

**River Bend Town Council
Work Session Minutes
October 12, 2023
Town Hall
7:00 p.m.**

Present Council Members: Mayor John Kirkland
Lisa Benton
Brian Leonard
Barbara Maurer
Buddy Sheffield
Jeff Weaver

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Town Attorney: Trey Ferguson
Police Chief: Sean Joll

Members of the Public Present: 9

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, October 12, 2023, at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

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

Discussion – Efirid Ceremony

The Mayor stated the ledger that the Council approved has been delivered to Town Hall. He stated that there will be a dedication ceremony on October 26, 2023, at 2:00 p.m. at Town Hall and extended an invitation to anyone who wished to attend.

VOTE – Parks and Recreation Appointment

Councilman Weaver motioned to appoint Annie Craddock to the Parks and Recreation Advisory Board for a term beginning October 12, 2023, and expiring June 30, 2024. The motion carried unanimously.

Discussion – Update of Mayor – Council Responsibility Chart

Manager Jackson stated that the Mayor – Council Responsibility Chart needed to be updated since the appointment of Councilwoman Benton. After a brief discussion among the Council, it was agreed that Councilwoman Benton would be the Public Safety liaison and the backup liaison to Parks and Recreation. It was also agreed that Councilman Leonard would be the backup liaison to the CAC. The Manager stated he would revise the chart and present it at the next meeting for approval.

Discussion – Town Christmas Tree

Councilman Weaver stated that the Parks and Recreation Advisory Board had suggested that the Town plant a live Christmas tree in a central place for decoration every year. He stated that the advisory board had spoken with an arborist, and he stated that a red cedar tree would grow best in this area. After a brief discussion it was agreed that the Parks and Recreation advisory board would get quotes and information on available trees to present to the Council.

Discussion – Allowing Chickens to be Kept in Town

Councilman Weaver stated that he was approached and asked to bring before the Council, from a resident of town, to discuss the ordinance that prohibits chickens to be kept in Town. He stated that if the Council chose to revise the ordinance to allow chickens, he felt there should be restrictions. Councilman Sheffield stated that he felt depending on the size of the property, that some farm animals could be allowed. Councilman Leonard stated that he would not object to allowing chickens in the same areas of town that equine are allowed. He stated that if the Council allowed chickens, then others would want other farm animals such as goats. He stated that he is also concerned with enforcement of the ordinance. Councilwoman Benton stated that she felt it will make properties hard to sale if the neighbors have chicken coops.

VOTE – Chicken Ordinance

Councilman Sheffield motioned to leave the chicken ordinance as it is. The motion passed with 4 ayes and 1 nay with Councilman Weaver voting nay.

Discussion – Upcoming Public Hearing on Conditional Zoning

The Manager stated that there is a scheduled Public Hearing on Conditional Zoning on October 19, 2023, at 7:00 p.m. at the regular council meeting at Town Hall.

Discussion – Public Nuisance Abatement for Waterway Bulkheads

Manager Jackson stated a copy of the Public Nuisance Ordinance is in the agenda package and he has highlighted the areas that he thinks are applicable to the maintenance of bulkheads. He stated that many bulkheads have been replaced over the years and are in very good shape. Our EWAB volunteers took their boats out and identified a list of properties on the waterways they thought were in violation of our ordinance and needed some attention. They identified 18 properties. As we have discussed in the past, there is a little gray in this area about ownership of those bulkheads. He stated that if the Council has legal questions about ownership that you want to discuss outside of closed session, we can do that now or we can go into closed session at a later time or date and discuss those if you want advice from the town's attorney.

Councilman Leonard stated that he understands there has been a debate about ownership of bulkheads and waterways but with all of that being said, we have the ordinances, and they are in place for a good reason. EWAB has been pushing hard for this and they have been asking me what's going on. Councilman Leonard asked the Town Manager if he is waiting on direction from the Council to start the process and to notify the property owners? The Town Manager stated that without Council action, telling him not to enforce this ordinance, he does not need any action to begin because that is a part of his job as the Code Enforcement Officer. He stated that the last time the Council talked about this, it was a different Council so he wanted to bring everyone on the current Council up to speed because if there are any recuperations through this enforcement action, it will be this Council that is responsible for that. Councilman Weaver stated that as far as the ordinance goes, he agrees with Councilman Leonard, and we are just enforcing our ordinances and its not unreasonable that we request people to maintain their bulkheads. The Town Manager stated that the Town Attorney has spent a lot of time preparing for this item and he is going to bill us, so he feels that one of the Council should at least ask one question of him so we can get our monies worth. Councilman Weaver asked if the Town would get sued if we enforced this? The Town Attorney stated that he would recommend the Council go into closed session to discuss that. Councilwoman Benton stated that given that the waterways in River Bend are navigable, they are considered basically public highways. She stated that when people build docks into them and let them go into disrepair and given that they are attached to the property that they own, are we still allowed to do code enforcement? The Town Attorney said that is a very good question and he recommends that the Council go into closed session to discuss that. He stated that to answer the question, yes you can enforce it but what the repercussions are, if any would fall under attorney-client privilege to talk about in closed session. The Mayor asked if the Council was ready to move on and all agreed.

Discussion – Solicitations of Sponsorships / Donations for Town Events

Councilman Leonard stated that he would like to see a policy created for sponsorship opportunities. Councilman Weaver stated that he felt that sponsorships could benefit both the Town and the sponsor. The Manager stated that he and the Town Clerk have searched for sponsorship policies that other towns use and did not receive any responses. Councilman Leonard asked if the School of Government had a policy and the Manager stated that he had asked the Town Attorney, David Baxter, to check on that. With Mr. Baxter absent tonight, Attorney Trey Ferguson stated that the School of Government has a blog post regarding this. He stated that the Town could receive donations but there is an issue when the gifts or donations come with conditions on certain things. Councilman Leonard stated he felt the Attorney could draft a policy for the Council to review. Manager Jackson suggested that he work with the Attorney to draft a policy that prohibits door-to-door solicitations but allows sponsorships. All agreed to that. Councilman Sheffield asked that the policy prohibit quid pro quo, of the town purchasing service in exchange for donations or sponsorships. All the Council agreed.

Discussion – Development of Advisory Board Liaison Ordinance Language


Councilwoman Benton stated that since she is new to the Council, she wanted to discuss the roles and responsibilities of the Council Liaison to the Advisory Boards. The Council reviewed a few draft policies that were presented. After a brief discussion Councilman Weaver suggested that the Town Manager is added to the chain of command. Councilman Leonard stated that he wants a line added that states it is required that the liaison or the liaison backup must attend every advisory board meeting. Some members expressed concern about that requirement. Councilman Leonard said he would be fine with the words "should attend". The Council agreed. The Manager stated that he would have the policy prepared for the regular meeting the following week.

REVIEW – Agenda for the October 19, 2023, Council Meeting

The Council reviewed the agenda for the October 19, 2023, Council Meeting.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting was adjourned at 8:03 p.m.



Kristie J. Nobles, CMC, NCCMC
Town Clerk