

Autumn Radcliff responded that staff went the extra mile to make sure everyone was aware of the process. Additional public hearings are not necessary. There are approximately 3200 properties in the area, and 5414 citizens.

It was the consensus of the Board to send the plan back for another review of the Housing Section: Mobile Home Parks, Transportation: Access Management along Spartanburg Highway and bring it back to the Board at a future meeting, possibly March 21st.

EDNEYVILLE ELEMENTARY SCHOOL SEWER

The Board discussed the Edneyville Elementary School Sewer, and provided direction to staff accordingly.

Commissioner Lapsley noted his interest in the project from the beginning. This Board is going to have to choose a new waste water disposal system.

Five Options

1. Construct a new on-site (septic / drain field) wastewater system. (Estimated Cost \$ 705,000 Maintenance \$ 35,000 per year)
2. Construct a new on-site WWTP with discharge to a nearby surface water (stream/creek). (Estimated Cost \$ 950,000 Maintenance \$ 35,000 per year)
3. Construct a single large sewage pump station with a 3.4 mile (along US Hwy 64 East) force main with discharge to the existing City of Hendersonville collection & treatment system near North Henderson High school. This system would have limited impact on future growth and development because it would require anyone who connected to install their own individual sewage pump. (Estimated Cost \$ 1,500,000 Maintenance \$ 29,000 per year)
4. Construct a series of three (3) smaller sewage pump stations with short sections of force main and gravity sewer collection lines along US Hwy 64 east. Discharge of the sewage would be to the existing City of Hendersonville collection & treatment system near North Henderson High school. The gravity sewer line sections would serve properties along the highway and some impact on future growth & development. (Estimated Cost \$ 4,058,000 Maintenance \$ 31,500 per year)
5. Construct a large diameter gravity sewer line along the edge of Clear Creek from North Henderson High school to the new Edneyville Elementary School. The sewer line would serve very few if any existing development but would make available public sewer service for future economic development in the eastern – undeveloped section of the County. This gravity sewer line would have an overall length of approximately 4.8 miles. (Estimated Cost \$ 4,500,000 Maintenance \$ 19,000 per year).

Considerations

Initial Cost – there is no question that the lowest initial cost would be an on-site system. All other options are substantially more expensive. At some point in the future Option # 5 will most likely be constructed. If this option were to be selected now - the cost to construct would certainly be the lowest and it would spur new economic development. Also, the money that would have been spent for the on-site system would be credited against the total cost now rather than totally lost in the future.

System Operating Cost – the least expensive operating expense would be the gravity sewer line) Option # 5). All other options would have some mechanical equipment (pumps, etc.) which present some level of risk for failure and annual operating & maintenance expenses. Option # 4 would have the highest operating expense.

Public Utility Enterprise – Options 3, 4 & 5 would expect the system to be operated as a public utility enterprise. That is to say – the properties served by the system would pay a monthly fee to cover the

initial capital cost (a loan) and all operating expenses. Obviously, the only customer expected to use the system at the outset is Edneyville Elementary school. There is no reason to expect the connection of existing development to the system in the near future as the cost to connect and monthly expense would no doubt be higher on the new system. To keep the user charges at an attractive level it would be advantageous for the County to pay the initial capital cost out of its unappropriated general fund balance. It is the Commission's opinion that the taxpayers – county wide- would not be in support of this approach to funding the project.

An alternative to the County operating & maintaining the wastewater collection system (Options 3, 4 or 5) would be to turn over the entire project to the City of Hendersonville. They could arrange for funding of the capital improvements and spread the expenses over their entire water & sewer customer base (as they currently do with the water & sewer fund in a combined budget). This alternative warranted further investigation by the Commission.

City of Hendersonville

It is clear that the selection of Options 3, 4 or 5 will require the approval & support of the City Council of the City of Hendersonville.

The County Commission requested that Chairman Edney, Commissioner Lapsley, & Manager Wyatt meet with Mayor Volk, Councilman Caraker and Manager Connet to discuss the project and determine the City's interest in providing the wastewater treatment service needed by the new school.

This meeting was held on Tuesday, February 13, 2018, and the key points that we, the County, took away from that meeting are as follows:

1. The City has no interest in participating financially or otherwise in the development of a sewer collection system outside their corporate limits. That includes the specific project to serve Edneyville Elementary School.
2. The City has no interest in operating or maintaining any sewer collection system that has sewage pumping stations (Options 3 & 4). The City has been constructing gravity sewer lines in the past few years to eliminate old sewage pumping stations. The City would consider taking ownership of the gravity sewer line constructed *by the County* under Option 5.
3. The City reserves the right to require annexation by any future sewer customer located outside the corporate limits. While the City's attention is focused on properties adjacent to the city limit it is their position that those parcels in the "urban services area" will be subject to voluntary annexation in the future.
4. The City has no interest in adjusting the existing sewer user charge rates to provide a uniform rate for inside and outside city customers. The City pointed out that the existing differential of 150% would remain and that they have the right to charge whatever they choose. Some city owned public utilities charge more than the 50% surcharge, so they feel we should be grateful it is not higher. Therefore, if the system is connected to the City of Hendersonville the customers, including the Edneyville Elementary school should be expected to pay the higher rate.
5. The City would consider allowing the County to construct Options 3, 4 or 5 with the County constructing the system and operating & maintaining the system at its expense. The City would require a master meter to be installed at the City limit. The City would charge a yet to be determined treatment fee. This would be a similar arrangement to that used by the County in the Cane Creek Sewer District with MSD Buncombe County.
6. The City advised the County that they have a significant amount of reserve treatment capacity at their plant. This capacity is reserved for those areas expected to be annexed into the city limits in the future. They will not give up that capacity for development in the unincorporated areas of the

county. Therefore, the County should expect to be limited to a small fixed amount of the treatment plant capacity. If the County reaches that limit it will be expected to pay a substantial sum of money to expand the City's treatment plant. The amount of wastewater treatment capacity to be set aside for the unincorporated areas is yet to be determined.

This situation of an existing school with wastewater problems is not a new phenomenon. This Board's membership will recall the same situation approximately 10 years ago when the Atkinson Elementary school had a failing septic system. Because there was no available property adjacent to the school a new septic drain field was not an available option. So, the Commission paid for a single sewage pump station and turned over the ownership, operation and maintenance to the City of Hendersonville. A gravity sewer line option was available in that situation, but the Commission chose the pump station option. The key point here was that the City of Hendersonville's attitude was different. They supported the connection (of course at outside city user charges) and agreed to take on the sewer extension to their system. So, the political considerations are different now than they were just 10 years ago.

Conclusions –

1. The City of Hendersonville has no interest in expanding or developing its wastewater collection/treatment system to serve new customers who are located outside their corporate limits. This is directly opposite of their position on expansion of the City owned public water system.
2. The City Council of the City of Hendersonville has placed itself in the position of controlling the growth & development of all of Henderson County – including the other municipalities.
3. The intent of the NC General statutes, in my opinion, is for a municipality to control the activities within its own corporate limits. The fact that a governing body elected by 1,000 voters in a County of 115,000 people controls the future growth & development more than 10 miles outside its boundary is unfair & unreasonable. There should be a change in the State law to prohibit this situation.
4. This Commission should not submit the property owners in the unincorporated areas, specifically in this case, those along US Hwy 64 east to the fees, charges, policies' and established by a governing body that cannot be held accountable by the customers. As we have seen with the Atkinson school example – political positions can change over time and when these are mixed with a necessary public utility service the situation can impact a lot of people and the development of the community.
5. As an engineer with over 40 years in the design, permitting and construction of wastewater collection/treatment systems – I feel that the Commission should do everything possible to connect the new Edneyville Elementary school to a public sewer system. Unfortunately, the conditions imposed by the City of Hendersonville should be unacceptable to this Commission.

Therefore, it is my opinion that the County should move ahead with a final detailed analysis of Option 1 & 2 before we make a final decision on this matter.

Commissioner Hawkins stated the Board has spent much time looking at options. The County cannot treat waste water. We have dealt with these issues for a while and we are dealing with a monopoly. It is best to have staff dedicate studies to an onsite plan. The first priority is the Edneyville Elementary School.

Chairman Edney feels the bottom line is that we may have to get back into the sewer business and work with the community and provide public sewer.

Commissioner Messer also feels we need to get into the sewer business and even take a look at the Etowah Sewer System.

Commissioner Thompson is unsure if option five will be constructed in the future, he would tend to agree

that it is possible that option 4 or 5 may be constructed in the future. There is more consensus today on the Barnwell option and he not sure if the tax payers have a problem paying up front cost. He feels businesses would tap on. With the information he has today, he feels the overall best sewer solution for Edneyville Elementary School is forced and hybrid but because of political issues with the City of Hendersonville we can make option 1 or 2 work. Options 4 or 5 are options for the future.

Chairman Edney stated a drip system is basically a package waste water plant that takes final effluent and discharges it through many acres of small pipes. A standard septic system is a below ground large tank to treat waste water and discharge through four inch pipes. A consult was directed to see what could be done on the existing property and we may need to look at acquiring additional property. The third option is an actual package treatment plant.

Commissioner Lapsley would only recommend the drip option as the last option since it has the highest failure rate. He suggests a conventional system but it will require additional land. A package plant on Clear Creek is possible.

It was the consensus of the Board that staff bring back information on the three options within 30 days.

COUNTY MANAGER'S REPORT

Opioid Crisis

Steve Wyatt reminded the Board of the Community Forum on March 28, 2018 on the Opioid Crisis. Megan Powell is coordinating the event by working on the agenda and speakers. Opioid and Drug abuse is a huge crisis. School safety is a big issue, but drug overdose is even larger. It will be up to the County to make a difference. We must educate and wake people up to the issue. In the end we must take action.

Supreme Court

Staff will be placing information on the front page of the website regarding tickets for the Supreme Court Hearings being held in our courtroom. There will be a lottery if more requests are received than tickets available, and there will be a deadline. Tickets will be saved for dignitaries.

CLOSED SESSION

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) & (5):

1. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.
2. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

Chairman Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) &(5). All voted in favor and the motion carried.

ADJOURN

Commissioner Thompson made the motion to go out of closed session and adjourn at 1:00 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

J. Michael Edney, Chairman