

**River Bend Town Council  
Regular Meeting Minutes  
November 16, 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  
Police Chief: Sean Joll  
Finance Director: Mandy Gilbert  
Deputy Clerk: Jennifer Barrow  
Town Attorney: Dave Baxter

Members of the Public Present: 13

**CALL TO ORDER**

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

**VOTE – Amendment of Agenda**

Councilwoman Maurer motioned to amend the agenda by adding Zoning Map Update as item 12 B. The motion carried unanimously.

**VOTE – Approval of Amended Agenda**

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

**CONSENT AGENDA**

The Mayor presented the council with the Consent Agenda. Councilman Leonard moved to approve the Consent Agenda as presented. The motion carried unanimously.

A. Approve:

*Minutes of the October 12, 2023, Work Session Meeting  
Minutes of the October 19, 2023, Regular Council Meeting*

**TOWN MANAGER'S REPORT**

The Manager gave the following updates:

- The Town of River Bend has received the Government Finance Officers Association (GFOA) certificate of achievement of excellence in financial reporting for the fiscal year ending June 30, 2022. This is the twelfth year in a row that the Town has received this international recognition. Credit goes to the finance department and Finance Director, Mandy Gilbert.
- Next Month, the Town's newly appointed auditing firm will be at the regular meeting to give the audit presentation.
- The construction on the new public works building is nearing completion. A tentative plan for a building dedication is scheduled for December 15, 2023. In the event of inclement weather, the event will be held inside the building.

- Over the next week to ten days, the engineering firm hired by the town to administer the two Asset Inventory and Assessment (AIA) Grant projects for water and sewer will be present in town. They are working on water and sewer simultaneously but expect to focus primarily on sewer testing within the Channel Run area during that time. They will be smoke testing and televising sewer lines. Please do not be alarmed if you notice smoke coming from manholes or from vent stacks on houses. This is a normal occurrence during testing.
- A more detailed explanation of the two big water and sewer projects will be posted publicly as suggested by Councilman Weaver.

## **ADMINISTRATIVE REPORTS**

### **PARKS & RECREATION – COUNCILMAN WEAVER**

#### Parks & Recreation

Councilman Weaver stated that the Parks and Recreation Advisory Board met on November 1<sup>st</sup> at 7:00 p.m. During that meeting, the Town Manager gave a presentation on open meeting laws. Plans for the upcoming Friendsgiving event were finalized. Friendsgiving will be held on November 18<sup>th</sup>, 2023. Currently, at least thirty people have signed up to participate in the event. The Pumpkin Palooza held on October 18<sup>th</sup>, 2023, was a successful event with a great turnout. The next Parks & Rec sponsored event will be the annual Christmas Tree Lighting scheduled for Friday, December 1<sup>st</sup>, 2023, at 6:00 p.m. at the River Bend Municipal Building.

#### Organic Garden

For the month of October, 289 pounds of produce was harvested with a year-to-date total of 2,477 pounds. The year-to-date total of produce donated to Interfaith Refugee Ministries is 253 pounds. Volunteer hours in October totaled 181 with a year-to-date total of 1606 hours. Garden activity has slowed after nearing completion of preparation for winter. Two beds of winter vegetables have been planted. The last active summer bed is almost finished. The irrigation system has been disconnected. While the beds are covered for the winter, garden volunteers will perform basic winter maintenance and address some larger projects if there are warm days. During the slow period in the garden, work has started on plans for spring planting. It includes research on vegetable varieties, crop rotation and remediating beds that have had unhealthy plants. Planting is scheduled to start in early February. Visitors are always welcome to tour the garden and attend monthly garden volunteer meetings.

### **CAC – COUNCILWOMAN MAURER**

The CAC met on November 15, 2023. The Fall Festive Award winner was 704 Plantation Drive. The winner of the best Halloween decorations was awarded to 107 Boatswain. The Christmas festive home nomination dates will run from December 5-15. Two winners will be announced on December 20. Nominations can be made by the homeowner, a neighbor or someone who likes the decorations. Two Christmas globe workshops were completely filled. Thirty-five more globes were made for the town by class participants who also took home a globe for themselves. The additional globes will be installed around Town Commons. Following a workshop, a resident submitted her application to serve on the board. She is scheduled to attend the January CAC meeting. Board members reviewed the arborist's report on Plantation median. They supported the Town Manager's recommendation to rework a small section of the median in a planned, professional way. It would serve as a model for additional work. The next steps will need to be decided by Council. One critical concern is that any planting must be properly cared for. I suggest we put this item on the agenda for the December work session. The Council should come to some decisions before the budget planning process starts in January. Arbor Day plans are progressing. It will be an event for the entire town. A tree planting ceremony will only be the beginning. I heard that the River Bend Garden Club may work with the CAC. Stay tuned. Planning even further ahead, CAC members are developing an Independence Day craft décor program. The next meeting is scheduled for January 17, 2024, at 4 pm in the Municipal Building.

The meeting is open to everyone. Please attend if you are interested. The members of CAC wish everyone a Happy Thanksgiving.

#### **FINANCE – COUNCILMAN LEONARD**

Councilman Leonard congratulated the Finance Department and Director, Mandy Gilbert, for another consecutive year of receiving the GFOA certificate of excellence in financial reporting. Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of October. She stated that the total of the Town's Cash and Investments as of October 31, 2023, was \$2,995,466. Ad valorem tax collections for FY23-24 were \$140,285.16 and Vehicle Ad valorem tax collections were \$30,871.61.

#### **ENVIRONMENT AND WATERWAYS – COUNCILMAN LEONARD**

EWAB met on November 6<sup>th</sup>, 2023, at 7 PM in the small conference room in the Municipal Building. There was a quorum. The minutes of the October 2<sup>nd</sup>, 2023, meeting were approved. Councilman Leonard gave a council update and answered questions from the members. Old business: Reviewed the National Night Out event. Bulkhead inspections: the last sections will be inspected on November 17<sup>th</sup>, 2023. Several drainage areas were reviewed. Still one board member short, please think of joining. New business: no new items. Volunteer hours: 17. Next meeting: February 5<sup>th</sup>, 2024. The meeting adjourned at 7:28 PM.

#### **PLANNING BOARD – COUNCILMAN SHEFFIELD**

Councilman Sheffield stated that the Planning Board did not meet in November.

#### **VOTE – CONDITIONAL ZONING ORDINANCE**

Councilman Sheffield motioned to approve the amendment to Chapter 15 of the town's zoning ordinance as presented. The motion carried unanimously. (see attached)

#### **VOTE- ZONING MAP**

Councilman Sheffield motioned to adopt the updated zoning map, dated November 16, 2023, as the town's official zoning map. The motion carried unanimously. (see attached)

#### **PUBLIC SAFETY – COUNCILWOMAN BENTON**

Community Watch- Councilwoman Benton stated that the Police Chief recently met with Community Watch Chair, Egon Lippert, to discuss how the police department can get more involved with Community Watch and work side by side with residents. Councilwoman Benton stated that she plans to volunteer and encouraged everyone to volunteer if possible.

#### **MAYORS REPORT – MAYOR KIRKLAND**

##### **Halloween in River Bend**

The Parks and Recreation Advisory Board sponsored "Pumpkin Palooza" on the evening of 21 October. This event was aimed at providing costumed children a fun encounter with the Halloween tradition of receiving candy from the adults that they visit. I was privileged to shadow my great granddaughter and great grandson as they made their visit to all the well decorated adults manning equally decorated individual stations. There was a large number of children making their way down the candy reward line. Those children came in a range of ages, some so young that parents were accompanying or providing stroller transport. The evening was pleasant and the soccer field the perfect setting. Thanks P&R for your work in giving the Town's many children a memorable event of River Bend at Halloween 2023.

#### **Recognizing the Town's early developer on 26 October**

The Town Council approved the acquisition of a marker to honor Mr. Frank Efird who was the original developer of the Town in the 1960s and the 1970s. This inscribed marker is now located along the sidewalk that surrounds the gazebo and Garden Club Memorial Garden at the pond side of Town Hall. We are pleased that Mr. Efird and his son were able to attend the dedication

of the marker and meet with residents Mr. Lou Columbo and Mrs. Joyce Frazier who assisted Mr. Efirid during the period of early Town development.

**CLOSED SESSION**

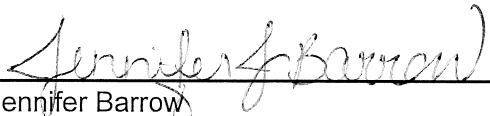
Councilman Leonard moved to go into a Closed Session under NCSG §143-318.11(a)(3)(6). The Council entered Closed Session at 7:45 p.m.

**OPEN SESSION**

Councilman Leonard moved to return to Open Session at 8:43 p.m. The motion carried unanimously.

**ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting was adjourned at 8:43 p.m.

  
\_\_\_\_\_  
Jennifer Barrow  
Deputy Town Clerk

## **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 XV, Land Usage, Chapter 15.02, Zoning, be amended by adding the language as follows:

### **§ 15.02.140 CONDITIONAL ZONING DISTRICTS**

#### **A. Purpose.**

1. Conditional zoning districts are applicable if the regulations and restrictions of a general use zoning district are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of the Town's Code of Ordinances. In these circumstances, a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of the Code of Ordinances and adopted land development plan, comprehensive plan, transportation and corridor plans, and other land use and transportation policy documents.

2. The rezoning process established in this section provides for the accommodation of the uses by a reclassification of property into a conditional zoning district, subject to additional conditions which ensure compatibility of the proposed use with the use and enjoyment of neighboring properties. A conditional zoning district bears the same designation as a general use zoning district but is a conditional zoning district subject to additional conditions in which limited uses are permitted and that are contained in the ordinance approving the conditional zoning district. A conditional zoning district allows a particular use or uses to be established only in accordance with specified standards and conditions tailored to each individual development project. This is a voluntary rezoning procedure that is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals that may not be undertaken for some time.

3. Conditional zoning districts parallel general use zoning districts. Only those land uses (including uses by right and special uses as identified as in the Schedule of District Use Regulations) permitted in a general use zoning district to which a conditional zoning district corresponds shall be allowed. All requirements of any corresponding general use district and all other requirements of the Code of Ordinances apply to a conditional zoning district except to the extent that the approved rules, regulations and conditions included in the petition for rezoning are more restrictive than the general use district requirements.

#### **B. Process required.**

1. A person petitioning for rezoning of a tract of land may elect to request a conditional zoning district for that tract. The conditional zoning district application must specify the actual use or uses, and all other development regulations authorized by state law, which are intended for the property identified in the petition. The intended use or uses and development regulations must be permitted in the corresponding general use district.

2. The Town Council is to approve or disapprove the application on the basis of the specific use or uses and development regulations requested. Development in a conditional zoning district requires approval of a single application similar to a general use district rezoning application.

3. Property may be placed in a conditional zoning district only in response to a petition signed by the owners of all the property to be included or by an agent authorized by all of the owners to file the application. A petition for conditional zoning shall include:

- a) A master site plan prepared in accordance with § 15.02.137 of the Code of Ordinances for a Master Land Use Plan for a Planned Development;
- b) Written supporting documentation that specifies the actual use or uses proposed for the property;
- c) Proposed rules, regulations, and conditions that, in addition to all predetermined requirements of this Code of Ordinances, will govern the development and use of the property; and
- d) A statement analyzing the reasonableness of the proposed rezoning.

4. During its initial review of a conditional zoning petition, which will follow the process as prescribed in §15.02.190-15.02.194 of the Code of Ordinances for traditional rezoning, the Planning Board shall consider whether or not a community informational meeting, to be organized, advertised, conducted and documented by the petitioner, would be beneficial to making project information available to those most likely to be impacted by the proposed zoning change. If the Planning Board concludes that a community informational meeting should be held, the petitioner shall conduct such meeting in accordance with the following provisions.

a) The community informational meeting shall be held prior to the date of the next Planning Board meeting at which the petition will be reviewed. The meeting shall be held within seven miles of the Town of River Bend.

b) Written notice of such a meeting shall be given by the petitioner in the same schedule and manner as prescribed in §15.02.191 (D) and §15.02.193 (A) of the Code of Ordinances for a zoning amendment and public hearing respectively.

c) Within 10 days following the meeting, but prior to any further consideration by the town, the petitioner shall file a written report of the community informational meeting with the Zoning Administrator. The petitioner's report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact; the date; time and location of the meeting; a summary of issues discussed

at the meeting; and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting. Additionally, the petitioner shall make available at the meeting a roster for all attendees to voluntarily sign so that a record of attendees may be created. The roster shall include a location for attendees to provide their name, mailing addresses, and telephone number. A copy of the roster of attendees shall be included in the report of the meeting.

d) The purpose of the community informational meeting is for the petitioner to:

(1) Provide specific information and maps regarding the proposed development including but not limited to a description of the proposed zoning change, proposed use(s) of the property, the proposed density and intensity of land uses, the location and arrangement of the proposed land use(s) on the property, the proposed development schedule, and proposed regulations or conditions, in addition to those required by this Ordinance, that will govern the development and use of the property; and

(2) To receive comments and input from citizens likely to be impacted by the proposed zoning change and subsequent development of the property.

e) In the event the petitioner has not held at least one meeting pursuant to this section with 45 days of being notified that a meeting is required, the petitioner shall file a report with the Zoning Administrator documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The petitioner shall also notify the Zoning Administrator efforts to schedule a meeting. No further Planning Board action may be taken until the meeting has been conducted.

f) The adequacy of a meeting held or report filed pursuant to this section shall be considered by the Town Council but shall not be subject to judicial review.

5. Review and approval process. The review and approval process for conditional zoning district petitions involves a legislative hearing and legislative decision by the Town Council, following a recommendation by the Planning Board. The review of conditional zoning district petitions shall be undertaken in accordance with the provisions of this section.

a) In the course of evaluating the proposed use, the Town Council may request additional information deemed appropriate to provide a complete analysis of the proposal.

b) Conditional zoning district decisions are subject to judicial review using the same procedures and standard of review applicable to legislative zoning decisions.

c) Conditional zoning district decisions shall be made in consideration of identified relevant adopted land use plans for the area, including, but not limited to, land development plans, comprehensive plans, strategic plans, district plans, transportation and corridor plans and other land development policy documents.

d) If the conditional zoning district application is approved, the Town Council shall authorize the requested use with reasonable conditions as mutually agreed to in writing by

the applicant and Town Council and determined to be desirable in promoting public health, safety and general welfare.

6. Specific conditions applicable to the conditional zoning districts may be proposed by the petitioner or the town or its agents, but only those conditions mutually agreed to in writing by the town and the petitioner may be incorporated into the zoning regulations or permit requirements.

a) The conditional district rezoning application shall specify the use or uses that are intended for the property, as well as any additional conditions on the use of the property that the applicant may propose be conditions of the rezoning. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to:

(1) Those that address conformance of the development and use of the site to ordinances and officially adopted plans and

(2) Those that address the impacts reasonably expected to be generated by the development or use of the site.

b) Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, the mitigation of environmental impacts, and other matters that the Town Council may find appropriate or the petitioner may propose.

c) Such conditions to approval of the petition may include dedication to the town or state, as appropriate, of any rights-of-way or easements for streets, water, sewer or other public utilities necessary to serve the proposed development.

d) No condition shall be less restrictive than the standards of the general use district or the standards of any overlay district that applies to the property.

e) No condition shall be made part of the application, or shall be attached to approval of the conditional zoning district, which specifies the ownership status, race, religion or character of the occupants of housing units, the minimum value of improvements, or any illegal exclusionary device; or which states that the use of the property will not be subject to regulations or restrictions set forth in the Code of Ordinances which would apply to the property in any event, such as the regulations for an overlay district which covers the property.

f) If for any reason any condition for approval is found to be illegal or invalid or if the petitioner should fail to carry out any condition in the written and signed agreement, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the town to rezone the property to its previous zoning classification or to another zoning district.



g) The conditions shall be agreed upon, put in writing, and signed by both the petitioner and Town upon final approval of the rezoning by the Town Council.

h) After the town has delivered to the newspaper the notice of public hearing for the application, the applicant shall make no changes in the conditions stated in the application,

7. If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan or master plan for the district, and any additional approved rules, regulations and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to this Ordinance and to the zoning map.

a) If a petition is approved, only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to division (B)(8) below provided that the change in building layout does not result in an increase in the number of structures.

b) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional zoning district shall be identified by the same designation as the underlying general district followed by the letters "CD" (for example, "R-20 (CD)").

c) No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and site plan for the district.

d) Any violation of the approved site plan or any rules, regulations and conditions for the district shall be treated the same as any other violation of the Code of Ordinances and shall be subject to the same remedies and penalties as any such violation.

8. Alterations to approval. Except as provided in division (B)(8)(a) below, changes to an approved petition or to the conditions attached to the approved petition shall be considered a change to the conditional zoning district and shall be processed as a new conditional zoning application in accordance with the procedures set forth in this section.

a) The Zoning Administrator shall have the delegated authority to approve administrative minor modifications – limited to no more than 5% total changes to the originally approved site plan. The Zoning Administrator shall have no authority to amend the conditions of approval of a petition. Any decision by the Zoning Administrator must be in writing stating the grounds for approval or denial. Minor modifications shall be limited to changes that the Zoning Administrator determines would not:

1. Change the gross square footage of nonresidential development by more than 5%;
2. Change the lot coverage by more than 5%;
3. Change any use or density;

4. Adjust the landscaping requirements by more than 5%; or
5. Adjust the required parking more than 5%.

b) The Zoning Administrator, however, shall always have the discretion to decline to exercise the delegated authority either because he or she is uncertain about approval of the change pursuant to the standard or because a rezoning petition for a legislative hearing and Town Council consideration is deemed appropriate under the circumstances. If the Zoning Administrator declines to exercise this authority, the applicant may file a rezoning petition for a legislative hearing and Town Council decision in accordance with the provisions delineated in this ordinance.

c) Any request for an administrative modification shall be pursuant to a written letter, signed by the owners of all of the property affected by the proposed change, detailing the requested change. Upon request, the applicant shall provide any additional information as deemed necessary by the Zoning Administrator. Upon an approval of an administrative modification, the applicant shall file a sufficient number of copies of the revised site plan as deemed necessary by the Zoning Administrator.

d) If the Zoning Administrator denies approval of the requested administrative modification, the applicant may file a rezoning petition for a legislative hearing and Town Council decision in accordance with the provisions delineated in this ordinance.

9. Review of approved Conditional Zoning Districts. It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than two years after the date of approval of the petition, the Zoning Administrator shall examine and report to the Planning Board the progress made toward developing the property in accordance with the approved petition and any conditions attached to the approval.

a) If, following such examination and report of progress, the Planning Board determines that substantial progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Town Council a report which may recommend that the property be rezoned to its previous zoning classification or to another zoning district. If the Town Council concurs with the Planning Board's recommendation, the Town Council may initiate the rezoning of the property in accordance with the procedures delineated in this ordinance.

b) If, upon written request of the developer or petitioner, the Planning Board determines that substantial progress has been made to develop the property, the Planning Board may recommend that an extension of time be granted. The Town Council, after reviewing the recommendation of the Planning Board, may approve an extension of time not to exceed an additional 12 months. Approval of such a time extension by the Town Council may be made without conducting a formal public hearing.

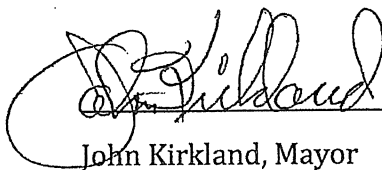
c) If, after the expiration of the original or extended time period, the Planning Board determines that no substantial progress has been made and the Town Council concurs with that determination, the Town Council shall proceed to: conduct a legislative hearing on the

matter to evaluate whether or not another extension of time is warranted; or initiate the rezoning of the property to its previous zoning classification or to another zoning classification using the procedures delineated in this ordinance.

d) For purposes of this section, examples of substantial progress may include: the approval of construction plans for streets, utilities and other infrastructure; the initiation of land preparation activities such as clearing and grading; the initiation of the construction of the principal building(s); and the initiation of the construction of streets, utilities, other infrastructure or required site amenities.

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

**Adopted this the 16th day of November, 2023**



John Kirkland, Mayor

ATTEST:



Kristie J. Nobles, Town Clerk

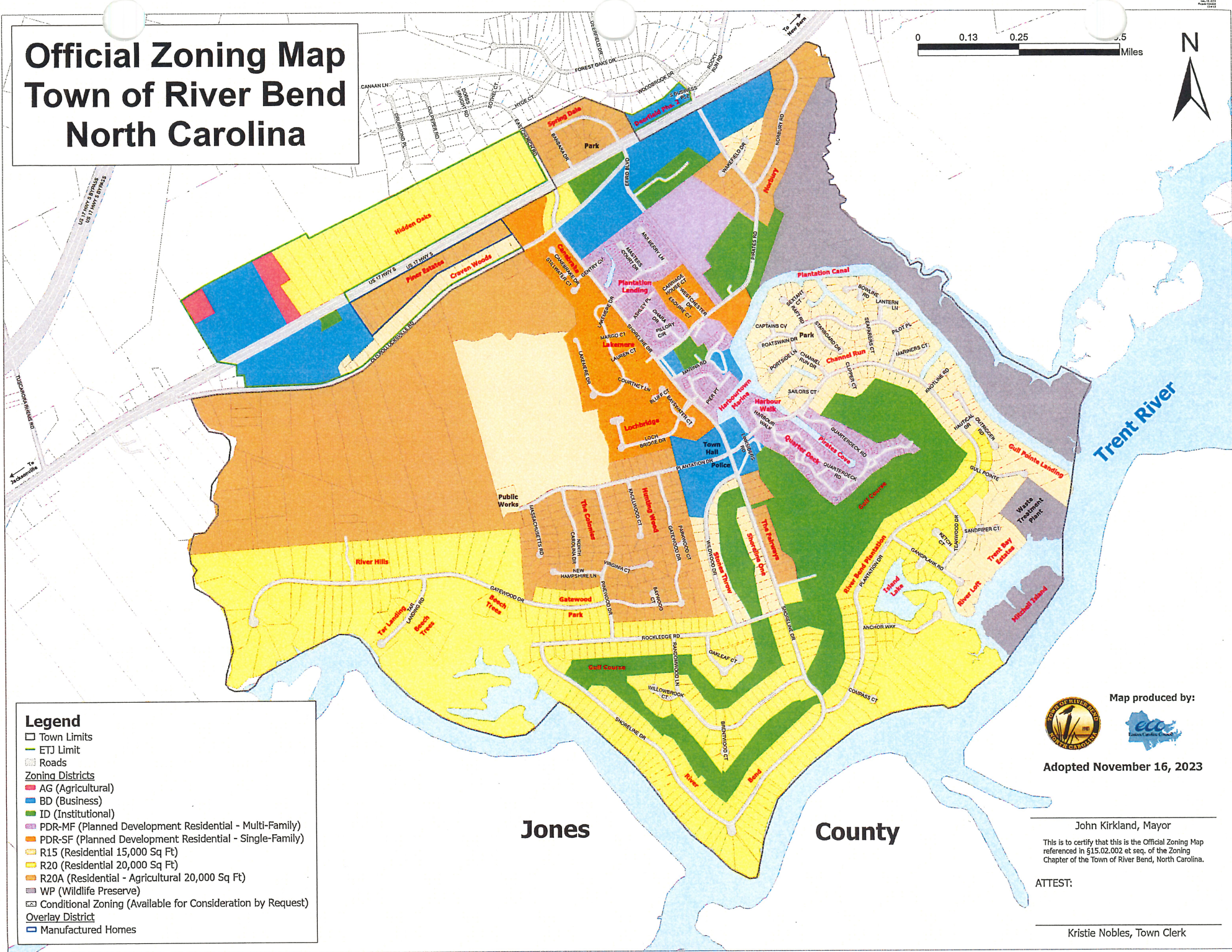
**Significant Dates:**

August 11, 2022-Town Council directs Planning Board to begin work on ordinance  
September 1, 2022-Planning Board selects Havelock ordinance as a template  
November 3, 2022-Planning Board discusses draft ordinance  
January 5, 2023-Planning Board discusses draft ordinance  
January 12, 2023- Town Council discusses draft ordinance  
February 2, 2023- Planning Board discusses and approves recommendation  
February 9, 2023- Town Council discusses recommendation  
February 16, 2023-Town Council discusses recommendation, directs Attorney to review  
March 9, 2023- Town Council discusses Attorney's legal opinion on proposal  
March 16, 2023- Town Council tables conditional zoning  
June 8, 2023- Town Council discusses revisiting the recommendation  
June 15, 2023- Town Council votes to restart discussions on August 10, 2023  
August 10, 2023- Town Council discusses draft ordinance  
August 17, 2023- Town Council discusses draft ordinance and sets date for public hearing  
October 19, 2023- Town Council conducts public hearing  
November 9, 2023- Town Council reviews final draft ordinance language  
November 16, 2023- Town Council adopts ordinance



# Official Zoning Map Town of River Bend North Carolina

0 0.13 0.25 0.5 Miles



## Legend

- Town Limits
- ETJ Limit
- Roads
- Zoning Districts**
- AG (Agricultural)
- BD (Business)
- ID (Institutional)
- PDR-MF (Planned Development Residential - Multi-Family)
- PDR-SF (Planned Development Residential - Single-Family)
- R15 (Residential 15,000 Sq Ft)
- R20 (Residential 20,000 Sq Ft)
- R20A (Residential - Agricultural 20,000 Sq Ft)
- WP (Wildlife Preserve)
- Conditional Zoning (Available for Consideration by Request)
- Overlay District**
- Manufactured Homes



Map produced by:



Adopted November 16, 2023

John Kirkland, Mayor

This is to certify that this is the Official Zoning Map referenced in §15.02.002 et seq. of the Zoning Chapter of the Town of River Bend, North Carolina.

ATTEST:

Kristie Nobles, Town Clerk

Jones

County