



# Town of Shallotte

## ACTION AGENDA ITEM

2025

TO: Board of Alderman

FROM: Mimi Gaither, Town Manager  
EXT. #

ACTION ITEM #:

MEETING DATE: 9.2.25

DATE SUBMITTED: 8.25.25

ISSUE/ACTION REQUESTED: Update on Price Landing

PUBLIC HEARING:

☐ YES

☒ NO

**BACKGROUND/PURPOSE OF REQUEST:** I got an inquiry letter from Old Republic Surety Company, who is the surety company for Cinderella. I have attached a copy for your reference where I outlined the Town frustrations with the lack of progress with Cinderella.

We have since received a timeline for completion, which I have also attached. Michael Norton and Alex Lapinsky will be at the meeting to answer any questions.

### FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED:

☐ YES

☒ NO

CAPITAL PROJECT ORDINANCE REQUIRED:

☐ YES

☒ NO

PRE-AUDIT CERTIFICATION REQUIRED:

☐ YES

☒ NO

REVIEWED BY DIRECTOR OF FISCAL OPERATIONS

☐ YES

☒ NO

### CONTRACTS/AGREEMENTS:

REVIEWED BY TOWN ATTORNEY:

☐ YES

☒ NO

☐ N/A

ADVISORY BOARD RECOMMENDATION: N/A

TOWN MANAGER'S RECOMMENDATION:

FINANCE RECOMMENDATION: N/A

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**ATTACHMENTS:**

1. Old Republic Surety Letter
  2. Cinderella Timeline
- 

**ACTION OF THE BOARD OF ALDERMEN**

**APPROVED:**

☐

**DENIED:**

☐

**ATTEST:**

**CLERK TO THE BOARD**

**DEFERRED  
UNTIL:**

\_\_\_\_\_

**SIGNATURE**

**OTHER:**

emailed + mailed  
8.21.25 - MDG



# TOWN OF SHALLOTTE

Post Office Box 2287 • Shallotte, North Carolina 28459

Telephone: (910) 754-4032 • Facsimile: (910) 754-2740

August 21, 2025

Laura Strayer  
Old Republic Surety Company  
1415 28th Street  
Suite 420  
West Des Moines, IA 50266

Via US Postal Service and email

RE: Bond No RCN7464829 – Contract – 4011494 Cinderella Partners, Inc.

Dear Ms. Strayer:

Please find the Town's responses to your inquiry letter of August 11, 2025.

1 – Contract Complete: No

- A – Approximate Date of Completion: The original Substantial Completion date was May 29, 2025, with Final Completion due June 13, 2025. We are still awaiting a revised timeline from the contractor.
- B – Final Contract Price: The original contract amount was \$3,070,099.60. Six change orders have been authorized, bringing the revised contract price to \$3,078,517.87.

2 – Contract Status: The contractor, Cinderella, has been paid \$1,540,332.64 to date, leaving a remaining balance of \$1,538,185.23.

3 – Unpaid Bills for Labor or Materials: None have been submitted to the Town.

4 – Payments to Date: See response under Item #2 above.

5 – Change Orders: Please see the attached job report prepared by McGill, the firm overseeing this project on behalf of the Town, which outlines the change orders.

Remarks:

The Town is extremely dissatisfied with Cinderella's work progress. As documented in the attached Job Report narrative, the contractor has failed to meet the contract completion dates and has

been accruing liquidated damages since May 29, 2025; which were increased on June 13, 2025. The Notice to Proceed was issued on August 7, 2024, and we are now more than a year into the project with no reliable indication of when it will be completed.

Cinderella has provided three revised timelines, all of which were missed. We are currently awaiting yet another revised timeline. The ongoing delays have also created a cascading effect by holding up an adjacent project.

Compounding the issue, portions of the contractor's work have been formally rejected by Brunswick County building inspectors as deficient, requiring removal and rework. These deficiencies have further slowed progress and raise serious concerns regarding the contractor's ability to complete the project in accordance with the contract documents and accepted industry standards.

The Town has been met with repeated excuses and little accountability. Due to the delays, I was forced to request an extension on a \$500,000 PartF Parks and Recreation grant from the State of North Carolina.

Given the ongoing frustrations, lack of measurable progress, and repeated failures to meet commitments, the Town is now carefully evaluating all available options to protect its interests and bring the project to completion. At this point, the Town is requesting Old Republic Surety Company's assistance in ensuring that Cinderella addresses their deficiencies and fulfills their contractual obligations. We ask that you intervene to help bring the contractor into compliance and restore confidence that this project can be completed in a timely and proper manner.

Please direct any questions to me, Alex Lapinsky (Project Manager, McGill Associates) or Michael Norton (Principal Engineer with McGill Associates).

Sincerely,



Mimi Gaither  
Town Manager

Attachments: Old Republic Contract Status Letter  
McGill Associates Engineering Job Report for July 2025

Cc: Michael Norton, McGill Associates Engineering  
Alex Lapinsky, McGill Associates Engineering  
Walter Eccard, Mayor, Town of Shallotte  
Laura Thompson, Town Attorney  
Ross Watson, Cinderella Partners





# OLD REPUBLIC SURETY COMPANY

1415 28th Street, Suite 420, West Des Moines, IA 50266 | T: 800.247.2312 | www.orsurety.com

August 11, 2025

## CONTRACT STATUS INQUIRY

TOWN OF SHALLOTTE  
106 CHEER ST  
SHALLOTTE, NC 28470

*Attn: Town manager*

Our Bond No. RCN7464829

Contract #: 4011494  
Contractor: CINDERELLA PARTNERS, INC  
713 BRIEF RD W  
INDIAN TRAIL, NC 28079

Description of Contract: PRICE LANDING PARK - CREATE A PARK - DRIVES, PARKING AREAS,  
RESTROOMS, GARDEN, OUTDOOR CLASSROOM, PLAYGROUND AREAS  
QUEST PRJ #9105968

Contract Price \$ 3,070,100      Bond \$ 3,070,100      Effective Date: 8/07/2024

Without prejudicing your rights or affecting our liability under our bond(s) described above, we would appreciate as much of the following information as is now available.

Very truly yours,

*Laura Strayer*  
Laura Strayer  
lrstrayer@orsurety.com

1. IF CONTRACT COMPLETED, PLEASE STATE:

Approximate date of completion of work (final delivery) \_\_\_\_\_  
Approximate acceptance date \_\_\_\_\_  
Final Contract Price \_\_\_\_\_

2. IF CONTRACT UNCOMPLETED, PLEASE STATE:

Approximate percentage or dollar amount of contract completed or delivered \_\_\_\_\_

3. Do you know of any unpaid bills for labor or material      Yes      No

4. How much has contractor been paid to date? \$ \_\_\_\_\_

5. Please describe any change orders which have been approved \_\_\_\_\_

Remarks: See Attached Letter

Date Aug 21, 2025

Signature *Mimi Gaither*

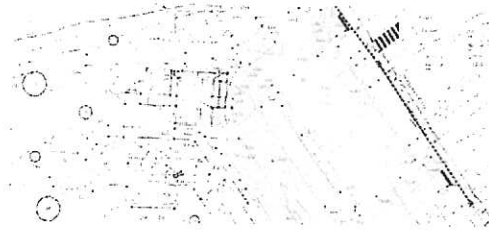
Title TOWN MANAGER

Address 106 CHEER ST SHALLOTTE NC 28470

Attention MIMI GAITHER



OLD REPUBLIC INSURANCE GROUP



**MONTHLY  
JOB REPORT**  
July 2025  
8/4/2025

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Project Number: 22.07019  
Town of Shallotte Project # 8/07/2024  
Project Owner: Town of Shallotte  
Project Name: Price Landing Park

Contractor: Cinderella Partners (or "Cinderella" herein)

Contract Amount:	\$3,070,099.60
No. of Contract Modifications:	6
Revised Contract Amount:	\$3,078,517.87

NTP:	8/07/2024
Original Contract Time:	211 Calendar Days to Substantial Completion 225 Calendar Days to Final Completion

Contract Time Remaining:	0 Calendar Days to Final Completion
Completion Date (Substantial):	5/29/2025 (CO #4)
Completion Date (Final):	6/13/2025 (CO #4)
Liquidated Damages	\$500 Per Calendar Day after Substantial Completion \$500 Per Calendar Day after Final Completion

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#### Outstanding Items

- Pending Change Order #7 submission from contractor for boardwalk light fixture revision. Change Order will be for a \$4,600.00 credit.

#### Contractor's Schedule

- Contractor had been granted a time extension to June 13, 2025, for final completion. As of this date the project is not complete, and the Contractor has not been granted any further time extensions. An updated schedule for completion has not yet been provided by Contractor as of this date. Contractor was advised that future payments are on hold until a schedule is submitted.

#### Construction Activities – Past 30 Days

- Grading of North parking lot – Wet soils have delayed the placement of subbase stone. ECS is monitoring conditions of subgrade soil.
- Restroom structure completely built except for final metal roof. The metal roof material is stored on-site. Contractor awaiting roof framing inspection from Brunswick County prior to placing final roofing.
- Handrail on restroom ramps and porch being installed.

- South boardwalk deck framing construction progressing. North boardwalk (Mulberry Street) complete except for cable railing.
- Water piping for Mistert has been installed. Contractor grading around Mistert in order to install decking.
- Tot Lot construction 95% complete.
- *No Brunswick County final inspections have been completed.*

#### **Construction Activities – Next 30 Days**

- Install stone subbase and bituminous paving for parking lots – stone subbase on main parking lot approximately 30% complete.
- Construction of south boardwalk deck and pavilion, currently working on flooring.
- Installation of lighting on south boardwalk.
- Construction of sidewalks. Contractor was directed to remove and replace the concrete sidewalk and stairs at the south end of the site near the outdoor classroom. The sidewalk and stairs were not built per the plan requirements.
- Construction of restroom interior finishes and metal roofing.
- Finalize construction of Tot Lot surface.
- Construction of asphalt trails; to date trails have been laid out by Surveyor.
- Construction of pedestal misters and decking.
- Final grading, seeding and landscaping.

#### **Submittals**

- None outstanding

#### **Request for Information**

- None Outstanding

#### **Request for Proposals**

- No requests for proposal have been initiated

#### **Proposals Received**

- No proposals received

#### **Change Orders Billed Against Owner's Contingency**

- CO #1 – Water Connection Changes (Brunswick County) – \$9,980.00
- CO #2 – Overage on Excavation / Unsuitable Soils – \$9,992.24.
- CO #3 – Drainage revisions (ECS) for North Parking Lot – \$21,333.76
- CO #5 – Restroom Roof Material & Circuit for Grinder Pump - \$9,012.50 (\$3,686.24 toward

- contingency; \$5,326.26 added to contract)
- CO #6 – 30 LF of Trench Drain - \$3,092.01 added to contract

#### **Change Orders to Contract**

- CO #1 – Water Connection Changes (Brunswick County) – 5 Days
- CO #2 – Overage on Excavation / Unsuitable Soils – 5 Days
- CO #3 – Drainage revisions (ECS) for North Parking Lot – 7 Days
- CO #4 – Final Completion Extension to June 13, 2025.
- CO #5 – Restroom Roof Material and Circuit for Grinder Pump - \$5,326.26 added to contract (See Above)
- CO #6 – 30 LF of Trench Drain - \$3,092.01 added to contract

#### **Change Orders Rejected**

- None pending

#### **General Discussion**

- None

#### **Contractor Action Items**

- Finalize all outstanding submittals.
- Replace damaged sidewalk and concrete stairs near Outdoor Classroom.
- Submit Change Order No. 7 for boardwalk lighting revision.

#### **Engineer and Subcontractor Action Items**

- McGill continues to review documents from the contractor as they arrive.

#### **Owner Action Items**

- Finalize waterline relocation on Mulberry Street including site service relocation.

#### **Material Stored on Site**

- Misters
  - Delivered onsite by freight and wrapped in shrink wrap.

#### **Engineer's Observations**

- Contractor is actively working on all project components.
- Contractor is maintaining all erosion control measures.
- Schedule for substantial completion was 5/29/25 and it was not met, which will result in liquidated damages of \$500/day until such a time that substantial completion is achieved. As of this date contractor is 67 days past the substantial completion date. Final completion was scheduled for 6/13/25 and it was not met, which will result in liquidated damages of \$500/day until such a time

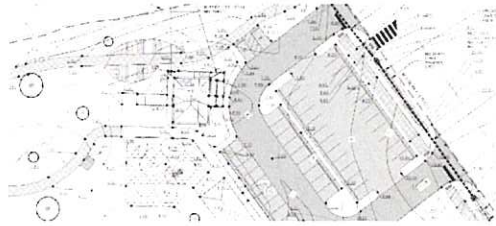


that final completion is achieved. As of this date contractor is 52 days past the final completion date.

**Next Monthly Job Report:**

- August, 2025

**End of Monthly Job Report**



**SCHEDULE  
REPORT**  
August 2025  
8/20/2025

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Project Number: 22.07019  
Town of Shallotte Project # 8/07/2024  
Project Owner: Town of Shallotte  
Project Name: Price Landing Park

Contractor: Cinderella Partners (or "Cinderella" herein)

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**Contractor's Schedule**

- The first Schedule was received January 2, 2025, with a completion date of June 9, 2025.
- The second Schedule was received March 14, 2025, with a completion date of June 13, 2025.
- The third Schedule was received June 3, 2025, with a completion date of June 30, 2025.
- No other Schedules have been received since this date.

**Other**

- Two Pay Applications (#10 & #11) have been received, though site inspections and review with Cinderella have confirmed there are construction deficiencies that render these unacceptable until remedies are complete. These deficiencies, along with failure to provide an accurate project schedule, have been communicated to Cinderella and are part of project meeting minutes, which have also shared with all affected parties.
- **End of Schedule Report**



# OLD REPUBLIC SURETY COMPANY

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August 11, 2025

## CONTRACT STATUS INQUIRY

TOWN OF SHALLOTTE  
106 CHEER ST  
SHALLOTTE, NC 28470

*Attn: Town manager*

Our Bond No. RCN7464829

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QUEST PRJ #9105968

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Bond \$ 3,070,100

Effective Date: 8/07/2024

Without prejudicing your rights or affecting our liability under our bond(s) described above, we would appreciate as much of the following information as is now available.

Very truly yours,

*Laura Strayer*  
Laura Strayer  
lrstrayer@orsurety.com

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Approximate acceptance date \_\_\_\_\_

Final Contract Price \_\_\_\_\_

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Approximate percentage or dollar amount of contract completed or delivered \_\_\_\_\_

3. Do you know of any unpaid bills for labor or material ☐ Yes ☐ No

4. How much has contractor been paid to date? \$ \_\_\_\_\_

5. Please describe any change orders which have been approved \_\_\_\_\_

Remarks: \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Attention \_\_\_\_\_



OLD REPUBLIC INSURANCE GROUP

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