

**River Bend Town Council
Regular Meeting Minutes
March 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: 85

CALL TO ORDER

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

RECOGNITION OF NEW RESIDENTS

Barbara Burns introduced herself and stated she had recently moved here from Oregon.

ADDITIONS/DELETIONS TO AGENDA

Vote – Deletion to Agenda – Councilman Sheffield motioned to delete items 10B and 10C from the agenda. The motion carried unanimously.

VOTE – Approval of Agenda

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

ADDRESSES THE COUNCIL

Craven County Crime Stoppers – Jeffrey Haddock and Cpl. Kelly Cox – introduced the program and gave a brief description of the program.

Kathleen Fleming – expressed gratitude to the Town Staff and most of the council members. She addressed Councilman Castranova and asked him to practice respect.

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 February 9, 2023 Work Council Meeting*
 - Minutes of the February 16, 2023 Regular Council Meeting*
 - Minutes of the January 19, 2023 Closed Session*
 - Minutes of the March 9, 2023 Closed Session*

TOWN MANAGER'S REPORT

The Manager stated that the Departmental Reports would be skipped due to the interest of time.

Vote – Skip Manager's Report – Councilman Sheffield motioned to skip the Manager's Report. The motion carried unanimously.

ADMINISTRATIVE REPORTS

CAC – Councilwoman Maurer

Councilwoman Maurer presented the following report.

The CAC met on March 15, 2023. They have several exciting projects in progress. The next award event, Yard of the Month, will take place in April. Nominations will start on April 1st. You can obtain nomination forms from the town website, a QR code that will be printed in upcoming announcements, or by email, cac.riverbend@gmail.com. The Plantation Drive median project has started. Craven County Cooperative Extension Director Dr. Tom Glasgow is scheduled to present his report on the condition of trees and shrubs on the Plantation median at the March 16 Council meeting. In recognition of Arbor Day, a tree planting and small celebration will take place on Friday, March 17 at 2 pm at the Town Hall picnic area. All residents and friends are invited to attend. Light refreshments will follow the ceremony. Plans are underway to offer two Christmas globe making workshops in the fall. There currently are three vacancies on the Community Appearance Commission. This is an active group. Members may work on one or all of the projects. If you are interested, contact Chairwoman Brenda Hall or me to find out more about joining the board or volunteering for a project. The next meeting is scheduled for May 17, 2023 at 4 pm in the Municipal Building.

Councilwoman Maurer introduced Tom Glasgow from the Craven County Cooperative Extension and he gave a presentation on a study he completed at the request of the River Bend Community Appearance Commission on the Plantation Drive Median. Mr. Glasgow stated that the median on Plantation Drive was not a good location for big trees. His presentation included several pictures of trees in the median that were damaged, diseased or otherwise suffering.

FINANCE – Councilman Leonard

Financial Report – Finance Director, Mandy Gilbert, presented to the Council the financial statement for the month of February. She stated the total of the Town's Cash and Investments as of February 28, 2023, were \$4,529,010 and Ad valorem tax collections for FY22-23 were \$703,347 and Vehicle Ad valorem tax collections were \$48,919.

The Manager introduced Telly Whitfield with Metronet. Mr. Whitfield gave a presentation on services that Metronet could offer the Town of River Bend. The Manager stated that Metronet had already reviewed and signed an Encroachment Agreement but the Town has not signed it. Councilman Leonard asked if the new materials would be 100% fiber and not coax and Mr. Whitfield stated that Metronet would extend true fiber to the homes on all town streets. The Manager stated that the encroachment agreement with the Town would only cover town streets and not private streets or property such as HOA areas.

Vote – Encroachment Agreement with Metronet – Councilman Leonard motioned to approve the encroachment agreement with Metronet and to authorize the Town Manager to sign on behalf of the Town of River Bend. The motion carried unanimously.

PLANNING BOARD – COUNCILMAN SHEFFIELD

Councilman Sheffield stated that the Planning Board did not meet and there is no report. He stated that he would like to clarify his position on the rezoning of the property at 403 Old Pollocksville Road. He stated that he has received numerous emails stating that he has changed his opinion on the rezoning of that property. He stated that he has always been against the rezoning of that

property and will always be against rezoning it. He stated that any property that would request to be rezoned would have to be approved by the Council and conditional zoning does not replace the rezoning process. Councilman Weaver stated that he agrees with Councilman Sheffield.

PARKS & RECREATION – COUNCILMAN WEAVER

Parks & Recreation

Councilman Weaver stated that the Parks and Recreation Advisory Board has requested that the Council develop a Town policy to allow Parks and Recreation to enter sponsorship agreements with local businesses. Councilman Sheffield stated that he suggests that the policy limit the sponsorships to businesses that do not supply anything to the Town. The Manager stated that the motion would allow the development of a policy that the Council would need to approve and discuss the particulars of the policy.

Vote – Change Sponsorship Policy – Councilman Weaver motioned to approve the Parks and Recreation recommendation on sponsorships and to develop a policy. The motion carried unanimously.

Councilman Weaver stated that the Parks and Recreation Advisory Board has requested \$20,000 additional funding for the 4th of July event this year. He stated he had spoken to the Parks and Recreation chairperson and it was decided that the advisory board would discuss the request further and re-present it to the Council at a later date.

Vote – Funding for 4th of July Celebration – Councilman Weaver motioned to table the Parks and Recreation recommendation for funding for the 4th of July celebration. The motion carried unanimously.

Red Caboose Library (RCL)

Councilman Weaver stated that the Book / Tech Mobile would be at the Municipal Building on Friday March 17, at 2:00 through 5:00 p.m.

MAYOR'S REPORT

The Mayor presented the following report.

We live in a time when children now witness adults in local public meetings and in national television programming using expressions that can only be described as (crude, vulgar, profane, and uncivil and an even longer list of negative expressions could be listed.) Children are growing up with this seemingly public acceptance of such language. This acceptance sets an extremely poor model for young persons to imitate. Yes, they do imitate how we adults act. A sad side effect of the common use of such profane language is to engage in bullying and this trait is very common during the published proceedings of many elected bodies starting with the U S Congress, the State Legislative Government and local formal meetings. Is it any wonder that there is a significant rise in teen age bullying? I believe that the teens have examples to follow and they do. So my plea is PLEASE act in a civil fashion in both written and face to face verbal communication. And perhaps the most important PLEASE abandon bullying dialogue on the social media. Remember "little ears are listening" all the time.

At this time, the Mayor stated that Councilman Castranova has requested by note to speak. Councilman Castranova stated that he came to the meeting prepared to discuss conditional zoning and he would like to make a motion to permanently stop the consideration of the Conditional Zoning Ordinance. Councilman Leonard stated that the motion is out of order. The Mayor stated that this item was removed from the agenda and there is a process for adding items to the agenda. Councilman Castranova stated that it was on the agenda and was removed. Councilman Sheffield stated that the motion that Councilman Castranova wants to put forth is not on the agenda. Councilman Castranova stated that at the August 11, 2022 Council meeting,

Councilman Sheffield presented a PowerPoint on his opposition of the rezoning after the item had been removed from the agenda. Councilman Sheffield stated that they voted to let you make a comment we did not vote to make a vote on conditional zoning. Councilman Leonard stated that there was no vote.

Vote – Councilman Castranova Motion – Councilman Castranova motioned to amend the agenda to add a motion. The motion failed with one aye and four nays with Councilmen Weaver, Leonard, Sheffield, and Councilwoman Maurer voting nay.

Councilman Weaver asked Councilman Castranova if he wants to add a discussion or a motion to the agenda and Councilman Castranova stated that he wants to add both but if he can't add the motion he would like to add the discussion. Councilman Sheffield asked the Town Attorney if the Council could vote on the Conditional Zoning Ordinance without having a Public Hearing and the attorney stated that the Council could not legally vote on the Conditional Zoning Ordinance without a Public Hearing. Councilman Weaver asked the Town Attorney if the Council can vote to table the Conditional Zoning Ordinance until further notice and the attorney stated that the Council could. The Town Attorney stated that the Council could not vote to table the Conditional Zoning Ordinance tonight because the item was removed from the agenda and technically the comments being discussed at this moment are being considered under the item "Mayors Report". He stated that if the Council would like to add a motion to table the Conditional Zoning Ordinance that the item would need to be added to the agenda.

Vote – Councilman Castranova Comments – Councilman Castranova motioned to allow himself to make comments during the Mayor's Report. The motion carried unanimously.

Councilman Castranova stated that he has reviewed the Town Attorney's opinion on the proposed Conditional Zoning Ordinance. He stated that he is concerned with potential litigation for the Council. He stated that at the Ellis Development presentation at Craven Community College, Mr. Ellis was asked if he would sue the Town over conditional zoning and Mr. Ellis stated that it is not likely that he would sue over one condition. Councilman Castranova stated that he is concerned because Mr. Ellis did not state that they would not sue the Town at all. Councilman Castranova stated that Ellis Development has already submitted their conditions before the Conditional Zoning Ordinance is approved. He stated that Ellis' first condition would limit 305 homes on the land, which would make the land 50% denser than what is currently allowed. He stated that he felt that if the Town did not agree with that condition, it would put the Town at risk for a lawsuit. Councilman Castranova stated that he is concerned with "spot-zoning". He stated that if the Town engages in "spot-zoning" the Town would lose the presumption of validity and the burden would shift to the Town. The Mayor asked Councilman Castranova if he could meet with the Town Attorney regarding his concerns. The Town Attorney stated that he is available to all council members. Councilman Castranova stated that he is concerned with how the Conditional Zoning Ordinance will give the Zoning Administrator the authority to move the location of buildings to an approved site plan. Councilman Weaver stated that this was addressed in the closed session at last week's meeting. He stated that this ordinance was drafted from larger town's that have far more projects going on and they choose to not meet for every change. He stated that the Town Attorney stated that this language is not required in the ordinance and can be removed. Councilman Weaver stated that the ordinance could be amended so that any changes to site plans would have to be approved by the Council. He also stated that this is also a small detail that a lot of the public is not hearing. Councilman Weaver stated that the items that Councilman Castranova is discussing have been addressed and that could be revised to address those concerns. Councilman Castranova asked who suggested those changes and when would it be completed and Councilman Weaver stated that, it would happen in the legal review process of the ordinance. Councilman Leonard stated that the Planning Board has created an ordinance and approved it, then the Town Attorney gives a legal opinion, which he has, now the Council has the

ability to make revisions and suggestions to the ordinance. Councilman Leonard stated that now is the time for the Council to review and make changes, as it would fit the Town of River Bend but the item was removed from tonight's agenda. Councilman Castranova stated that he is concerned that the Zoning Administrator can move buildings and it was not addressed in the attorney's opinion. Councilman Leonard stated that these concerns were addressed in the closed session at last week's meeting. The Town Attorney stated that he did address moving a specific building to a location in broader context in the minor modifications section. He stated that moving a building on a site plan is not a major modification in a development if the density or the use is not changed. Councilman Castranova stated that he felt moving the location of multi-family housing is not a minor change. The Town Manager stated that he addressed this concern during the Planning Board meeting and stated that multi-family homes can only be moved within property that is zoned for multi-family homes. He stated that if the property is zoned R-20, as it is currently, multi-family homes are not permitted. He stated that multi-family homes are restricted to property that is zoned for multi-family housing. He stated that he does not have the authority to allow multi-family homes in areas that are zoned for single-family homes. Councilman Castranova stated that he felt the language in the proposed Conditional Zoning Ordinance does not limit that and the Town Manager stated that he and the Town Attorney disagree with him. Councilman Leonard stated that now is not the time to discuss the details and every council member would have an opportunity to submit their suggestions. The Mayor stated that Councilman Castranova agreed to meet with the Town Attorney to discuss his concerns. Councilman Castranova stated that Ellis Development has submitted their proposed conditions and Councilman Sheffield stated that those proposed conditions do not mean anything. Councilman Weaver asked the Town Attorney if the Council can make a motion to table to the conditional zoning until a determined date and the Town Attorney stated that motion is acceptable. Councilman Sheffield stated that if he is on Council the position of multi-family housing wouldn't be an issue in the future. Councilman Castranova stated that he feels adopting conditional zoning is a risk for the concerns he has stated previously.

PUBLIC COMMENT

Michael Power, 242 Shoreline, stated he was upset with last week's meeting, expressed gratitude to Town Staff, and stated to the Council that they represent all of River Bend, not just the ones who voted for them.

Dana Blujus, Plantation Drive, stated he is new to the area and not opposed to upgrades to the Town if done correctly.

Carolyn Gadwell, Outrigger Road, stated that she has never found Councilman Castranova to be disrespectful and supported him.

Marvin Jackson, 104 Massachusetts Road, stated he opposes conditional zoning.

Valerie Boatwright, 311 Lochbridge Drive, stated that she disagreed with Ms. Fleming's address to the Council and feels Councilman Castranova is owed an apology from Kathleen Fleming. She also stated she agrees with tabling conditional zoning.

Buck Irvin, 102 Outrigger Road, suggested that residents stop looking at the internet because some people are posting to cause drama and the posts are not based on facts and stated that conditional zoning would be an extra tool that the town would have if ever faced with zoning issues.

John Levas, 1200 Plantation Drive, asked that if the Town approved the development of the property on Old Pollocksville Road to hire an engineer to investigate the water flow. He stated his property holds water that drains from Old Pollocksville Road.

Amy Richardson, 118 Randonwood Lane, thanked the Council for what happened at the work session for upholding the integrity of the local government and holding it to the highest standard. She stated that many citizens in town are afraid to speak out against Councilman Castranova, because he has become intimidating and uses his social media platform and his followers to speak out against anyone who speaks out against his agenda. She stated that he represents the Town whether they agree or disagree, like the other council members.

James Gadwell, Outrigger Road, stated that there should be a plan and timeline for the development of the property. He stated that the Council needs to get along.

Jon Hall, 105 Knotline, stated that he and his wife are very active in Town. He asked that all decisions be made with due diligence and not a reflection of what is best for them personally, but what is best for the Town.

Art Seaman, 302 Pirates Road, spoke in opposition of conditional zoning.


Vote – Table Conditional Zoning – Councilman Sheffield motioned to table conditional zoning until a time that shall be mutually agreed upon by the Council. Councilman Sheffield withdrew his motion.

Vote – Add to Agenda – Councilman Sheffield motioned to add to the agenda the item of tabling conditional zoning. The motion carried unanimously.

Vote – Table Conditional Zoning – Councilman Sheffield motioned to table conditional zoning until the February 2025 Council workshop. The motion passed with 3 ayes and 2 nays with Councilman Leonard and Councilwoman Maurer voting nay.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield **moved to adjourn**. The meeting adjourned at 9:21 p.m.



Kristie J. Nobles, CMC
Town Clerk