

**REQUEST FOR BOARD ACTION**

**BOARD OF COMMISSIONERS OF HENDERSON COUNTY ACTING AS**

**CANE CREEK WATER AND SEWER DISTRICT BOARD OF DIRECTORS**

**MEETING DATE:** May 17, 2017

**SUBJECT:** CANE CREEK WATER & SEWER DISTRICT MINUTES

**PRESENTER:** Terry Wilson

**ATTACHMENTS:** YES

- 1) Monday, April 3, 2017 draft minutes
- 2) Wednesday, April 19, 2017 draft minutes

**SUMMARY OF REQUEST:**

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

**BOARD ACTION REQUESTED:**

Staff suggests approval of minutes.

**SUGGESTED MOTION:**

*I motion that the Board convene as Cane Creek Water & Sewer District Board.*

**SUGGESTED MOTION:**

*I motion that the Board approves the Cane Creek Water & Sewer District minutes of April 3, 2017 and April 19, 2017.*

**SUGGESTED MOTION:**

**(ONLY NECESSARY IF GOING BACK INTO SESSION AS THE BOARD OF COMMISSIONERS)**

*I motion to adjourn as the Cane Creek Water & Sewer District Board and reconvene as the Henderson County Board of Commissioners.*

**DRAFT**

**MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**CANE CREEK WATER & SEWER DISTRICT  
MONDAY, APRIL 3, 2017**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.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, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Engineer Marcus Jones, Management Assistant Megan Powell, Director of Business and County Development John Mitchell, Finance Director Carey McLelland, Captain Jim Player, Sheriff Charlie McDonald, Chief Deputy Jason Brown, Registrar of Deeds Lee King, Emergency Management & Rescue Coordinator Jimmy Brissie, DSS Director Jerrie McFalls, Fire Marshal Rocky Hyder, Real Property Administrator Mike Sutton, Property Appraiser James Connell, Property Appraiser Hank Outlaw, IT Director Becky Snyder, Tax Administrator Darlene Burgess, Deputy Tax Collector Luke Small, Central Services and Construction Manager David Berry, Internal Auditor Samantha Reynolds, Assistant Engineer Natalie Berry, Environmental Programs Coordinator Rachel Kipar & PIO Kathryn Finotti – videotaping, Deputy Kandice Carland & Corporal John Tankersley as security.

**CALL TO ORDER/WELCOME**

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

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

**MINUTES**

Draft minutes were presented for CCWSD Board review and approval of the following meeting(s):  
December 5, 2016

*Commissioner Thompson made the motion to approve the CCWSD minutes of December 5, 2016 as presented. All voted in favor and the motion carried.*

**FLETCHER ACADEMY, INC (FAI) REQUEST TO EXTEND SYSTEM - MUD CREEK INTERCEPTOR PROJECT, PHASE 2**

Marcus A. Jones stated With Board approval of the Mud Creek Interceptor Phase 2 Project to extend the Cane Creek System to the FAI campus and Park Ridge Hospital, FAI as requested an extension of system to include their existing collection system, see attached letter and an excerpt from the letter below:

From this recent discussion, FAI and PRH would like the Cane Creek Water and Sewer District to consider taking over the ownership and maintenance of the portion of the collection system where it crosses Naples Road and Howard Gap Road. This would allow both FAI and PRH to independently connect into the county maintained line.

- The request is consistent with the District's extension policy and the numerous extensions every year by the development community. The only exception is that the sewer lines proposed to be added to our system are already constructed and in use.

APPROVED:

- FAI understands and agrees to the required conditions of extending the System, see excerpt from FAI letter:
- District staff will consult with DEQ Water Quality for their input on adding the FAI collection system to the District's permit to operate.

If the District considers this request, FAI understands the following:

- FAI would have to complete a video inspection of the sewer collection system at our cost. The County would review the video of the sewer lines. The County would also visually inspect the sewer lines
- From the inspections, a punch list of required repairs to system would be generated. FAI would be responsible for completing the repairs at our cost to the satisfaction of the County.
- FAI would have to complete a survey of the collection system to be transferred and establish easements that would be transferred along with the sewer lines and manholes.
- Last the County might conclude it is in their best interest to take over more or less of the system to allow for future extensions and service areas.

As the permitted, public utility providing sewer service to the Cane Creek District, we are positioned to provide the most cost effective and environmentally sound collection of wastewater. Therefore, staff recommends pursuing the addition of the FAI collection system under the established extension policy.

*Commissioner Lapsley made the motion that the Board directs staff to proceed with research to acquire detailed information of cos on sewer collection lines in the Fletcher Academy system to be accept by Cane Creek Water and Sewer and bring it back to the Board. All voted in favor and the motion carried.*

*Commissioner Thompson made the motion to adjourn as the Cane Creek Water & Sewer District Board and 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

# Fletcher Academy Incorporated

Christian Businesses for Christian Education

March 14, 2017

Marcus Jones, P.E., Director of Engineering  
Henderson County Government  
1 Historic Courthouse Square  
Hendersonville, NC 28792

Dear Mr. Jones:

As you may recall, there was some previous discussion about the dedication of a portion or all of the Fletcher Academy wastewater collection system to the Cane Creek Water and Sewer District as part of the overall Mud Creek Interceptor project. Recently FAI and Park Ridge Health (PRH) met to discuss this further. Both entities see an advantage to connecting directly to the new Cane Creek line and not sharing a collection system.

From this recent discussion, FAI and PRH would like the Cane Creek Water and Sewer District to consider taking over the ownership and maintenance of the portion of the collection system where it crosses Naples Road and Howard Gap Road. This would allow both FAI and PRH to independently connect into the county maintained line.

If the District considers this request, FAI understands the following:

- FAI would have to complete a video inspection of the sewer collection system at our cost. The County would review the video of the sewer lines. The County would also visually inspect the sewer lines
- From the inspections, a punch list of required repairs to system would be generated. FAI would be responsible for completing the repairs at our cost to the satisfaction of the County.
- FAI would have to complete a survey of the collection system to be transferred and establish easements that would be transferred along with the sewer lines and manholes.
- Last the County might conclude it is in their best interest to take over more or less of the system to allow for future extensions and service areas.

Thank you for your consideration of this proposal. If you have any questions or need more information, don't hesitate to contact my office. My direct line is 828-209-6701.

Sincerely,



Gary P. Carlson  
President/CEO

CC: Will Buie, P.E.  
David Ketchens, Director of Engineering Services, Park Ridge Health

DRAFT

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

CANE CREEK WATER & SEWER DISTRICT  
WEDNESDAY, APRIL 19, 2017

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, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Engineer Marcus Jones, Management Assistant Megan Powell, Director of Business and County Development John Mitchell, Finance Director Carey McLelland, Registrar of Deeds Lee King, DSS Director Jerrie McFalls, Central Services and Construction Manager David Berry, Facility Services Director Jerry Tucker, HR Director Jan Prichard, Environmental Health Supervisor Seth Swift, Personal Property Administrator Kevin Hensley, Public Health Administrative Assistant Cathy Nicholson, Public Health Nursing Director Betsy Alexander, Internal Auditor Samantha Reynolds, Assistant Engineer Natalie Berry & PIO Kathryn Finotti – videotaping, and Deputy Ken McCraw as security.

CALL TO ORDER/WELCOME

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

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

BOARD RESOLUTION ASSET INVENTORY AND ASSESSMENT (AIA) GRANT

Marcus Jones stated during discussions last week with the Hendersonville City Engineer regarding their wastewater master plan project, the Department of Water Infrastructure's AIA grant was brought to our attention. The City was awarded the grant to pay for a portion of their master plan. With the City eligible for the grant, the possibilities of the Cane Creek Water and Sewer District (CCWSD) being eligible are positive. CCWSD is currently developing our collection system map into a GIS layer for the County's GoMaps program and for use in operations. Additionally, the District needs to update the system's Master Plan from the last significant update in 2009. Both of these efforts should be eligible for funding under the AIA grant.

Staff is currently developing the grant application which is due April 28, 2017. It is anticipated that the funding needed will be \$75,000 for GIS mapping and \$75,000 for the master plan update for a total of \$150,000. The maximum award for the grant is \$150,000 with the local match determined after the application is submitted based on economic and need based criteria. The local match if needed will be funded from the CCWSD fund.

Commissioner Lapsley stated that Representative Chuck McGrady filed House Bill 764, which would require three new board members for any metropolitan sewerage district that expands its territory — essentially adding Henderson County to the Metropolitan Sewerage District of Buncombe County.

*Commissioner Edney made the motion that that the Board approve the resolution for CCWSD's April 2017 Asset Inventory and Assessment Grant application. All voted in favor and the motion carried.*

APPROVED:

*Commissioner Edney made the motion to adjourn as the Cane Creek Water & Sewer District Board and 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

# HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1  
Hendersonville, North Carolina 28792  
Phone: 828-697-4808 • Fax: 828-692-9855  
www.hendersoncountync.org

J. MICHAEL EDNEY  
Chairman  
GRADY H. HAWKINS  
Vice-Chairman

CHARLES D. MESSER  
WILLIAM G. LAPSLEY  
THOMAS H. THOMPSON

## RESOLUTION BY GOVERNING BODY OF APPLICANT

- WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of infrastructure asset inventories and assessments, and
- WHEREAS, Henderson County has need for and intends to perform a sewer system asset inventory and assessment and master plan update, and
- WHEREAS, Henderson County intends to request state grant assistance for the project,

### NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY:

That Henderson County, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of Henderson County to make scheduled repayment of the loan, to withhold from Henderson County any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

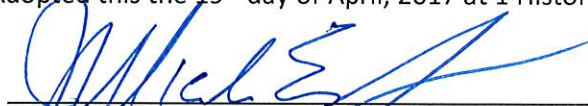
That the **Applicant** will provide for efficient operation and maintenance of the project on completion thereof.

That Marcus A. Jones, Director of Engineering, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 19<sup>th</sup> day of April, 2017 at 1 Historic Courthouse Square, Hendersonville, North Carolina.

  
\_\_\_\_\_  
(Signature of Chief Executive Officer)  
April 19, 2017

J. Michael Edney, Chairman, Henderson County Board of Commissioners



**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting Clerk to the Board of the County of Henderson does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the County of Henderson duly held on the 19th day of April, 2017; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 19<sup>th</sup> day of April, 2017.

Ceresa L. Wilson

(Signature of Recording Officer)

Clerk to the Board

(Title of Recording Officer)