



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870
F 252.638.2580

www.riverbendnc.org

RIVER BEND TOWN COUNCIL AGENDA

Work Session Meeting

August 11, 2022

River Bend Town Hall

5:00 p.m.

1. **VOTE** – Approval of Agenda
2. Presentation—The Case Against Rezoning—Sheffield
3. Discussion—Development Agreement Options—Leonard
4. **VOTE**—Rezoning of 403 Old Pollocksville Road—Sheffield
5. **VOTE**—Appointment of ECC Representative—Jackson
6. Discussion—Advisory Board Ordinance Amendment—Fogle
7. Discussion—CDBG Lien Subordination Request—Jackson
8. Discussion—Revised Fishing Dock Proposal—Jackson
9. REVIEW AGENDA – Barrow

Pledge: Maurer

Note—This meeting will be video recorded and available for viewing on the town's web page at a later date. We will try to have it posted the next day.

The Case Against Re-zoning for Ellis Development

Slide 1

We're being played

Slide 2

Ellis used one of the oldest sales tricks in the book – the reverse bait and switch

Slide 3

They never intended to do option one. It was meant to look scary and make their other options look better.

Slide 4

Suddenly we were talking about "how do we limit them to 305 homes instead of the real issue:

Slide 5

Slide 6

Slide 7

If this is allowed the character of River Bend will change forever.

Slide 8

Slide 9 – population density

Slide 10

Slide 11 – negative effects

Slide 12 – these aren't the developers you're looking for

Slide 13

Slide 14 – what they claim

Slide 15

Slide 16 – sent to me by a new resident

Slide 17 – River Bend is special

Slide 18

Slide 19

Slide 20 – the original developers got it right

Slide 21

Slide 22

Slide 23 – what about their building partners?

Slide 24 - D.R. Horton built Craeberne Forest – Where's the forest?

Slide 25 – Water feature, no. It's storm water runoff required by the state.

Slide 26 – a River Bend water feature

Slide 27

Slide 28

Slide 29 D.R. Horton's idea of a town

Slide 30

Slide 31

Slide 32 – some of their multi family homes

Slide 33

Slide 34 who helped them do this? Does this guy look familiar?

Slide 35

Slide 36 – other partners,

Slide 37 - Burkentine Properties

Slide 38 – Caruso Homes

Slide 39

Slide 40

Slide 41

Slide 42 – Mungo Homes

Slide 43 – Here's something they're building in Franklinton

Slide 44 – an old shot of clearing for homes in River Bend in the early 70's.

Slide 45 – a recent subdivision in an r20 zone.

Slide 46 – Ellis says it can't be done. Clearly it can.

Slide 47

Slide 48 – self explanatory

Slide 49 ditto

Slide 50 ditto

Slide 51 ditto

Slide 52 A graphic often used when talking about fairness. What do I see here? I see that nobody bought a ticket. I bought my ticket to River Bend. I worked 50 years to be able to have the house I have now. During that time I lived in cramped conditions.

Slide 53 – this 2 bedroom bungalow with a yard the size of a postage stamp rented for 3500 dollars.

Slides 54-58 I moved to River Bend and my life is so much better.

Slide 59

Slide 60 – By all accounts the housing market is tumbling. Recently applications for mortgages hit a 22 year low.

Slide 61 There are many many homes planned in this area, including by Ellis. What if our 305 are built and they don't sell?

Slide 62

Slide 63 - Ellis are investors. They know what's up.

Slide 64 – This is not development. This is a land grab.

Slide 65

Slide 66

Slide 67 – 68 – I want everyone who lives in River Bend to actually live in River Bend, not some sardine town that happens to be in our town limit.

The Case Against Re-zoning for Ellis Development Group



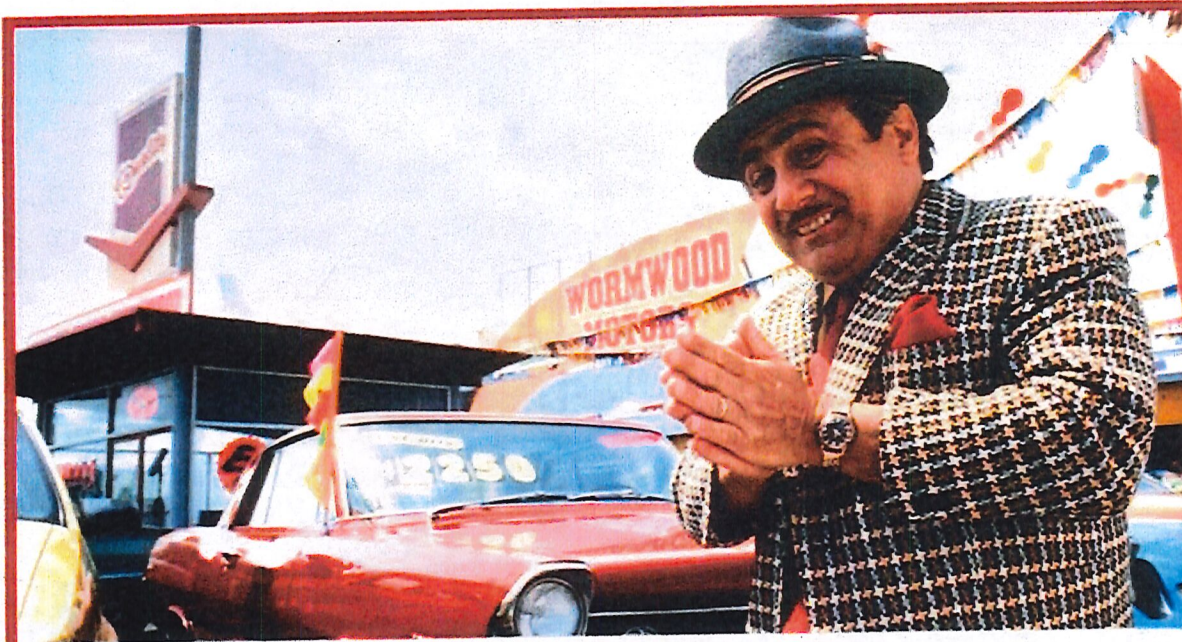
COUNCILMAN BUDDY SHEFFIELD

AUGUST 11, 2022

First of all



**WE'RE
BEING
PLAYED**



**Old sales trick; the reverse
Bait and switch!**

Ellis's Proposal 1

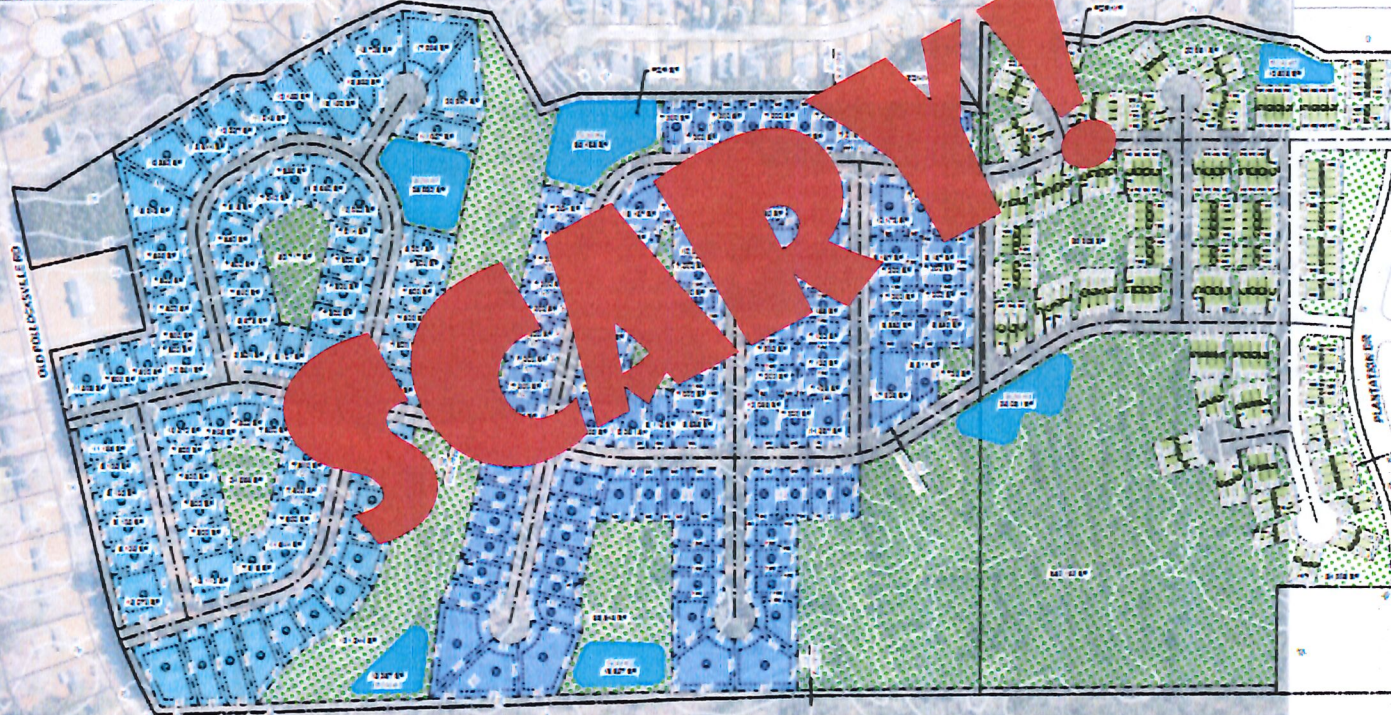
OPTION 1

SITE DATA TABLE

GENERAL	
SITE ADDRESS	403 OLD POLLOCKSVILLE RD
COUNTY	CRAGEN
TOTAL ACREAGE	100.32 AC
PM	5-200-000
CURRENT ZONING	R-200A
REQUESTED ZONING	PDW-SF & PDW-RF
LOT TYPES	
SINGLE FAMILY LOT SIZE (MIN)	1,000 SF
100 X 125	
SINGLE FAMILY LOT SIZE (MAX)	1,000 SF
100 X 125	
TOWN HOME LOT SIZE (MIN)	2,000 SF
100 X 125	
TOTAL NUMBER OF LOT	250
OTHERS	
CLUSTER REQUIREMENTS	50 FT
OPEN SPACE AREA REQUIRED	20.28 AC

LEGEND:

[Green hatched box]	OPEN SPACE
[Blue box]	SINGLE FAMILY LOT (100' X 125')
[Blue box]	SINGLE FAMILY LOT (100' X 125')
[Green box]	TOWN HOME LOT (100' X 125')
[Blue box]	WATER



GRAPHIC SCALE



STRONGROCK
STRONGROCK ENGINEERING & ARCHITECTURE, PLLC
403 OLD POLLOCKSVILLE RD, SUITE 100, CRAGEN, TN 37024
615-390-0000

DATE	10/1/2010
BY	J. ELLIS
CHECKED BY	J. ELLIS
DATE	10/1/2010
BY	J. ELLIS
CHECKED BY	J. ELLIS
DATE	10/1/2010
BY	J. ELLIS

ELLIS - RIVER BEND
OLD POLLOCKSVILLE
TOWNHOMES & CLUSTER RESIDENTIAL
PRELIMINARY PLAN



01 OF 01

Ellis's Proposals



Slightly less scary

What we SHOULD be talking
about



**305 HOMES IS A
RIDICULOUS NUMBER TO
CRAM INTO THAT SPACE**

Ellis's proposed lots are puny

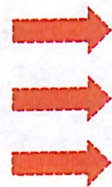
There's a misconception that the single-family lots are $\frac{1}{4}$ acre (10,000 sq. ft.).

That is incorrect. The largest single-family lots are only 7800 sq. ft.


That is well under $\frac{1}{4}$ acre. It is .179 acre.

Some are only .165 acre.

And the townhome lots are only 2000 sq. ft., .04 acre.



SITE DATA TABLE	
GENERAL:	
SITE ADDRESS	403 OLD POLLOCKSVILLE RD
COUNTY	CRAVEN
TOTAL ACREAGE	103.32 AC
PIN	8-200-029
CURRENT ZONING	R-20A
REQUESTED ZONING	PDR-SF & PDR-MF
LOT TYPES:	
SINGLE FAMILY LOT SIZE (MIN) (65' X 120')	7,800 SF
SINGLE FAMILY LOT SIZE (MIN) (60' X 120')	7,200 SF
TOWN HOME LOT SIZE (MIN) (20' X 100')	2,000 SF
TOTAL NUMBER OF LOT	358
OTHERS:	
BUFFER REQUIREMENTS	50 FT
OPEN SPACE AREA REQUIRED	29.26 AC



If we let
them
pack 305
dwellings
into
here...

-101 Acres

-305 dwellings

-600-800 more people

...the character of River
Bend will be changed
forever

Google

River Bend

Let's do the math



The developed part of River Bend is 1500 acres.

Our population is slightly over 3000 people.

River Bend's current density is **2 people per acre.**

The average household in Craven Co. is 2.5 people.

The proposed new zoning & development would create 305 new dwellings on 100 acres.

This puts +/- 762 people on 100 acres of land.

The proposed subdivision's density is **7.6 people per acre.**

That is **3.81 times** the population density of River Bend today.

Here's another way to say it:



They want to put **one-quarter**
of the people
in
one-fifteenth ($1/15$) of the
space.

Just think

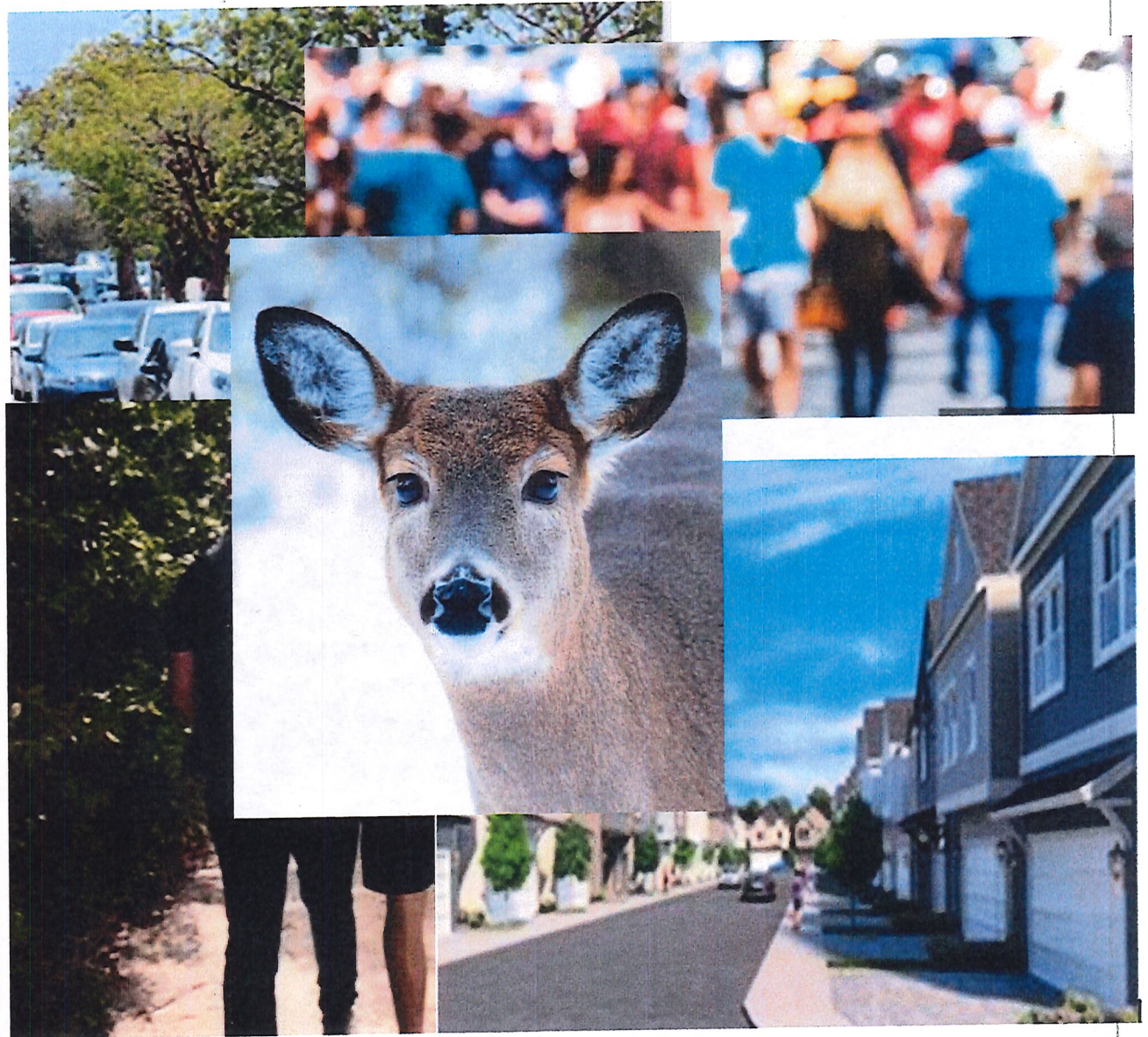
the traffic

The congestion

the crime




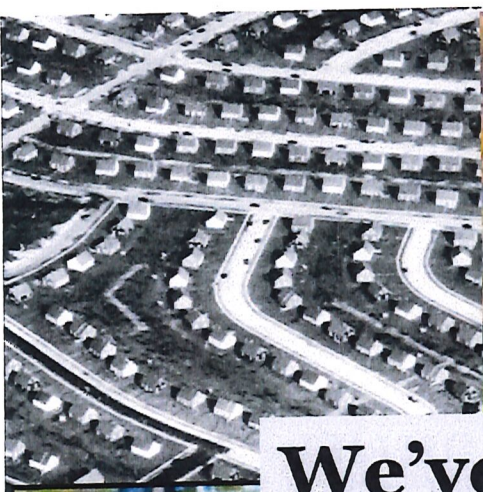
The irreversible change
in character

the displacement of
wildlife






These
aren't the
developers
you are
looking for.





We've all seen crowded subdivisions. Some of us left them to come here. Why would we want one in our town??



Ellis talks about “modern building theory”



**ELLIS SAYS COMMUNITIES LIKE RIVER BEND
ARE A THING OF THE PAST**

**JAMMING PEOPLE TOGETHER IS A GOOD
THING. IT'S EFFICIENT!**

AND IT ALLOWS FOR “WALKABILITY.”



We already have walkability

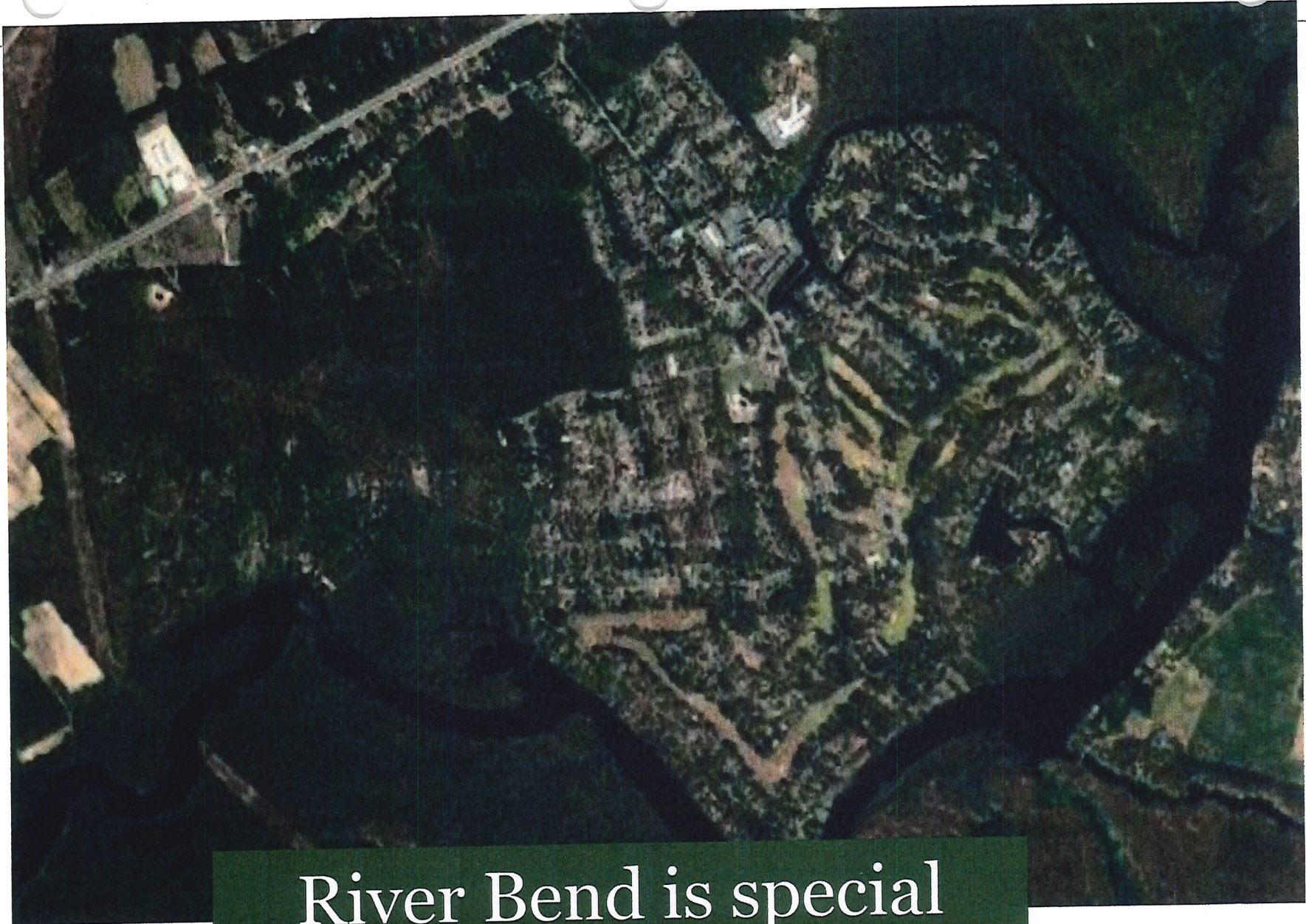
A new resident of RB sent me these pictures.
She is against re-zoning



What she left

What she has now





River Bend is special

Why?



**Our homes in River Bend have
incredible variety and character.**

**Countless architects, builders
and homeowners over the years
have given us a unique,
settled feeling.**

**If you ask most River Benders what they
see out their window**



THEY'LL PROBABLY TELL YOU:

- ❖ **THE RIVER**
- ❖ **THE CANAL**
- ❖ **THE GOLF COURSE**
- ❖ **THE LAKE**
- ❖ **NATURAL WOODS**
- OR**
- ❖ **MY OWN BIG YARD WITH
WHATEVER I PUT THERE**

It's not by happenstance



- Our original developers wanted each home and neighborhood to have a unique character
- Small Subdivisions have been added slowly and thoughtfully, as neighborhoods.
- Not as big, profit-driven sardine towns

Ellis talks a good game.
Their website tells us about
their “proven track record”



Let's see...

Here is the list of existing homes
developed by Ellis Development
Group of Raleigh:

-0-

But they did name building partners

Our Partners

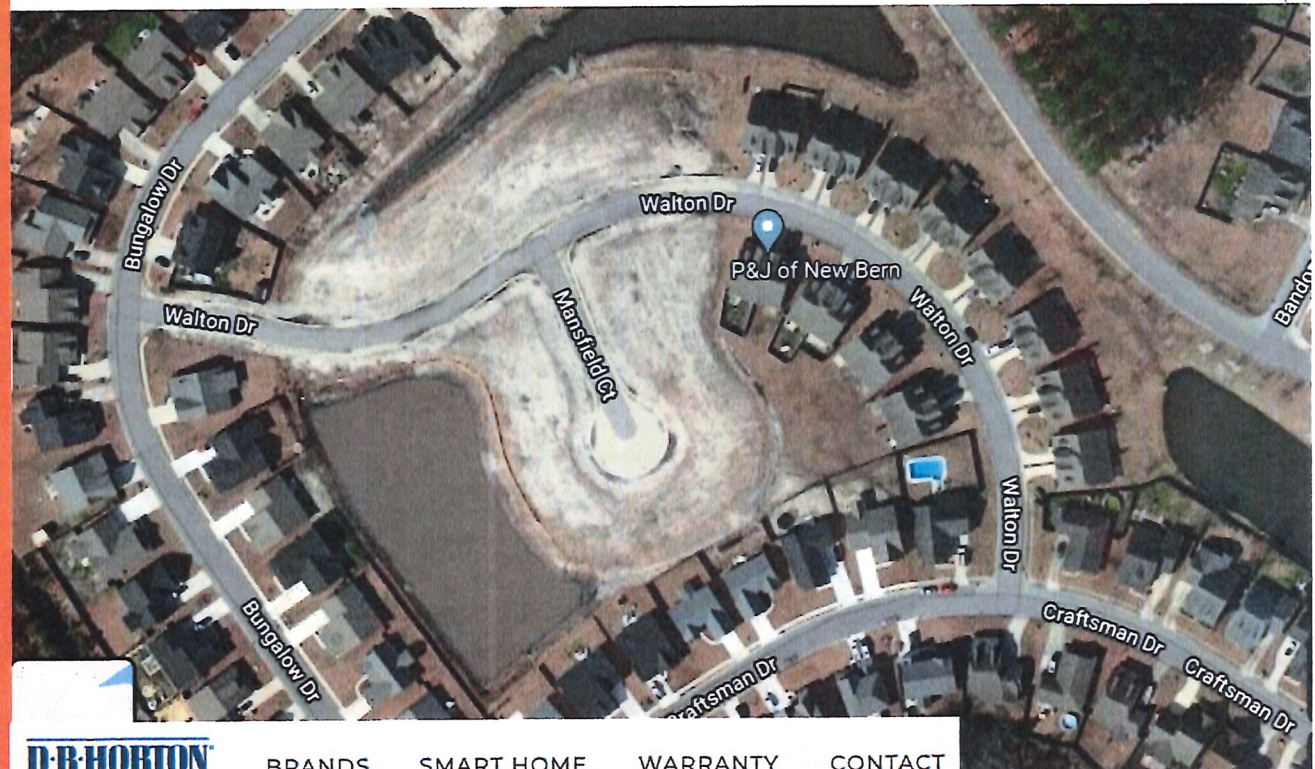
- Local Builder Groups
- Burkentine (Regional)
- Mungo Homes (Regional)
- Caruso Homes (Regional)
- National - D.R Horton, NVR



D.R. HORTON
HOMES

Creaberne Forest

(Rte 17, about a
mile from RB)



D-R-HORTON
America's Builder

BRANDS

SMART HOME

WARRANTY

CONTACT

HOME > NORTH-CAROLINA > RALEIGH-DURHAM > NEW-BERN > CRAEBERNE FOREST

Craeberne Forest EXPRESS

Walton Drive, New Bern, NC 28562

Creaberne Forest

by D.R. Horton
Homes

(Rte 17, about a
mile from RB)

D.R. HORTON
HOMES



Is this a water feature?

**Lakemere,
River Bend**



THIS is a water feature

**Lakemere,
River Bend**

Ellis told us that “Infrastructure costs have never been higher in American history.”

So with those huge costs, what kind of “water feature” do you think they will give us -- THIS:



Creaberne Forest by
DR Horton Homes

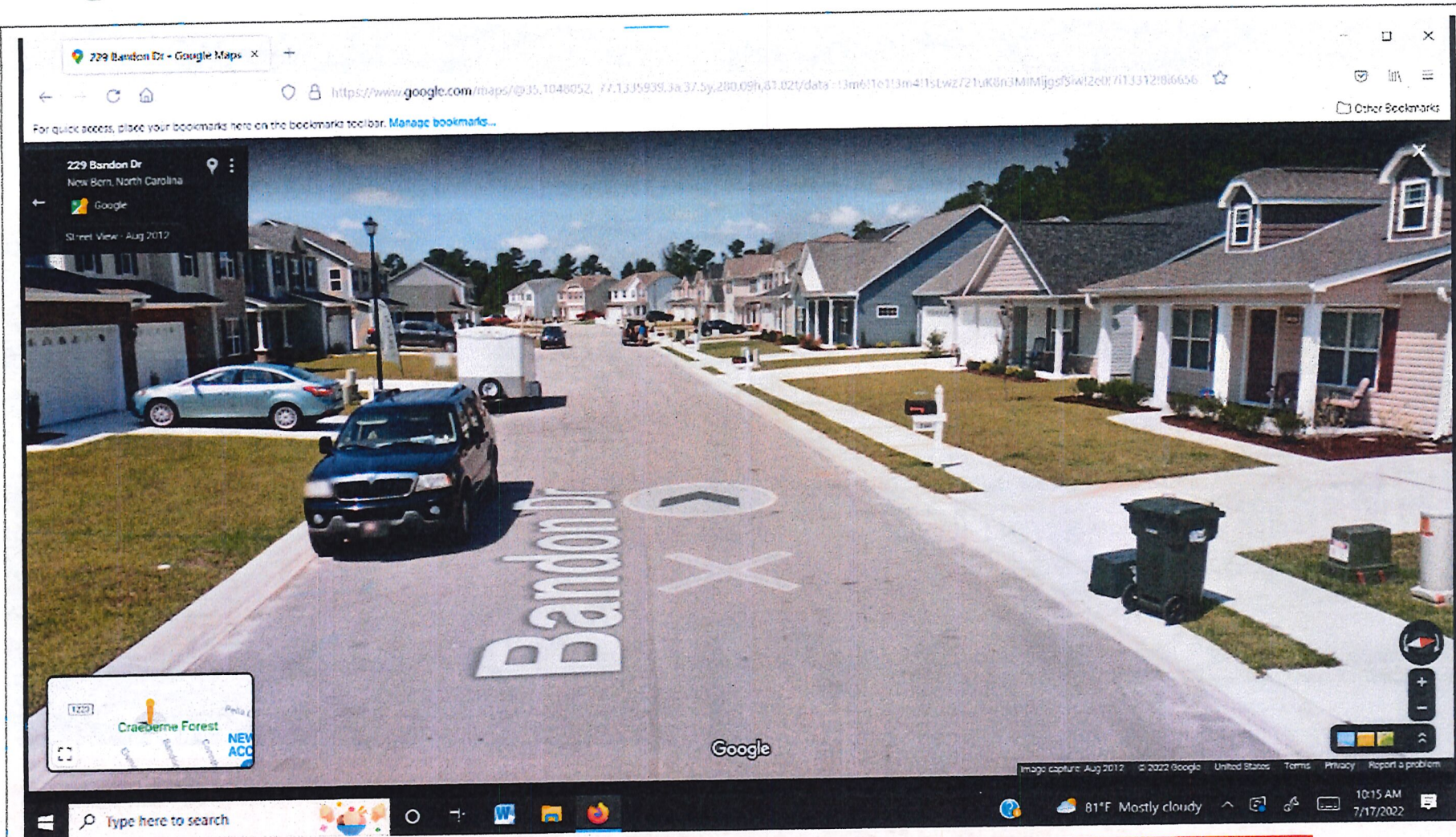
(Rte 17, about a mile
from RB)

D.R. HORTON HOMES

this is one of the
potential builders Ellis
presented to us

Or this?



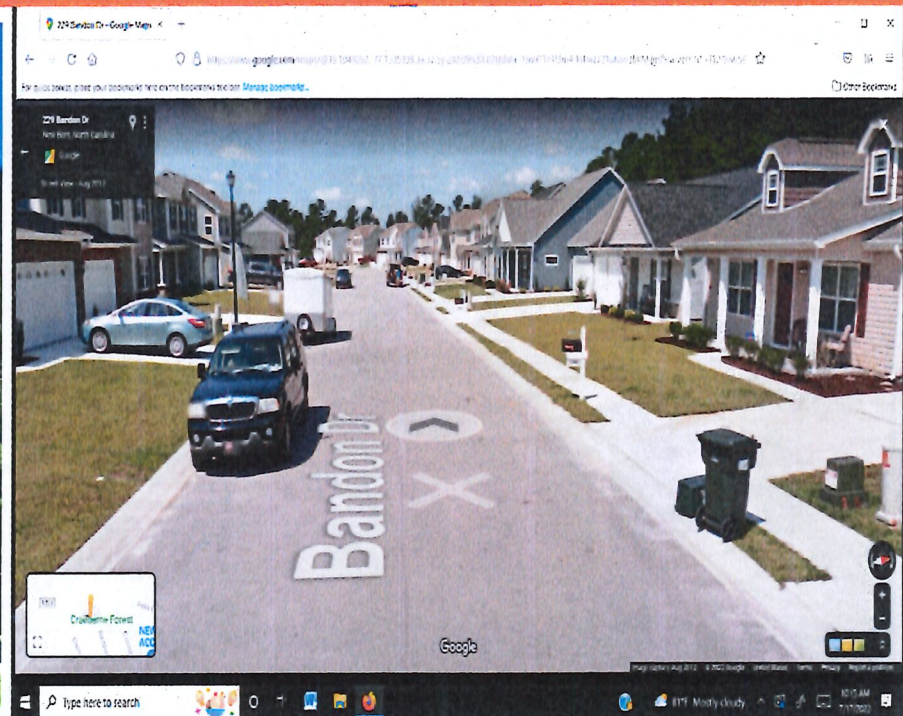


Creaberne Forest (Rte 17, across the way)

D.R. HORTON HOMES

River Bend

Not River Bend



**Creaberne Forest by
DR Horton Homes**

**(Rte 17, about a mile
from RB)**

**D.R. HORTON
HOMES**



**These people are cramped and
crowded in every direction.**



Creaberne Forest (off Rte 17)
D.R. HORTON HOMES

River Bend (Quarterdecks)



Not River Bend



You all remember Zach from Ellis.



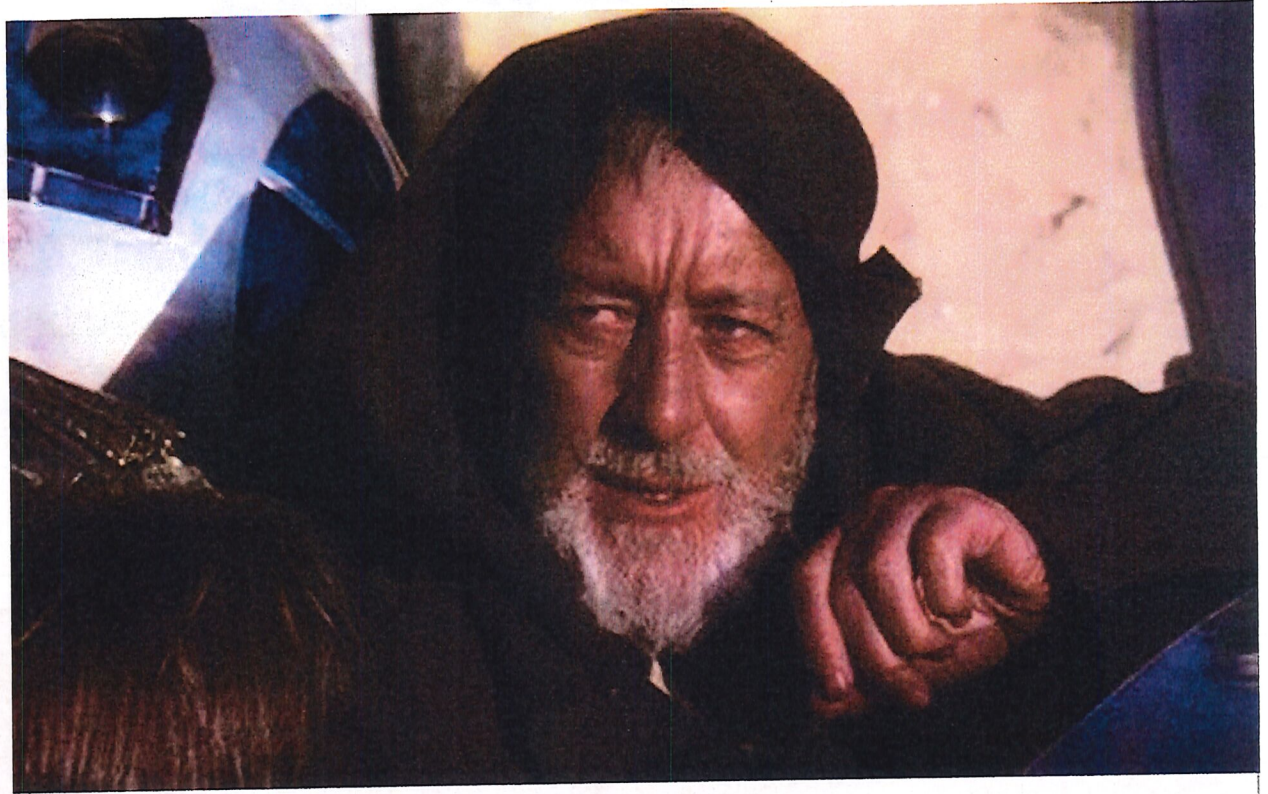
University for Civil Engineering.

He started his professional career as a Design Engineer working on commercial, residential and industrial projects, which proved a great foundation in understanding the process of land development. A desire to get out from behind the desk took him to a position as a Land Development Project Manager, and later Land Acquisition manager, for D.R. Horton where he grew the company's footprint, opening several new markets in North Carolina.

Experiences at Ellis Developments Group, a leading real estate development company delivering vibrant residential and mixed-use communities in the Carolinas and southeast United States. Zach's extensive market knowledge and diverse industry experience help drive the community first, partnership approach for which Ellis Developments Group is known. With a proven track-record of success in rezoning, planning and developing projects from 10 lots to 1000 lots throughout North Carolina and the southeastern United States, he is always ready for the next challenge.

Zach has called North Carolina Home for more than 20 years. A lifelong passion for aviation gave him a unique aerial perspective on urban design and land planning from a young age. After earning his gas money in residential construction as a youth, Zach attended North Carolina State

These aren't
the
developers
you are
looking for.



Our Partners

- Local Builder Groups
- Burkentine (Regional)
- Mungo Homes (Regional)
- Caruso Homes (Regional)
- National - D.R. Horton, NVR



Burkentine Properties



717-323-5495

Pay Rent



Contact Us



Caruso Homes



FIND YOUR NEW HOME 🔍 | ✉️ CONTACT 🏠 WARRANTY ❤️ FAVORITES

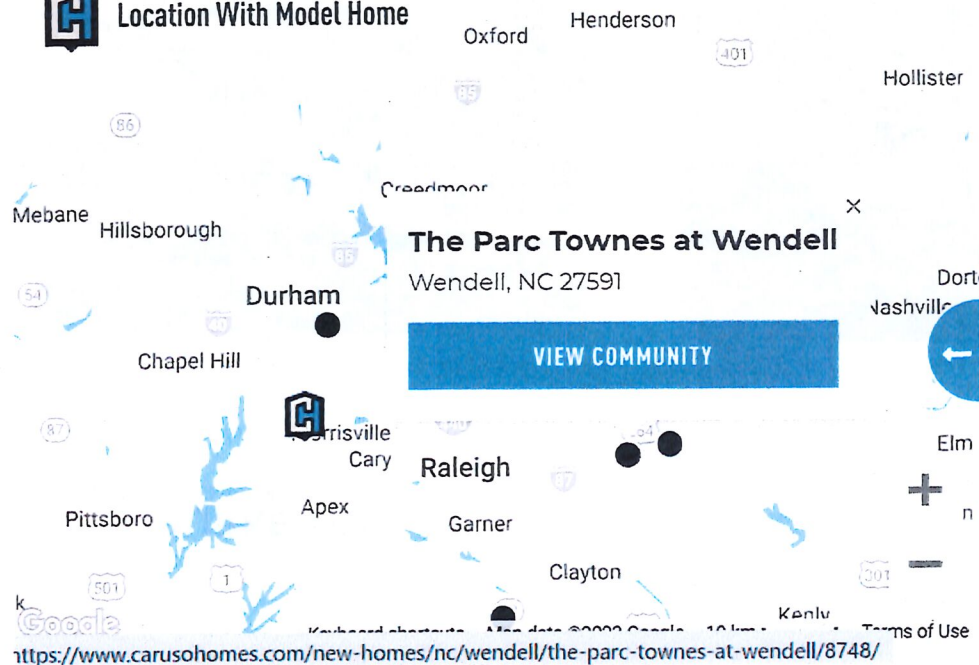
FIND A HOME ▾ BUILD ON YOUR LOT ▾ FLOOR PLANS ▾ CARUSO EXPERIENCE ▾



ASK SARAH AND CATHARIN
OUR NEW HOME CONSULTANT
(919) 213-7778



Location With Model Home



The Parc Townes at Wendell



Wake County
Wendell, NC 27591



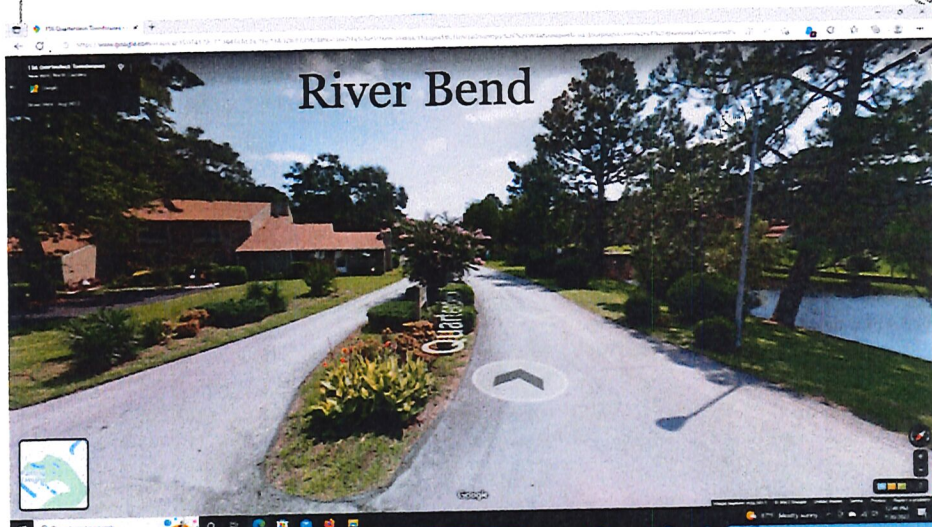
River Bend's multi-family homes are lovely and harmonious with the surroundings.
Quarterdecks, River Bend.



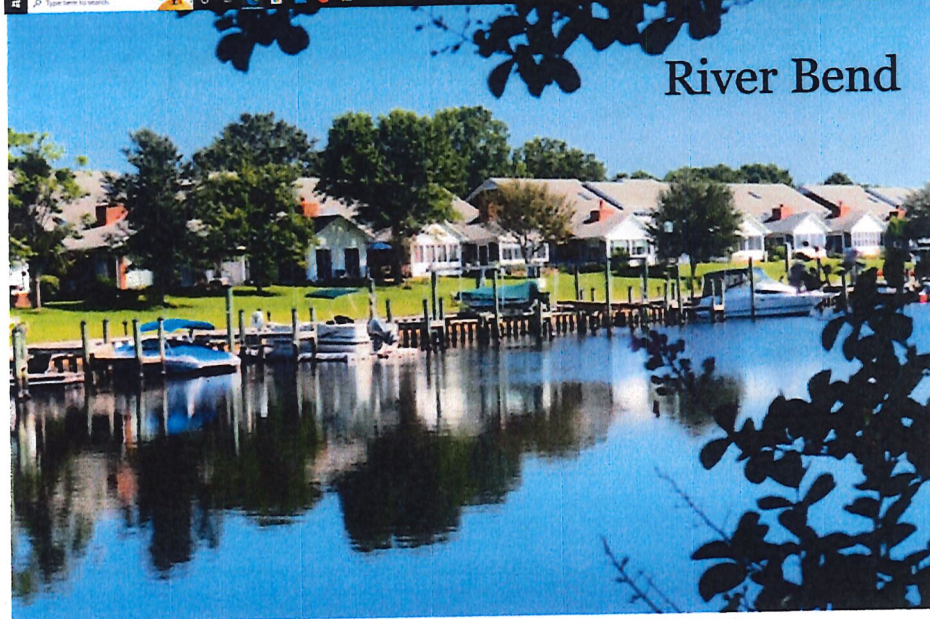
Pierpoint, River Bend

Our idea of Multi-family

Theirs



River Bend



River Bend



Caruso



Burkentine



About Mungo Homes

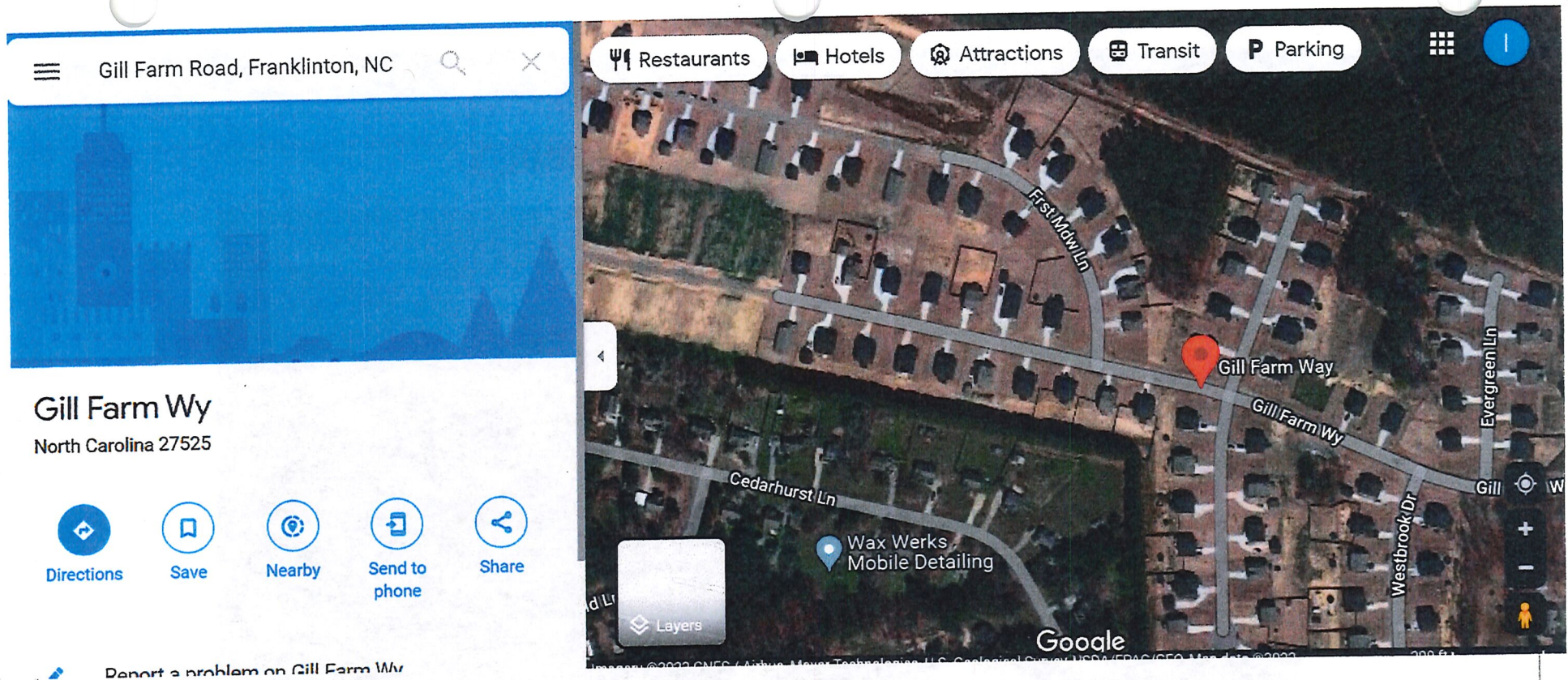
Named America's Best Builder!

Mungo has been named America's Best Builder for our outstanding achievements in new home construction. The Mungo family has been building affordable new homes since 1954, with communities in North Carolina, South Carolina and Georgia. One of the nation's largest family-owned homebuilders, Mungo offers quality, value and stability unparalleled by any other new home builder.

The Smart Choice for New Homes Since 1954

Founded on the principles of quality, integrity and value, the Mungo family has been building new homes and communities since 1954. With that philosophy, we provide quality new homes at affordable prices and, headquartered in Columbia, South Carolina, are one of the nation's largest family-owned homebuilders.

MUNGO HOMES



MUNGO HOMES

Gill Farm Way Franklinton, NC

If you like trees, you're out of luck.

ALSO NOTE: the smallest lots shown above (.34 acre) are roughly twice as big as the biggest single-family lots proposed for River Bend (.179 acre).



Clearing lots on Trent River



This is Virginia Court in River Bend.

Brand new nice homes on .5 (half) acre lots.



Ellis tells us this can't be done in today's market! It's too expensive! Houses need to be packed like sardines to be cost effective.

What Ellis means is, houses need to be packed like sardines for Ellis to make a financial bonanza.

Virginia Court, River Bend

Aerial view

Eight homes on .5
(half) acre lots,
brand new.

So obviously it can
be done today.



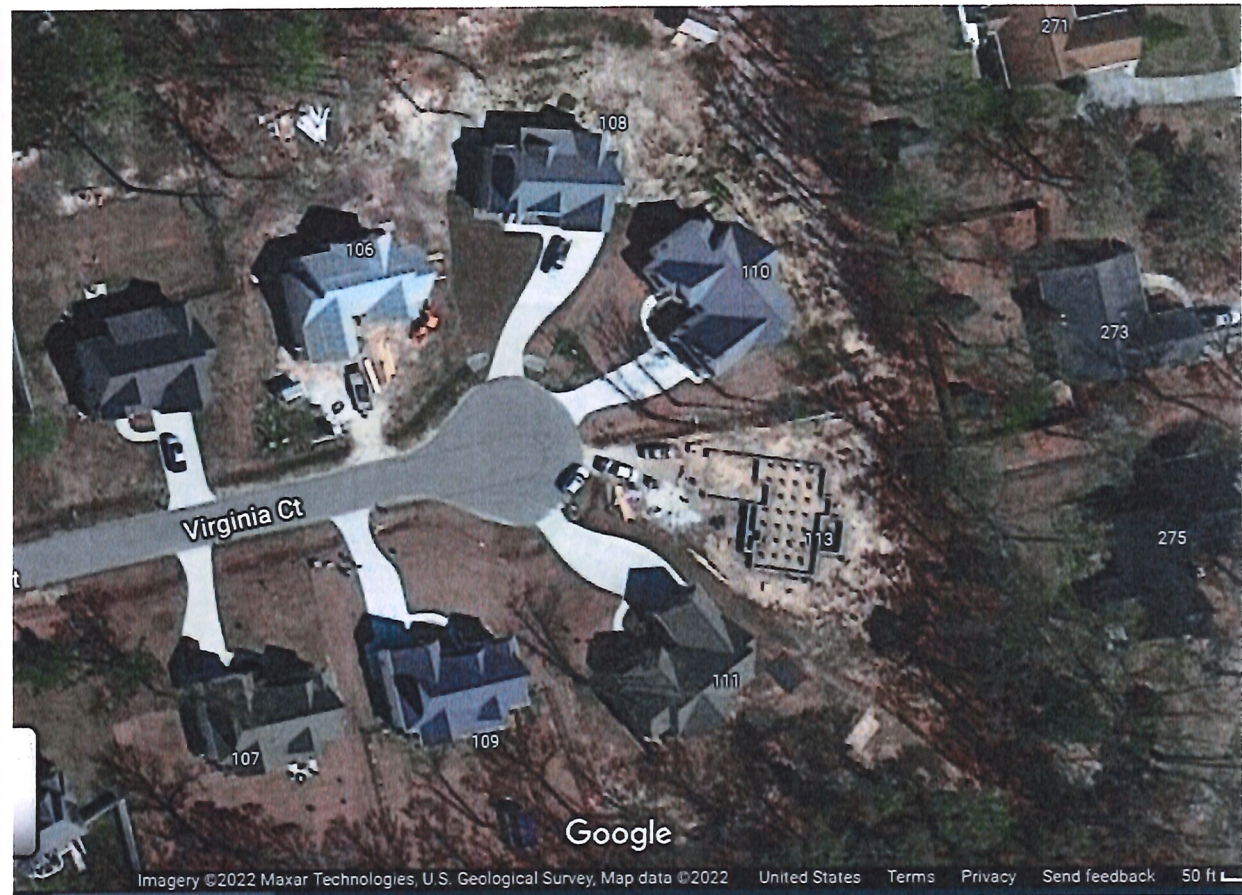
**This is the zoning we currently have
on the 101 acres under
consideration. It works.**

Virginia Court, River Bend

Aerial view

Eight homes on .5
(half) acre lots,
just recently built.

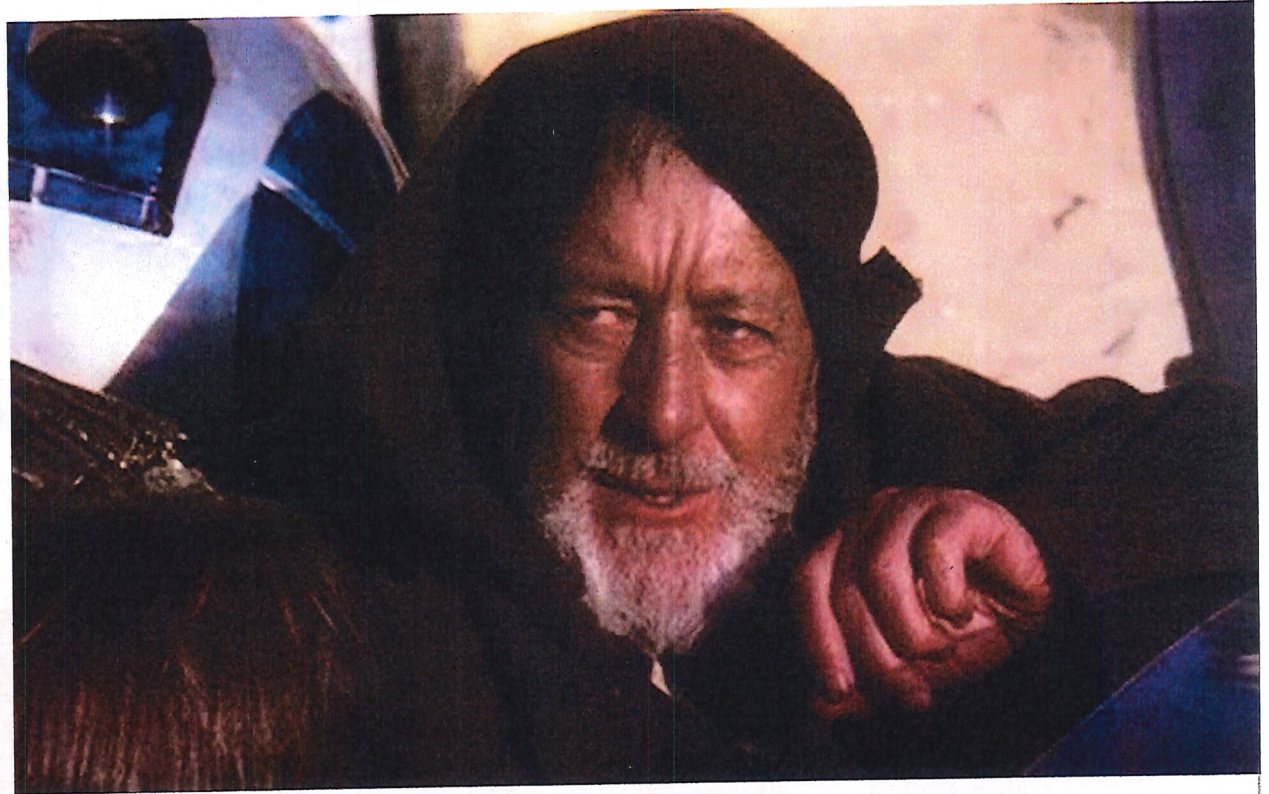
So obviously it *can*
be done today.



Under Ellis's plan this cul de sac area
would contain 21 homes.

They would be surrounded by several
hundred like them plus multi-family
dwellings.

These
aren't the
developers
you are
looking for.



What about a housing shortage?



People move all the time, it's called the Real Estate ladder. When someone moves it opens up another home for someone else.

There is buildable land all over eastern NC.

Ellis wants us to change our town – because they want to use our infrastructure, our charm and our reputation for their profit.

But what about fairness? Shouldn't we
have more
multi-family homes?

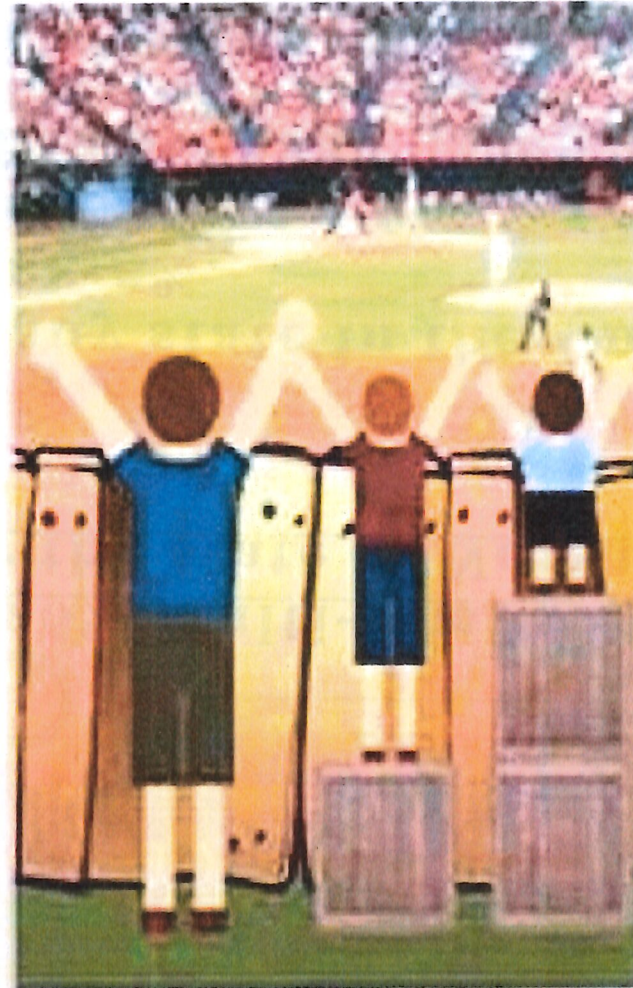
River bend is currently 26% multi-family
homes. The average for the state of North
Carolina is 7.5%.

The highest average for any state in the United
States is NY State, with 23.5%.

So River Bend has a higher average of multi-
family homes than the state of New York.

We are plenty fair. We are a wonderful
community. We don't owe anybody anything.

Fairness



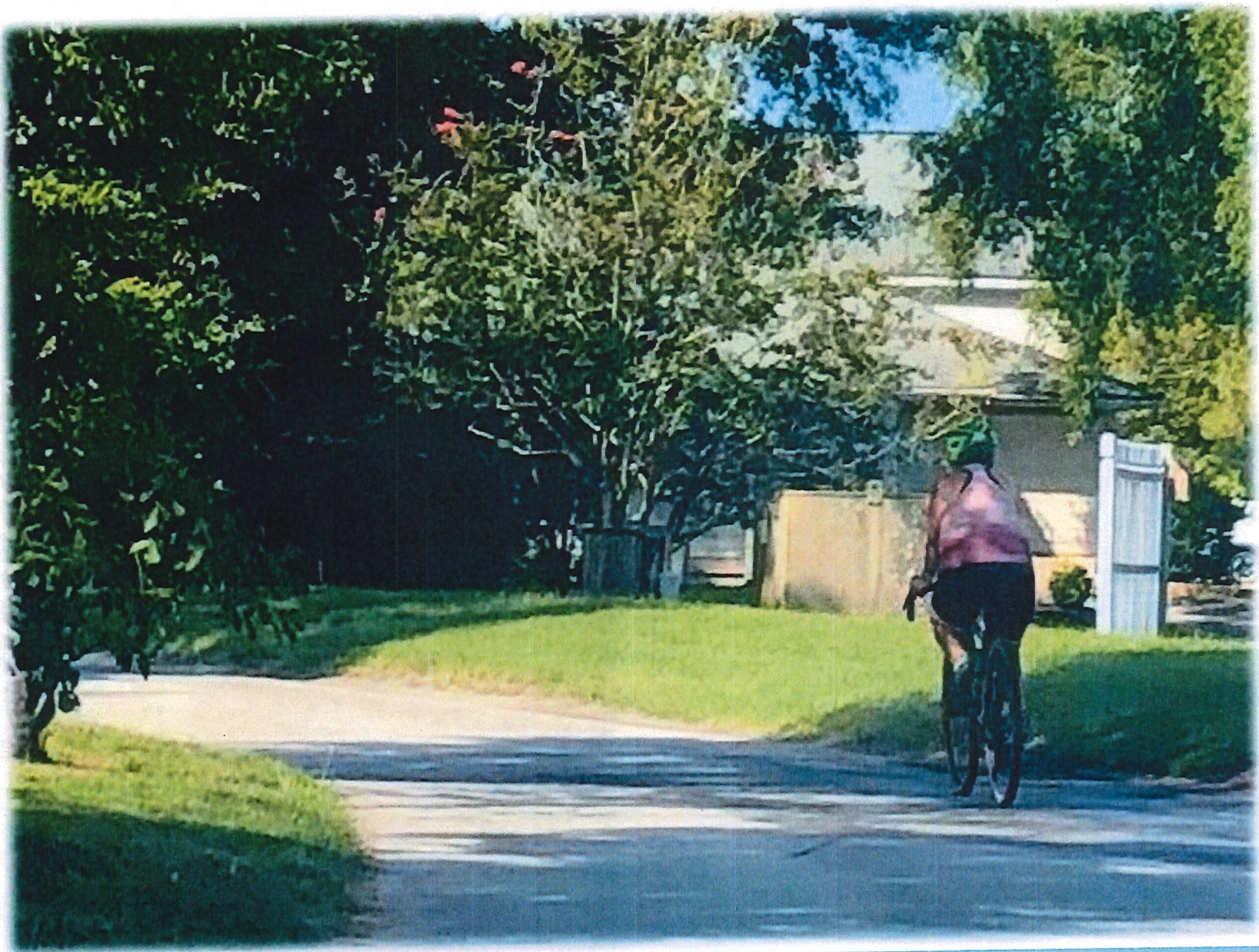


A recent photo of a house I once had in L.A.











Back to business...

**WHAT IF THEY GAVE AN
OVERCROWDED BLOCK PARTY
AND NOBODY CAME?**

Forbes

BREAKING • INVESTING

Housing Market Collapse 'Deepening, Fast': New Home Sales Crater Again As Experts Worry Downturn Could Spark Recession

Jonathan Ponciano Forbes Staff

Follow

Jul 26, 2022, 11:17am EDT

TUE, JUL 26 2022 • 8:47 AM EDT

What about locally?



- This article states a total of 1,000 new homes are planned between New Bern and Havelock
- Ellis to develop 800 in Jacksonville (allegedly)
- What if we build 305 and can't sell them?

**They sit empty or
become rentals.**

Ellis doesn't develop communities,
but they are shrewd

THEY SEE A RECESSION AHEAD

**WHAT'S THE SAFEST INVESTMENT IN A
RECESSION? LAND.**

**THIS IS NOT ABOUT DEVELOPMENT.
THIS IS LAND GRAB.**

Example



IN ANGIER, NC, ELLIS BOUGHT LAND, GOT ALL THE PLANS APPROVED AND THEN SOLD IT TO A COMPANY CALLED NATELLI COMMUNITIES.

SO ELLIS BOUGHT THE LAND, MADE IT MORE VALUABLE, THEN SOLD IT AT A PROFIT.

HOW DID THEY MAKE THE LAND MORE VALUABLE?

BY HOODWINKING THE TOWN COUNCIL INTO REZONING IT.

If there's really a need for new
housing here

**DEVELOPERS WILL
COME ALONG WHO ARE
WILLING TO DO IT
RIGHT.**

These
aren't the
developers
you are
looking for.



I'm not trying to keep anyone
out of River Bend

**I'M TRYING TO ENSURE
THAT EVERYONE WHO
LIVES IN RIVER BEND**

**REALLY LIVES IN RIVER
BEND**



Our town

Town of River Bend Planning Board

Minutes for Regular Meeting – 2 June 2022 – River Bend Municipal Building

Board Members present: Chairman Egon Lippert, Vice Chair Bob Kohn, Keith Boulware, Linda Cummings, Kathleen Fleming, Kelly Latimer

Board Members absent: Kelly Forrest

Others present: Councilman Buddy Sheffield, Councilwoman Barbara Maurer, Town Manager Delane Jackson, Assistant Zoning Administrator Allison McCollum, Town Attorney Dave Baxter, Matthew Hook (Ellis Developments), Zach Anderson (Ellis Developments), and approximately sixty-five members of the public

1. Call to Order

The regularly scheduled Planning Board meeting was called to Order at 6:00 PM on Thursday, 2 June 2022, in the River Bend Municipal Building meeting room with a quorum present.

2. Priority Issues / General Visitor Comments

a. Rezoning Request – 403 Old Pollocksville Road (PIN: 8-200-029)

Planning Board Chairman Egon Lippert briefly explained the procedure that the Planning Board follows for rezoning requests. Town Manager Delane Jackson summarized the rezoning request for Parcel ID: 8-200-029 to change from R-20A to PDR-SF and PDR-MF. The Town Manager answered a few general questions from the public.

Matthew Hook from Ellis Developments gave a brief presentation explaining the specifics of the request. There were a variety of questions from the public and from the Planning Board members. Matthew Hook and Zach Anderson from Ellis Developments, along with Town Manager Delane Jackson fielded questions as warranted.

After nearly one hour of discussion, Chairman Egon Lippert made a motion to recommend approval of the rezoning request. Motion was seconded by Board Member Keith Boulware. Chairman Egon Lippert and Board Members Keith Boulware, Linda Cummings, and Kathleen Fleming voted in favor of the motion. Board Member Kelly Latimer and Vice Chair Bob Kohn voted against the motion. With four votes in favor, the motion carried.

Chairman Egon Lippert called for a five minute recess of the meeting.

b. Short-Term Rentals – Ordinance Recommendation

Town Manager Delane Jackson summarized the issue and explained that while the Town's current ordinance does not permit "tourist homes," such as AirBNB, it has been

requested that the Planning Board reevaluate this ordinance and revise in light of the verdict from the NC Court of Appeals in Schroeder v. City of Wilmington. Town Attorney Dave Baxter gave a brief overview of the court's decision. Town Manager Delane Jackson, Town Attorney Dave Baxter, and Assistant Zoning Administrator Allison McCollum answered questions from the Planning Board members.

A few members of the public made comments both for and against restricting short-term rentals and asked questions of the Board and the Town Manager.

Chairman Egon Lippert made a motion to instruct the Town staff to write an ordinance update that would more clearly prohibit short-term rentals. Motion was **seconded** by Vice Chair Bob Kohn. Vice Chair Bob Kohn, and Board Members Linda Cummings, Kelly Latimer, and Kathleen Fleming voted in favor of the motion. Chairman Egon Lippert and Board Member Keith Boulware voted against the motion. With four votes in favor, the **motion carried**.

3. Approval of 3 March 2022 Regular Meeting Minutes

The Board reviewed the Minutes of the 3 March 2022 Regular Meeting. Motion was made by Board Member Keith Boulware to accept the Minutes as presented. Motion was **seconded** by Vice Chair Bob Kohn. **Motion carried unanimously.**

4. Reports

a. Zoning Report

AZA Allison McCollum presented the Board with a typed report summarizing the number of permits issued, the type of permit issued, and the total of all permit fees for the months of March, April, and May 2022. The members of the Board reviewed the report and asked questions as needed.

b. Council Report

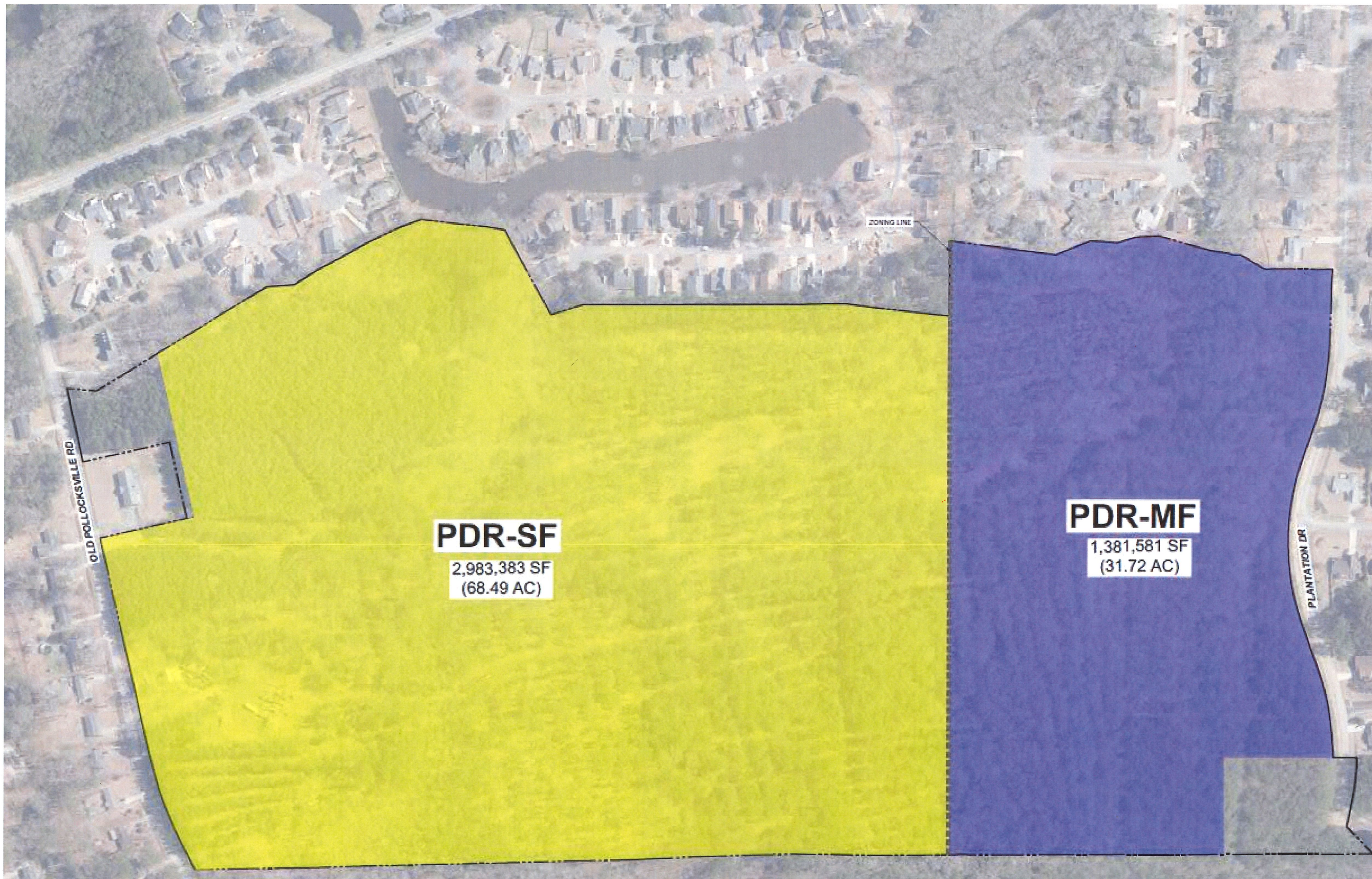
Councilman Buddy Sheffield addressed the Board and verbally reviewed the most recent actions of the Town Council. Chairman Egon Lippert, Vice Chair Bob Kohn, and Board Member Linda Cummings all have terms set to expire on June 30th, 2022. All three members agreed to be reinstated. Councilman Sheffield announced that the purchase of the property at 1405 Plantation Drive for the anticipated Public Works Building had closed. The members of the Planning Board asked questions as needed.

5. Old Business

None at this time.

6. New Business

a. Special Use Permit – 1504 Plantation Drive (PIN: 8-200-27001)



PDR-SF

2,983,383 SF
(68.49 AC)

PDR-MF

1,381,581 SF
(31.72 AC)

ZONING LINE

OLD POLLOCKSVILLE RD

PLANTATION DR



Yearly Municipal Appointment

Please use this form to appoint or reappoint a representative from your municipality to actively serve on the Eastern Carolina Council General Membership Board. You may submit this form via email (eccadmin@eccog.org), fax (252-638-3187), or mail (P.O. Box 1717, New Bern, NC 28563-1717). For questions or concerns please contact Leighann Morgan, Deputy Finance Director, at 252-638-3185 ext. 3001 or eccadmin@eccog.org. Please complete this form and convey it to us ASAP so that we may extend an invitation to this individual to attend our next meeting.

Municipality: Town of River Bend

We here do appoint Patty Leonard to serve on the
(Name of Appointment)
Eastern Carolina Council General Membership Board.

Contact information:

Title: _____
Mailing Address: _____
City and Zip: _____
Home Phone: _____
Cell Phone: _____
Email: _____

Date

Signature

Title

TERM LIMITS FOR ADVISORY BOARD CHAIRPERSONS

I propose limiting Advisory Board Chairpersons to two consecutive 1-year terms effective immediately.

Background

I am encouraged that we have seen an increase in resident interest and participation in Town affairs. I am encouraged by the potential for more citizen involvement in our Advisory Boards. One way to encourage this participation is to ensure that the leadership of the Advisory Boards changes on a regular basis so potential new members have an opportunity to build off of what has already been created.

The term limit issue was briefly discussed at the Fall 2021 Council/Advisory Board chairperson meeting and no chair objected to the concept. Privately, several people have approached me to express support for this change.

Proposal

Any existing Chair voted in for FY 22/23 who was also the Chair for one or more consecutive years (FY21/22, FY20/21, etc.) immediately prior to FY 22/23 cannot run for Chair in FY 23/24. They can run again in FY 24/25. The two consecutive year limit will continue into future fiscal years and applies to all Advisory Boards.

Former Chairs can remain on the Advisory Board if they choose, and if they are reappointed by the Council.

Next Steps

At this meeting, direct the Town Manager to amend the ordinances related to Advisory Boards to reflect this change.

Don Fogle
Town Councilman

- B. CAC Report
- C. Organic Garden Report
- D. Library Report

12. Finance – Councilman Irving Van Slyke, Jr.
A. Financial Report - Finance Director

13. MAYOR'S REPORT – Mayor Kirkland

14. PUBLIC COMMENT

The public comment period is set aside for members of the public to offer comments to the Council. It is the time for the Council to listen to the public. It is not a Question & Answer session between the public and the Council or Staff. All comments will be directed to the Council. Each speaker may speak for up to 3 minutes. A member of staff will serve as timekeeper. A sign-up sheet is posted by the meeting room door and will be collected prior to the start of the Public Comment Period. Speakers will be called on by the Mayor in the order that they signed up. In order to provide for the maintenance of order and decorum, the Council has adopted a policy for this section of the meeting. A copy of the policy is posted by the door for your review. Please follow the policy. If you have a specific question for staff, you are encouraged to contact the Town Manager or the appropriate Department Head at another time.

15. ADJOURNMENT

BOBBY CAHOON CONSTRUCTION, INC.

6003 Neuse Road
Grantsboro, NC 28529
Phone 252-249-1617*Fax 252-249-9884
Licensed and Fully Insured
NCGC License #62120

CONTRACT PROPOSAL – REVISION #4
Park Dock

August 10, 2022

Property Owner:

Town of River Bend
c/o Delane Jackson
45 Shoreline Drive
New Bern, NC 28562
252-638-3870
manager@riverbendnc.org

Project Site:

River Bend Town Park
Park Dock

The following contract is entered into between the listed and deeded Property Owner shown above referred to herein as Owner, and Bobby Cahoon Construction, Inc. also referred to as Contractor.

We propose to furnish the labor, equipment and materials necessary to install: A new wooden 24' wide x 32' long dock patio.

Construction shall be as follows:

Pilings will be 8" diameter ranging in length from 12' – 20' long marine grade pilings. Pilings will be driven 10' into the ground with a vibratory hammer. In the event of an extremely soft bottom and longer pilings are needed, it will be discussed with the customer and a change order issued.

Headers will be 2" x 8" treated lumber. This lumber will be attached to the pilings using 5/8" galvanized timber bolts.

Stringers will be 2" x 8" treated lumber. Outside stringers will be attached to pilings using 5/8" galvanized timber bolts. Center stringers will be attached to headers using vertical blocking.

Decking will be 2" x 6" select lumber. This lumber will be attached to stringers using 3" stainless steel screws and will have a 2" x 10" band board around perimeter.

This dock will have a 12' x 12' L-shaped bench in one corner and a double back-to-back 10' long bench in the middle. Both will have back rests and will be constructed using 2" x 6" treated lumber and stainless-steel screws.

This will also include approximately 94' of wooden handrails around the perimeter. Handrails will consist of four (4) 2" x 6" rails along with a 2" x 8" cap attached to 6" x 6" treated posts.

We propose to furnish and install the above in accordance with the specifications for the sum of:
FORTY-FIVE THOUSAND NINE HUNDRED FIFTY AND XX/100'S.....\$45,950.00

NOTE: This price includes reattaching connecting sidewalk into the new dock.

NOTE: This job can be done from the water side to minimize ground damage. This price does not include any repair to damaged sidewalks or grounds. Adequate access should be provided.

All materials are guaranteed to be as specified and the above work to be performed in accordance with the drawings and specifications submitted for the above work. All work to be completed in a workmanlike manner. Any alteration or deviation from the above specifications involving extra cost will be executed only upon written order from the owner or his authorized agent and will become an extra charge over the agreed amount. We are not responsible for any damages that could occur to culverts, utility lines, drain fields or concrete and paved driveways. All necessary precautions will be done to avoid any damages. Any vegetation that is required by D.W.Q. to be replaced will be the responsibility of the homeowner. In the event that a dispute arises between the parties to this contract, both parties to this contract hereby agree to accept the mediation decision by a certified arbitrator recognized by the State Bar of North Carolina in lieu of going to a court of competent jurisdiction. No statement, arrangement or understanding, expressed or implied not contained herein will be recognized. All agreements herein are contingent upon strikes, accidents, weather, or unforeseen circumstances beyond our control. This contract can be canceled at any time prior to the onset of construction by written notification only. At that time, any expenses that Bobby Cahoon Construction, Inc., may have incurred will be deducted from the deposit amount and will be refunded to you.

This contract does not include any electrical work.

Permits, backfill and administrative fees are not included in the quoted contract proposal price. Administrative fees of \$215.00 +/- cover the expense of meeting CAMA and permitting. Permit fees vary according to the job type and will be added as an additional charge upon determination of cost requirements.

Some counties require an engineered drawing for any seawall 4' or over. Any drawings, flood zone letters/certifications or pier/dock certifications by an engineer, that are required by municipalities, will be an additional fee.

Backfill is an unknown quantity and if needed will be charged at \$210.00 - \$235.00 per tandem truck load, installed.

Payment schedule is as follows: 10% upon signing of contract, 50% of contract price upon delivery of materials and/or mobilization of equipment, contractor reserves the right to invoice progress payments between 50% and final invoice, and balance within 48 hours upon completion of project.

ACCEPTANCE OF PROPOSAL: As owners of the property to be improved, I/we promise to pay for all costs associated with the improvements to be made. Payment shall be made according to the payment schedule as quoted above. Final payment is to be paid to Bobby Cahoon Construction, Inc. in full upon completion of the construction. A late penalty of ten (10) percent will be paid by the owner if not received within ten (10) days of the invoice date unless other arrangements have been made. Any outstanding

balance over thirty (30) days will be subject to a finance charge of eighteen (18) percent per annum or one point five (1.5) percent per month. If placed in the hands of an attorney for collection, I/we promise to pay all costs associated with attorney fees. I/we agree to pay all court costs and all other legal fees that may be incurred, plus interest, in order to force collection, including the costs associated with the placement of a lien on the improved property if it becomes necessary. All accounts over sixty (60) days will be referred to the Credit Bureau. The above prices, specifications and conditions are satisfactory and are hereby accepted. I/we certify that we are the legal deeded owners of this property and therefore the Contractor is authorized to complete the work as specified. Payment will be made as specified above.

PLEASE NOTE:

Due to fluctuating material cost, which includes boat lifts, we reserve the right to pass any significant material price increases along to the customer. This will be discussed prior to the start of construction.

Due to constantly increasing fuel prices, all contracts are subject to an additional fuel surcharge. This will be discussed prior to the start of construction.

Acceptance of Proposal *Olivera & Cahoon* date 8/10/22
Contractor's signature

Customer's signature

date

Drawing by Bobby Cahoon Construction for:

Town of River Bend

Town Park



This drawing is the sole property of Bobby Cahoon Construction Inc. and is not intended for use by any other entity.

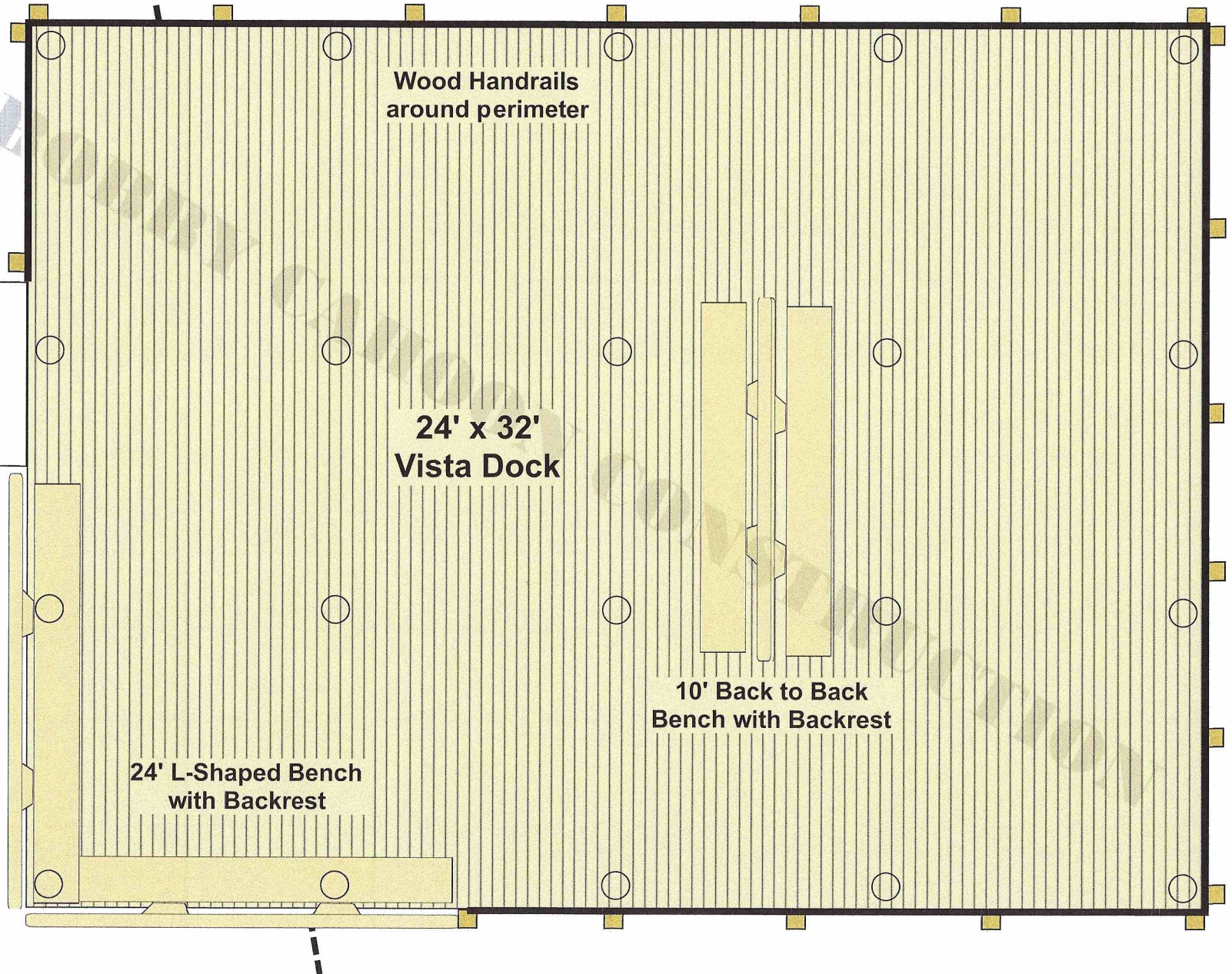
Existing Concrete
Sidewalk section
to be removed
and replaced

Wood Handrails
around perimeter

24' x 32'
Vista Dock

10' Back to Back
Bench with Backrest

24' L-Shaped Bench
with Backrest





TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870
F 252.638.2580

www.riverbendnc.org

RIVER BEND TOWN COUNCIL AGENDA

Regular Meeting

August 18, 2022

River Bend Town Hall

7:00 p.m.

Pledge: Maurer

1. CALL TO ORDER (Mayor Kirkland Presiding)
2. RECOGNITION OF NEW RESIDENTS
3. ADDITIONS/DELETIONS TO AGENDA
4. ADDRESSES TO THE COUNCIL
5. PUBLIC HEARINGS
6. CONSENT AGENDA

All items listed under this section are considered routine by the Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. Approve:

*Minutes of the July 14, 2022 Work Session
Minutes of the July 21, 2022 Regular Council Meeting
Minutes of the July 28, 2022 Public Hearing*

7. TOWN MANAGER'S REPORT – Delane Jackson

Activity Reports

- A. **Monthly Police Report** by Chief Joll
- B. **Monthly Water Resources Report** by Director of Public Works Mills
- C. **Monthly Work Order Report** by Director of Public Works Mills
- D. **Monthly Zoning Report** by Assistant Zoning Administrator McCollum

ADMINISTRATIVE REPORTS:

8. Environment and Waterways – Councilman Brian Leonard
 - A. EWAB Report
9. Planning Board – Councilman Buddy Sheffield
 - A. Planning Board Report
 - B. Board of Adjustment Report
10. Public Safety – Councilman Don Fogle
 - A. Community Watch
 - B. CERT
11. Parks & Recreation/CAC – Councilwoman Barbara Maurer
 - A. Parks and Rec Report