

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

CANE CREEK WATER & SEWER DISTRICT  
MONDAY, OCTOBER 1, 2012

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 Tommy Thompson, Commissioner Larry Young, Commissioner Charlie Messer, County Manager Steve Wyatt, Interim Assistant County Manager David Whitson, County Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Absent were: Vice-Chairman Bill O'Connor and Commissioner Michael Edney.

Also present were: Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Planning Director Anthony Starr, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Planner Parker Sloan, Deputy County Attorney Sarah Zambon, Assessor/Tax Collector Stan Duncan, Senior Planner Autumn Radcliff, and officer David Pearce as security.

### CALL TO ORDER/WELCOME

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

*Commissioner Young 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):  
September 4, 2012

*Commissioner Messer made the motion to approve the minutes of September 4, 2012 as presented. All voted in favor and the motion carried.*

### APPROVAL OF FEMA HAZARD MITIGATION GRANT RESOLUTION – REPLACE SNOWBALL LANE WITH GRAVITY SEWER

Engineer Marcus Jones stated during the Board's November 18, 2009 meeting, the Board approved the grant application for FEMA Hazard Mitigation Funds to replace Cane Creek Water and Sewer District's Snowball Lane Pump Station with a gravity sewer line. On August 28, 2012, the grant was approved, and a Resolution is required from the Board to process the Grant.

As a reminder, the following is quoted from the November 18, 2009 Agenda Item:

During the significant rainfall event on May 14, 2009, the District's Snowball Lane Pump Station was flooded and a sanitary sewer overflow of approximately 2,000 gallons occurred. In accordance with the District's responsibilities under our permit with DENR, we investigated possible actions to prevent future overflows.....

To summarize, we recommend replacing the pump station with a gravity line and apply for FEMA Hazard Mitigation Funds to fund the project. The total project cost is estimated to be \$652,040 with the District's local match of 25% being \$163,010. Our recent rate analysis during the basin study clearly indicates this expenditure is viable within the District's Enterprise Fund balance. In addition to the benefit of addressing the overflow problem, the District's operating

APPROVED: October 17, 2012

expenses will be reduced with this project; gravity sewer is much less expensive to maintain than a pump station.

*Commissioner Messer made the motion that the Board approves the Resolution approving the FEMA Hazard Mitigation Grant to replace Snowball Lane Pump Station and authorize the County Engineer as the applicant's agent. All voted in favor and the motion carried.*

**ADJOURN**

*Chairman Thompson made the motion to adjourn as the Cane Creek Water & Sewer District Board and reconvene as the Henderson County Board of Commissioners. All voted in favor and the motion carried.*

Attest:

\_\_\_\_\_  
Teresa L. Wilson, Clerk to the Board

\_\_\_\_\_  
Thomas H. Thompson, Chairman

**RESOLUTION**  
**DESIGNATION OF APPLICANT'S AGENT**  
**North Carolina Division of Emergency Management**

Organization Name (hereafter named Organization): Henderson County, NC - Board of Commissioners	Disaster Number: 1871	
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): North Carolina Division of Emergency Management		
Applicant's Fiscal Year (FY) Start	Month: July	Day: 1st

Applicant's Federal Employer's Identification Number:  
56 6000307

Applicant's Federal Information Processing Standards (FIPS) Number:  
37089

PRIMARY AGENT	SECONDARY AGENT
Agent's Name Marcus A. Jones	Agent's Name Carey McLelland
Organization Henderson County Engineering Department	Organization Henderson County Finance Department
Official Position Director	Official Position Director
Mailing Address 1 Historic Courthouse Square, Suite 6	Mailing Address 113 North Main Street
City, State, Zip Hendersonville, NC 2892	City, State, Zip Hendersonville, NC 28792
Daytime Telephone 828 694-6560	Daytime Telephone 828 697-4821
Facsimile Number 828 698-6014	Facsimile Number 828 697-4569
Pager or Cellular Number [REDACTED]	Pager or Cellular Number [REDACTED]

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally.

APPROVED this 1st day of October, 2012

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Thomas Thompson, Chairman	Name Terry Wilson
Name and Title	Official Position Clerk to the Board
Name and Title	Daytime Telephone 828 697-4808

**CERTIFICATION**

I, Terry Wilson (Name) duly appointed and Clerk to the Board (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of Henderson County, NC (Organization) on the 1st day of October, 2012

Date: 10/1/2012 Signature: Terry Wilson

## APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including, but not limited to the following authorities: OMB Circulars Nos. A-87, A-95, A-102 and A-110, where applicable, and Part 13 of Title 44 of the Code of Federal Regulations (C.F.R.), as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurance contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grant or agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally-assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 205, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishment of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, P.L. 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

## STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.