

**River Bend Town Council  
Work Session Minutes  
February 9, 2023  
Town Hall  
6:00 p.m.**

Present Council Members: Mayor John Kirkland  
James Castranova  
Barbara Maurer  
Buddy Sheffield  
Jeff Weaver

Absent Council Member: Brian Leonard

Town Manager: Delane Jackson  
Finance Director: Mandy Gilbert  
Town Clerk: Kristie Nobles  
Police Chief: Sean Joll  
Town Attorney: Dave Baxter

Members of the Public Present: 11

**CALL TO ORDER**

Mayor Kirkland called the meeting to order at 6:00 p.m. on Thursday, February 9, 2023 at the River Bend Town Hall with a quorum present.

**VOTE – Approval of Agenda**

Councilman Sheffield motioned to accept the agenda as presented. The motion carried unanimously.

**Discussion – Water Resources Policy Manual Amendment**

Town Manager Jackson stated that the town utilizes a third party system, Official Payments – ACI Online, for processing credit card payments for utility services. He stated that the provider charges a fee to the payer to use this service and this fee has changed over the past few months. He stated that the current Water Resources Policy Manual states the fees and with those fees changing, the policy would need to be amended every time the fees change. He presented a proposed amended policy with a general statement stating fees are charged to the payer.

**Discussion – Parks and Recreation Advisory Board Appointments**

Councilman Castranova stated that the Parks and Recreation Advisory Board has received three applications for appointment to the advisory board. He stated that the Parks and Recreation Advisory Board has met and recommends all three of the applicants for appointment to the Parks and Recreation Advisory Board. Councilman Castranova stated that one of the applicants is Don Fogle, and states there is some history between some councilmembers and Mr. Fogle, but asked that the Council put aside their differences. He stated that the Parks and Recreation Advisory Board is currently lacking experience and the Fogle's would bring that to the current board. He stated that these three applicants would complete the board. Councilman Sheffield stated that normally anyone who is recommended to Council for appointment he would vote to approve, but he couldn't in good conscience approve Don Fogle. He stated he felt he would be rewarding Mr. Fogle by turning a new board over to him. Councilman Weaver asked Councilman Castranova if he meant turning the new board over to Mr. Fogle or did the Parks and Recreation Advisory Board unanimously approve the applications for membership. Councilman Castranova agreed that the board only recommended the applicants for appointment to the board. Councilman Sheffield stated that if he is a board member he can be appointed as chairperson and he does not want him on a board that is supervised and funded by the town. Councilwoman Maurer stated that she

has tried putting her differences aside and thought it may be a good idea to allow Mr. Fogle the opportunity to show the town what he could do but she felt the election made it clear that the voters do not want Mr. Fogle as a councilperson or involved in the advisory boards. She stated that she attended the Parks and Recreation Advisory Board meeting last week and understood that the advisory board would appoint Mr. Fogle as the chairperson to the advisory board because he has the most experience with Parks and Recreation, and she would disagree that his experience qualifies him to be a member or the chairperson of the advisory board. She stated that she opposes appointing him to the Parks and Recreation Advisory Board. Councilman Weaver asked if the Council could remove someone from an Advisory Board since the Council approves appointments and Councilman Sheffield stated that the Council could not remove someone. Councilman Castranova stated that the term for the three recommended applicants ends on June 30, 2023, and if the Council feels someone doesn't need to be reappointed then the Council can decline to reappoint them at that time. He stated that he respects the opposing Council people's opinion and is not there to change their minds. The Mayor stated that the Parks and Recreation Advisory Board is very important to the Town and hopes that the Council keeps that in mind when making their decision. The Town Attorney stated that the Town's Ordinance does allow the removal of an Advisory Board member as long as it is taken by a vote in an open meeting by the Council. Councilman Weaver stated that the Council could appoint the three applicants to complete the advisory board and if they feel it was needed they could remove anyone. Councilman Sheffield stated that he isn't sure that the past issues would happen again in the future with Mr. Fogle but it would be as if he has gotten his way. He stated that he does feel there is room for new blood and new ideas on the board but he feels it could have been accomplished in a different way.

#### **Discussion – Request for Parks and Recreation to Review Potential Parks Upgrades**

Councilman Weaver stated that he would like for the Parks and Recreation Advisory Board to review the current playground or a new playground that included new play equipment that is focused on children older than toddler age. The Mayor stated that the project he is requesting is a very expensive project and now is the time that the Manager is preparing the budget so it would be a good time to review this request. Councilman Sheffield stated that he is very interested in reviewing this project and Councilwoman Maurer agreed. Councilwoman Maurer stated that there may be grants available that could offset the cost of a new playground area. The Town Attorney stated that most of the grants require specifications and schematics before you can apply, which would require funds out of the general account. Councilman Castranova stated that the current Parks and Recreation Advisory Board is considering applying for grants for a similar project and Councilwoman Maurer stated that the advisory board does not have the authority to apply for grants themselves, but they can research the availability of grants.

#### **Discussion –Update on Planning Board Recommendation**

Councilman Sheffield stated that the Council voted to send the conditional zoning ordinance back to the Planning Board for the board to be more specific about their concerns. He stated the Planning Board has revised and addressed their concerns. He stated that the Planning Board voted and recommended the Conditional Zoning Ordinance to the Council for review. The Manager suggested that the Council needs to review the language within the ordinance and address any concerns before sending the ordinance to the Town Attorney for review and once the Council's concerns are discussed and reviewed, the Council will need to schedule a public hearing before it can be adopted.

#### **Discussion – Ellis Development's Community Meeting**

The Manager stated that Ellis Development is holding a public meeting on February 20, 2023. The Manager stated that he has consulted with the Town Attorney and the School of Government (SOG) to determine if a legal notice is required if a quorum of the Council is present to observe at this meeting. He stated that he was advised by the SOG to advertise it just to be cautious. He stated that he has spoken to CTV-10 and they have agreed to record the meeting. The Manager stated that the meeting won't be available to view LIVE but will be able to be viewed within a few

days of the meeting. The Manager stated that if a quorum of the Council decides to go to the meeting, he would need to advertise it as a Special Council Meeting. The Mayor stated that if they advertise the meeting they would need to meet prior to the presentation to call the meeting to order and reconvene at the end of the presentation to adjourn. Councilman Castranova stated he was concerned that the perception is that the Town is advertising the meeting for Ellis Development. He asked what is the penalty of violating the Open Meetings Law and the Town Attorney stated that there is no penalty but any actions taken at the non-noticed meeting would be null and void, that it is simply a public policy. Councilwoman Maurer stated that since it has been discussed she felt that it needed to be advertised. Councilman Weaver stated that even if there is no penalty to violating the Open Meetings Law, he felt it would be violating the trust of the constituents. Councilman Sheffield, Councilman Weaver and Councilman Castranova all agreed to not attend the meeting, thus avoiding the need to advertise it.

Councilman Castranova stated that he would like to make a motion to open the floor for Public Comment for anyone who would like to speak. Councilwoman Maurer stated that the work session is for the Council to discuss issues and not an open forum. She stated that if the Council allows this at this meeting it would violate two of the Town's policies, Public Comment Policy and the Rules and Procedures of the Town Council. Councilman Weaver asked Councilman Castranova if there was someone specific he knew would like to speak and Councilman Castranova responded that he did not know of anyone. Councilman Sheffield stated if anyone wants to address the Council, they could sign up next week like the policy states. Councilman Castranova disagrees and he stated he interprets the policy differently and does not see any harm of opening the floor for comments.

**VOTE – Public Comment Period**

Councilman Castranova motioned to open the floor for Public Comments. The vote was tied with two ayes (Weaver, Castranova) and two nays (Maurer, Sheffield). The Mayor voted nay and the motion failed.

**REVIEW – Agenda for the February 16, 2023 Council Meeting**

The Council reviewed the agenda for the February 16, 2023, Council Meeting.

**ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 6:44 p.m.



Kristie J. Nobles, CMC  
Town Clerk