

Lower Cape Fear Water & Sewer Authority  
Regular Board Meeting Minutes  
November 14<sup>th</sup>, 2022

Chairman Rivenbark called to order the Authority meeting scheduled on November 14<sup>th</sup>, 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 Edge gave the invocation.

**Roll Call by Chairman Rivenbark:**

**Present:** Norwood Blanchard, Patrick DeVane, Wayne Edge, Harry Knight, Jackie Newton, Phil Norris, Scott Phillips, Charlie Rivenbark, Chris Smith, Bill Sue, Frank Williams, and Rob Zapple

**Present by Virtual Attendance:** Al Leonard and Bill Saffo

**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; Jess Powell P.E., McKim & Creed; Robert "Buddy" Harris, Smithfield Foods Plant Environmental Manager; James Kern, Smithfield Wastewater Supervisor; and James Proctor, Pender County Utilities Deputy Director

**Guests Virtual Attendance:** John Nichols, Brunswick County Public Utilities Director; Tom Hendrick, Pender County Utilities Water Treatment Plant Superintendent; Benjamin Kearns, Cape Fear Public Utility Authority Water Resources Manager Water Treatment; Ken Waldroup, Cape Fear Public Utility Authority Executive Director; and Kenny Keel, Pender County Public Utilities Director

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

**APPROVAL OF CONSENT AGENDA**

**C1 - Minutes of October 10, 2022, Regular Board Meeting**

**C2 - Kings Bluff Monthly Operations and Maintenance**

**C3 - Bladen Bluffs Monthly Operations and Maintenance Report**

**C4 - Bladen Bluffs Source Water Resiliency and Response Plan Presentation**

**Motion:** Director Newton **MOVED**; seconded by Director Blanchard, 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			
	14	0	0	0

## OLD BUSINESS

### **OBI- Resolution Authorizing request for Owners Representative for the Design Build of a 10 mile 54" parallel line for the Lower Cape Fear Water and Sewer Authority**

Director DeVane wanted to know how the representative will be compensated. Executive Director Holloman advised from the project funding.

**Motion:** Director Edge **MOVED**; seconded by Director Blanchard, approving the resolution authorizing a phased 10 Mile parallel raw water line. 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			
	14	0	0	0

## NEW BUSINESS

### **NB1- Resolution Accepting the Lower Cape Fear Water and Sewer Authority Kings Bluff Regional Raw Water Supply Facilities FY 2022-2023 Annual Inspections Report (Tony Boahn, P.E., McKim and Creed)**

As required by the Authority's authorizing bond order and water supply agreements with its customers, McKim & Creed conducted the annual inspection of the King Bluff Raw Water Pump Station (KBRWPB) and submitted the Lower Cape Fear Water & Sewer Authority Kings Bluff Regional Raw Water Supply Facilities FY 2022-2023 Annual Inspection Report. Mr. Powell provided a PowerPoint presentation of the King's Bluff annual report with an overview of the system, including intake and pier, pump station, electrical building, generator facilities, the three-million-gallon ground tank, the booster pump station, raw water main right of way, the 48-inch raw water main, and the new 54-inch parallel raw water main. Mr. Powell commended Brunswick County on doing a magnificent job maintaining Kings Bluff due to only finding minor concerns during the inspections. Mr. Powell advised that the pier and the building need repairs due to rot on the handrails and deck boards. Mr. Powell also announced that DAK Industries is no longer the property owner at the right of way, and the area is overgrown. Brunswick County has an RFQ looking for a new contractor to maintain this right of way. Director DeVane wanted to know if there was a project in the annual inspection report that McKim & Creed feels that should be moved up. Tony Boahn advised the biggest project of concern would be the pier and walkway. Mr. Boahn declared that he knows Brunswick County is continually replacing boards to keep them serviceable.

**Motion:** Director DeVane **MOVED**; seconded by Director Williams, approval of the *Resolution Accepting the Lower Cape Fear Water & Sewer Authority Kings Bluff Regional Raw Water Supply Facilities FY 2022-2023 Annual Inspection Report* as presented. Upon vote, the **MOTION CARRIED UNANIMOUSLY**.

	<u>For</u>	<u>Against</u>	<u>Abstained</u>	<u>Absent</u>
Norwood Blanchard	X			
Wayne Edge	X			
Patrick DeVane	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	0

**NB2- Resolution Accepting the Lower Cape Fear Water and Sewer Authority Bladen Bluffs Regional Raw Water Supply Facilities FY 2022-2023 Annual Inspections Report (Tony Boahn, P.E., McKim and Creed)**

The Authority's Special Facility Revenue Bond Series 2010 requires an annual inspection of the Bladen Bluffs Regional Surface Water Treatment facilities by a qualified engineer to report on readiness, identify deficiencies, and make recommendations on needed repairs and capital improvements. McKim & Creed conducted the inspection and submitted the report dated October 2022. Mr. Powell presented a PowerPoint presentation of the inspection's results and findings, including the intake and raw water pump station, treatment processes, residual basins, chemical systems, and administrative facilities. Mr. Powell concluded that the items identified in the report are minor maintenance items, and the facility is well maintained. There is no cause for concern from an operational standpoint. Director Sue is concerned about the current lease with Smithfield foods. Executive Director Holloman advised he will get with Matt Nichols to see if LCFWASA can renew the lease every ten years. A copy of the report is hereby incorporated as part of these minutes.

**Motion:** Director Phillips **MOVED**; seconded by Director Williams, approval of the Resolution Accepting the Lower Cape Fear Water & Sewer Authority Bladen Bluffs Regional Surface Water Treatment Facilities Fiscal Year 2022-2023 Annual Inspection Report as presented. Upon vote, the **MOTION CARRIED UNANIMOUSLY**.

	<u>For</u>	<u>Against</u>	<u>Abstained</u>	<u>Absent</u>
Norwood Blanchard	X			
Wayne Edge	X			
Patrick DeVane	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	0

**PRESENTATION – Overview of the Bladen Bluff Plant by Robert “Buddy” Harris**

James Kerns presented the Bladen Bluffs Source Water Resiliency and Response Plan. The state provided the six possible contaminant sources upstream from Bladen Bluff. In the plan, Mr. Kerns has listed emergency contacts

within Smithfield only with emergency department numbers for Bladen County. Since Smithfield has a well system, they could shut down the water plant within five to ten minutes and never go without water. Executive Director Holloman questioned if this plan needs to be updated annually. Mr. Kerns advised no it is to be updated every five years.

**Motion:** Director Newton **MOVED**; seconded by Director Blanchard, approval of the amended the agenda to add C4 – Source Water Resiliency and Response Plan. Upon vote, the **MOTION CARRIED UNANIMOUSLY**.

	For	Against	Abstained	Absent
Norwood Blanchard	X			
Wayne Edge	X			
Patrick DeVane	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	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 October 31, 2022**

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

#### **DIRECTOR'S COMMENTS AND/OR FUTURE AGENDA ITEMS**

No comments

#### **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.

**Motion:** Director Blanchard **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 regarding the pending lawsuit. 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	0

At 9:58 a.m., the board went into closed session. At 10:18 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 10:19 a.m.

Respectfully Submitted:

  
 Harry Knight, Secretary