

WATER AND SEWER AUTHORITY OF CABARRUS COUNTY
AUGUST 18, 2022
5:00 P.M.

The Board of Directors (the “Board”) of the Water and Sewer Authority of Cabarrus County (“WSACC”) met in regular session on Thursday, August 18, 2022 at the Administrative Offices. The meeting was also set up for virtual attendance administered by Zoom and streamed on YouTube.

Public access to the meeting could be obtained by calling into the conference bridge at 1-(267) 930-4000 and using the participant access code.

The following Board Members were present:

Mr. Jeff Corley (virtual attendance)	Mr. Mike Legg
Mr. Rob Donham (virtual attendance)	Mr. Robert Ritchie
Mr. Darrell Hinnant	Mr. Jim Sells
Ms. Jennifer Parsley-Hubbard	Mr. Lynn Shue (virtual attendance)

Mr. Marshall was unable to attend due to a prior commitment.

Also present were Mr. Michael Wilson, Executive Director; Ms. Tammy Garifo, Executive Secretary/Secretary to the Board; Mr. Chad VonCannon, Engineering Director; Mr. Mark Fowler, Facilities Director; Ms. Robin Moore, Deputy Executive Director/Administration; Ms. Wendi Heglar, Finance Director; Mr. Thomas Jakubisin, Network Administrator; and Mr. William Isenhour, Johnston, Allison & Hord, P.A. (“JAH”).

At 5:00 P.M., Chairman Legg called the meeting to order.

UNFINISHED BUSINESS

Request for Approval of the Minutes of June 16, 2022

Mr. Sells made a motion to approve the minutes of June 16, 2022. Mr. Shue seconded the motion and the Board approved by unanimous vote.

NEW BUSINESS

Request for Approval to Appoint Wendi Heglar, CPA as the Finance Officer of WSACC to Carry Out All Duties Required by The Local Budget and Fiscal Control Act G.S. 159-24; and to Designate Wendi Heglar as an Official Signature on All Bank and Investment Accounts of WSACC

Mr. Wilson introduced Ms. Wendi Heglar as WSACC’s new Finance Director. He then asked the Board to appoint Ms. Heglar as WSACC’s official Finance Officer and to designate Ms. Heglar as an official signature on all of WSACC’s bank and investment accounts.

With no discussion, **Mr. Hinnant made a motion to appoint Wendi Heglar, CPA as the Finance Officer of WSACC to carry out all duties required by the Local Budget and**

Fiscal Control Act G.S. 159-24; and to appoint Ms. Heglar as an official signature on all bank and investment accounts of WSACC. Mr. Ritchie seconded the motion and the Board approved by unanimous vote.

Request for Approval of the Annual Audit Contract to Potter and Company for a not to exceed amount of \$18,000

Ms. Heglar presented the annual audit contract from Potter and Company, CPA's. The audit contract was for the fiscal year ending June 30, 2022 in the amount of \$18,000. She stated that the North Carolina Local Government Commission requires WSACC to submit annual audits by October 31 each year.

Ms. Hubbard made a motion to approve the annual audit contract to Potter and Company, CPA for a not to exceed amount of \$18,000. Mr. Hinnant seconded the motion and the Board approved by unanimous vote.

WSACC's New Website

Ms. Moore gave a presentation on WSACC's new website. She stated that WSACC worked with Perry Productions to create a simple and functional website that would be easy for users to quickly navigate through. Ms. Moore said the new website will be launched on Friday, August 19, 2022. It will have additional information and pictures of the RRRWWTP expansion and information on wastewater capacity.

There was a suggestion to consider adding a wastewater basics 101 section for the public to view; and consider adding WSACC's Emergency Response Plan to the website.

REPORTS

Master Plan Update

Mr. Hahn provided an update on WSACC's Master Plan. The Master Plan team is led by Black & Veatch.

Mr. Hahn spoke about the Master Plan tasks that are in progress, the tasks that have been completed, and tasks to be completed. He said the Master Plan team was currently developing a draft growth forecast. The team has conducted one of two stream sampling events and submitted it to the Division of Water Quality in order to get the RRRWWTP beyond the 34 MGD permit limit.

The team is currently conducting bathometric surveys for the reservoirs. The survey information will be used for safe yield estimates and adequacy assessments. The system capacity assessments and CIP development will begin after information from the existing system analysis, growth forecast, and NPDES permit is complete.

The Board had a brief discussion on the bathometric survey that was conducted at Lake Howell and its relation to dredging at Lake Howell. Mr. Hahn said WSACC has a consultant working on an analysis to determine if it would be beneficial to dredge in the upstream area of Lake Howell or modify the intake at Lake Howell. Mr. Hahn said the survey work and the

dredging analysis can be combined to help estimate the amount of dredging to be done at Lake Howell. The next discussion centered on the water supply that comes from Albemarle and how it relates to the surveys and analysis conducted for the reservoirs. Mr. Hahn said WSACC will include the components for potential increments from the Albemarle water supply in the analysis reports. The Board then discussed the capacity needs and growth forecast. Mr. Hahn said a draft report showing the growth forecast will be sent to member jurisdictions when complete.

RRRWWTP Expansion Update

Mr. VonCannon provided the following update on the RRRWWTP expansion.

- Crowder Construction has multiple crews on site working on the electrical replacement project and the Phase 3 RRRWWTP expansion.
- Crowder Construction has continued work on the electrical replacement project.
- Crowder Construction has almost completed the aeration basin excavation.
- The new maintenance canopy pad has been completed.
- Work has begun on the excavation for the new Equalization Influent Meter Vault.
- The team has continued to work to mitigate potential issues with sourcing equipment for Phase 3 and the electrical upgrades effort.

Mr. VonCannon said throughout the next month, Crowder Construction expects to complete the remaining duct bank installation, complete the excavation for the aeration basin and begin work on the basin slab, and complete excavation for the new Equalization Influent Meter Vault.

PUBLIC COMMENTS

Mr. Isenhour spoke to the Board about open board meetings after the N.C. Covid State of Emergency (SOE) was lifted. The SOE was lifted on Monday, August 15, 2022. During the SOE, WSACC's board meetings were set up for Board members to attend remotely and/or in-person. WSACC's board meetings were also set up for live streaming on YouTube.

Mr. Isenhour said JAH talked to the School of Government for guidance and the School of Government was in favor of board members attending board meetings in-person. The School of Government's reason was that while the open meetings laws recognize electronic meetings as official meetings, there is not actual authority for board members to participate remotely and the statutes refer to the board members being "present" and "physically present". The School of Government went on to explain that the special emergency laws in the SOE specifically allow a board member participating remotely to count towards the quorum, which could lead to the assumption that once the SOE was lifted, it would no longer apply and any board member participating remotely would not count towards a quorum.

Mr. Isenhour said JAH and Mr. Wilson agree that WSACC should follow the School of Government guidelines and shift back to in-person meetings only, with the exception of any health concerns or prior commitments that would occur.

The Board agreed to go back to attending board meetings in-person and to continue the ability to livestream the board meetings on YouTube.

At 5:40 P.M., Ms. Hubbard made a motion to go into closed session - **G.S.143-318.11(a)(1)** - to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes; and **G.S.143-318.11 (a)(3)** - to consult with WSACC's attorney in order to preserve the attorney-client privilege for consideration of and to give instructions to WSACC's attorney concerning the handling or settlement of a claim, judicial action or administrative procedure; and **G.S.143-318.11(a)(6)** – to consider the qualifications, competence, performance, character, fitness, conditions or appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. Mr. Ritchie seconded the motion and the Board approved by unanimous vote.

At 6:37 P.M., Mr. Sells made a motion to come out of closed session. Mr. Ritchie seconded the motion and the Board approved by unanimous vote.

Ms. Hubbard then made a motion to adjourn the meeting. Mr. Hinnant seconded the motion and the Board approved by unanimous vote.

The meeting was adjourned until the next meeting scheduled for September 15, 2022.