1) An animal that typically is found in a domesticated or tame state and usually is kept as a pet.

(2) This definition includes but is not limited to dogs and cats.

LIVESTOCK.

(1) An animal that typically is kept principally for productive or useful purposes, rather than as a pet.

(2) The definition includes but is not limited to horses, cows, pigs, goats, sheep, mules and chickens.

(3) Horses may be kept within the corporate boundaries of the town in compliance with § 9.01.017 herein.

RUNS AT LARGE.

(1) An animal runs at large when it is off the premises of the owner and is not under the immediate and effective constraint of the owner or other competent person in charge of the animal.

(2) The term **IMMEDIATE AND EFFECTIVE CONTROL** means that the animal is sufficiently restrained by use of a leash that constrains the animal to the close proximity of the owner or other competent person and to override the animal's ability to depart therefrom.

WILD ANIMAL. An animal that typically is found in a non-domesticated state and that poses or reasonably appears to pose a potential danger to persons, other animals, or property.
(Prior Code, Ch. 6, Art. I)

§ 9.01.002 INTERFERENCE WITH ANIMAL CONTROL OFFICER.

(A) No person may obstruct, interfere with, hinder or molest the animal control officer in the lawful performance of any duty authorized by this chapter.

(B) No person may release or attempt to release any animal that is in the custody of the animal control officer.

(Prior Code, Ch. 6, Art. VI) Penalty, see § 1.01.999

§ 9.01.003 ANIMAL FECES.

It will be unlawful for any person within the town to fail or neglect to remove immediately any animal feces deposited on public or private property without the consent of the owner of the property, by an animal in the care, charge, control or custody of the person, or owned, possessed or harbored by the person.

(Prior Code, Ch. 6, Art. VI) Penalty, see § 1.01.999

REGULATION AND CONTROL

§ 9.01.015 RUNNING AT LARGE PROHIBITED.

(A) No person owning or having possession, charge, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large upon any public street, sidewalk or other public property or to stray, run at large or otherwise trespass upon the private property of another.

(B) Except as otherwise allowed by federal or state law, no person shall trap or capture, or attempt to trap or capture, any domesticated animal, livestock or wild animal that runs at large. The prohibition contained herein shall not apply to the animal control officer, or any other federal, state or local official or employee acting under the authority of his position.

(C) A violation of any of the provisions of this chapter shall be penalized as provided in § 1.01.999.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

§ 9.01.016 ANIMALS CREATING A NUISANCE.

No person may allow or have any animal within the town that:

(A) Habitually or repeatedly, without provocation, chases, snaps at, or attacks pedestrians, bicyclists or vehicles;

(B) Causes serious annoyance to neighboring residents and interferes with the reasonable use and enjoyment of their property by habitual barking, howling, whining or meowing;

(C) Repeatedly pilfers or turns over garbage or waste receptacles, damages gardens, flowers, shrubs or vegetables;

(D) Habitually trespasses upon neighboring properties and carries off articles or objects not belonging to the animal's owner; or

(E) Repeatedly defecates on public or private property other than that of the owner, without the owner or other competent person in charge of the animal removing any animal feces immediately, and dispose of it in a safe and sanitary manner.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

§ 9.01.017 PROHIBITION OF CERTAIN ANIMALS.

No person may have or keep within the corporate boundaries of the town any livestock or wild animals, except:

(A) Livestock or wild animals possessed or kept in conformance with a federal, state or local program designed to protect and promote the public health, safety and welfare, but only if the program has been approved by the Town Council.

(B) Horses kept on any parcel of land within the corporate boundaries of the town provided that the parcel is a minimum size of 8 acres, and provided that the parcel provides adequate size to meet any setback requirements herein. No more than 1 horse per acre shall be allowed on any parcel.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

§ 9.01.018 VICIOUS ANIMALS.

When an animal becomes vicious or a menace to the public health, the owner of the animal or person harboring the animal, shall not permit the animal to leave the premises on which kept unless on a leash in the care of a responsible person.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

§ 9.01.019 LOCATION AND MAINTENANCE OF ANIMAL PENS AND ENCLOSURES.

Lots, pens, coops, stables and other enclosures where animals are kept or fed shall not be allowed in any front yard and shall be located at a distance from dwellings and places of concentrated human activity and at a distance from sources of water or food supply or food preparation as may be necessary to protect the public health.

(A) All stables used for the keeping of horses, shall be kept a minimum of 50 feet from all property lines and 50 feet from any residential building.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

§ 9.01.020 BIRD SANCTUARY CREATED.

The territory within the corporate limits of the town is hereby declared a bird sanctuary in accordance with the authority conferred upon the municipality by North Carolina General Statutes.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

§ 9.01.021 LICENSE AND REGISTRATION FEE AND TAG.

(A) No dog or cat shall be owned, kept, harbored, maintained or cared for within the corporate limits of the town unless it first is licensed and registered with the town pursuant to this subchapter and, at all times, has attached the license tag issued by the town as proof thereof. Person registering dog or cat must be a minimum of 16 years of age. The dog or cat must also have attached proof of current rabies vaccination. If no rabies vaccination at this time due to being under 4 months of age, proof of age must be presented, either by written record or statement from a veterinarian.

(B) A license and registration fee shall be charged by the town for each dog and cat licensed effective with the issuance of the 1999 animal tags.

(C) Animal licenses hereunder shall be issued on an annual basis, being valid for the period from the March 1 of a given year through March 31 of the following year. The license and registration fee provided in division (B) above shall be the same regardless of the date during the year that the license is issued. The owner or person registering the animal must present proof of current rabies vaccination when applying for the license.

(Prior Code, Ch. 6, Art. II) Penalty, see § 1.01.999

RABIES

§ 9.01.035 QUARANTINE OF ANIMALS SUSPECTED OF HAVING RABIES.

(A) Every animal that has bitten any person or other animal or that shows symptoms of rabies shall be securely confined for a period of at least 10 days before the animal shall be released.

(B) (1) The owner of an animal that has bitten any person or that has shown symptoms of rabies shall report the same immediately to the local health director.

(2) In addition, any person bitten by an animal shall immediately report the incident to the local health director.

(C) Animals quarantined in accordance with this section shall be confined in a veterinary hospital or any other place designated by the local health director, the expense of the confinement to be paid by the owner of the animal.

(D) Any animal, confined pursuant to this section, upon being diagnosed by a licensed graduate veterinarian as free of rabies, shall be released to the owner upon payment by owner of fees and expenses incurred by the confinement and diagnoses.

(Prior Code, Ch. 6, Art. III) Penalty, see § 1.01.999

§ 9.01.036 DISPOSITION OF RABID ANIMALS.

(A) Every rabid animal, after rabies has been diagnosed by a licensed graduate veterinarian, shall be killed at once in a humane manner by its owner or a peace officer, except that if the animal has bitten a human being, the animal shall be confined under the supervision of a licensed graduated veterinarian until death of the animal. The remains of the animal shall be disposed of as provided in North Carolina General Statutes.

(B) An animal bitten by a proven rabid animal or animal suspected of having rabies that is

not available for laboratory diagnosis shall be destroyed immediately by its owner or a peace officer unless the bitten animal has been vaccinated against rabies more than 3 weeks prior to being bitten, and is given a booster dose of rabies vaccine within 3 days of the bite.
(Prior Code, Ch. 6, Art. III) Penalty, see § 1.01.999

CARE AND PROTECTION

§ 9.01.050 CARE REQUIRED; ABANDONMENT PROHIBITED.

The owner of every animal shall be responsible for the care, vaccination, registration and/or licensing and behavior of the animal. No owner may fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather and veterinary care when needed to prevent suffering.
(Prior Code, Ch. 6, Art. IV) Penalty, see § 1.01.999

§ 9.01.051 CRUELTY TO ANIMALS.

No person shall willfully overdrive, overload, wound, injure, torture, cruelly beat, needlessly mutilate, trap, entice, or kill any animal or cause or procure the same.
(Prior Code, Ch. 6, Art. IV) Penalty, see § 1.01.999

§ 9.01.052 RESPONSIBILITY OF INJURING ANIMALS.

Any person who, as the operator of a motor vehicle or bicycle, strikes and injures a domestic animal shall stop at once and render assistance as may be possible and shall immediately report the incident to the animal's owner. If the owner cannot be ascertained or located with reasonable effort, the operator shall notify the Town Clerk or Town Police or the County Sheriffs Office.
(Prior Code, Ch. 6, Art. IV) Penalty, see § 1.01.999

Dear Mr. Jackson,

I am writing to you to request a provision to be made for my family to use the 18 acre parcel that is for sale on Old Pollocksville Road in the Town of River Bend as a homesite, as well as use a portion of the property to have small farm animals.

Two years ago my wife and I bought a 20 acre parcel across Highway 17 from River Bend. We intended to use it as a build site and to raise our three children there. Prior to building, we realized that the surrounding environment would have put our family in danger, and that was not something we could do. Upon my search for a new parcel of land, I was immediately attracted to this 18 acre parcel in your town. It would allow my family acreage to build on while also being under the regulations of the town to prevent firearms, which would make my family much safer than our previous site.

Part of my goal of building on 10 plus acres is to have some small farm animals to allow my children the opportunity to learn responsibility, teach them life lessons, and enjoy living on a large tract of land. Because the town of River Bend does not allow farm animals, this would restrict me from achieving this.

Below is what my wife and I would like your permission to work towards. This would start out as a build site and a smaller area of animals and a garden, with the potential for eventually growing the area but to not extend the borders shown in yellow on the next page.

1. Partially clear approximately 5-6 acres in the middle of the property for use. This is outlined in green and yellow on the next page.
2. Keep a minimum 75 foot border of trees along the east and west side of the property.
3. The front 2.5 acres would be kept wooded with some of the underbrush cleaned out.
4. With those 3 border distances on the north, east, and west, in addition to the approximate 5-6 acres cleared in the middle, that would leave anywhere between 225 feet and 500 feet to the back of the parcel that would consist of natural regrowth from the previous clearing that took place in 2015.
5. Build an approximately 3,000+ square foot home by Island Creek Builders that is approximately 275 feet off the road near the middle of the property that would face the pond that already exists.
6. Have a large garden.
7. Have small farm animals that would be for family and homestead purposes only. None of the farm animals would be used for livestock purposes. They would be fenced in and unable to be seen from any property line and within the 5-6 acres mentioned above. They would be kept in fenced areas at all times. Their hutches/houses would be done in such a way as to make sure they are attractive and consistent with the home's exterior.

We understand the desire to keep River Bend a town where the people are safe and life is enjoyed. This is the reason we would be grateful to be a part of your community. Thank you for your consideration. Attached is a drawing of our intentions with approximate dimensions for further clarification. Please let me know if there are any provisions that you would like to discuss further.

Sincerely,

Brian and Elizabeth Swicegood

Parcel ID #8-200-056 & 8-200-057 outlined in pink



January 11, 2021

TO: Riverbend Town Council

I, Emma Gatlin and my husband, Kim Price, currently reside at 204 Dobbs Spaight Road, Governors Mill Plantation, New Bern, N.C.

We are considering buying property located at 665 Old Pollocksville Road, New Bern N.C. The property consists of approximately 18 acres and we plan to build a house and a horse stable.

During a conversation with Mr. Jackson, we were told that horses were not allowed. Mr. Jackson advised us to write a letter to request consideration to own horses. Therefore, we are asking the Council to consider this request to allow the horses on the property.

Thanks for your consideration of this matter.

Sincerely

Gatlin
Emma Gaskin


Kim Price

Kim A Price



**TOWN OF RIVER BEND
PROPOSED BUDGET ORDINANCE AMENDMENT 20-B-05
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 January 14, 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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	3,830,808
Total	

Section 1.

General Fund

**20-B-05
PROPOSED
CHANGES**

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 (Hurricane Isaias Leaf & Limb pick-up)	14,624	14,624
State Disaster Assistance (Hurricane Isaias Leaf & Limb pick-up)	4,875	4,875
State Grant - Police	22,653	
State Grant - CARES Act CRF funding	49,650	
Recovery Grant NCORR-FDLG-004	99,568	
Miscellaneous (proceeds from sale of abandoned property)	13,500	5,500
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	
Total	<hr/> 2,332,210	<hr/> 24,999

<u>Section 1.</u>	<u>General Fund (continued)</u>	20-B-05	
		PROPOSED	
Authorized Expenditures		CHANGES	
	Governing Body	28,700	
	Administration	268,691	
	Finance	120,181	
	Tax Listing	10,880	
	Legal Services	24,000	
	Elections	0	
	Police <i>(proceeds from sale of abandoned property)</i>	596,048	5,500
	Public Buildings <i>(Update T. Hall offices & lobby - paint, carpet, desk & chairs)</i>	169,208	10,000
	Emergency Services	4,000	
	Animal Control	14,366	
	Street Maintenance <i>(Excess personnel cost - update T. Hall offices & lobby)</i>	218,686	-3,000
	Public Works <i>(Excess personnel cost - update T. Hall offices & lobby carpet, desks & chairs)</i>	160,240	-7,000
	Leaf & Limb and Solid Waste <i>(Hurricane Isaias Leaf & Limb pick-up)</i>	62,999	19,499
	Stormwater Management	221,371	
	Wetlands and Waterways	71,000	
	Planning & Zoning	48,363	
	Recovery Grant NCORR-FDLG-004	100,780	
	Recreation & Special Events	4,500	
	Parks & Community Appearance	50,370	
	Contingency	17,968	
	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	24,999

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

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

Section 4. **Water Fund**

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	<hr/> 613,634

Authorized Expenditures

Administration & Finance [1]	447,734
Operations and Maintenance	162,400
Transfer To Fund Balance for Capital Outlay	3,500
Transfer To Water Capital Reserve Fund	0
Total	<hr/> 613,634

[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	<hr/> 2,800

Authorized Expenditures

Future Expansion & Debt Service	<hr/> 2,800
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Section 6. **Sewer Fund**

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	<hr/> 709,484

Authorized Expenditures:

Administration & Finance [2]	442,884
Operations and Maintenance	203,600
Transfer to Fund Balance for Capital Outlay	63,000
Transfer to Sewer Capital Reserve Fund	0
Total	<hr/> 709,484

[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	<hr/> 129

Authorized Expenditures:

Future Expansion & Debt Service	<hr/> 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 18th day of February, 2021.

John R. Kirkland, Mayor

Attest:

Kristie J. Nobles, Town Clerk



RIVER BEND TOWN COUNCIL AGENDA

Regular Meeting
February 18, 2021
River Bend Town Hall
7:00 p.m.

Pledge: Fogle

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 January 14, 2021 Work Session
Minutes of the January 21, 2021 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. Parks & Recreation/CAC – Councilwoman Barbara Maurer
 - A. Parks and Rec Report
 - B. CAC Report
 - C. Organic Garden Report
 - D. Library Report
9. Public Works and Water Resources – Mayor John Kirkland
 - A. PWAB Report

10. Finance – Councilman Irving Van Slyke, Jr.
 - A. Financial Report - Finance Administrator
11. Environment and Waterways – Councilman Brian Leonard
 - A. EWAB Report
12. Planning Board – Councilman Buddy Sheffield
 - A. Planning Board Report
13. Public Safety – Councilman Don Fogle
 - A. Community Watch
 - B. CERT
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

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