

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 8.

Date of Request: April 28, 2008

Date Request Received: April 29, 2008

Board Meeting Date Requested: May 5, 2008

Board Meeting Date Assigned: May 5, 2008

Short Title: Resolution Authorizing The Release Of Escrow Funds To Mallard Bay Dredging Project: \$44,296.31.

Request Status:
 Request is proceeding to Board of Commissioners
 More information is needed -- see attached
 Request on hold -- no further information needed
 Other:

Background: Several Homeowners Associations along the AIWW and feeding inlets have taken advantage of NC DENR Water Resources Grants. This program pays 80% of the cost of waterway clearing projects that enhance water quality while improving navigability and allowing for public access.

(Administrative Use Only)

Mallard Bay Dredging Project, Inc. contracted with Pender County to undertake a dredging project in two (2) phases. Phase II was completed with \$442,960 in state funding. As part of the agreement, Pender County holds 10% of the project reimbursements to insure that permits are enforced and that the project remains in compliance with the tenets of the program. The project was completed on April 17, 2006 and they are now eligible for final reimbursement of the \$44,296.31 currently being held in escrow.

CONTRACT TYPE

Renewal
 For Service(s)
 Intergovernmental -- County as Grantee
 Federal Grantor
 State Grantor
 Grant or
 County as Grantor
 County Funds
 Other Funds: Pass Through Funds
 Revision
 For Equipment

Without the involvement of this property owners association, Mallard Bay was destined to have been shoaled in, making it inaccessible to the waterway. Project president George Robertson has indicated that they are in compliance with all permits. A representative of the project will be present to answer any questions the Board may have.

PURCHASING Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Staff recommends approval.

Date Sent: _____
Signed: _____

Specific Action Requested: The Board of Commissioners is requested to authorize the release of funds in escrow for Mallard Bay Dredging Project in the amount of \$44,296.31

ATTORNEY Reviewed and Approved
Date Rec'd: Legal Problem(s)
 Comments on Reverse

Date Sent: _____
Signed: _____

Requested by: Melinda Knoerzer
Department: Pender County Utilities
Title: Administrative Assistant
Contact Phone: 910.259.1521
Contact Fax: 910.259.1579

FINANCE Sufficient Funds Available
Date Rec'd: Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent: _____
Signed: _____

CLERK Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval.

Q H
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that

funds being held in escrow on behalf of Mallard Bay Dredging Project, Inc., are hereby released in the amount of \$44,296.31. The County Manager is authorized to execute any and all documents necessary to implement this resolution.

60-407456-6037 Mallard Bay Dredging Project, Inc. \$44,296.31

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Williams ___ Tate ___ Blanchard ___ Brown ___ Rivenbark ___

J. David Williams, Jr., Chairman 05/05/08
Date

Attest 05/05/08
Date

April 10, 2008

Ms. Melinda Knoerzer
Administrative Assistant
Pender County Manager

Re: Letter from Melinda Knoerzer to George Robertson 9-24-07
Letter from George Robertson to David Williams 4-10-08

Dear Ms. Knoerzer,

The day is here at last when the last item of business with respect to the Mallard Bay Dredging Project will be completed

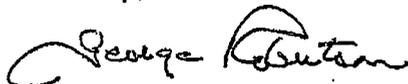
Per our agreement, Pender County was to withhold 10% of NC Grant monies for two years to assure that all "litigation, charges, and obligations" had been met. That date is April 16th, 2008.

Per your letter request of 9-24-07, I, George Robertson, acting President of MBDPI, can assure you that in fact, all obligations have been met. All property owners are pleased, and Middle Creek is in compliance with all permits. Middle Creek is indeed a waterway where boaters travel to fish or observe one of NC's spectacular estuaries. We would welcome a visit from any of the County's interested representatives. Please call me at 270-3885 for a boat or land visit.

When you are satisfied that all is well with the Mallard Bay Dredging Project, please call me and I will come to Burgaw to receive the withheld funds in the amount of \$44,296.31.

Thank you so much for your help and participation in Mallard Bay's efforts.

Sincerely,



George G. Robertson
President, MBDPI

Mallard Bay Residential Canals Maintenance Dredging Project

Certificate of Completion

Date of Issuance: April 18, 2006
Project Owner: Mallard Bay Dredging Project, Inc.
Contractor: American Small Business Alliance, Inc.

Project Description: The "Project" is described as the maintenance dredging of a series of natural and man made channels to provide navigational access to the adjacent properties within the Mallard Bay Subdivision. The Project is intended to provide a 4-ft deep navigation channel 16-ft wide at mean low water. The Project is located in Pender County, NC, adjacent to the Atlantic Intracoastal Waterway in the vicinity of USCG Day Marker 92, and Middle Creek.

I, Christian L. Gibson, a Professional Engineer registered in the State of North Carolina, have inspected the construction of the described project, and certify that:

1. Dredging activities on this project were completed on March 17, 2006.
2. The "As-Built" survey for the final acceptance section was conducted on March 20, 2006.
2. De-Mobilization and Final Cleanup of the project site was completed and inspected on April 17, 2006.
3. The Contractor satisfactorily completed the project to the specifications of the original design, addenda to the plans and specifications, or field changes by the engineer.
4. The Owner has accepted any non-conforming work pursuant to Article V, Section 5.8 of the Contract.

Engineer of Record: Christian L Gibson, PE
Engineering Firm: Gahagan & Bryant Associates, Inc.

Address: Gahagan & Bryant Associates, Inc.
7217-113 Ogden Business Lane
Wilmington, NC 28411
Phone: (910) 686-5884
Fax: (910) 686-5877



Seal