

**River Bend Town Council
Regular Meeting Minutes
February 16, 2023
Town Hall
7:00 p.m.**

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

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

Members of the Public Present: 43

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, February 16, 2023, at the River Bend Town Hall with a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Vote – Addition to Agenda – Councilman Sheffield motioned to add item 9C, change time of the Work Session Meetings to the agenda. The motion carried unanimously.

VOTE – Approval of Agenda

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

ADDRESSES THE COUNCIL

Donna Ross, 327 Plantation Drive, addressed the Council in support of the Parks and Recreation Advisory Board recommendation of Don Fogle for appointment to the Parks and Recreation Advisory Board.

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 12, 2023 Work Council Meeting*
 - Minutes of the January 19, 2023 Regular Council Meeting*
 - Minutes of the March 10, 2022 Work Council Meeting – Amended*

TOWN MANAGER'S REPORT

The Manager stated that on January 25, 2023, there was a celebration for Mr. Bud Van Slyke Jr. for his dedication to the Town. During the celebration Councilman Sheffield read a poem that he had written for Mr. Van Slyke. At this time, Councilman Sheffield presented the poem to the audience.

The Manager gave the following update on Town projects:

- The annual audit report will be presented at the March work session.
- The Water Meter Replacement Project is nearly complete with 1,479 meters replaced out of 1,500 meters.
- The plumbing has been installed at the site of the new Public Works Building and the concrete will be poured soon.
- The Channel Run Drainage project is nearly complete.

ADMINISTRATIVE REPORTS

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD

Councilman Leonard presented the following report.

EWAB met at 7 PM on Monday, 6 February 2023 in the small conference room in the Municipal Building. Chairman Ackiss called the meeting to order, there was a quorum. There were two visitors. The minutes from the November 2022 meeting were approved. Councilman Leonard gave a council update. Old business: discussion about bulkhead inspections, EWAB has the GIS maps and will start the inspections soon. New business: No new business. There will **not** be a EWAB meeting in March 2023. Next meeting will be on April 3rd, 2023, at 7 PM in the small conference room in the Municipal Building. The meeting adjourned at 7:37 PM.

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield presented the following report.

The regular meeting of the River Bend Planning Board was held on Feb 2nd at 6:00pm in the Municipal Building. A quorum was present, as were several interested citizens. Chairman Lippert called the meeting to order. He then invited guests to speak. Two people spoke in opposition to conditional zoning, mostly citing potential legal vulnerabilities. The usual reports were given and the last meeting's minutes approved. Under old business the board took up changes to the conditional zoning ordinance as directed by the town council. Portions of the text were examined. There was much discussion. Changes were agreed upon. The board voted to approve the amended ordinance and send it to the town council. Under new business, local developer, Jay Amman addressed the board with a potential development in the area between The Howell Center and Riverstone. The approximately 20 acre plot is currently zoned for institutional use. Mr. Amman would like to rezone the property PDR-MF to allow him to build approximately 45 duplex homes. He passed around a rough design of the project. He explained that older people are in need of places to downsize from their larger homes in River Bend. He used his mother as an example. The board discussed the idea and asked questions. Mr. Amman was sufficiently encouraged to return at a later date with a much more detailed plan. The meeting was adjourned. The next regular meeting is set for March 2nd at 6:00pm. The meeting is open to anyone interested.

DISCUSSION – Draft Conditional Zoning Ordinance Review

Councilman Sheffield stated that the Planning Board has addressed their concerns regarding the draft conditional zoning ordinance and recommends the draft ordinance to the Council. Councilman Sheffield stated that the Town Manager had sent the draft ordinance to the Council

for review and asked for any comments prior to this meeting. Councilman Castranova stated that he would like the Town Attorney to address the burden shifting if the Town will be engaging in "spot-zoning". Councilman Leonard asked for the definition of "spot-zoning" and the Town Attorney stated that "spot-zoning" would be zoning smaller tracks of land different from the surrounding land with similar characteristics. Councilman Castranova asked the Town Attorney if he thought the Northwest Quadrant would be considered "spot-zoning" and the attorney stated he did not feel it would be considered that. Councilman Castranova stated he is concerned with the area in the draft ordinance that gives the Zoning Administrator the discretion to move the location of buildings to an approved site plan and he feels that section 8B can be eliminated. The Town Attorney stated he would address this in his review of the draft ordinance, once the Council directs him to review the ordinance. Councilman Leonard asked that the attorney also state what language is required by the state of North Carolina and what does the town have discretion to alter. He also stated if anyone has any proposed changes to provide those, as this is not the final ordinance. He also stated that this Conditional Zoning Ordinance is not affiliated with any developer or any tract of land, that this is about the town's ordinances that are outdated and the town does not have adequate control. Councilman Castranova stated that he disagrees and feels that this Conditional Zoning Ordinance is directly for Ellis Development. Councilman Weaver stated that he has inquired about how conditional zoning was presented to River Bend and it was explained to him that Ellis Development is a group that develops property all over the state and Ellis stated that the Town of River Bend does not have conditional zoning and it's a tool that other municipalities use that allow the municipality and the development group to negotiate items that are mutually beneficial. He stated that Ellis Development is the one who mentioned it because the town is outdated on our ordinances as compared to other municipalities. He stated that this conditional zoning ordinance is a separate issue. Councilwoman Maurer stated that this ordinance would apply to any developer that intends to develop property in River Bend, not just Ellis Development. Councilman Weaver stated that a conditional zoning ordinance does not mean that anyone who applies for rezoning will be approved. Councilman Castranova stated that he has many concerns with the conditional zoning ordinance and one of the concerns is that Ellis Development wants conditional zoning and the Town is considering it. He asked about additional property in River Bend that may need to be developed and the Mayor stated that the Town of River Bend has never developed land previously and this is the very first venture since the Town was incorporated. Councilman Sheffield stated that he understands the differences of conditional zoning and no conditional zoning and there will still be a vote. He stated that his problem with Ellis Development is density and he feels their plans have not changed. Councilman Castranova stated that he does not want to go into budget season negotiating conditions with a developer he does not trust. Councilman Sheffield stated that this conditional zoning ordinance is about the zoning. Councilman Castranova stated that if they intend on keeping the property in the Northwest Quadrant zoned as it is currently, why does the Town need conditional zoning. Councilman Leonard stated that anything that comes before the Council will need a majority vote and at the time, there is nothing for Ellis Development presented to the Council. He stated that anyone can purchase the property and apply for rezoning and he does not think the town has the needed tools. The Mayor stated the Manager asked the Council to present their concerns in writing and no one responded.

Vote – Draft Conditional Zoning Ordinance Review – Councilman Sheffield motioned to direct the Town Attorney to review the Conditional Zoning Ordinance recommendation and report any areas of concern to the Town Council. The motion carried unanimously.

DISCUSSION – Work Session Meeting Time

Councilman Sheffield stated that the Council had voted to change the time of the work session meetings on December 15, 2023, from 5:00 p.m. to 6:00 p.m. He stated that he feels 7:00 p.m.

would be a more convenient time for town employees and working residents to attend the meetings.

Vote – Work Session Meeting Time – Councilman Sheffield motioned to change the time of the Work Session Meetings to 7:00 p.m. The motion carried unanimously.

PUBLIC SAFETY – COUNCILMAN WEAVER

Councilman Weaver presented the following reports on Community Watch.

Community Watch

Community Watch met on February 15, 2023 and the recent breaking and entering were discussed. It was also discussed that Community Watch and the Police Department want to start working closer together. The next meeting is scheduled for June 21, 2023.

DISCUSSION – Request Parks and Recreation Facilities Assessment

Councilman Weaver stated that he requests the Parks and Recreation Advisory Board to complete an analysis on the park areas. He stated that he would like to see an upgrade to the current equipment and possible new areas for older children. Councilman Leonard asked if Councilman Weaver was recommending a particular area or expanding to new areas and Councilman Weaver stated that initially he was referring to the current parks, but Councilman Sheffield has suggested an additional area. Councilman Sheffield stated that he would like to have a riverfront park for the community to enjoy, but has not felt the timing is right with the current ongoing projects in town.

Vote – Request Parks and Recreation Facilities Assessment – Councilman Weaver motioned to direct the Parks and Recreation Advisory Board to assess the town's current park facilities and provide a recommendation for Council's consideration on improvements to and expansion of the town's park facilities. The motion carried unanimously.

PARKS & RECREATION – COUNCILMAN CASTRANOVA

Councilman Castranova presented the following reports.

Red Caboose Library (RCL)

Councilman Castranova stated that the Red Caboose Library met on February 9, 2023, and he was unable to attend. He stated there was an annual volunteer luncheon and they have finalized their annual report. He also stated that there was discussion about finding the library a permanent location. He stated there was discussions about the Craven-Pamlico Book Mobile visiting River Bend.

River Bend Community Organic Garden (RBCOG)

Councilman Castranova stated the garden met on February 6, 2023, and he was not able to attend. He stated that there are some vegetables ready to harvest and the garden is in need of some manure, straw and hay. The Green Team met on February 15, 2023, and the RBCOG has partnered with a school for composting program.

Parks & Recreation

Councilman Castranova stated that Parks and Recreations Advisory Board is scheduling the Easter Egg Hunt and the July 4 event. He stated that the Parks and Recreation Advisory Board has recommended the three applications that were submitted for appointment. He stated that he felt Donna Ross's speech regarding the recommendation of Mr. Fogle was good. He stated that the Parks and Recreation Advisory Board understands the controversy regarding Mr. Fogle and

the Parks and Recreation Advisory Board wants to work with the Fogles. He stated that he believes that the board could really use Mr. Fogle's experience.

Vote – Parks & Recreation Advisory Board Appointment – Councilman Castranova moved to appoint Nancy Fogle to the Parks & Recreation Advisory Board for a term beginning February 16, 2023, and expiring June 30, 2023. The motion carried unanimously.

Vote – Parks & Recreation Advisory Board Appointment – Councilman Castranova moved to appoint Rebekah Royston to the Parks & Recreation Advisory Board for a term beginning February 16, 2023, and expiring June 30, 2023. The motion carried unanimously.

At this time, Councilman Castranova asked if there was anyone who signed up for public comments regarding Mr. Fogle. River Bend resident, Mary Holihan stated that she did. Councilman Weaver stated that the Parks and Recreation Advisory Board has approved Mr. Fogle's application and that board would be the board working with him and he feels that should be taken into consideration. He also stated that the ordinance allows the Council to remove anyone from an advisory board if they should need to. Councilman Castranova stated that he has received many emails in support of Mr. Fogle and very few against Mr. Fogle's appointment. He stated that he thought more citizens would be speaking in regards to Mr. Fogle.

Vote – Parks & Recreation Advisory Board Appointment – Councilman Castranova moved to appoint Don Fogle to the Parks & Recreation Advisory Board for a term beginning February 16, 2023, and expiring June 30, 2023. The motion failed (Castranova and Weaver voting aye and Leonard, Maurer and Sheffield voting nay).

CAC – Councilwoman Maurer

Councilwoman Maurer presented the following report.

Community Appearance Commission (CAC)

The CAC did not meet in February. The next award event, Yard of the Month, takes place in April. Craven County Cooperative Extension Director Dr. Tom Glasgow is scheduled to meet with CAC Chair Brenda Hall and Town Manager Jackson to discuss the condition of trees and plants along Plantation median. There currently are three vacancies on the Community Appearance Commission. This is an active group. Current projects and programs include the holiday and festive homes awards, the Plantation Drive update, which includes an evaluation of all the vegetation on the Plantation median, making Christmas light globes, and more. Members may get involved in one or all of the projects. If you are interested, attend the next meeting and find out more about joining the board or just volunteering for a project. The next meeting is scheduled for March 15 at 4 pm.

FINANCE – Councilman Leonard

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of January. She stated the total of the Town's Cash and Investments as of January 31, 2023, were \$4,450,963 and Ad valorem tax collections for FY22-23 were \$615,829 and Vehicle Ad valorem tax collections were \$48,919.

MAYOR'S REPORT

The Mayor presented the following report.

The article below was shared with the River Bend Community in December, 2020 when we began to come to grips with the COVID-19 pandemic. As we begin Town Operations in the year 2023 it is appropriate to look at how we have managed to adjust and move forward.

As 2020 began it was easy to predict that the happenings during the New Year would closely track what had occurred in 2019. Then came COVID-19 and the term “normal” was largely abandoned. By March it was obvious to most that the normal for operations at all levels and in all organizations was no longer an option. The Town Staff, under Manager Jackson’s leadership, has adapted to the changing conditions and mandates and most services provided by the Town have continued without interruption. We have accepted the inconvenience that the new norm has eliminated large assemblies, required “social distancing” and recommended the wearing of face masks. Complying with these requirements resulted in the cancelling of the long running River Bend July Fourth celebration, the normal celebration of Halloween night for children and now the annual Christmas Tree Lighting.

These inconvenient departures from the comfortable River Bend normal have been a change that the entire nation and most of the world has in, the same fashion, been forced to follow. We have all witnessed that some nations have been more successful in reducing deaths from the virus while others have failed to make the needed adjustments. Statistics demonstrate the folly of denying scientific practice.

We shall continue to follow the appropriate guidance that is promulgated by health officials of the County and State. The residents will be kept informed of the current required safety practices. Our collective prayer should be that an effective vaccine is developed that will keep the population immune to the COVID-19 virus and lessen the suffering of thousands. We must not grow tired of the precautions that must be followed for our individual and community safety during these unusual times.

2023 IN RIVER BEND

We all have reason to express thanks to Town Manager Jackson, and the Town Staff that he leads, for the remarkable accomplishments that they have made during these “uncharted” times. The Congress has, in a refreshing nonpartisan way, passed legislation that appropriated significant funding for infrastructure construction. These funds were to be granted to municipalities by state agencies. Manager Jackson worked with the appropriate state agencies and secured grants to fund a number of projects. Those projects involve (1) \$ 732,310 to replace all the water meters with new meters that will allow remote radio read. (2) \$ 9,108,500 to upgrade the Town’s wastewater treatment plant. This project will upgrade the existing plant that is nearing the end of its useful life span. (3) \$ 964,378 To replace the Town’s Public Works building. The present building is in the floodplain and received damage during Hurricane Florence. This grant supports the construction of a new Public Works Building on Plantation Drive in the area adjacent to the 300,000 gallon water tank at a cost of \$ 1,996,136.

As the Manager worked through the details of obtaining these grants he also made state regulatory staff members comfortable that River Bend personnel were knowledgeable of the regulatory demands associated with our permitted water and wastewater systems. This positive contact will serve the Town well in the future.

The development of the effective COVID-19 vaccine has blessed River Bend and all of mankind. That vaccine has allowed the United States to relax most of the precautionary restrictions discussed in the 2021 report, which is reprinted above. Clearly the Manager and Staff have survived the emergency well and have continued to serve our population without compromising health and safety. It is safe to say that River Bend is in a stronger position than existed at the beginning of Covid-19. That strength came from the day-by-day efforts of the Manager and Staff to address the details as external demands dictated.

Thanks to all who have read this assessment of events that have been accomplished in River Bend over the last two years of unprecedented change.

PUBLIC COMMENT

Linda Klopf, 103 Randomwood, stated that the Red Caboose Library has partnered with the Craven-Pamlico Book/Tech Mobile and it will be visiting River Bend in the near future.


Patty Leonard, 106 Knotline, stated that there will be a Dementia Live event at the Municipal Building on March 17, 2023, and the event is sponsored by the ECCOG (Eastern Carolina Council of Government).

Sandra Barta, 404 Gatewood, stated that she would like to recognize the Friends of Craven County Sheriff's Office for donating a doghouse to the town for the dog pen that was previously donated by a family in River Bend for holding stray / lost animals.

Nancy Fogle, 107 Anchor Way, thanked the Council for appointing her to the Parks and Recreation Advisory Board but is disappointed with the votes regarding Don Fogle's appointment and she resigned from her newly appointed position on the Parks and Recreation Advisory Board.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 8:27 p.m.



Kristie J. Nobles, CMC
Town Clerk