

**WATER AND SEWER AUTHORITY OF CABARRUS COUNTY**  
**AUGUST 17, 2023**  
**4:00 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 17, 2023 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	Mr. Robert Ritchie
Mr. Darrell Hinnant	Mr. Jim Sells
Ms. Jennifer Parsley-Hubbard	Mr. Lynn Shue
Mr. Mike Legg	

Mr. Dunham and Mr. Marshall were 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; Ms. Robin Moore, Deputy Executive Director/Administration; Mr. Mark Fowler, Facilities Director; Mr. Thomas Jakubisin, IT Manager; and Mr. William Isenhour, Johnston, Allison & Hord, P.A. (“JAH”).

At 4:00 P.M., Chairman Legg called the meeting to order.

**UNFINISHED BUSINESS**

Request for Approval of the Minutes of July 20, 2023

**Mr. Ritchie made a motion to approve the minutes of July 20, 2023. Mr. Hinnant seconded the motion and the Board approved by unanimous vote.**

**CONSENT AGENDA**

**Mr. Hinnant made a motion to approve the items of the Consent Agenda as presented. Mr. Shue seconded the motion and the Board approved by unanimous vote.**

The Consent Agenda items were approved as follows:

Request for Approval of the Reimbursement Resolution for the RRRWWTP Expansion Project Phase 4

The IRS requires that the Reimbursement Resolution be adopted to allow WSACC to reimburse itself with tax exempt bond proceeds for expenditures made 60 days prior to the date of the adoption and ending on the date WSACC issues the bonds.

Due to WSACC’s efforts to accelerate the RRRWWTP Expansion Phase 4 project as quickly as possible, it is necessary to have the resolution in place so WSACC can reimburse itself for any costs incurred before issuing debt.

**RESOLUTION REGARDING THE INTENT OF THE WATER AND SEWER  
AUTHORITY OF CABARRUS COUNTY TO REIMBURSE ITSELF FOR  
CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH CAPITAL  
PROJECTS FROM THE PROCEEDS OF TAX EXEMPT OBLIGATIONS**

*WHEREAS*, the Board of Directors (the "*Board*") of The Water and Sewer Authority of Cabarrus County ("*WSACC*") has determined that it is in the best interests of WSACC to pay the costs of the expansion of the Rocky River Regional Wastewater Treatment Plant known as "Phase 4"(the "*Project*");

*WHEREAS*, WSACC reasonably expects to receive the proceeds of the sale of one or more series of tax-exempt obligations (the "*Obligations*") to finance the Project;

*WHEREAS*, WSACC desires to proceed with the Project and will incur additional capital expenditures (the "*Capital Expenditures*") in connection therewith before the issuance of the Obligations; and

*WHEREAS*, WSACC will advance money from funds currently on hand to pay for the Capital Expenditures and WSACC intends, and reasonably expects, to reimburse itself for the Capital Expenditures from a portion of the proceeds of the sale of the Obligations;

*NOW, THEREFORE, BE IT RESOLVED* by the Board of Directors of The Water and Sewer Authority of Cabarrus County as follows:

Section 1. ***Official Declaration of Intent.*** WSACC presently intends, and reasonably expects, to reimburse itself for the Capital Expenditures incurred and paid by WSACC on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. WSACC reasonably expects to issue the Obligations to finance the costs of the Project and the maximum principal amount that WSACC expects to reimburse itself from the proceeds of the Obligations for the costs of the Project is \$93,300,000.

Section 2. ***Compliance with Regulations.*** This Resolution is a declaration of official intent of WSACC under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence WSACC's intent to reimburse itself for the Capital Expenditures from proceeds of the Obligations.

Section 3. ***Itemization of Capital Expenditures.*** The Executive Director of WSACC or his designee, with advice from bond counsel, is hereby authorized, directed and designated to act on behalf of WSACC in determining and itemizing all of the Capital Expenditures incurred and paid by WSACC in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of issuance of the Obligations.

Section 4. ***Effective Date.*** This Resolution is effective immediately on the date of its adoption.

Adopted this 17th day of August, 2023



WATER AND SEWER AUTHORITY OF CABARRUS  
COUNTY, NORTH CAROLINA

Michael B. Legg, Chairman

ATTEST:

Tammy Garifo, Secretary

Request for Approval of the Updates to the Electronic Communications and Devices Policy

The following procedures in WSACC’s Electronic Communications and Devices Policy have been modified to read as follows:

**E. Use of Portable Recorders**

WSACC employees are prohibited from using department-issued portable recorders or personally owned portable recorders without the consent of all parties’ knowledge of recording. This includes but is not limited to mobile phones, and cameras. Employees who have a legitimate reason to record information without the consent or knowledge of all parties must have written permission from the Executive Director. A violation of this policy may result in disciplinary action, including termination.

WSACC recommends that the Board approve the Electronic Communications and Devices Policy to be effective on August 17, 2023.

Request for Approval of Three (3) Resolutions Authorizing Condemnation to Acquire Property for the Lower Coddle Creek Parallel Interceptor Project

WSACC has been unable to acquire property needed for the Lower Coddle Creek Parallel Interceptor Project (“Project”) from three (3) property owners.

It is requested that the Board approve the resolutions entitled “Resolution Authorizing Condemnation to Acquire Property” for the properties associated with the Lower Coddle Creek Parallel Interceptor Project.

**RESOLUTION AUTHORIZING  
CONDEMNATION TO ACQUIRE PROPERTY**

WHEREAS, the Board of Directors of the Water and Sewer Authority of Cabarrus County (“WSACC”), hereby determines that it is necessary and in the public interest to acquire certain property owned by those persons, firms or corporations identified in Schedule 1 for the following public purpose:

To protect the public health, to provide the public with an adequate and sound water and sewer facilities, and to improve such system to meet the need for expanded or upgraded services, WSACC is condemning the herein described interest for public utility purposes, specifically, for the purpose of constructing and extending the Lower Coddle Creek Parallel Interceptor Project in accordance with the plat(s) thereof attached hereto as Schedule 2.

WHEREAS, to date, representatives of WSACC have been unable to acquire the needed interest in the described property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF WSACC, THAT:

1. WSACC shall acquire by condemnation, for the purposes stated above, the property and interest therein described in Schedule 1 attached hereto and incorporated herein by reference.
2. Attorneys representing WSACC are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.

Adopted the 17<sup>th</sup> day of August, 2023.



Water and Sewer Authority of Cabarrus County

By: Mike Legg  
Mike Legg, Chairman

Tammy Garifo  
Tammy Garifo, Secretary to the Board

Schedule 1		
Record Property Owners	Property	Interest to be acquired
Wendy M. Austin-Sellers & Deloris B. Austin	3600 Wendy Ln Concord, NC 28027 PIN: 5518-36-4862	Perm Access Easement: 0.135AC TCE: 0.051AC
McGrath Rentcorp 5700 Las Positas Rd Livermore, CA 94551	4682 Stough Rd Concord, NC 28027 PIN: 5518-74-9619	Perm Access Easement: 1.166AC TCE: 1.823 AC
Windstream Concord Telephone Inc.	4001 N Rodney Parham Rd Little Rock, AR 72212 PIN: 5518-29-4622	Perm Easement: 0.00AC TCE: 0.035 AC

## **NEW BUSINESS**

### **Request for Approval of the Guaranteed Maximum Price #1 for the RRRWWTP Expansion Phase 4**

Mr. VonCannon presented the first Guaranteed Maximum Price (GMP) for the RRRWWTP Phase 4 expansion project. Crowder Construction worked with WSACC staff to complete GMP #1. A copy of GMP #1 was included in the agenda packet.

Mr. VonCannon said the purpose of GMP #1 was to proceed with the early procurement of several pieces of major equipment that have very long lead times. He said the total amount for GMP #1 was \$21,039,351 which includes items such as the additional blowers needed for Phase 4 along with the ductile iron pipe, valves and actuators, electrical gear stainless steel pipe for the blower building and the instrument & controls needed for Phase 4.

**Mr. Shue made a motion to approve GMP #1 for the RRRWWTP Expansion Phase 4. Mr. Ritchie seconded the motion and the Board approved by unanimous vote.**

### **Request for Approval of the Budget Amendment for RRRWWTP Expansion Phase 4 GMP #1**

Mr. Wilson requested an amendment to the Capital Project Fund in the amount of \$21,039,351 for GMP #1 for the RRRWWTP Phase 4 expansion project. The budget amendment would bring the total Capital Project Fund budget to \$28,851,601.

**Ms. Hubbard made a motion to approve the budget amendment for RRRWWTP Expansion Phase 4 Guaranteed Maximum Price #1. Mr. Sells seconded the motion and the Board approved by unanimous vote.**

The Budget Amendment was approved as follows:

**AN ORDINANCE TO AMEND A CAPITAL PROJECT FUND ORDINANCE**

WHEREAS, the Board of Directors of the Water and Sewer Authority of Cabarrus County, North Carolina (WSACC) did on the 16th day of June 2022, adopt the **RRRWTP Expansion Design and Construction to 34 MG<sup>10</sup> Project Ordinance**; and

WHEREAS, the Board of Directors of WSACC has determined that it is appropriate to amend the Capital Project Ordinance for the reasons stated below; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Water and Sewer Authority of Cabarrus County, that in accordance with the authority contained in G.S. 159-13.2, the ordinance is amended as shown and that the total amounts are herewith appropriated for the purposes shown.

**Water and Sewer Authority Capital Project Fund**

Account	Account Title	Amount	From	To
603 8022 4910	Proceeds from Revenue Bonds	\$ 13,397,859	\$ 4,687,350	\$ 18,085,209
603 8022 4810	Contribution from Charlotte Water	\$ 7,641,492	\$ 3,124,900	\$ 10,766,392
604 8022 6560	Capital Outlay Plants & Systems	\$ 21,039,351	\$ 7,812,250	\$ 28,851,601

REASON:

To increase the budget for GMP #1

Adopted this 17th day of August, 2023.



WATER AND SEWER AUTHORITY OF  
CABARRUS COUNTY, NORTH CAROLINA

Mike Legg, Chairman

ATTEST:

Tammy M. Garifo, Secretary  
(Seal)

**PUBLIC COMMENTS**

There were no public comments.

At 4:14 P.M., **Mr. Hinnant made a motion to adjourn. Ms. Hubbard seconded the motion and the Board approved by unanimous vote.**

The Board meeting adjourned until the next Board meeting scheduled for September 21, 2023.