

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

CANE CREEK WATER & SEWER DISTRICT
WEDNESDAY, AUGUST 15, 2018

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Mike Edney, Vice-Chairman Grady Hawkins, Commissioner Tommy Thompson, Commissioner Charlie Messer, Commissioner William Lapsley, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Clerk to the Board Teresa L. Wilson, and Attorney Russ Burrell.

Also present were: Management Assistant Megan Powell, Finance Director Samantha Reynolds, Director of Business and Community Development John Mitchell, Engineer Marcus Jones, Recreation Director Carleen Dixon, Captain Benjy Bryant, Construction Manager David Berry, Planning Director Autumn Radcliff, Facilities Project Coordinator Thad Ninnemann, Emergency Management/Rescue Coordinator Jimmy Brissie, Building Services Interim Director Crystal Lyda, Captain Neal Urch, Board of Elections Director Beverly Cunningham, IT Director Becky Snyder, Code Enforcement Director Toby Linville, EMS Director Mike Barnett, Project Engineer Natalie Berry & PIO Kathy Finotti – videotaping, and Deputy Kyle Collins as security.

CALL TO ORDER/WELCOME

Chairman Edney called the meeting to order and welcomed all in attendance.

Commissioner Hawkins made the motion for the Board to convene as Cane Creek Water & Sewer District Board. All voted in favor and the motion carried.

Cane Creek Water and Sewer District – Minutes of August 6, 2018

Staff request approval of minutes from a previous meeting of the Cane Creek Water & Sewer District.

- 1) August 6, 2018

Commissioner Thompson made the motion to approve the Cane Creek Water & Sewer District minutes of August 6, 2018. All voted in favor and the motion carried.

Award Construction Contract - Mud Creek Interceptor Project

Following up on the District's July 18, 2018 and August 6, 2018, the Directors did not move to award the construction contract for the Mud Creek Interceptor project and requested more information regarding the project easements.

This agenda item provides additional time for Board consideration for awarding the construction contract.

The details of the proposed construction contract and project budget from the July 18, 2018 meeting follow:

As directed in the District's approved budget, Mud Creek Interceptor Project was bid on June 19, 2018. As recommended by WGLA Engineering. It is presented to the Board for award of the construction contract. The proposed contract is for \$3,056,970.00.

DATE APPROVED: January 7, 2019

The project falls within the statutory requirements for a formal bid process and therefore, the Engineer has conducted the bidding accordingly. Additionally, the project was advertised in the local newspaper and posted on the County website.

The proposed budget is as follows:

Construction Contract	\$3,056,970
Construction Contingency	\$ 305,700
Mud Creek Pump Station Upgrade	\$ 350,000
Easement Coordination	\$ 75,000
Total Project Budget	\$3,712,670

This project was approved in the FY2019 budget and financed with a contribution from Fletcher Academy of \$1,020,000, the District's fund balance, and a construction loan.

BOARD ACTION REQUESTED:

Award the construction contract for the Mud Creek Interceptor Project to Buchanan and Sons, Incorporated for \$3,056,970, approve the proposed project budget and authorize the County Engineer to execute the required documents.

Some of the information is not public yet and pertains to negotiations with property owners over easements. Part of this project is an agreement with Fletcher Academy to provide them service with sewer and they bring over a \$1m to the project, along with an agreement with the State of North Carolina Division of Environmental Quality as a future option for Fletcher Academy's waste water treatment.

We are fortunate that the formal bidding process came in with an excellent bid that is good until August 19, 2018.

The contract has a very strong benefit to our sewer system as well as to the public. It serves the hospital, a school, a commercial area, a fire department, and has potential in the future to serve Mountain Home Industrial Park with gravity service as well as another fire station. A sewer easement is not like a road project, we are not taking road frontage from somebody. The sewer line, in a vast majority of the time, is located in the flood plain by design because that is where water flows. In most cases the location is in an area that is not developable anyway because of the flood plain regulation. In reality the sewer easement adds to the value of the property. Eminent domain is an unfortunate necessity of running a sewer system.

We do not have all of the easements at this time, however we are in negotiations with the remaining folks. Marcus Jones feels we still have time to work on additional easements. It is an 18 month project and per Wil Buie it will be 6 weeks before any action is taken. For the majority of the remaining easements, it is just a matter of get schedules together and obtaining signatures. There are a couple that we have not come to tentative agreements yet.

Commissioner Lapsley understands there are approximately 22 easements involved in the entire project, and staff is down to about 4-5 that had not actually signed an easement. Of those five, two or three do not appear to be a problem and are just waiting on paperwork. One or two easements have property owners that may not finally sign and require this Board to proceed with eminent domain procedures. Chairman Edney has raised the issue of greenway easement being included, and letters have been sent to all of the easement owners indicating that this Board would like for them to consider amending the easement to allow for a greenway. Commissioner Lapsley does not feel this should have any consequences on whether this Board decides to proceed with the project or not.

Marcus Jones stated as of this morning he had not received any of the greenway easement letters back.

Of the easements, Wil Buie noted that five easement are unsigned, of those five, three have verbally agreed and are waiting on surveys, and two are in continued negotiations. Of the two in continued negotiation, one has indicated they were uninterested in the sewer line because they wanted to sell their property.

Commissioner Messer is against this project and doesn't feel it has been handled correctly. He does not feel this project would be a value for the entire community at this time, maybe twenty years from now. He will vote against it.

Commissioner Hawkins made the motion that the Board of Directors award the construction contract for the Mud Creek Interceptor Project to Buchanan and Sons, Incorporated for \$3,056,970, approve the proposed project budget, authorize the County Engineer to execute the required documents, and authorize staff to proceed with emanate domain for contractor to access property for easement. The motion passed 4-1 with Commissioner Messer voting nay.

County Attorney Russ Burrell explained that the first step in the process is a notice that goes out to the property owner saying that the County can at any point, 30 days after the date of this notice, file a condemnation action. As the Board gives authority to move this forward, that notice will go out now. It doesn't file the lawsuit, it is effectively a letter informing the property owner of possible action.

Commissioner Hawkins made the motion to adjourn as Cane Creek Water & Sewer District Board, reconvene as the Board of Commissioners. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

J. Michael Edney, Chairman