

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

Present Council Members: Mayor John Kirkland  
Don Fogle  
Brian Leonard  
Buddy Sheffield  
Bud Van Slyke  
Barbara Maurer

Town Manager: Delane Jackson  
Town Clerk: Kristie Nobles  
Town Attorney: Dave Baxter  
Finance Administrator: Margaret Theis

**CALL TO ORDER**

The meeting was called to order by Mayor Kirkland at 7:00 p.m. on Thursday, February 18, 2021 at the River Bend Town Hall with a quorum present.

**ADDITIONS TO AGENDA**

The Manager stated that there were three items to add to the agenda. Those items were:

8. E. VOTE- CAC Appointment
9. B. VOTE – Resolution Accepting Loan Offer
14. CLOSED SESSION – NCGS § 143-318.11(a)(3) Consult with Attorney

**Vote – Accept Amended Agenda** – Councilman Leonard moved to accept the amended agenda additions as presented. The motion carried unanimously.

**ADDRESSES TO THE COUNCIL**

Chief Joll presented Officer Baysden and Officer DeStefano with a Certificate of Commendation for excellent service in the line of duty and going above and beyond in service to the Town of River Bend.

**CONSENT AGENDA**

The Mayor presented the Council with the Consent Agenda. Councilman Sheffield **moved to approve the Consent Agenda as presented.** The motion carried unanimously. Within this motion, the following items were approved:

- A. Approve  
*Minutes of the January 14, 2021 Work Session*  
*Minutes of the January 21, 2021 Regular Meeting*

**TOWN MANAGER'S REPORT**

The Manager updated the Council on several current projects throughout Town. He stated that the Town has been approved for the grant for the water meter replacement throughout Town and the resolution for that project is in the agenda. The Manager stated that both the Channel Run Project and the CDBG project on Old Pollocksville Road are delayed due to the weather. He also

stated that he and the Zoning Administrator are currently revising the Town's Zoning Ordinances in accordance with NCGS §160D.

### **ADMINISTRATIVE REPORTS**

#### ***PARKS & RECREATION – Councilwoman Maurer***

Councilwoman Maurer stated that Parks and Recreation is not meeting at the current time, but they are looking at planning a Sunday in the Park when Town activities resume.

#### ***CAC - Community Appearance Commission***

Councilwoman Maurer stated that the CAC has not met but has received an application for appointment to the CAC. She stated that Brenda Hall had submitted an application and that she feels Ms. Hall's skills and experience would make her a good fit for the board.

#### ***Vote – Appoint Brenda Hall to the CAC Advisory Board***

Councilwoman Maurer motioned to appoint Brenda Hall to the Community Appearance Commission Advisory Board for a term beginning February 18, 2021 and expiring June 30, 2022. The motion carried unanimously.

#### ***Organic Garden***

Councilwoman Maurer stated that the garden has been slow but the volunteers are planning for spring planting. She stated that the Green Team has been busy working in the greenhouse at New Bern High School.

#### ***Red Caboose Library***

Councilwoman Maurer stated that the Library is open with the hours posted on numerous sites.

### **PUBLIC WORKS – Mayor Kirkland**

The Mayor stated that there was no report this month, although the PWAB is in need of members, and anyone interested should contact the Town Clerk for an application.

#### ***Discussion –Drinking Water State Revolving Fund Resolution***

The Manager stated that included in the agenda additions was a resolution to accept the Drinking Water State Revolving Fund Loan in the amount of \$602,000 for the construction of Water Meter Replacement. He stated that this is a loan that is not repaid.

#### ***Vote – Approve Drinking Water State Revolving Fund Resolution***

Councilman Fogle motioned to approve the Drinking Water State Revolving Fund Resolution as presented. The motion carried unanimously. (see attached)

### **FINANCE –Councilman Van Syke**

***Financial Report*** – Finance Administrator Margaret Theis told the Council that the total of the General Fund Cash Balances as of January 31, 2021 was \$3,831,020 and Ad valorem tax collections for FY20-21 were at \$604,956 and Vehicle Ad valorem tax collections is \$51,267.

#### ***Vote – Budget Amendment 20-B-05***

Councilman Van Slyke motioned to approve Budget Amendment 20-B-05 as presented. The motion carried unanimously. (see attached)

## **Planning Board – Councilman Sheffield**

### **DISCUSSION – Amendment to Chapter 9.01 Animals**

Councilman Sheffield stated that he was absent during the work session February 11, 2021 when this ordinance amendment was discussed. He stated that he had one concern with the amendment related to the quantity of horses allowed per acre. The Manager explained that the map highlighted all current lots in Town, not owned by the Town, that were at least 8 acres in size and could be used to keep horses if the proposed amendment was adopted. He further explained that the number on each lot represents its size in acres and the maximum number of horses allowed on it if the amendment was kept at one horse per acre. He further stated that the golf course was indicated in yellow and up to 141 horses could be kept on that lot. All other lots are indicated in green. Councilman Sheffield suggested changing the amendment to one horse per two acres. He also stated that the Planning Board has not made any suggestions on this topic. Councilman Leonard asked the Manager if the quantity per acre change will effect other properties in the Town. The Manager stated that it will only limit the quantity of horses allowed per acre on properties that are 8 acres or larger as indicated on the map. The Manager stated that the suggested change to one horse per two aces would cut in half the numbers on the map. (see attached)

### **Vote – Amendment to Chapter 9.01 Animals**

Councilman Sheffield motioned to approve the amendment to Chapter 9.01 as presented. The motion passed with four ayes (Sheffield, Van Slyke, Fogle, and Maurer) and one nay (Leonard). (see attached)

## **MAYOR'S REPORT – Mayor Kirkland**

The Mayor stated that he attended a meeting on February 13<sup>th</sup> presenting the issues surrounding installation of fiber optic internet cable in the New Bern area. The need for this infrastructure has been called into focus by the COVID-19 pandemic and the need for virtual classroom education for public school students. The failure to have the fiber optic infrastructure has caused the education effort to fail many students. There is a movement taking place nationwide and even globally, where business centers are relocating out of large cities. These relocating industries need the fiber optic infrastructure and will search for rural locations that can furnish that capability. In North Carolina, the area east of interstate Highway I-95 does not have that asset and will be bypassed until the needed infrastructure is provided. Effective installation of the fiber optic connection needs to flow from county to county and the area must come to recognize that the benefits of this installation will benefit all in the area of new corporate presence, even those located in an adjacent county. It is a different time and the new time demands a different attitude toward regional planning.

## **PUBLIC COMMENT**

Mr. Kim Price addressed the Council and stated that he intends to purchase 18 acres on Old Pollocksville Road, and would like to have horses for his family for recreational purposes only.

## **CLOSED SESSION**

Councilman Sheffield **moved to go into a Closed Session under NCSG §143-318.11(a)(3) to consult with the attorney.** The motion carried unanimously. The Council entered Closed Session at 7:56 p.m.

## **OPEN SESSION**

Councilman Sheffield moved to return to Open Session at 8:18 p.m. The motion carried unanimously.

**ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield moved to adjourn. The meeting adjourned at 8:19 p.m.

A handwritten signature in dark ink, appearing to read "Kristie J. Nobles", written over a horizontal line.

Kristie J. Nobles  
Town Clerk

2021-RES-01

**RESOLUTION BY THE TOWN OF RIVER BEND**

- WHEREAS,** the Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Fund have authorized the making of loans and/or grants, as applicable, to aid eligible, drinking-water system owners in financing the cost of construction for eligible, drinking-water infrastructure; and
- WHEREAS,** the North Carolina Department of Environmental Quality has offered a Drinking Water State Revolving Fund (DWSRF) Loan in the amount of \$602,500 for the construction of Water Meter Replacement hereafter referred to as the "Project"; and
- WHEREAS,** the Town of River Bend intends to construct said Project in accordance with engineering plans and specifications that have been or will have been approved by the North Carolina Public Water Supply Section.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF RIVER BEND:**

That the Town of River Bend does hereby accept the DWSRF Loan offer in the amount of \$602,500; and

That the Town of River Bend does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of DWSRF Loan; and

That the Town Manager, Delane Jackson, and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make the Assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That the Town of River Bend has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted and Effective this the 18<sup>th</sup> day of February, 2021 at River Bend, North Carolina.

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John Kirkland, Mayor

Attest:

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Kristie J. Nobles



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

<u>Section 1.</u>	<u>General Fund (continued)</u>		<u>20-B-05</u> <u>PROPOSED</u> <u>CHANGES</u>
Authorized Expenditures			
	Governing Body	28,700	
	Administration	268,691	
	Finance	120,181	
	Tax Listing	10,880	
	Legal Services	24,000	
	Elections	0	
	<b>Police</b> (proceeds from sale of abandoned property)	<b>596,048</b>	<b>5,500</b>
	<b>Public Buildings</b> (Update T. Hall offices & lobby - paint, carpet, desk & chairs)	<b>169,208</b>	<b>10,000</b>
	Emergency Services	4,000	
	Animal Control	14,366	
	<b>Street Maintenance</b> (Excess personnel cost - update T. Hall offices & lobby)	<b>218,686</b>	<b>-3,000</b>
	<b>Public Works</b> (Excess personnel cost - update T. Hall offices & lobby carpet, desks & chairs)	<b>160,240</b>	<b>-7,000</b>
	<b>Leaf &amp; Limb and Solid Waste</b> (Hurricane Isaias Leaf & Limb pick-up)	<b>62,999</b>	<b>19,499</b>
	Stormwater Management	221,371	
	Wetlands and Waterways	72,000	
	Planning & Zoning	48,363	
	Recovery Grant NCORR-FDLG-004	100,780	
	Recreation & Special Events	3,500	
	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
	Interest Revenue
	Appropriated Fund Balance
	Total
Authorized Expenditures	
	Transfer to General Fund

Section 3.      Law Enforcement Separation Allowance Fund

Anticipated Revenues:	
	Contributions from General Fund
	Interest Revenue
	Appropriated Fund Balance
	Total
Authorized Expenditures:	
	Separation Allowance

**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	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	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	2,800

Authorized Expenditures

Future Expansion & Debt Service	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

**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.

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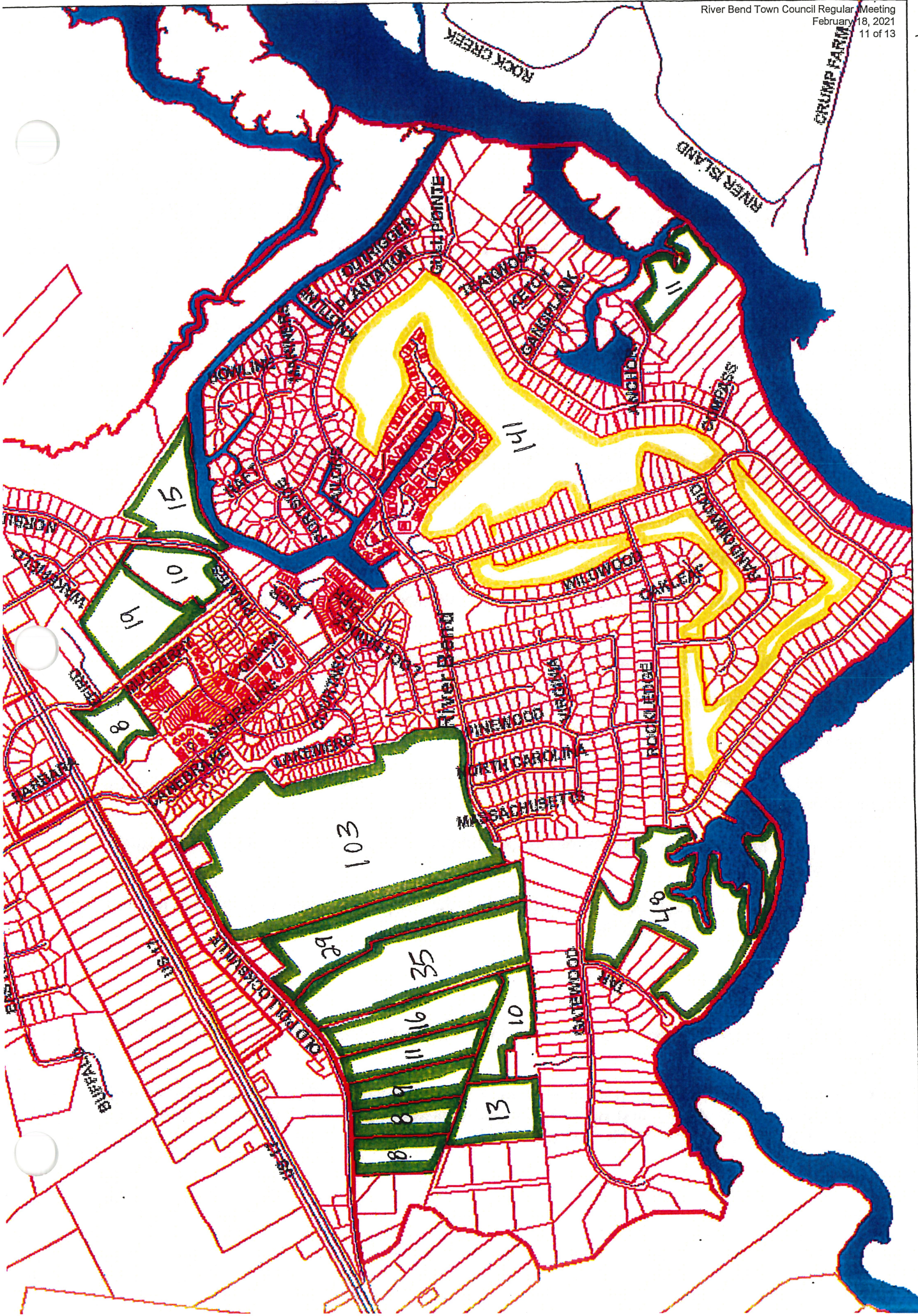
John R. Kirkland, Mayor

Attest:

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Kristie J. Nobles, Town Clerk





1 inch = 1375 feet

# en County GIS

s NOT warrant the Information shown on this map and should be used ONLY for tax assessment purposes. Printed on February 12, 2021 at 9:15:53 AM



2021-ORD-01

## **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF RIVER BEND**

BE IT ORDAINED by the Town Council of the Town of River Bend that the Town Code of Ordinances, Title IX, General Regulations, Chapter 9.01, Animals, be amended as follows:

### **§ 19.01.001**

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.

***EQUINE.*** Any horse, pony, mule, donkey or hinny

***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 equine, cows, pigs, goats, sheep, mules and chickens.

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

### **§ 19.01.017**

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.

2021-ORD-01

(B) Equine animals 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 equine animal per 2 acres shall be allowed on any parcel.

**§ 19.01.019**

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 equine animals, shall be kept a minimum of 50 feet from all property lines and 50 feet from any residential building.

This Ordinance shall be in full force and effect upon its adoption

**Adopted this the 18th day of February, 2021**

\_\_\_\_\_  
John Kirkland, Mayor

ATTEST:

\_\_\_\_\_  
Kristie Nobles, Town Clerk