

Lower Cape Fear Water & Sewer Authority
Regular Board Meeting Minutes
October 10th, 2022

Chairman Rivenbark called to order the Authority meeting scheduled on October 10th, 2022, at 9:00 a.m. and welcomed everyone present. The meeting was held at the Authority's office located at 1107 New Pointe Boulevard, Suite 17, Leland, North Carolina. Director Leonard gave the invocation.

Roll Call by Chairman Rivenbark:

Present: Norwood Blanchard, Patrick DeVane, Wayne Edge, Harry Knight, Al Leonard, Phil Norris, Charlie Rivenbark, Bill Saffo, Chris Smith, Bill Sue, Frank Williams, and Rob Zapple

Present by Virtual Attendance: Jackie Newton and Scott Phillips

Absent: None

Staff: Tim H. Holloman, Executive Director; Matthew Nichols, General Counsel; Tony Boahn P.E., McKim & Creed, Patrick Flanagan, COG; and Danielle Hertzog, Financial Administration Assistant

Guests Present: Glenn Walker, Brunswick County Water Resources Manager; Ken Waldroup, Cape Fear Public Utility Authority Executive Director; Jess Powell P.E., McKim & Creed; Kenny Keel, Pender County Public Utilities Director; and Gary Lanier, Columbus County Economic Development Director

Guests Virtual Attendance: John Nichols, Brunswick County Public Utilities Director; Tom Hendrick, Pender County Utilities Water Treatment Plant Superintendent; and Benjamin Kearns, Cape Fear Public Utility Authority Water Recourses Manager Water Treatment

PLEDGE OF ALLEGIANCE: Chairman Rivenbark led the Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA

C1 - Minutes of September 12, 2022, Regular Board Meeting

C2 - Minutes of September 12, 2022, Personnel Committee Meeting

C3 - Kings Bluff Monthly Operations and Maintenance Report

C4 - Bladen Bluffs Monthly Operations and Maintenance Report

Motion: Director Norris **MOVED**; seconded by Director Williams, approval of the Consent Agenda Items C1-C4 as presented. Upon vote, the **MOTION CARRIED UNANIMOUSLY**.

	For	Against	Abstained	Absent
Norwood Blanchard	X			
Patrick DeVane	X			
Wayne Edge	X			
Harry Knight	X			
Al Leonard	X			
Jackie Newton			X	
Phil Norris	X			
Scott Phillips	X			
Charlie Rivenbark	X			
Bill Saffo	X			
Chris Smith	X			
Bill Sue	X			
Frank Williams	X			
Rob Zapple	X			
	13	0	1	0

OLD BUSINESS

OB1- Resolution Authorizing a Phased 10 Mile Parallel Raw Water Line

Tony Boahn advised he has four options for the board to look over. Option one would extend from the ground tank at the new 54" pipeline and cover 25,500 LF for \$23.5 million. Option two would extend from the ground tank at the new 54" pipeline to Pender County Meter and cover 36,200 LF for a cost of \$35.2 million with \$11.7 million

additional that would come from CFPWA and Pender County. Option three would only cover the river/wetland crossing and cover 18,800 LF with a cost of \$23.5 million. Option four is the updated cost for the entire 10-mile project. Option two is the option LCFWASA suggests to the board after meetings with CFPWA and Pender County. Director Zapple wanted to know if the \$23.5 million requires any funding from CFPWA and Pender County. Executive Director Holloman advised that the \$23.5 million does not request funding from CFPWA and Pender County. However, he has spoken with CFPWA and Pender County Directors, and together they fill the best option is option two. That would require CFPWA and Pender County to split the additional \$11.7 million cost. Director Norris wanted to confirm that CFPWA and Pender County are on board with option two. Ken Waldroup, Cape Fear Public Utility Authority Executive Director, and Kenny Keel, Pender County Public Utilities Director, both advised both counties are on board for option two. Director Zapple wanted to know what the breakdown for each county would be. Ken Waldroup declared \$9.64 million for CFPWA and \$1.54 million for Pender County. Director Zapple questioned if we have a written statement in this resolution that will guarantee that the other counties will participate in any necessary repair. Executive Director Holloman advised that this resolution is only for the initial installation. Director Zapple would like confirmation that all partners will help with future repair costs until LCFWASA is financially able to pay for all repairs needed to both lines.

Motion: Director Williams **MOVED**; seconded by Director Blanchard, approving of the resolution authorizing a phased 10 Mile parallel raw water line. Upon vote, the **MOTION CARRIED UNANIMOUSLY**.

	<u>For</u>	<u>Against</u>	<u>Abstained</u>	<u>Absent</u>
Norwood Blanchard	X			
Patrick DeVane	X			
Wayne Edge	X			
Harry Knight	X			
Al Leonard	X			
Jackie Newton	X			
Phil Norris	X			
Scott Phillips	X			
Charlie Rivenbark	X			
Bill Saffo	X			
Chris Smith	X			
Bill Sue	X			
Frank Williams	X			
Rob Zapple	X			
	14	0		0

ENGINEER'S COMMENTS

No comments

ATTORNEY COMMENTS

No comments

EXECUTIVE DIRECTOR REPORT

EDR1 – Comments on Customers' Water Usage and Raw Water Revenue for Fiscal Year to Date Ending August 30, 2022

Executive Director Holloman reported that during September 2022, Brunswick County and CFPWA were above projections. Monthly revenue was up last month.

DIRECTOR'S COMMENTS AND/OR FUTURE AGENDA ITEMS

Director Leonard would like discussion of the Resolution Authorizing a Phased 10 Mile Parallel Raw Water Line after future meetings.

PUBLIC COMMENT

No comments

CLOSED SESSION

Chairman Rivenbark requested a motion to go into a closed session to discuss Attorney-Client Privilege related to the following pending lawsuit:

Cape Fear Public Utility Authority, Brunswick County, Lower Cape Fear Water & Sewer Authority, and Town of Wrightsville Beach v. The Chemours Company FC, LLC, E.I. Du Pont De Nemours and Company, and The Chemours Company; United States District Court for the Eastern District of North Carolina, Case No. 7:17-CV-00195-D and Case No. 7:17-CV-00209-D. Pursuant to N.C.G.S. § 143-318.11(a)(3) to discuss with attorney a separate matter within the attorney-client privilege and to consult with Board's attorney to preserve the attorney-client privilege pursuant to Economic Development N.C.G.S. § 143-318.11(a)(4).

Motion: Director Leonard **MOVED**; seconded by Director Williams, to go into closed session in accordance with N.C.G.S. §143-318.11(a)(3) to preserve Authority's Attorney-Client Privilege. Upon vote, the **MOTION CARRIED UNANIMOUSLY**.

	<u>For</u>	<u>Against</u>	<u>Abstained</u>	<u>Absent</u>
Norwood Blanchard	X			
Patrick DeVane	X			
Wayne Edge	X			
Harry Knight	X			
Al Leonard	X			
Jackie Newton	X			
Phil Norris	X			
Scott Phillips	X			
Charlie Rivenbark	X			
Bill Saffo	X			
Chris Smith	X			
Bill Sue	X			
Frank Williams	X			
Rob Zapple	X			
	14	0		0

At 9:37 a.m., the board went into closed session. At 10:24 a.m., the board returned to open session. Discussion only; no action required.

ADJOURNMENT

There being no further business, Chairman Rivenbark adjourned the meeting at 10:25 a.m.

Respectfully Submitted:


Harry Knight, Secretary