

**River Bend Town Council
Regular Meeting Minutes
August 18, 2022
Town Hall
7:00 p.m.**

Present Council Members:

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

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

Members of the Public Present: 16

CALL TO ORDER

Mayor Kirkland called the meeting to order at 7:00 p.m. on Thursday, August 18, 2022 in the River Bend Town Hall with a quorum present. The Mayor stated Recently, we have experienced some uncivil, rowdy behavior during Town Council meetings. Such behavior was on display during our August 11 work session. Tonight, I want to make it abundantly clear that such behavior will not be tolerated during this and future Council meetings as long as I am Mayor. North Carolina law states that the Mayor shall preside over Council meetings. North Carolina law grants the Mayor the power to remove anyone from the meeting who interrupts, disturbs or disrupts the meeting. It is my responsibility to ensure that the River Bend Council meetings are conducted in an orderly and civil manner and in accordance with town ordinances and policies. As always, the public is welcome to attend Council meetings. However, the public cannot take over Council meetings. If you attend a Council meeting you will be required to follow the rules of decorum. The public will only be allowed to speak during those times that are designated for public comments, such as during public hearings or during the public comment period or when they are recognized by the Presiding Officer. Council meetings are not debates between Council members and the public. Council members can discuss and debate the issues with other Council members, but the public has no right to participate in Council discussions. That is how a representative democracy works. That is the way it works in Raleigh. That is the way it works in Washington and that is the way it works in River Bend. Be advised that anyone who disrupts a Council meeting will be directed to leave the meeting. Failure to do so, will result in that person being escorted from the room by a police officer and they will be charged with a Class 2 misdemeanor. If the disruptions are caused by multiple individuals and I cannot specifically identify the offenders, I will call for a recess and clear the entire room if necessary. I cannot control uncivil actions on social media or in society in general, but it is my obligation to control what happens in this meeting. I took an oath of office to do so and I will. Now, let's proceed with an effective, orderly and civil meeting.

Councilman Fogle stated that he will not be at the September Work Session Council meeting.

ADDITIONS/DELETIONS TO AGENDA

VOTE – Addition to Agenda – Councilman Sheffield moved to add item 10A Planning Board report to the agenda. The motion carried unanimously.

VOTE – Addition to Agenda – Councilman Fogle moved to add item 8C street paving bid award to the agenda. The motion carried unanimously.

VOTE – Addition to Agenda – Councilman Fogle moved to add item 9B Channel Run drainage bid award to the agenda. The motion carried unanimously.

VOTE – Approval of Agenda

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

CONSENT AGENDA

The Mayor presented the Council with the Consent Agenda. Councilman 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 July 14, 2022 Work Session

Minutes of the July 21, 2022 Regular Council Meeting

Minutes of the July 28, 2022 Public Hearing

TOWN MANAGER'S REPORT

The Manager stated that he has received additional information on the AIA (Asset and Inventory Assessment) Grants for the water system and the sewer system in the amount of \$150,000 each. He stated the next step is to develop a RFQ (Request for Qualifications), which he is currently developing.

The Manager stated that there is a Public Hearing scheduled for September 8, 2022 at 5:00 p.m. for the next CDBG (Community Development Block Grant Program) application. He stated there are many changes to the guidelines and income eligibility.

The Manager stated that on Wednesday, there was a pre-bid meeting for the new Public Works Building with three contractors in attendance. He stated that he expects bids to be due in approximately a month.

The Manager stated that there were two bid openings earlier today. He received three bids for the 2022 Paving Project and two bids for the Channel Run Drainage project. He stated those results were included in the handouts tonight.

The Manager stated that on Friday, August 19, Brandon Mills, Public Works Director, and himself are meeting with the engineer regarding the Waste Water Treatment Plant Improvement Project that the Town received over \$9,000,000 to complete. He stated that they will also be discussing the water system improvement application that he intends to submit for the upcoming fall round of funding with the same funding agency.

The Manager stated that the BRIC (Building Resilient Infrastructure Communities) grant application to construct a road through the Northwest Quadrant had previously made it through the first round of funding but since has been denied in the second round. He stated that FEMA had denied the application stating that the project was not eligible.

Police Chief Joll presented Officer DeStefano with Chief Award of Excellence for acts of exceptional and well above the normal assigned duties of a police officer that showed a high dedication to the department and esprit de corps.

Police Chief Joll stated that the National Night Out 2022 is scheduled for October 4, 2022 at 5:30 p.m. with food trucks, live music, and surrounding police departments with K-9 demonstrations.

ADMINISTRATIVE REPORTS

FINANCE – COUNCILMAN VAN SLYKE

Financial Report – Finance Director, Mandy Gilbert presented to the Council the financial statement for the month of July. She stated the total of the Town's Cash and Investments as of July 31, 2022 are \$4,212,999 and Ad valorem tax collections for FY22-23 were \$0 and Vehicle Ad valorem tax collections were \$0.

Councilman Van Slyke stated that Budget Amendment 22-B-02 was included in the agenda package. He also stated this amendment is necessary to transfer an additional \$21,500 for the construction of the replacement fishing dock at Town Hall. He stated that the additional amount is needed due to the increase in the price of lumber to replace the fishing dock with a new fishing dock of similar size.

VOTE – Budget Amendment 22-B-02

Councilman Van Slyke motioned to approve Budget Amendment 22-B-02 as presented. The motion carried unanimously. (see attached)

Councilman Van Slyke expressed gratitude to the Town Manager for his efforts to generate outside funding for the Town through grants.

The Manager stated that there was a bid opening earlier today for the street paving bids. He stated that they had received three bids with Thomas Simpson being the lowest bidder in the amount of \$144,075 for bid items 001, 002, and 003. He stated that the town had \$140,000 allocated in the budget for street paving and there is monies in the budget that will cover the additional \$4,075.

VOTE – Street Paving Bid Award

Councilman Van Slyke motioned to award the street paving bid to Thomas Simpson for \$144,075. The motion carried unanimously.

ENVIRONMENTAL AND WATERWAYS ADVISORY BOARD– COUNCILMAN LEONARD

Councilman Leonard stated the Town Manager had received a revised contract from Bobby Cahoon Construction for the construction of a replacement fishing dock at Town Hall. The Manager stated that the contractor could possibly start the construction in the fall and he would purchase the supplies now and store those until he is able to start construction.

VOTE – Fishing Dock Contract

Councilman Leonard motioned to approve the Fishing Dock Contract with Bobby Cahoon Construction for an amount not to exceed \$46,500 including permits. The motion carried unanimously. (see attached)

The Manager stated that there was a bid opening earlier today for the Channel Run Drainage Project Phase II. He stated that they had received two bids with Hardy Construction being the lowest bidder in the amount of \$75,000. He stated this project is below the amount of grant funding received. He stated that he contacted the funding agency to inquiry about changing the scope of the work with a change order. He stated he was directed to submit a change order with the increased scope of work. Councilman Sheffield asked if they can use the extra funding in other places in Town and the Manager stated, that he had asked that question. Councilman Leonard asked if the extra funding could be used to purchase equipment and the Manager stated

no, it could not. Councilman Fogle asked if he has heard any complaints regarding Phase I of the Channel Run Drainage and the Manager stated that he has heard that it is a lot better.

VOTE – Channel Run Drainage Bid Award

Councilman Leonard motioned to award the Channel Run Drainage bid to Hardy Construction for \$75,000. The motion carried unanimously.

Councilman Leonard stated that EWAB would be meeting on Monday, September 5, 2022 at 7:00 p.m. in the Municipal Building.

PARKS & RECREATION/CAC – COUNCILWOMAN MAURER

Councilwoman Maurer presented the following reports.

Parks & Recreation

Parks and Recreation did not meet in August but they have been busy.

Fall activities begin with a workshop presented by the Tea Lady on September 17 and a Trivia Night on September 21. Four events are scheduled for October. P&R will provide water and popcorn for the River Bend Police Department's National Night Out on Tuesday, October 4. Community Yard Sale Day is scheduled for Saturday, October 22nd. Trunk or Treat will be held on Saturday, October 29. A Meet & Greet event is in the planning stage with a date TBD. There will also be four events in November and at least two in December. More information will be available on River Bend's weekly e-news and on the town website. As you can see, the P&R calendar is rich with a variety of different activities ranging from workshops to kids events to town-wide community events. Five programs are annual events. But there's always room for more. Parks & Rec welcomes new ideas. While not all can be accommodated, some can be scheduled within a few months; other are more complicated and take more planning. The next meeting is scheduled for September 7. Parks and Recreation currently has one vacancy. If you would like to participate in planning and presenting activities, please submit an application or just attend a meeting to see how it works.

Community Appearance Commission (CAC)

CAC met on July 20. A verbal report was provided at the last Council meeting but is repeated here for the listening audience. Officers for 2022-23 are Brenda Hall, Chairperson; Donna Perry, Vice-Chair and Meg Williams, Secretary. Two more crab pot Christmas globe workshops are scheduled for November. Plans are progressing for festive homes (holidays) awards and beautification awards. Craven County Cooperative Extension Director Tom Glasgow visited River Bend three times to assess trees and shrubs along the Plantation median. He identified many issues and some serious safety concerns. He is preparing a report and will schedule a date to discuss his findings. The next meeting is scheduled for September 21 at 4 pm. CAC has two vacancies. Attend the meeting if you are interested in the activities of the CAC.

River Bend Community Organic Garden (RBCOG)

The monthly meeting took place on August 1. There was one visitor.

Despite heat and humidity, the gardeners work daily. As of July 31st, garden volunteers have worked over 1100 hours to produce approximately 1300 pounds of vegetables and herbs. Interfaith Refugee Ministries receives regular donations. The September meeting, scheduled for Labor Day, was cancelled. The next meeting will be held on October 3 at 1:30 pm. All are welcome.

Red Caboose Library (RCL)

The board met on August 4. Councilman Leonard attended in Councilwoman Maurer's place.

Well known mystery author Phil Bowie spoke about his life and career to a group of about thirty residents on August 1. A children's program, "a Uke Group," is scheduled for August 20. More

children's and adult programs are in the planning stages and will be announced as they are scheduled. The next meeting is scheduled for September 1.

All meetings are open to the public and anyone is welcome to attend.

PLANNING BOARD – COUNCILMAN SHEFFIELD

The regular meeting of the planning board was held on August 4th at 6:00 pm in the Community building. A quorum was present as were several citizens. Chairman Lippert called the meeting to order. The usual reports were given. The board took up the matter of changes to the town's sign ordinance. A draft of the amended ordinance had been prepared by the town manager and staff. There was considerable discussion. The board then voted to send the amended ordinance to the town council for approval. The next issue was short term rentals. Again a draft ordinance had been developed by the town manager and staff. The citizens present were all present to voice their views on that issue. Chairman Lippert gave each one time to speak. There were those who were in favor of short term rentals and those who were against them. The board then considered the matter and there was much discussion and questions. The board then voted not to send the ordinance to the town council as it was but to continue working on it. Chairman Lippert turned the meeting over to Councilman Sheffield to conduct an election of officers. The current officers, Chairman; Egon Lippert, Vice Chairman; Bob Kohn and secretary; Allison McCollum were the only ones nominated and they were all re-elected unanimously. Ms. McCollum updated the board on a zoning request for property in the town's ETJ abutting Guy C. Lee Building Materials. The meeting was adjourned. The next meeting will be held on September 1st at 6:00pm. As always, the public is invited to attend.

MAYOR'S REPORT

The Mayor presented the following report.

The population of the world has changed significantly since the end of WWII. The high speed of travel, speed of communication, and transmittal of live picture broadcast have all come into ordinary use. These advances were hardly dreamed of in 1946. Also the majority of the population has been born since the end of the war and have always lived in the changing conditions that are listed. At the same time improved manufacturing techniques have made all products more reliable and have made such applications as ship propulsion reliable for "just in time" delivery of cargo. The result is modern vessels are larger and can accommodate large volume cargo from distant manufacturing ports for assembly into a finished automobile or major appliances. All of this change makes the manufactured product less expensive, which is a value that is understood in and by every nation in the world. Another major shift continues to advance world connection; race relations have improved. That shift comes more slowly than many would wish. But in our nation, looking back over 70 years, it has yielded to pressure to accommodate needed race relations change. In my opinion the global goal needs to be for every race to accept worldwide that we are all human and respect each other as members of the "human family." The achievement of individuals of minority races that were formerly discriminated against certainly demonstrates that race is no indicator of talent. Looking in the rearview mirror it seems ridiculous that in our lifetime large numbers of the population were active in discriminatory activities that were restricting the ability of minorities to participate in the American Dream. Such discrimination is Un-American and Un-Christian. May we all look to a future that does not discriminate. The earlier mention of change in technology and racial equality have changed forever how every culture relates to living day by day life. I believe that many in the world see this change as positive and irreversible. These changes make it less likely that there will be international misunderstandings that might lead to armed conflict. We all need to work together to resolve misunderstandings when they occur. The resolutions can be achieved only when the negotiating parties treat each other as equals that may have separate interests. Travel time and distance were the factors that separated nations and races in past centuries. We no longer have these barriers as excuses and need to resolve as individuals to work for the "human race" solution.

PUBLIC COMMENT

Susanna Elliot – 290 Shoreline Drive - expressed gratitude to the Council for doing their job and taking the heat from the public. She also thanked Councilman Sheffield for his presentation at the work session regarding the rezoning request. She also asked the Council if they knew why Ellis Development pulled their request.

Valerie Boatwright – 311 Lochbridge Drive – asked why is the Council pursuing the development if Ellis Development withdrew their request and what is there to gain? She also requested a public meeting with the Council for a question and answer session.

Susan Scott – 109 New Hampshire – asked if there was an environmental impact study considered for the property. She is concerned for the animals. She suggested a mailer to get the town's residents vote.

Mike Repenning – 213 Esquire Court – requested that all Town meetings be televised or live broadcasted.

Noreen Fitzgerald – 316 Lochbridge Drive – stated that everyone who spoke before her expressed her concerns.

Councilman Leonard stated that the golf course recently applied for the ABC permit and they may be opening soon.

CLOSED SESSION

Councilman Sheffield moved to go into a Closed Session under NCSG §143-318.11(a)(3)(6). The Council entered Closed Session at 7:59 p.m.

OPEN SESSION

Councilman Sheffield moved to return to Open Session at 8:54 p.m. The motion carried unanimously.

VOTE – Town Manager Contract - Councilman Sheffield motioned to approve the amended Town Manager's contract as presented. The motion carried unanimously.

VOTE – Town Manager Performance and Service Bonus

Councilman Sheffield motioned to award a bonus to the Town Manager in recognition of superior performance and service to this community in the amount of \$7,000. The motion carried unanimously.

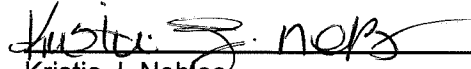
Councilman Van Slyke stated he has discussed with the Mayor the current economy and inflation rise across the nation. He stated that he felt that the Town needed a comparable program that would recognize the value of the entire town staff. He stated that they asked the Manager to compare the Town to other surrounding agencies. The Manager stated that in the current budget all Town employees received a 5% COLA in July and at that time the CPI (Consumer Price Index) was at 7.4%. The Manager stated that as of August 2022 the CPI is 9.4%. He stated that some surrounding agencies have put in place a Retention and Recruitment Policy, which gives employees an additional COLA and a one-time bonus. The Manager stated that these policies make it difficult to recruit employees when local agencies are offering these incentives. Councilman Sheffield stated that he felt the employees should receive an additional 5% COLA. The Mayor, Councilwoman Maurer, Councilman Van Slyke and Councilman Leonard agreed, stating that our employees are the Town's top asset. Councilman Fogle stated that he agrees with recognizing the Town's staff but felt a one-time bonus would be more appropriate than adjusting the staff's salaries.

Vote – 5% COLA for Employees

Councilman Leonard motioned to approve an additional COLA in the amount of 5% for all eligible employees. The motion passed with 4 ayes and 1 nay (Fogle).

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 9:16 p.m.



Kristie J. Nobles
Town Clerk



TOWN OF RIVER BEND
BUDGET ORDINANCE AMENDMENT 22-B-02
FISCAL YEAR 2022 - 2023

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2022-2023 Budget Ordinance as last amended on July 21, 2022, be amended as follows:

Summary

General Fund	2,243,069
General Capital Reserve Fund	99,847
Law Enforcement Separation Allowance Fund	13,525
Water Fund	598,325
Water Capital Reserve Fund	172
Sewer Fund	673,325
Sewer Capital Reserve Fund	8
Total	<u>3,628,271</u>

Section 1. **General Fund**

Anticipated Revenues

AD VALOREM Taxes 2022-2023	721,710
AD VALOREM Tax-Motor Vehicle	92,300
Animal Licenses	2,000
Sales Tax 1% Article 39	177,124
Sales Tax 1/2% Article 40	102,899
Sales Tax 1/2% Article 42	88,586
Sales Tax Article 44	11,613
Sales Tax Hold Harmless Distribution	99,000
Solid Waste Disposal Tax	2,200
Powell Bill Allocation	91,000
Beer and Wine Tax	13,225
Video Programming Sales Tax	50,743
Utilities Franchise Tax	108,963
Telecommunications Sales Tax	8,140
Court Refunds	500
Zoning Permits	5,000
Federal Grant (Byrne Justice Assistance Grant)	22,170
State Grant (Golden LEAF Foundation Grant)	250,000
Miscellaneous	10,000
Interest- Powell Bill Investments	50
Interest-General Fund Investments	500
Contributions	421
Wildwood Storage Rents	18,144
Rents & Concessions	18,000
Sale of Fixed Assets	15,000
Transfer From Capital Reserve Fund	72,787
Appropriated Fund Balance	<u>260,994</u>
Total	2,243,069

Section 1. **General Fund (continued)**

Authorized Expenditures

Governing Body	30,400
Administration	279,600
Finance	124,100
Tax Listing	11,600
Legal Services	24,000
Elections	1,000
Police	664,443
Public Buildings	102,300
Emergency Services	3,700
Animal Control	14,600
Street Maintenance	193,000
Public Works	177,500
Leaf & Limb and Solid Waste	51,000
Stormwater Management	311,395
Wetlands and Waterways	2,900
Planning & Zoning	51,300
Recreation & Special Events	7,600
Parks & Community Appearance	101,200
Contingency	17,931
Transfer To General Capital Reserve Fund	60,000
Transfer To L.E.S.A. Fund	13,500
Total	<u>2,243,069</u>

Section 2. **General Capital Reserve Fund**

Anticipated Revenues

Contributions from General Fund	60,000
Interest Revenue	60
Appropriated Fund Balance	<u>39,787</u>
Total	<u>99,847</u>

Authorized Expenditures

Transfer to General Fund	72,787
Future Procurement	<u>27,060</u>
	<u>99,847</u>

Section 3. **Law Enforcement Separation Allowance Fund**

Anticipated Revenues:

Contributions from General Fund	13,500
Interest Revenue	25
Total	<u>13,525</u>

Authorized Expenditures:

Separation Allowance	0
Future LEOSSA Payments	<u>13,525</u>
Total	<u>13,525</u>

Section 6. **Sewer Fund**

Anticipated Revenues:

Utility Usage Charges, Classes 1 & 2	257,727
Utility Usage Charges, Classes 3 & 4	23,194
Utility Usage Charges, Class 5	29,053
Utility Usage Charges, Class 8	6,836
Utility Customer Base Charges	294,601
Taps & Connection Fees	1,250
Late payment Fees	7,948
Interest Revenue	703
Sale of Capital Asset	0
Appropriated Fund Balance	52,013
Total	<hr/> 673,325

Authorized Expenditures:

Administration & Finance [2]	458,825
Operations and Maintenance	211,000
Transfer to Fund Balance for Capital Outlay	3,500
Transfer to Sewer Capital Reserve Fund	0
Total	<hr/> 673,325

[2] Portion of department for bond debt service: 126,434

Section 7. **Sewer Capital Reserve**

Anticipated Revenues:

Contributions From Sewer Operations Fund	0
Interest Revenue	8
Total	<hr/> 8

Authorized Expenditures:

Future Expansion & Debt Service	8
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Section 8. **Levy of Taxes**

There is hereby levied a tax at the rate of twenty-six cents (\$0.26) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2022, for the purpose of raising the revenue listed as "Ad Valorem Taxes 2022-2023" in the General Fund Section 1 of this ordinance. This rate is based on a valuation of \$278,500,000 for purposes of taxation of real and personal property with an estimated rate of collection of 99.67%. The estimated collection rate is based on the fiscal year 2020-2021 collection rate of 99.67% by Craven County who has been contracted to collect real and personal property taxes for the Town of River Bend. Also included is a valuation of \$35,500,000 for purposes of taxation of motor vehicles with a collection rate of 100% by the North Carolina Vehicle Tax System.

Section 9. **Fees and Charges**

There is hereby established, for Fiscal Year 2022-2023, various fees and charges as contained in Attachment A of this document.

Section 10. **Special Authorization of the Budget Officer**

- A. The Budget Officer shall be authorized to reallocate any appropriations within departments.
- B. The Budget Officer shall be authorized to execute interfund and interdepartmental transfers in emergency situations. Notification of all such transfers shall be made to the Town Council at its next meeting following the transfer.
- C. The Budget Officer shall be authorized to execute interdepartmental transfers in the same fund, including contingency appropriations, not to exceed \$5,000. Notification of all such transfers shall be made to the Town Council at its next meeting following the transfer.

Section 11. **Classification and Pay Plan**

Cost of Living Adjustment (COLA) for all Town employees shall be 5.0% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

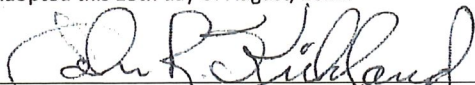
Section 12. **Utilization of the Budget Ordinance**

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2022-2023 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall ensure the operating staff and officials are provided with guidance and sufficient details to implement their appropriate portion of the budget.

Section 13. **Copies of this Budget Ordinance**

Copies of this Budget Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 18th day of August, 2022.



John R. Kirkland, Mayor

Attest:



Kristie J. Nobles, Town Clerk



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 #5
Park Dock

August 16, 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: 50% upon signing of contract (to secure materials prices) 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 Deeresa Gibson date 8/16/22
Contractor's signature

Delane Jackson date 8/22/22
Customer's signature



E-589CI Affidavit of Capital Improvement

Form E-589CI, Affidavit of Capital Improvement, may be used to substantiate that a contract, or a portion of work to be performed to fulfill a contract, is to be taxed for sales and use tax purposes, as a real property contract for a capital improvement to real property.

The receipt of an affidavit of capital improvement for services to real property, absent fraud or other egregious activities, establishes that the subcontractor or other person receiving the affidavit should treat the transaction as a real property contract for sales and use tax purposes.

A real property contract is a contract between a real property contractor and another person to perform a capital improvement to real property.

Section I. Single Use (Complete this section to issue the affidavit for a single capital improvement.)

(A) Owner, Lessee/Tenant, or Real Property Contractor Town of River Bend Address 45 Shoreline Dr. City River Bend State NC Zip Code 28562	(B) Real Property Contractor (General Contractor or Subcontractor) <small>Hired to perform capital improvement</small> Bobby Cahoon Constructin, Inc. Address 6003 Neuse Road City Grantsboro State NC Zip Code 28529
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Describe capital improvement to be performed:

24 x 32 dock in pond

Project Name: **Town Hall dock**

Project Address (where the work is to be performed) City State Zip Code
45 Shoreline Dr. River Bend NC 28562

I certify that, to the best of my knowledge, this affidavit is accurate and complete and that the transaction described to be performed by the Real Property Contractor (General Contractor or Subcontractor identified in box "B") shall be treated as a real property contract for a capital improvement to real property for sales and use tax purposes. I understand that if it is determined that I issued this affidavit in error and the transaction is subject to sales tax as a retail sale of repair, maintenance, and installation services to real property, I will be liable for payment of any additional taxes determined to be due.

Signature of Authorized Person: **Delane Jackson** Title: **Town Manager** Date: **8/22/22**

Section II. Blanket Use (Complete this section to execute a blanket affidavit for capital improvements.)

(C) Real Property Contractor Address City State Zip Code	(D) Real Property Contractor or Subcontractor <small>Hired to perform capital improvement</small> Address City State Zip Code
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To be completed by the Real Property Contractor identified in Box C:

I certify that I am a Real Property Contractor who performs capital improvements to real property and all transactions with the real property contractor (subcontractor) identified in box "D" shall be treated as real property contracts for capital improvements to real property for sales and use tax purposes. I understand that if it is determined that I issued this affidavit in error and the transaction is subject to sales tax as a retail sale of repair, maintenance, and installation services to real property, I will be liable for payment of any additional taxes determined to be due.

Signature of Authorized Person: _____ Title: _____ Date: _____

AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION

Name of Property Owner Requesting Permit: Town of River Bend

Mailing Address: 45 Shoreline Dr.
River Bend, NC 28562

Phone Number: 252-638-3870

Email Address: Manager@riverbendnc.org

I certify that I have authorized Bobby Cahoon Construction, Inc.
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits
necessary for the following proposed development: 24' x 32'

dock

at my property located at 45 Shoreline Dr.
in Craven County.

I furthermore certify that I am authorized to grant, and do in fact grant permission to Division of Coastal Management staff, the Local Permit Officer and their agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.

Property Owner Information:

Delane Jackson
Signature

Delane Jackson
Print or Type Name

Town Manager
Title

8, 22, 22
Date

This certification is valid through 12, 22, 22