

**River Bend Town Council  
Regular Meeting Minutes  
November 19, 2020  
River Bend Municipal Building  
7:00 p.m.**

Present Council Members:

Mayor John Kirkland  
Don Fogle  
Brian Leonard  
Bud McClard  
Buddy Sheffield  
Bud Van Slyke

Town Manager: Delane Jackson  
Town Clerk: Kristie Nobles  
Town Attorney: Dave Baxter  
Finance Administrator: Margaret Theis  
Police Chief: Sean Joll

**CALL TO ORDER**

The meeting was called to order by Mayor Kirkland at 7:00 p.m. on Thursday, November 19, 2020 at the River Bend Municipal Building with a quorum present.

**PUBLIC HEARINGS**

**Chapter 15.01 – Subdivision Ordinance**

Councilman Sheffield **moved to open the Public Hearing to discuss the proposed amendment to Town of River Bend Ordinance, Subdivision Ordinance, Chapter 15.01.** The motion carried unanimously.

The Manager stated that the Planning Board had recommended modifying Chapter 15.01 Subdivision Ordinance to require all new subdivisions in the Town to require sidewalks. He stated that with the consent of Council, as discussed in the work session, the amendment now includes the minimum concrete thickness for sidewalks.

Councilman Sheffield then asked that anyone who wished to speak to this issue step to the podium and be heard.

At this time, Mrs. Patty Leonard of 106 Knotline Road addressed the Council. She stated that she is in favor of requiring sidewalks in new subdivisions.

Councilman Sheffield **moved to close the Public Hearing.** The motion carried unanimously.

**Chapter 15.02 – Zoning Ordinance**

Councilman Sheffield **moved to open the Public Hearing to discuss the proposed amendment to Town of River Bend Ordinance, Zoning Ordinance, Chapter 15.02.** The motion carried unanimously.

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

### **CONSENT AGENDA**

The Mayor presented the Council with the Consent Agenda. Councilman McClard **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 October 8, 2020 Work Session*  
*Minutes of the October 15, 2020 Regular Meeting*  
*2021 Employee Holiday Schedule*  
*2021 Town Council Meeting Schedule*

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

The Town Manager introduced Mr. Ben Jones from The Adams Company to address the Council regarding the Fair Housing guidelines related to the CDBG-NR project. Mr. Jones stated that the project has four requirements that must be completed and attending the Council Meeting is one of those. Mr. Jones stated that three homes are being demolished and replaced and three homes are being rehabilitated. He has been approved to start spending money and start the process of repairing or removing the homes beginning with asbestos quotes. There have been four title opinions completed on the homes. Councilman Van Syke asked about displaced homeowners during this process and Mr. Jones stated that the displaced homeowners will be placed in a rental with rent paid for by the program. Councilman Fogle asked about the location of the homes involved and Mr. Jones stated that the homes are all on Old Pollocksville Road. Councilman Fogle then asked if there is a stipulation on how long the homeowner has to stay in the home after it is completed. Mr. Jones stated the homeowner could not sale the home for 8 years after completion without being required to pay back a portion of the cost. Councilman Leonard asked what all is included in "rehabbing" a home. Mr. Jones stated that some homes will have windows and / or doors replaced, painting completed, siding replaced and roofing repaired or replaced. Councilman McClard asked if the damaged homes were from storm damage or the age of the home. Mr. Jones stated that he believes the damage is a mixture of both. The Mayor stated that he feels this is very important to upkeep the appearance of the community. Councilman Leonard asked if all the homes are occupied at this time and Mr. Jones stated yes that all the homes are occupied.

The Manager stated that the pre-bid for the Public Works Building renovation was held today. There were seven contractors in attendance, which was a surprise for such a small project. The bid opening will be November 24<sup>th</sup>.

The Manager stated that the Public Works Director had met with a consultant with the NC Rural Water Association to complete an electric use analysis. The Public Works Director and the consultant completed a walkthrough of the high-energy use areas and the consultant will try to find ways to save the Town money on electric cost. This service is no charge to the Town.

The Manager stated that Piedmont Natural Gas and Duke Energy have a program where they will use a camera to inspect the Town's sewer lines in areas where natural gas was recently installed in town. This will allow them to make sure there is no damage to our sewer lines. This is at no cost to the Town also.

The Manager stated the State completed its annual inspection of the Town's sewer collection system and we passed. The Manager stated that Public Works has done an excellent job with maintenance.

The Manager stated that there would not be a Community Tree Lightening Event this year, but the Community Christmas Tree would be installed at a new location at the Shoreline Drive entrance of the Town near the brick sign.

Councilman Sheffield asked the Manager for an update on the construction at Town Hall. The Manager stated that construction was on schedule and the contractor hoped to finish by the end of December.

## **ADMINISTRATIVE REPORTS**

### **PUBLIC SAFETY – Councilman Fogle**

CERT- Councilman Fogle stated that the CERT team met on October 28, 2020, in the Municipal Building. There were eight people in attendance including new member Bob Kendall. Due to COVID 19, no formal training or exercises have been occurring. No meetings will be held until after the holidays. The next CERT meeting will be held on January 27, 2021.

Community Watch- Councilman Fogle stated the Community Watch group met on October 21, 2020, in the Municipal Building. Community Watch has logged over 1000 hours of patrol so far in 2020. The group discussed the need for volunteers at the upcoming Halloween drive thru event and the shredding event. Chief Joll attended the meeting to demonstrate the new two-way radios the Town has purchased for Community Watch use. A total of six new radios were purchased. New generic business cards were distributed to the members in attendance. They will be handed out to people the Community Watch team talks to while on patrol and to increase awareness and membership in the team. The team will also receive new shirts made of breathable, quick-dry material once a size count is determined. The next meeting will be held on February 17, 2021, and Egon Lippert will continue as the leader of the River Bend Community Watch team.

### **PARKS & RECREATION/CAC – Councilman McClard**

Parks and Recreation - The Halloween “drive through” was a huge success and feedback was all positive. Due to the COVID restrictions, no further plans are being pursued in the immediate future.

Organic Garden- Councilman McClard stated that garden tasks continue uninterrupted with focus on keeping volunteers safe with the COVID situation. The garden produced over 1500 pounds of produce this year, the “Green Team” is more active than in the past, the Monarch butterfly garden is thriving and getting known in even other parts of the country, and some winter crops are planted.

Library - The Red Caboose Library continues to be open under its Council approved COVID rules. The Library continues to be a popular activity.

Community Appearance Commission - CAC has met once (outside) in the past couple months but a quorum was not present. This year the town Christmas decorations will be installed by town workers rather than public volunteers and at present, there are no plans for a public tree lighting ceremony. He stated that the Board has received a request for appointment to the CAC board from Lloyd “Tripp” Carroll III. He also stated that Mr. Carroll’s skills and experience would make him a good fit for the board.

**Vote – Appoint Lloyd “Tripp” Carroll III to the Community Appearance Commission Advisory Board**

Councilman McClard motioned to appoint Lloyd “Tripp” Carroll III to the CAC Advisory Board for a term beginning November 19, 2020 and expiring June 30, 2022. The motion carried unanimously.

**PLANNING BOARD – Councilman Sheffield**

Planning Board – The River Bend Planning Board met on November 5th at 6:00 p.m. in the Municipal building. A quorum was present. Guests included the Town Manager and Mr. Brian Swicegood. The usual reports were given. There was discussion about the town ordinance prohibiting farm animals in River Bend. The board agreed to amend Chapter 15 to allow animals in areas zoned R20A. This issue now goes to the Council for the ultimate decision.

The board voted to approve resolutions on recent changes, which moved stormwater drainage language out of Chapter 15 and required new subdivision developments to include sidewalks.

There was discussion about possible changes to the permitting process for swimming pools. It was decided that this issue is best handled by Craven County inspectors and that no changes would be required. The meeting was adjourned. The next meeting will be December 3<sup>rd</sup>. As always, all citizens are invited to attend, although numbers are restricted by Covid-19 regulations.

Councilman Sheffield stated that there is a proposed Ordinance Amendment for the Council to vote on regarding adding sidewalks to new subdivisions throughout the Town. Councilman Sheffield stated that he does not support this amendment. He feels adding sidewalks to the Town does not present the country feel he enjoys so much about the Town. Councilman Leonard stated that he personally likes adding sidewalks to new subdivisions throughout Town, and in his opinion, the Town needs these. He feels it will attract new residences to the Town. Councilman McClard asked the Manager if adding sidewalks will apply to vacant lots in current subdivisions. The Manager stated that this amendment would only add sidewalks to new subdivisions within the Town.

**Vote –Subdivision Ordinance Amendment**

Councilman Leonard motioned to approve the amendment to the Town of River Bend Ordinance, Subdivision Ordinance, Chapter 15.01 as presented. The motion was approved with 4 ayes and 1 nay. Councilman Sheffield voted nay. (see attached)

Councilman Sheffield stated that there is a Stormwater Drainage Ordinance Amendment that has been discussed frequently at the Council meetings. This amendment transfers the responsibility of maintaining the stormwater drainage ditches from the property owner to the Town.

**Vote – Stormwater Drainage Amendment**

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

**PUBLIC WORKS – Mayor Kirkland**

PWAB- The Public Works Advisory Board (PWAB), is scheduled to meet every other month. Their next meeting will be on December 1<sup>st</sup> at 3:00 pm in the Municipal Building. The PWAB has several vacant positions. Any resident interested in serving on this Board can obtain an application from the Town Clerk. Mr. Buck Irwin is the Chairman of the Board and if an applicant has questions, Mr. Irwin or I would be glad to meet with you.

The Manager presented the Stormwater Drainage Ordinance Amendment addition to Chapter 9, transferring responsibility of the stormwater drainage ditches from the property owners to the Town of River Bend.

**Vote – Stormwater Drainage Ordinance Amendment**

Councilman Sheffield motioned to approve the amendment to Town of River Bend Zoning Ordinance, Chapter 9 as presented. The motion carried unanimously. (see attached)

**FINANCE –Councilman Van Syke**

**Financial Report** – Finance Administrator Margaret Theis told the Council that the total of the General Fund Cash Balances as of October 31, 2020 was \$3,820,175 Ad valorem tax collections for FY20-21 were at \$81,528, and Vehicle Ad valorem tax collections were at \$8,891.

**MAYOR'S REPORT – Mayor Kirkland**

The Mayor presented the following report:

The 2020 Holiday season is very much different than anyone can recall. The pandemic of the COVID-19 virus has caused everyone to take precautions to reduce the spread of the disease. I feel sorry for the children who look forward to this season with great expectations and are confronted with the fact that many of the community and family traditional events have necessarily been canceled. The young persons of junior high age and beyond must look at the uncertain operation of the schools and the university and be concerned with how they will plan for their future. It seems that the best we adults can do is present a promise to work with the youth to find the appropriate solution as the national and international health field stabilizes. The Town Council and the Staff under Manager Jackson's leadership has taken many precautions to prevent actions that would result in a spread of the virus. During this season, we all need to remember the first Christmas was a gift from God and we should celebrate the anniversary of that gift of Jesus as we pray for relief from this cruel virus.

**PUBLIC COMMENT**

No public comments were made.

**ADJOURNMENT/RECESS**

There being no further business, Councilman Sheffield moved to adjourn. The meeting adjourned at 8:23 p.m.



Kristie 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, Subdivisions, Sections 15.01.082 Preliminary Plat and 15.01.095 Generally be amended as follows:

### **§ 15.01.082 Preliminary Plat**

(15) All required sidewalks and any proposed riding trails, natural buffers, bicycle, or other rights-of-way, utility or other easements, their location, width, and purposes.

(a) Sidewalk standard shall be as follows:

1. Sidewalks shall be a minimum of five (5) feet in width along principal streets and five (5) feet in width along other streets to meet ADA requirements. All sidewalks shall be constructed to a minimum thickness of four (4) inches except at driveway crossings, where they shall have a minimum thickness of six (6) inches.
2. Sidewalks shall be constructed on both sides of principal streets and both sides of extensions thereof.
3. Crosswalks (including the necessary improvements) may be required at or near the center of any block which is more than five hundred (500) feet long.
4. A minimum six (6) foot greenstrip (which includes drainage swale) shall be required to be placed inward between the edge of the street and the sidewalk.

### **§ 15.01.095 GENERALLY.**

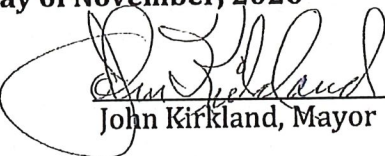
Each subdivision shall contain the following improvements, depending on the proposed lot sizes as expressed in the following chart:

<i>IMPROVEMENTS REQUIRED</i>			
	<i>Lot Areas in 1,000 Square Feet</i>		<i>Multi-Family Group</i>
	<i>20</i>	<i>15</i>	
Graded Streets and Lots	x	x	x
Drainage	x	x	x
Central Water and Hydrants	x	x	x

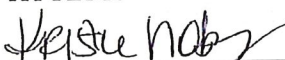
<b>IMPROVEMENTS REQUIRED</b>			
	<b>Lot Areas in 1,000 Square Feet</b>		<b>Multi-Family Group</b>
	<b>20</b>	<b>15</b>	
Public Sewer	x	x	x
Paved Streets	x	x	x
Sidewalks	x	x	x
Max. Street Grade	8%	8%	5%
Street Lights*	x	x	x
Trees	x	x	x
Underground Wiring (Electric, telephone and cable TV installation)	x	x	x
Recreation Area	x	x	x
<p>* At the appropriate time during the subdivision development, the town will arrange street light installation by the utility company currently serving the town in accordance with their, and state (NCDOT "standard specifications for roads and structures", section 1400 – Lighting) standards. The developer will pay to the town the prevailing underground installation charge per pole as invoiced by the utility company currently serving the town. If there are existing lights, new lights should match them as close as possible. New lights should all be the same on single poles. Whether additional or new street lights, they should be placed as close to 350 feet apart as possible without interfering with right-of-ways to private property or emergency equipment. If the 350 feet distance places the street light within 20 feet of an intersection, the light should be placed at the intersection. In all cases, the type of street light will be subject to town approval.</p>			

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

**Adopted this the 19th day of November, 2020**

  
John Kirkland, Mayor

ATTEST:

  
Kristie 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, Zoning, Sections 15.02.020 Definitions and 15.02.069 Stormwater Drainage be amended by deleting the following:

### **§ 15.02.020 DEFINITIONS.**

**NUISANCE WATER.** Storm water that remains on the surface in a standing, non-flowing, obstructed or impounded condition within a drainage feature such as a swale, ditch or pipe for a period of no more than four (4) consecutive days immediately after a precipitation event has ended.

**PROBLEM WATER.** Any water that remains on the surface in a standing, non-flowing, obstructed or impounded condition within a drainage feature such as a swale, ditch or pipe for a period of more than four (4) consecutive days.

### **15.02.069 STORMWATER DRAINAGE**

#### **(A) Tiling and other changes in right of way ditches.**

(1) Where grassy swales currently exist as a drainage feature, the town, through enforcement of its ordinance, will seek to protect those swales from any development or alteration. Normally, continuously piped storm drains will not be permitted. The tiling or other alteration of right-of-way drainage ditches shall be permitted only with the express approval of the Zoning Administrator and only after adequate verification that the tiling or other alteration will not impede or accelerate unreasonably the flow of stormwater runoff to adjoining property. If approval for the tiling is granted, the person requesting the approval shall install, in conjunction with the tiling, the catch basins as may be required by the Zoning Administrator after taking into consideration the length of the right-of-way drainage ditch to be tiled.

(2) During and after any drainage projects, drainage ditch integrity shall be maintained against erosion and/or drainage changes at all stages of construction with marl rip-rap, mulching, sodding, silt fence or other materials as may be required by the Town.

(3) Prior to issuing approval for a project, the Zoning Administrator may require the applicant to submit the proposed specifications and drawing defining the stormwater drainage plans, including the percentage of impervious surfaces, for the project and for any changes to existing drainage features outside the new area necessary to accommodate the plan.

(4) Changes to established drainage features such as size or elevation of driveway culverts, of swales and of ditches on town property or easements shall not be made without the written



approval of the Zoning Administrator indicating that the change will not significantly impact stormwater drainage in the area.

(5) Grade changes on private property shall be considered drainage feature changes, and shall require written approval of the Zoning Administrator. Grading on private property shall not accelerate, or increase nor divert the flow of stormwater onto adjacent private property.

(6) For those drainage ditches and drainage pipes installed in the town's right-of-way by the property owner, either current or prior, or by the developer, it is the current property owner's responsibility to maintain those drainage ditches and pipes. The drainage ditches, and pipes, must be kept clear of obstructions or conditions which might retard the free flow of stormwater past their property and under their driveways.

(7) No surface water shall be channeled or directed into a sanitary sewer.

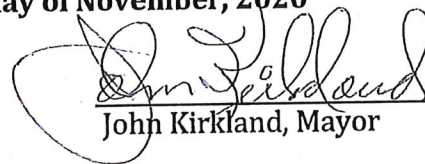
(8) Nuisance water shall not be a violation of this chapter or subject to enforcement procedures under the provisions of this chapter. Waterways within the jurisdiction of the Corp of Engineers and/or the North Carolina Department of Environmental Quality shall not be classified as nuisance water. Additionally, stormwater retention and/or detention ponds shall not be classified as nuisance water.

(9) Any project, due to complexity or scale, may be subject to the provisions of § 15.01.082 (7) of the Town's Code, when deemed necessary by the Zoning Administrator.

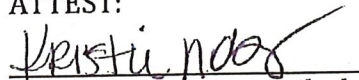
(10) Problem water will not be allowed to exist within any drainage feature such as a swale, ditch or pipe located within the town's property, right-of-way or easement. Nuisance water and waterways shall not be classified as problem water.

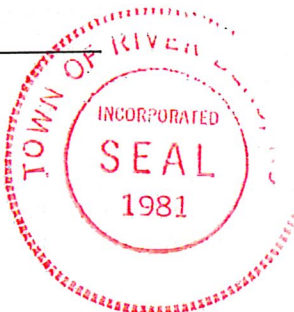
This Ordinance shall be in full force and effect upon its adoption

**Adopted this the 19th day of November, 2020**

  
John Kirkland, Mayor

ATTEST:

  
Kristie 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 IX, General Regulations, Section 9.03.010 be amended by creating the following:

### **9.03.010 STORMWATER DRAINAGE**

The receiving stream for the town's stormwater runoff is the Trent River. Most of the town's stormwater drainage flows through grassy swales in route to either the town's canal system or directly into the Trent River. Grassy swales allow nitrogen, phosphates and other constituents an opportunity to be naturally removed from the stormwater before it enters the Trent River or the canal. A traditional piped system does not allow for this natural treatment to occur before the stormwater enters the river. The Town of River Bend, through enforcement of our Stormwater Drainage Ordinance, seeks to maintain and improve this natural treatment process in order to help protect our natural resources.

(A) Tiling and other changes in right of way ditches.

(1) Where grassy swales currently exist as a drainage feature, the town, through enforcement of its ordinance, will seek to protect those swales from any development or alteration. Normally, continuously piped storm drains will not be permitted. The tiling or other alteration of right-of-way drainage ditches shall be permitted only with the express approval of the Zoning Administrator and only after adequate verification that the tiling or other alteration will not impede or accelerate unreasonably the flow of stormwater runoff to adjoining property. If approval for the tiling is granted, the person requesting the approval shall install, in conjunction with the tiling, the catch basins as may be required by the Zoning Administrator after taking into consideration the length of the right-of-way drainage ditch to be tiled.

(2) During and after any drainage projects, drainage ditch integrity shall be maintained against erosion and/or drainage changes at all stages of construction with marl rip-rap, mulching, sodding, silt fence or other materials as may be required by the Town.

(3) Prior to issuing approval for a project, the Zoning Administrator may require the applicant to submit the proposed specifications and drawing defining the stormwater drainage plans, including the percentage of impervious surfaces, for the project and for any changes to existing drainage features outside the new area necessary to accommodate the plan.

(4) Changes to established drainage features such as size or elevation of driveway culverts, of swales and of ditches on town property or easements shall not be made without the written approval of the Zoning Administrator indicating that the change will not significantly impact stormwater drainage in the area.

(5) Grade changes on private property shall be considered drainage feature changes, and shall require written approval of the Zoning Administrator. Grading on private property shall not accelerate, or increase nor divert the flow of stormwater onto adjacent private property.

(6) For drainage pipes and/or driveway culverts installed in the town's right-of-way by a private property owner, either current or prior, or by the developer, it is the current private property owner's responsibility to maintain those against any material defects, damage or pipe failure that may restrict, block, impede or otherwise obstruct the flow of water through said pipes. For the purpose of this section, the private property owner who is responsible for material defects, damages or failures of pipes, as described above, is the person/entity whose private property is accessed or serviced by pipes or culverts that have been placed in the town's right-of-way.

(7) No surface water shall be channeled or directed into a sanitary sewer.

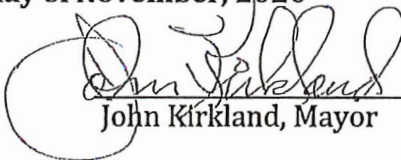
(8) Any project, due to complexity or scale, may be subject to the provisions of § 15.01.082 (7) of the Town's Code, when deemed necessary by the Zoning Administrator.

(9) Once a private property owner has been notified by the Zoning Administrator that a violation of 15.02.069 (6) exists in any piping serving their property, they shall have 15 days from the date of notification to remedy the violation. If they fail to do so, the Town shall cause the violation to be remedied and shall assess any costs for remediation to the property owner. In the event of an emergency, the Town may remove any obstruction within its right-of-way without notification of the owner and without responsibility for repair or replacement of the removal.

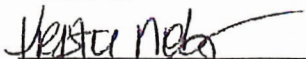
Penalty, see § 1.01.999

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

**Adopted this the 19th day of November, 2020**

  
John Kirkland, Mayor

ATTEST:

  
Kristie Nobles, Town Clerk

