

**River Bend Town Council  
Regular Meeting Minutes  
November 18, 2021  
River Bend Town Hall  
7:00 P.M.**

Present Council Members:

Mayor John Kirkland  
Buddy Sheffield  
Don Fogle  
Barbara Maurer  
Irving Van Slyke  
Brian Leonard

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

**CALL TO ORDER**

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, November 18, 2021 in the Town Hall Meeting Room with a quorum present.

**PUBLIC HEARING – Proposed Chapter 15.01 Subdivision Ordinance Amendment**

Councilman Sheffield moved to open the Public Hearing to discuss the proposed Chapter 15.01 Subdivision Ordinance amendments. The motion carried unanimously.

He then invited anyone who wished to address the proposed Chapter 15.01 Subdivision Ordinance amendments to step to the podium to be heard.

With no one stepping forward, Councilman Sheffield moved to close the Public Hearing. The motion carried unanimously.

**PUBLIC HEARING – Proposed Chapter 15.02 Zoning Ordinance Amendment**

Councilman Sheffield moved to open the Public Hearing to discuss the proposed Chapter 15.02 Zoning Ordinance amendments. The motion carried unanimously.

He then invited anyone who wished to address the proposed Chapter 15.02 Zoning Ordinance amendments to step to the podium to be heard.

With no one stepping forward, Councilman Sheffield moved to close the Public Hearing. The motion carried unanimously.

**SPECIAL PRESENTATION – Audit Presentation for Fiscal Year 2020-2021**

Mr. Michael Allen, CPA with Pettway, Mills and Pearson stated that the River Bend staff was pleasant and cooperative. He said that his firm has issued an unqualified opinion on River Bend's FY 2020-2021 audit, which is the best rating an auditor can give. There was no management letter and no findings of material weakness. During the presentation, he noted that the Town's General Fund Balance had decreased by \$1,924,567 over the last year due in part to reduced

revenues and FEMA funding. He noted that the percentage of available fund balance in the General Fund was 56% compared to 88% for last year.

### **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. Within this motion the following items were approved:

A. Approve

*Minutes of the September 9, 2021 Work Session*  
*Minutes of the September 16, 2021 Regular Council Meeting*  
*Minutes of the September 23, 2021 Special Meeting*  
*Minutes of the October 14, 2021 Work Session*  
*Minutes of the October 21, 2021 Special Meeting*

### **TOWN MANAGER'S REPORT**

The Manager stated that there is a Special Meeting for the Town Council on November 22, 2021 at 11:00 a.m. to discuss the ARPA funds to construct a new water and sewer administration building.

He also stated that the Planning Board is meeting on December 2, 2021 to discuss a special use permit application received from Sunbelt Equipment Rental.

The Manager stated there was a prebid meeting for the ASADRA grant for the water meter replacement contract on November 17, 2021 with three bidders in attendance. He stated that the bid opening is November 30, 2021.

The Manager stated that the Town Attorney is currently reviewing the mandatory requirements for Senate Bill 300.

### **ADMINISTRATIVE REPORTS**

#### **PUBLIC SAFETY –COUNCILMAN FOGLE**

Councilman Fogle presented the following reports on Community Watch and CERT.

#### **COMMUNITY WATCH REPORT – October 20, 2021**

- 1) One new member, who had picked up an application at National Night Out, attended.
- 2) Police Officer Gonzales gave a brief report on the events at the successful Night Out due to participation from area Law Enforcement (K9 demos, etc.) and Parks and Rec saving the day with hot dogs when food trucks backed out at the last minute.
- 3) We were also able to sign up volunteer traffic control support for 'Trunk or Treat' on 10/30/21 and the 'Shredding Event' on 11/06/21.
- 4) Meeting closed with telling everybody that the next meeting is on February 16, 2022 at 7:00pm.
- 5) As a follow up, 6 Community Watch members provided traffic control at 'Trunk or Treat' and five members helped with the 'Shredding Event'.

#### **CERT REPORT – October 27, 2021**

The CERT meeting was cancelled due to a gas leak reported near the Municipal Building. The next CERT meeting is scheduled for Wednesday, November 24, 2021 at 7:00 pm in the Municipal Building.

### **PARKS & RECREATION/CAC – COUNCILWOMAN MAURER**

Councilwoman Maurer presented the following reports.

#### **Parks & Recreation**

We offer a big thank you to Parks & Recreation for presenting so many outstanding events in the last two months. Your members have done an incredible job, brought smiles to a lot of River Bend children and gratitude for stepping up when called upon on short notice. October was a busy month. Two activities were scheduled but they ended up having four events. P&R was asked to provide refreshments for National Night Out River Bend after the food truck was not available. Everyone seemed pleased with hot dogs, snacks, ice cream and water. When it appeared that it would be cancelled they agreed to sponsor River Bend Community Yard Sale Day which had more than sixty homes registered and many more that didn't sign up as well as the Garden Club bake sale and the Red Caboose Library book sale. The annual Trunk or Treat event offered 14 decorated car trunks and one fire department ambulance, games, crafts, refreshments and Cake Walk to over 125 children. This was a bittersweet event for the P&R Advisory Board members as they said a regretful farewell to two members who had resigned, effective following the final events they had committed to work for. The Christmas ornament craft workshop filled quickly after being posted. Thanksgiving Bingo is scheduled for November 17 with Thanksgiving themed food prizes. Looking to December, the annual Christmas tree lighting is scheduled for December 3<sup>rd</sup>. A children's caroling group will offer songs of the season while waiting for Santa and Mrs. Claus to arrive by fire truck. Once inside, Mr. & Mrs. Claus will listen to children's requests. Christmasy refreshments will be offered, and there will be games and crafts for the kids. Red Caboose Library volunteers will read a children's Christmas story. The Fairfield Harbour Chorus returns to the Baptist Church on December 12 at 3 pm. Come early to secure a seat. It's usually standing room only. Remember to sign up for River Bend News if you want activity announcements delivered to your Inbox. The next scheduled meeting is Wed. December 1 at 7pm.

#### **Community Appearance Commission (CAC)**

The CAC is scheduled to meet on Wednesday, November 17th at 4pm. They will be discussing new ideas and making plans. There are still two vacancies. If this sounds interesting, consider joining the board. Attend the meeting to see what it's all about and if it appeals to you, obtain an application from the Town Clerk.

#### **River Bend Community Organic Garden (RBCOG)**

Regular meetings were held on October 4 and November 1. Fall crops were planted. Kale and radishes are being harvested. Peanuts and sweet potatoes are almost ready. Teamwork day took place on a cold, raw, windy Nov. 4<sup>th</sup>. The Green Team has committed for the ninth year. The most recent session was attended by twenty students. The butterfly habitat is almost finished for this year but the bee hive continues to be very active. The next meeting is scheduled for December 6 at 1:30 pm.

#### **Red Caboose Library (RCL)**

The board met on October 7 and November 4. The Volunteers' Ice Cream Social brought volunteers together to meet and catch up with the latest library news. The book sale on Community Day was very successful. One community member held a yard sale where items were free but donations to the library were gratefully accepted. He turned over all proceeds to the library. In an effort to promote children's love of reading, plans are being made to add story reading followed by a craft or activity that relates to the story. Other activities will follow. Parents are invited to attend with their children. The next board meeting is scheduled for Thursday, December 2 at 2 pm.

**FINANCE – COUNCILMAN VAN SLYKE, JR.**

**Financial Report** – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of October. She stated the total of the Town's Cash and Investments as of October 31, 2021 are \$3,801,477 and Ad valorem tax collections for FY21-22 were \$83,842 and Vehicle Ad valorem tax collections were \$24,637.

**Vote – Accept Audit Report** – Councilman Van Slyke moved to accept the 2020-2021 Audit Report as presented. The motion carried unanimously.

**ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD – COUNCILMAN SHEFFIELD**

Councilman Leonard presented the following report. EWAB November 1<sup>st</sup>, 2021. Chairman Stevens called the meeting to order at 7:02 PM. Members present: Jim Stevens, Patty Leonard, Jon Hall, Paige Ackiss and Ray Jaklisch. There were no visitors. Councilman Leonard gave a council report. Old business: Review of EWAB ordinance, voted on and approved updated changes. New business: Jon Hall identified a tree/stump in the entrance to Plantation Canal that should be marked or removed as a hazard to navigation. Jon Hall also identified that the first red marker at the entrance to Plantation Canal is missing and the mounting pole is leaning. Next meeting will be on December 6<sup>th</sup> 2021 at 7 PM in the large meeting room in the Municipal building. The public is welcome to attend.

**PLANNING BOARD – COUNCILMAN SHEFFIELD**

Councilman Sheffield presented the following report.

The regular meeting of the River Bend Planning Board was held on Nov. 4<sup>th</sup> at 6:00pm in the Community building. Chairman Lippert called the meeting to order. A quorum was present. Mr. Norville, a business owner in the River Bend ETJ and Town Manager Jackson were also present. The usual reports were given and the last meeting's minutes approved. The board reviewed proposed changes to title 15 of the town ordinances. With minor modifications, all of the changes were approved and sent to the council for final consideration. Manager Jackson then informed the board that an application for a special use permit has been submitted to the town. He presented a packet of information related to the request for a Sunbelt Rental business to be located near the Shell gas station and Dollar General. He said the issue would be discussed in detail at the December Planning Board meeting but final approval would be the responsibility of the Board of Adjustment. The meeting was adjourned. The next regular meeting is set for December 2<sup>nd</sup> at 6:00pm. The meeting is open to anyone interested.

Councilman Sheffield stated that the Chapter 15.01 Subdivision Ordinance and 15.02 Zoning Ordinance Public Hearings were at the beginning of tonight's meeting and there was no public comment.

**Vote – Chapter 15.01 Subdivision Ordinance Amendment** – Councilman Sheffield motioned to approve the amendment to the Town of River Bend Subdivision Ordinance, Chapter 15.01 as presented. The motion carried unanimously. (see attached)

Councilman Fogle stated that he felt the 100 foot requirement in item 14 is arbitrary and an unnecessary exclusionary. He stated that there are two other limiting requirements and does not see the need for a distance requirement as well. Councilman Sheffield stated that this is designed to keep property owners from building fences on smaller road frontage properties. Councilman Fogle stated he does not agree or see the need for this requirement.

**Vote – Chapter 15.02 Zoning Ordinance Amendment** – Councilman Sheffield motioned to approve the amendment to the Town of River Bend Zoning Ordinance, Chapter 15.02 Fences and Walls as presented. The motion passed with 4 ayes and 1 nay (Councilman Fogle). (see attached)

**Vote – Chapter 15.02 Zoning Ordinance Amendment** – Councilman Sheffield motioned to approve the amendment to the Town of River Bend Zoning Ordinance, Chapter 15.02 District Requirements as presented. The motion carried unanimously. (see attached)

**MAYOR'S REPORT**

The Mayor presented the following report.

There is a great difference between the quickly formulated opinion and the one that results from research and deliberation. Generally the opinion formulated by an individual is of the quick nature. In our present day environment of very rapid communication those quickly developed opinions are transmitted to “contacts/friends” on computer lists. The “non-researched” opinion is now available on a rapidly expanding platform of viewers who are willing to accept this post as fact.

This type opinion can relate to almost any issue being faced by governing bodies at the local, state and federal level. Your representatives serving at all of these government levels are required to make decisions on issues that constituents have already determined the appropriate course of action based on “I read it on the internet.” The elected governing official has researched the issues surrounding the subject that she/he will be required to cast a vote on. That same official has also been contacted by constituents from the “I read my desired action on the internet”, and you should vote as I direct. I believe that most elected representatives in our democracy still do research on issues and determine (fact) as fact is available and then vote in the best interest in the future for local, state and federal constituents. Too many citizens will not acknowledge that elected officials respect that opinions exist that do not agree with her/his information on which the vote was cast. Perhaps the most often complaint voiced of the governing process is that it takes so long to complete action. There is no acceptance of the fact that the research for details related to an issue that the governing body will vote on takes time and not all information will come from the internet. The “body” also is required to debate the issues before voting while in open meetings.

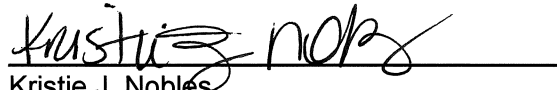
My appeal to our residents is to accept the fact that your Town Council will not vote on issues that impact the entire Town based on an internet post and that it will take time to develop the background for the Council to take action.

**PUBLIC COMMENT**

No public comments at this time.

**ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield moved to adjourn, the motion carried unanimously. The meeting adjourned at 8:01 p.m.

  
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Kristie J. Nobles  
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 15.01, Subdivisions, be amended as follows:

### **§ 15.01.050 Subdivision Regulations & Interpretations**

#### **APPLICABILITY.**

- A. For the purposes of this chapter, subdivision regulations shall be applicable to all divisions of a tract or parcel of land into 2 or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.
- B. The following shall not be included within this definition nor be subject to this chapter:
  1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of River Bend as provided in this chapter.
  2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved.
  3. The public acquisition by purchase of strips of land for the widening or opening of streets.
  4. The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than 3 lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town of River Bend as provided in this chapter.
  5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- C. The Town of River Bend may provide for expedited review of specified classes of subdivisions.
- D. The Town of River Bend may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:
  1.
    - a) The tract or parcel to be divided is not exempted under subdivision 2 of subsection B of this section.
    - b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.

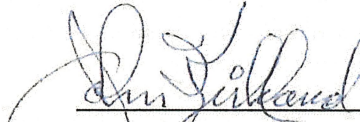
- c) The entire area of the tract or parcel to be divided is greater than five acres.
- d) After division, no more than three lots result from the division.
- e) After division, all resultant lots comply with all of the following:
  - a. Any lot dimension size requirements of the applicable land-use regulation, if any.
  - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
  - c. A permanent means of ingress and egress is recorded for each lot.

**§ 15.01.051 DEFINITIONS.**

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

**Adopted this the 18th day of November, 2021**



  
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John Kirkland, Mayor

  
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Kristie J. Nobles, Town Clerk

Kristie J. Nobles, 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 as follows:

### **§ 15.02.062 Fences And Walls**

The purpose and intent of this section is to recognize that fences and/or walls serve legitimate private and public uses including but not limited to security and creating visual buffers between properties. These regulations are intended to establish standards that maximize the effectiveness of the fencing while preserving the views and safety of motorists, adjacent property owners and the public in general.

- A. A fence or wall, unless otherwise stated, hereinafter referred to as fence, is defined as a freestanding, vertical structure, constructed of man-made or natural materials, or a combination thereof. While it may accomplish the same objective as a man-made fence, living vegetative materials such as trees and shrubs are not considered a fence that requires a permit.
- B. A fence may provide any or all of the following: indicate a boundary; provide a barrier (either physical or visual); protect property; provide privacy; serve as an enclosure; control erosion or provide stability (such as is accomplished with a retaining wall); create a landscaping or ornamental effect.
- C. Fences are a permitted use in all zoning districts, provided that:
  - 1. No fences shall be allowed in any front yard, except where specifically authorized herein.
  - 2. Fences shall be limited to seven (7) feet in height within any side or rear yard.
  - 3. Fences shall be constructed of wood, brick, vinyl, ornamental iron or metal railing, chain link or stone. The exposed framing of each section of fence shall face the interior yard or property, e.g. the finished side shall face out.
  - 4. The owner of the property on which the fence is located is required to maintain the fence in a safe condition and plumb (vertical) to the ground. For fences erected close to a property line, fence owners are advised to consider future access to the exterior side of the fence for maintenance.
  - 5. Retaining walls over five (5) feet in height shall be designed and constructed under the responsible charge of a NC registered professional engineer.
  - 6. Fences built in conjunction with electric or gas substations, public works facilities, public recreation facilities or other similar uses shall not exceed ten (10) feet in height

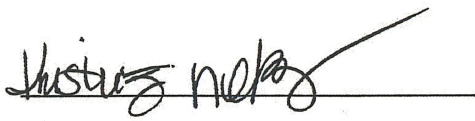


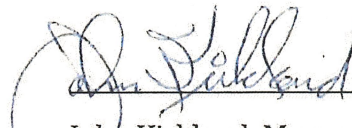
without specific approval of the Zoning Administrator. Fences of this type may be located within front yards with approval of the Zoning Administrator.

7. No fence shall be constructed within or upon any street right-of-way. In addition, no fence shall be constructed within ten (10) feet of any street pavement.
8. No fence or wall shall alter or impede the natural flow of water in any stream, creek, drainage swale, ditch or similar drainage feature.
9. Fences made of mesh-type material, which may be easily trimmed/cut with scissors and used as a means to protect vegetation from animals may be located within front yards, provided it does not exceed six (6) feet in height or encompass more than 225 square feet (cumulatively) of the front yard.
10. In residential zoning districts, fences shall not be constructed of material which may be dangerous or hazardous to the public, such as barbed or razor wire or other similar materials except in association with those uses permitted as a special use.
11. Fences constructed on or over utility easements are subject to be removed at the owner's expense subject to the terms of the easement.
12. Nothing in this section shall prevent the installation of temporary fences related to construction sites or sediment and erosion control. Temporary fences shall be removed within ten (10) days of the issuance of a certificate of zoning compliance for the project. Temporary fences must be removed within (90) days of their installation. A temporary permit may be extended for thirty (30) days.
13. It is the responsibility of the fence owner to insure that the fence is installed on their property.
14. Non-opaque fences may be located in the front yard of a lot zoned Business (BD), provided that the lot has a minimum of 100 feet of uninterrupted road frontage with a road maintained by the North Carolina Department of Transportation.
15. A zoning permit is required for the installation of any fence, except for the mesh-type fences described in Item 9, above.

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

**Adopted this the 18th day of November, 2021**

  
Kristie J. Nobles, Town Clerk

  
John Kirkland, Mayor



## 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 as follows:

### § 15.02.047 District Requirements

For convenience in the administration of this chapter, there is hereby established and made a part of this chapter the following schedule for the several districts setting forth minimum limitations and requirements. The requirements listed for each district as designated are subject to all provisions of this chapter and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

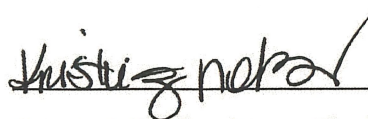
<i>Schedule of District Requirements</i>										
	R-20	R-20A	R-15	PDR-MF	PDR-SF	ID	BD	WP	AGR	PD-BD
Min. Lot Area (SF)	20,000	20,000	15,000	-	6,500	20,000	20,000	-	-	20,000
District Size	-	-	-	5 acres	10 acres	-	-	-	-	4 acres
Density	-	-	-	*	†	-	‡	-	-	‡
Min. Front Lot Line (FT)	90**	90**	85**	50††	50††	-	100	-	-	100
Min. Bldg. Set Back (FT)	30	30	30	25	25	40	40	-	-	40
Min. Side Yard (FT)										
Main Building	10	10	10	10	10	10	10	-	-	10
Accessory Building	5	5	5	5	5	-	-	-	-	-
Swimming Pool	10	10	10	-	-	10	-	-	-	-
Tennis Court	15	15	15	-	-	10	-	-	-	-
Min. Rear Yard (FT)										
Main Building	15	15	15	15	15	10	20	-	-	20

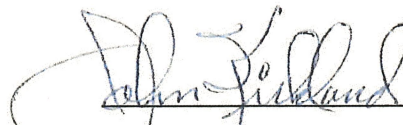
Schedule of District Requirements										
	R-20	R-20A	R-15	PDR-MF	PDR-SF	ID	BD	WP	AGR	PD-BD
Accessory Building	10	10	10	10	10	-	-	-	-	-
Swimming Pool	10	10	10	-	-	10	-	-	-	-
Tennis Court	15	15	15	-	-	10	-	-	-	-
Accessory Building	PLEASE REFERENCE CHART IN §15.02.061									
Max. Lot Coverage by Bldg. (%)	24	24	24	24	30	24	24	-	-	24
Max. Height (FT)										
Main Building	34	34	34	34	34	34	34	-	-	34
Accessory Building	The lesser of 18 FT or one (1) story									
CAMA and FEMA setbacks, if applicable, take priority to Town designated setbacks.										
*Density – PDR-MF – No more than 6.5 dwelling units per acre. †Density – PDR-SF – No more than 4 dwelling units per acre. ‡Density – BD, PD-BD – Nor more than 4 business units per acre. **Min. Front Lot Line – R-20, R-20A, R-15 – 40 FT on cul-de-sac. ††Min. Front Lot Line – PDR-MF, PDR-SF – 25 FT on cul-de-sac.										

Penalty, see § 1.01.999

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

**Adopted this the 18th day of November, 2021**

  
Kristie J. Nobles, Town Clerk

  
John Kirkland, Mayor



