

Lower Cape Fear Water & Sewer Authority
Regular Board Meeting Minutes
August 8th, 2022

Chairman Rivenbark called to order the Authority meeting scheduled on August 8th, 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, Al Leonard, Phil Norris, Scott Phillips, Charlie Rivenbark, Bill Saffo, Chris Smith, Bill Sue, Frank Williams, and Rob Zapple

Present by Virtual Attendance: Harry Knight and Jackie Newton

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; and James Proctor, Pender County Utilities Deputy Director

Guests Virtual Attendance: Tom Hendrick, Pender County Utilities Water Treatment Plant Superintendent; Heidi Cox, NC DEQ Regional Engineering Supervisor, Division of Water Infrastructure; and Jordan Clark, Computer Warriors

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

APPROVAL OF CONSENT AGENDA

C1 - Minutes of July 11, 2022, Regular Board Meeting

C2 - Kings Bluff Monthly Operations and Maintenance Report

C3 - Bladen Bluffs Monthly Operations and Maintenance Report

C4 - Budget Amendment #4

Motion: Director Zapple **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				
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	0	0

OLD BUSINESS

OB1- Resolution for the Aerial Crossing Bid Proposal for the existing 48-inch pipeline

A) A Resolution of Lower Cape Fear Water & Sewer Authority Exempting Lower Cape Fear Water & Sewer Authority from The Provisions of N.C.G.S. §143-64.31

Executive Director Holloman advised the Authority would need the board to approve exception N.C.G.S. §143-64.31 to bypass bidding for the 48-inch pipeline.

Motion: Director DeVane **MOVED**; seconded by Director Williams, Exception from the Formal Bidding Process Pursuant to N.C.G.S. §143-64.31 for the 48-inch pipeline. 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				
Al Leonard	X			
Jackie Newton				
Phil Norris	X			
Scott Phillips	X			
Charlie Rivenbark	X			
Bill Saffo	X			
Chris Smith	X			
Bill Sue	X			
Frank Williams	X			
Rob Zapple	X			
	12	0	0	0

OB1- Resolution for the Aerial Crossing Bid Proposal for the existing 48-inch pipeline

B) Resolution Authorizing the Proposal for Professional Consulting Engineering Services Existing 48” Aerial Crossing at Livingston Creek Structural Design for Platform – Amendment #1

Director Zapple wanted to confirm since the Authority is trying to stay under the \$50,000 minimum should all the amounts need to be lumped together to make sure the total, we are exempting is correct. Matt Nichols advised he would review and confirm.

Motion: Director DeVane **MOVED**; seconded by Director Williams, for the resolution for the 48’ aerial crossing at Livingston Creek. 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				
Al Leonard	X			
Jackie Newton				
Phil Norris	X			
Scott Phillips	X			
Charlie Rivenbark	X			
Bill Saffo	X			
Chris Smith	X			
Bill Sue	X			
Frank Williams	X			
Rob Zapple	X			
	12	0	0	0

OB2- Discussion on the proposed payment method for the November 2021 48-inch pipeline leak repair.

Director DeVane wanted to confirm that all customers have seen the breakdown and that they are on board with the amounts required to pay. Executive Director Holloman advised that he has spoken with the three largest raw water consumers and would speak with the smaller two once the bills have gone out. Director Zapple wanted to know if the Authority owns the pipeline. Executive Director Holloman advised that yes, the Authority does own the pipeline. Director Zapple's concern is the inability to pay for repairs on the pipeline without our customers puts us in an odd and even weak position. Director Norris advised that all three customers have always come together for all significant repairs and issues for the pipeline. Director Zapple wanted to know if one of the customers could try to

claim ownership of the pipeline. Matt Nichols thinks that would not have a claim to the pipeline, but he will check into the issue.

Motion: Director Williams **MOVED**; seconded by Director Phillips, for the payment breakdown for the November 2021 48-inch pipeline leak repair. 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				
Al Leonard	X			
Jackie Newton				
Phil Norris	X			
Scott Phillips	X			
Charlie Rivenbark	X			
Bill Saffo	X			
Chris Smith	X			
Bill Sue	X			
Frank Williams	X			
Rob Zapple	X			
	12	0	0	0

OB3- No Cost Solutions Audit Proposal regarding Electric Utilities for LCFWASA.

Executive Director Holloman advised we only received one bid. Director Zapple questioned what the baseline is. Executive Director Holloman announced they compared three years of utility bills and came up with the average.

Motion: Director Saffo **MOVED**; seconded by Director DeVane, for No-Cost Solution Audit Proposal. 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				
Al Leonard	X			
Jackie Newton				
Phil Norris	X			
Scott Phillips	X			
Charlie Rivenbark	X			
Bill Saffo	X			
Chris Smith	X			
Bill Sue		X		
Frank Williams	X			
Rob Zapple	X			
	11	1	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 June 30, 2022

Executive Director Holloman reported that during July 2022, Brunswick and Pender County 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 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				
Al Leonard	X			
Jackie Newton				
Phil Norris	X			
Scott Phillips	X			
Charlie Rivenbark	X			
Bill Saffo	X			
Chris Smith	X			
Bill Sue	X			
Frank Williams	X			
Rob Zapple	X			
	12	0		0

At 9:39 a.m., the board went into closed session. At 10:26 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 10:27 a.m.

Respectfully Submitted:



Harry Knight, Secretary