

PUBLIC WORKS COMMISSION  
MEETING OF WEDNESDAY, JULY 24, 2019  
8:30 AM

Present: Darsweil L. Rogers, Chairman  
Evelyn O. Shaw, Vice-Chairwoman  
Wade R. Fowler, Jr., Treasurer  
D. Ralph Huff, III, Secretary

Others Present: David W. Trego, CEO/General Manager  
Telly Whitfield, Assistant City Manager  
Kathy Jensen, City Council Liaison  
Melissa Adams, Hope Mills Town Manager/Liaison  
PWC Staff

Absent: Michael Boose, Cumberland County Liaison  
Media

REGULAR BUSINESS

Chairman Darsweil Rogers called the meeting of Wednesday, July 24, 2019, to order.

APPROVAL OF AGENDA

Upon motion by Commissioner Huff, seconded by Commissioner Shaw, the agenda was unanimously approved.

CONSENT ITEMS

Upon motion by Commissioner Shaw and seconded by Commissioner Huff, Consent Items were unanimously approved.

- A. Approve Minutes of meeting of July 10, 2019
- B. Approve bid recommendation to award contract for the Annual Water Main Rehabilitation Project to Mainlining America, LLC, Livingston, NJ, the lowest responsive, responsible bidder in the total amount of \$1,789,750.00, and forward to City Council for approval.

The contract will be effective from the issuance of the 'Notice to Proceed' until the end of the fiscal year and PWC retains the option to renew the contract a maximum of four (4) additional years.

This project will be funded from WS-05 Water Distribution System Rehabilitation (CPR1000088). The project is bond funded for FY20.

Bids were received on June 27, 2019, as follows:

<u>Bidders</u>	<u>Total Cost</u>
Mainlining America, LLC, Livingston, NJ	\$1,789,750.00
Michels Pipe Services, Watertown, CT	\$2,192,315.00
J. Fletcher Creamer & Sons, Inc., Hackensack, NJ	\$3,699,600.00

***Note:** This project is a continuation of the ongoing effort to rehabilitate the existing water distribution system. The general nature of the work will consist of clearing existing cast iron mains and performing in-situ lining with an approved spray-applied lining system, installing new ductile iron or PVC mains to replace mains that cannot be lined; and replacement of water service laterals and meter boxes.*

**Comments:** Notice of the bid was advertised through our normal channels on June 12, 2019 with a bid opening date of June 27, 2019. Addendum No. 1 was issued on June 21, 2019, the addendum was to answer all bidders' questions and to make revisions to the General Requirements documents. **SDBE:** The bidder intends to utilize R&V Williamson Inc., Shannon, NC for paving needs; Right of Way Contractors, Mooresville, NC for excavation needs. **Local:** The bidder intends to utilize Sanco Construction (located in Fayetteville, NC) for trucking and hauling needs and Longleaf Landscaping (located in Fayetteville, NC) for landscaping needs. The total value of **SDBE** and **Local** participation is estimated at \$192,000.00.

- C. Approve bid recommendation to award contract for Annual LED Luminaires to Anixter Utility Power Solutions, Apex, NC, the lowest responsive, responsible bidder in the total amount of \$542,125.00, and forward to City Council for approval.

The contract will provide two (2) types of LED Luminaires for a one-year period, with the right to order additional quantities for an additional three (3) year period, if agreed upon by both parties.

This project is funded from Inventory.

Bids were received on June 7, 2019, as follows:

<u>Bidders</u>	<u>Total Cost</u>
Anixter Utility Power Solutions, Apex, NC	\$542,125.00
Wesco, Clayton, NC	\$544,425.00

END OF CONSENT

PUBLIC MEETING IN COMPLIANCE WITH NCDEQ DIVISION OF WATER INFRASTRUCTURE'S GUIDANCE FOR THE PREPARATION OF ENGINEERING REPORTS AND ENVIRONMENTAL INFORMATION DOCUMENTS FOR COLLECTION SYSTEM PROJECTS

*Presented by: Vance McGougan, PE, Water Resources Engineering  
Reed Barton, CDM Smith  
Kevin Irby, CDM Smith*

Mr. McGougan stated our subject matter today is the Engineer's Report and Environmental Information document that describes the Rockfish Creek Basin Peak Flow Equalization Project. He stated the document was recently submitted to the Division of Water Infrastructure in Raleigh. It is in support of an application for funding through the Clean Water State Revolving Fund Loan Program. There are several triggers that go along with the loan process. The first is being fulfilled today, which is a public meeting to solicit comments from the public on the document. This public meeting has been properly advertised as required. During the meeting staff is required to ensure certain aspects of the project is in the public record.

Mr. McGougan, then introduced Mr. Reed Barton of CDM Smith. Mr. Barton provided a background of the project. He stated Fayetteville PWC operates a wastewater collection system that serves Fayetteville, Hope Mills and portions of Cumberland County. There are three major drainage basins. The Rockfish Creek Basin has 750 miles of gravity pipe. A number of years ago, hydraulic modeling work was conducted to analyze and prevent future overflows from the sewer in the Rockfish Creek Basin. The modeling analyses indicated a hydraulic bottleneck (pinch point) at the intersection of the 36-inch sewer and 42-inch sewer in the vicinity of George Owen Rd and Rosemeade Drive intersection in Hope Mills. There is inadequate collection system capacity to convey future peak wet-weather storm event flows. Mr. Barton stated a solution is needed to reduce the potential for sewer overflows in the Rockfish Creek Basin.

The alternatives considered included:

- Do Nothing – future increase in sewer overflows
- Construct a Parallel Relief Sewer – highest cost alternative
- Construct a Pump Station, Equalization Tank, and Ancillary Equipment – PREFERRED OPTION
  - Reducing instantaneous peak flows
  - 3.5-million-gallon tank
  - Electrical Building
  - Site improvements

Funding Information:

Mr. Barton stated the Fayetteville PWC was approved for a low interest loan through the Clean Water State Revolving Fund (SRF) Loan Program. The total available is \$17,912,000, and the actual loan amount is to be determined. The interest rate is 1.91%.

Financial impact:

The potential rate impact per customer - \$1.39 / 5,000 gallons (per DWI prescribed formula), though the estimated project costs are included in PWC's current CIP and existing rate structure. There is no rate impact expected as a result of the project

Schedule:

Mr. Barton stated the schedule is as follows:

- Develop Design Documents – early 2020
- Advertise Project for Construction Bids - mid 2020
- Execute Construction Contract – late 2020
- Start Construction – early 2021

Upon the completion of Mr. Reed’s presentation, Commissioner Rogers asked if there were any comments. There were no public comments or questions.

## DISCUSSION REGARDING PRIVATE STREET RESTORATION IN PHASE V ANNEXATION AREA

Mr. Trego stated the Commissioners, because of a project PWC is completing in one of the annexation areas asked for this subject to be discussed.

Mr. Trego stated there are two basic street types that PWC deals with. They are public streets, which include city, county, and NCDOT streets; and private streets, which are owned by the homeowners/homeowners’ association. Public streets are owned/maintained by the municipality. He stated with public roads, there are some inherent rights that utilities and other entities like PWC, and the City of Fayetteville have for occupying space in the roads. We provide a public service by having water, sewer and electric so we have certain rights to place our facilities in public roads, which are subject to ordinances, rules, policies and in general, a permitting process. This is how the municipalities and NCDOT typically monitor and ensure everything is done on an even basis. Typically, they have a paving ordinance which has a standard design, maintenance, repair criteria for their streets. Fayetteville has this. Unlike most municipalities, private roads do not have similar standards. When they are paved, they follow the minimum DOT standard, which is a lower standard than the City or what NCDOT uses. We also have some private roads that are dirt or gravel. We have a wide variety of private street designs.

Mr. Trego stated our approach is we do not put our lines on private roads, because we do not have an inherent right to occupy. The exception is when we can deal with the land owners or the homeowners associations and negotiate appropriate rights of way to put our facilities on the road. Mr. Trego also stated how we handle private streets are included in our service regulations as well as a policy that has been approved by our Commissioners. It states:

“In all instances mains shall be placed within or along publicly maintained street rights of way or permanent easement such that Fayetteville PWC has un restricted access to the main and all appurtenances there to. Publicly maintained shall be defined as NC-DOT SR numbered roads, NC or US numbered highways or city streets that are eligible for Powell Bill funds. Main extensions will also be allowed in and along private streets which are maintained by an established homeowner’s association or similar organization where appropriate easements have been granted.”

Mr. Trego stated this is our policy and it is reflected in our service regulations. He stated our general approach to street restorations is we will repair a street to a condition that is at least no worse than the condition of the existing road before we went in there or slightly better. A lot of times on public roads those repairs are dictated by the ordinances. The city of Fayetteville has very strict rules. On private roads, those ordinances that the City, County or

NCDOT have do not apply because they are private. They were not built to those standards, so they are not maintained or restored to those standards. When we work on private roads, we look at the design of the road and the condition of the road (dirt, gravel or pavement) and determine what restoration is appropriate. In many cases, doing a permanent patch is an improvement to the road because some of these roads are not in good case.

Mr. Trego stated regarding private roads in the Phase V areas, there is a relevant part of the State Statute in the annexation section, 160A-58.53(3) which states:

“A statement setting forth the plans for extending to the area proposed to be annexed each major municipal service on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation and the method to finance the extension of major municipal services into the area proposed . . .”

Mr. Trego stated this has two parts. It says a statement has to be set forth. That statement for us is the agreement we have between the City of Fayetteville and us to extend water and sewer into the annexed areas. It also says we have to extend our services into that area in a manner similar as we do for the rest of the community. We cannot serve those customers differently.

Commissioner Rogers asked how we currently handle private roads within the City of Fayetteville that are not in the annexed areas? Mr. Trego stated we handle them according to the policy. In general, we do not extend unless we get a right of way. Discussion ensued.

Mr. Trego stated based on the statute we have to provide the service on the same basis and the same manner. The existing policy is how we approach and handle private streets/roads. Mr. Trego stated there seems to be some confusion as to why there is a map out there that outlines the annexed areas; why private street developments were included in it. In-fact sometimes it shows a line that would represent where the sewer line would go. This map was created back in 2008 when it was required. Mr. Trego stated this is required by statute (160A-58.53). In the same section that states we must provide the same service in the same manner, the statute states (160A-53.53(1)) there has to be a map that shows both “The present and proposed boundaries of the municipality.” Those new boundaries (the annexed areas) include private streets, city streets and NCDOT streets. It is a requirement that all those areas are included in the map and they were. It also states, “The present major trunk water mains and sewer interceptors and outfalls, and the proposed extensions of such mains, outfalls, and lines as required in subdivision (3) of this section.” So, it doesn’t prescribe you have to extend it, but you must extend it in the same manner you extend it to other areas. Mr. Trego stated that is why the map was in there and why those communities were included in the map because they are in the annexed areas. Commissioner Rogers then discussed the map and commented on questions he received regarding it.

Mr. Trego went on to state we have encountered private streets prior to the areas we are looking at now. We followed our policy with regards to them. If there are private streets, prior to designing the area or going into them, we will inform the HOA or the individual homeowner we are extending into the area and make them aware of our policy. We will send out letters, go to HOA meetings, do whatever we need to do to make them aware sewer is available, and if water is not there, water is available.

If we can come to an agreement we will, but in most of the cases we encountered, they did not take us up on the offer and we did not extend to them.

We did some properties on Notty Oak Court. They petitioned the City to have their street taken over by the City. The petition was granted the street became a city street. We also came to an agreement to serve West Branch Drive. We followed our standard procedure. We needed a right of way to serve that area, and we were able to get it. We did not need to go into the road because we were able to serve it from the property, so we did not need a road right of way.

Mr. Trego then discussed the Phase V Agreement and Restoration. He stated the original agreement was completed in 2008 and it stated we would just do permanent patch. The original discussion the Commissioners had with regards to whether to do an overlay was prompted by the City's revised paving ordinance. There was a conflict between our agreement and the new ordinance. The agreement took precedent over the ordinance, yet the Commission engaged in a conversation as to what was best. They agreed to modify the agreement and do overlays. The agreement only covered city streets. The City does not have jurisdiction over NCDOT streets. When we modified the agreement to accommodate completing an overlay, the modified agreement was added as an amendment to the paving ordinance the City has. It only applies to city streets.

In summary, we have followed the existing policy within Phase V, regarding private streets, which is consistent with the requirements of the state statute. Mr. Trego stated the Commission needs to decide whether we want to change the basic policy; allow an exception to the policy for Phase V; or continue to follow the policy.

Mr. Trego stated regarding this development, we made the offer we used to have with the City. When we only did permanent patches, the city always had the option to overlay the street. We would bid the project two ways; we would bid it with a permanent patch and with a temporary patch and an overlay. Typically, a temporary patch is less than a permanent patch. For example, a permanent patch is \$100,000; a temporary patch is \$75,000; we would contribute \$25,000 toward the overlay because we were agnostic. Our requirement is we would have to do a permanent patch and would spend the \$100,000. This is for example purposes only. Mr. Trego stated we made this offer to the development. Mr. Trego asked the Commission to endorse staff making this type of offer going forward if faced with this issue. He stated it would only apply if the road is paved, we would not do this for a dirt or gravel street. Discussion ensued regarding private streets by Commission, City Liaison and staff.

Following discussion Commissioner Shaw motioned for the current policy to continue to be followed regarding street overlays and permanent patches as subscribed by this Commission. Motion was seconded by Commissioner Fowler, and after further discussion, unanimously approved.

City Liaison Jensen stated she feels good about the discussion today. The price of having clean water is in perspective to the cost. Mr. Mark Brown stated during the talks with the homeowner's association staff discussed what their assessment may be. He stated staff recommended to the homeowners' association that they place in their by-laws lots cannot be

subdivided so the cost be assessed as a single family residential. Additional discussion ensued.

## GENERAL MANAGER REPORT

### **Approved for Two Additional State Loans**

Mr. Trego stated staff has been approved for two additional loans, totaling \$22M, one at 0% to eliminate some of our lift stations and the other is a 1.9% interest loan to redo the Big Rockfish Outfall. There will be further presentations regarding the state loans.

### **Fleet Bay Expansion**

We are moving forward with the Fleet Bay Expansion. We had the pre-bid meeting. Eight prime/general contractors attended, and four were local. Nine subcontractors attended, and six were local. The bids will determine who receive the work, but we are encouraged because we did outreach, and they came to the pre-bid meeting. The bid will take place on August 8<sup>th</sup>.

## COMMISSIONER/LIAISON COMMENTS

Commissioner Fowler asked about the water levels in the river. Mr. Noland responded they are good.

## REPORTS AND INFORMATION

The Commission acknowledges receipt of the follow reports and information.

- A. Monthly Incident Summary – June 2019
- B. Position Vacancies
- C. Approved N.C. Department of Transportation Encroachment Agreement(s):
  - Encr. #18797 – Abandonment of water lateral & gate valve @ US401 (Raeford Rd).

## CLOSED SESSION PURSUANT TO N.C. GENERAL STATUTES 143-318.11(a)(6) FOR PERSONNEL MATTERS

Commissioner Fowler motioned to go into closed session pursuant to NC General Statutes 143-318.11(a)(6) for Personnel Matters. Motion was seconded by Commissioner Shaw and unanimously approved at 9:24 am.

Following discussion, Commissioner Shaw motioned to return to open session. It was seconded by Commissioner Huff and unanimously approved at 10:15 a.m.

Upon returning to open session, the Commission discussed communications that are provided to applicants for positions at PWC. Mr. Russell informed the Commissioners that when an application is submitted a notification to the applicant appears that states they will be contacted only if they are selected for an interview. If someone is not selected for an interview there is no other communication with the applicant.

Applicants are free to call, and they do call for status updates, and updates are provided to them. If someone is selected for an interview there are ongoing communications and notifications.

Commissioner Fowler stated our goal should be to communicate position status to all applicants. It was discussed that a new software solution was being considered for recruitment and that many of the offerings had functionality that would automate providing status to applicants.

The Commissioners expressed that this should be a priority. They also suggested that Human Resource staff provide an email or phone call follow-up for non-entry level professional positions.

#### ADJOURNMENT

There being no further business, upon motion by Commissioner Fowler, seconded by Commissioner Shaw, and unanimously approved, the meeting was adjourned at 10:30 a.m.