

ORANGE WATER AND SEWER AUTHORITY

MEETING OF THE BOARD OF DIRECTORS

JUNE 23, 2016

The Board of Directors of the Orange Water and Sewer Authority (OWASA) held a regular business meeting on Thursday, June 23, 2016, at 7:00 P.M. in the Council Chamber, Chapel Hill Town Hall, 405 Martin Luther King Jr. Boulevard in Chapel Hill, NC.

Board Members present: John A. Young (Chair), Robert Morgan (Vice Chair), Terri Buckner, Jeff Danner, Barbara Foushee, Quinton Harper, David (Dave) Moreau and Ruchir Vora. Board Members absent: Heather Payne (Secretary).

OWASA staff present: Ed Kerwin, Mary Darr, Greg Feller, Kenneth Loflin, Andrea Orbich, Johnny Riley, Ruth Rouse, Mary Tiger, Todd Taylor and Robin Jacobs of Epting and Hackney.

Public present: Joanie Alexander; Yinka Ayankoya; Bev Beu; Karen Bley; Bill Boyansky; Lynne Bresler; Ann Charles; Bill Charles; Bill Crowther; Gene Erb; H. Manel Farrah; H. Marrel Foushee; Glen Greenstreet; Lynn Harman; Danny Hooley; Bonnie Houser; Annie Jarabek; Bob Johnson; Ed Johnson; Luther Livermon; Edward N. Mann III; Mark Marcopolos; Brenda McCall; Colin Mellor; Jim O'Connor; Marlene O'Connor; Lucy Piner; Jack Pless; Lance Richardson; Meciedea Rinny; Carl Shy; Christina Silva; John Silva; Greg Smith; Linda Smith; Todd Stabley; Jim Suiter; Janis Tombery; Bill Vann; Dave Walser; Donna Walser; Randall Williams; John Willis; Drena Worth; Sandy Worth; Scott Zimmerman; Howard Lee, former Secretary of Department of Natural and Economic Resources; Kate Dixon and Betsy Brown of Friends of the Mountains-to-Sea Trail; Bernadette Pelissier, Orange County Commissioner; Bonnie Hammersley, Orange County Manager; Dave Stancil, Orange County Director of Department of Environment, Agriculture, and Parks and Recreation; Rich Shaw, Orange County Land Conservation Manager; Stephanie Trueblood, Town of Hillsborough; Margaret Holton, Water, Sewer and Stormwater Coordinator, and Ben Poulson, Associate Director of Energy Services, University of North Carolina at Chapel Hill.

There being a quorum present, Chair John Young called the meeting to order.

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MOTIONS ACTED UPON

1. BE IT RESOLVED THAT the Orange Water and Sewer Authority adopt the Resolution Adopting a New Records Retention and Deposition Schedule for Water & Sewer Authorities and Sanitary Districts. (Motion by Terri Buckner, second by Robert Morgan and unanimously approved.)
2. Terri Buckner made a motion to approve the Minutes of the May 12, 2016 Work Session of the Board of Directors, second by Robert Morgan and unanimously approved.

3. Terri Buckner made a motion to approve the Minutes of the May 26, 2016 Public Hearings and Meeting of the Board of Directors, second by Robert Morgan and unanimously approved.

4. BE IT RESOLVED THAT the Orange Water and Sewer Authority adopt the Resolution Honoring the Service of Quinton Harper to the Chapel Hill-Carrboro-Orange County Community as a Member of the Orange Water and Sewer Authority's Board of Directors. Motion by Dave Moreau, second by Terri Buckner and unanimously approved.

5. Jeff Danner made a motion to defer John Silva's petition requesting that OWASA publicly state that the MST as proposed to go through OWASA property will not be supported by OWASA; second by Robert Morgan and unanimously approved.

6. Robert Morgan made a motion to close the nominations for Secretary of the Board; second by Quinton Harper and unanimously approved.

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## ANNOUNCEMENTS

### Conflict Of Interest

John Young said any Board Member who knows of a conflict of interest or potential conflict of interest with respect to any item on the agenda tonight is asked to disclose the same at this time. None were disclosed.

### 2015 Water Quality Report Card

Todd Taylor, General Manager of Operations, reported that OWASA met and exceeded the standards under the Federal Safe Drinking Water Act and related State rules for drinking water. OWASA's report includes information about where OWASA's water comes from, how it is treated and a summary of water testing results. The 2015 water quality report card was mailed to accountholders and is posted on OWASA's website.

### Stewardship Forest Certification for OWASA's Cane Creek Reservoir Mitigation Tract

Ruth Rouse introduced John Howard of the NC Forest Service, who presented the Forest Stewardship Program Certification to OWASA.

### Petitions and Requests

John Young asked for petitions and requests from the public, Board and staff; none were received.

ITEM ONE: RESOLUTION ADOPTING A NEW RECORDS RETENTION AND DISPOSITION SCHEDULE FOR WATER & SEWER AUTHORITIES AND SANITARY DISTRICTS

Terri Buckner made a motion to approve the resolution; second by Robert Morgan and unanimously approved. Please see Motion No. 1 above.

ITEM TWO: MINUTES

Terri Buckner made a motion to approve the Minutes of the May 12, 2016 Work Session of the Board of Directors; second by Robert Morgan and unanimously approved. Please see Motion No. 2 above.

ITEM THREE: MINUTES

Terri Buckner made a motion to approve the Minutes of the May 26, 2016 Meeting of the Board of Directors; second by Robert Morgan and unanimously approved. Please see Motion No. 3 above.

ITEM FOUR: RESOLUTION HONORING THE SERVICE OF QUINTON HARPER TO THE CHAPEL HILL-CARRBORO-ORANGE COUNTY COMMUNITY AS A MEMBER OF THE ORANGE WATER AND SEWER AUTHORITY'S BOARD OF DIRECTORS

Dave Moreau made a motion to approve the resolution; second by Terri Buckner and unanimously approved. Please see Motion No. 4 above.

John Young read aloud and presented the framed resolution honoring Quinton Harper's service to the Chapel Hill-Carrboro-Orange County community as a Member of the Orange Water and Sewer Authority.

Mr. Harper expressed his gratitude to the Board, staff, and Mr. Steve Dear and to the Carrboro Board of Aldermen for his appointment on the OWASA Board of Directors.

ITEM FIVE: OVERVIEW OF THE MOUNTAINS-TO-SEA TRAIL (MST) AND DISCUSS STAFF PROPOSED CONDITIONS FOR THE TRAIL TO BE LOCATED ON OWASA PROPERTY

Kate Dixon, Executive Director of Friends of the MST (FMST) provided an overview of the MST. Dave Stancil, Orange County Director of Orange County Department of Environment, Agriculture, and Parks and Recreation, provided an overview of Orange County's work on the MST in the County to include a possible corridor for part of the MST on OWASA land near the Cane Creek Reservoir. Ruth Rouse, OWASA's Planning and Development Manager, reiterated OWASA's position, set out in its 2009 letter to the County Commissioners, that the trail would be allowed to cross OWASA property provided three conditions were met: its location and use must not compromise water quality in Cane Creek Reservoir; it must require no expenditure of OWASA funds; and its location and use must be managed so as to minimize any additional security risks associated with hikers using the property around the reservoir.

Terri Buckner suggested that a minimum distance from the MST to residential structures be included as a condition.

The Board received the following public comments as well as comments via e-mail, which were distributed to the Board.

Howard Lee, former Secretary of Department of Natural and Economic Resources and one of the original supporters of the MST, said it is an honor to have the FMST and OWASA considering coming together. He proposed the idea of the MST in 1977 when he was mayor of Chapel Hill, and said he is pleased that we may finally have the trail in Orange County.

John Silva said he supports the MST concept, but the proposed segment on OWASA land is flawed. He said trails can have fires, are a soft spot for crime, and have the risk of erosion and water contamination. Mr. Silva petitioned the Board to request that OWASA publically state that the MST as proposed to go through OWASA property will not be supported by OWASA.

Bob Johnson said he favors the MST and he encouraged OWASA to have guidelines for buffers from the trail to houses and other structures.

Alan Green said hikers are responsible people who clean up and do not start fires, and that OWASA's Cane Creek Reservoir land is beautiful. Mr. Green said he has 10 acres OWASA can use for a nature trail.

Bill Vann said he supports the MST and that the trail will be an economic driver and magnet for Hillsborough, and that he has not seen fire or read of crime on the MST.

John Willis, a Hillsborough resident, said he supports the MST and that fires can occur today with no trail, and that he and other volunteers take care of the MST.

Scott Zimmerman said he supports the MST and is an avid backpacker, and he can't wait to hike on the proposed trail.

Bill Boyarsky said he volunteers to maintain the MST and strongly supports the proposed trail.

Jim O'Connor said some people will start fires, that a fire which occurred on Mitchell Mountain required the use of bulldozers, and that the trail would reduce the sales price of his property.

Bill Charles said OWASA should protect its excellent water quality and that Mickey Subdivision covenants do not allow recreational access. He opposed the proposed trail location.

Brenda McCall said she is concerned about the closeness of the trail, having access to the trail on Apple Mill Road, that having the trail near her residence would increase insurance costs, and that covenants do not allow recreational access in part of her subdivision.

Christine Silva said OWASA should not jeopardize its water quality, which is some of the best in North Carolina; and that she is concerned about fire, crimes and injuries.

Lynne Brester, a member of FMST, supports having the trail go through OWASA land. She said that if the trail is properly designed, it will be a national treasure.

Annie Jarabek said OWASA should mitigate risks as much as possible and find middle ground by both protecting water quality and providing recreation as an incredible asset.

Carl Shy said he has been a resident of Bingham Township for 34 years and he strongly supports having the trail on OWASA's beautiful, heavily forested land.

Greg Smith said he has lived at Thunder Mountain Road for about 35 years, and that OWASA should share its beautiful land at the Cane Creek Reservoir with North Carolina.

Stephanie Trueblood said she is the project planner for the Town of Hillsborough, and that trail projects take years, require best practices and outreach to citizens, and provide connections between people. OWASA can make an enormous impact by supporting the MST.

Ed Johnson said if the trail is on the left side of the lake, he is willing and eager to have part of the MST on his land.

Edward Mann III said OWASA's primary purpose is to protect water quality and that OWASA would have an inherent responsibility and added costs if the trail is on OWASA land.

Ann Charles said the trail should not be in the watershed, and residents need answers to their questions.

Colin Mellor said he and other residents of Lilymont Lane oppose having the MST on OWASA land because of concerns about camping, security, proximity to the houses and parking off Apple Mill Road.

Randall Williams said OWASA's job is to provide clean water and that water sources are fragile.

Christina Silva mentioned that the MST website has photos of a fire last summer on the MST.

Ms. Buckner was excused from the meeting at 8:25 P.M.

John Young expressed appreciation to the public for their comments and asked the Board how they wanted to respond to Mr. Silva's petition.

Dave Moreau asked if Orange County considered purchasing land since they have stated that they would not take land.

Mr. Stancil said that the County is open to all possibilities to obtain land for the MST including easements and land purchase, but would not use eminent domain.

The Board agreed to delay an in-depth discussion on the MST until the Board has had time to consider the input received tonight and to request additional information, including an overview of covenants, easements, agreements for property purchased through the NC Clean Water Management Trust Fund as well as any other possible recreation restrictions when the land was developed for the reservoir.

Mr. Young said that OWASA's conditions include no compromise of water quality, no expenditure of funds, and minimizing security risks. He asked how, if volunteers disappeared, would the MST or Orange County handle this assistance to keep OWASA from having to backstop trail issues.

Mr. Stancil said that the County is looking at an arrangement or partnership with the MST staff on maintaining the MST in Orange County.

Ms. Dixon said that OWASA's primary partnership should be with Orange County Parks and Recreation since the agency would always be there and the FMST staff/volunteers would assist the County.

Ruchir Vora suggested that an additional condition be a fire management plan.

Mr. Young asked if basic data could be gathered on other trails near water supply reservoirs as well as information on potential fire, crime, and insurance issues.

Ed Kerwin said it might be difficult because different reservoirs have different levels of protection on them.

Ms. Rouse said that other utility managers didn't indicate issues with trails near reservoirs, but one noted the use of all-terrain vehicles on a section of trail downstream of the reservoir and she said that we should include conditions to address that potential issue.

The Board agreed to look at other possible restrictions including: potential pet restrictions, distance between the reservoir and trail heads, define easements from private landowners adjacent to the trail, and possible alternative routes.

Mr. Stancil said that the option being reviewed is the proposed corridor on OWASA land near the Cane Creek Reservoir although the County is open to other possible route options.

Ms. Dixon said that any part of OWASA's property is a good place to start and continue building the MST. It is in the FMST staff's best interest to work with landowners to build the trail over a period of time.

Mr. Silva reiterated that 40 people in his neighborhood oppose the proposed trail route. He noted that a representative of another neighborhood also expressed opposition and he encouraged OWASA and Orange County to find an alternative. Mr. Silva requested that the Board defer his petition until the Board has had time to consider all the feedback received tonight.

Jeff Danner made a motion to defer John Silva's petition requesting that OWASA publicly state that the MST as proposed to go through OWASA property will not be supported by OWASA; second by Robert Morgan and unanimously approved. Please see Motion No. 5 above.

Bonnie Hammersley, Orange County Manager, said that there is a conceptual plan for where the proposed MST may be located and one goal is to involve the community. One meeting has been held and other meetings will be held. Ms. Hammersley said that the County looks to OWASA as a partner in the process to establish the trail.

The Board agreed to continue the MST discussion on August 25, 2016 with the requested information as noted above and thanked the public for their input and feedback.

ITEM SIX: ELECTION OF SECRETARY OF THE BOARD

Dave Moreau said that at the June 9, 2016 Board meeting, the Board agreed to continue the election of Secretary of the Board of Directors until June 23, 2016. Nominees for Secretary to the Board are Barbara Foushee or Heather Payne.

Mr. Moreau opened the floor to further discussion or nominations for Secretary of the Board; none were received.

Robert Morgan made a motion to close the nominations for Secretary of the Board; second by Quinton Harper and unanimously approved. Please see Motion No. 6 above.

Ballots were distributed and Barbara Foushee was elected by a majority of the Board as Secretary to the Board of Directors.

ITEM SEVEN: EXECUTIVE DIRECTOR WILL SUMMARIZE THE KEY ACTION ITEMS FROM THE BOARD MEETING AND NOTE SIGNIFICANT ITEMS FOR DISCUSSION AND/OR ACTION EXPECTED AT THE NEXT BOARD MEETING

Ed Kerwin summarized staff action items as follows:

- Staff will prepare information for the Board's continued discussion and possible action on August 25<sup>th</sup> regarding conditions for the Mountains-to-Sea Trail to be located on OWASA land considering discussion received tonight.
- Staff will provide an overview of covenants and other restrictions on OWASA land.
- Staff will notify the public and stakeholders of the August 25<sup>th</sup> meeting.
- July 14, 2016 Work Session will include the following agenda items:
  - o Review and approve new and reclassified positions
  - o Review draft diversity and inclusion plan

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The meeting was adjourned at 10:30 P.M.

Respectfully submitted,

A handwritten signature in black ink that reads "Andrea Orbich". The signature is written in a cursive style with a large, prominent initial 'A'.

Andrea Orbich  
Executive Assistant/Clerk to the Board

Attachments

**RESOLUTION ADOPTING A NEW RECORDS RETENTION AND DISPOSITION  
SCHEDULE FOR WATER & SEWER AUTHORITIES AND SANITARY DISTRICTS**

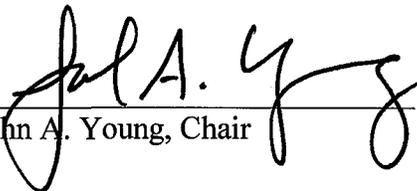
**WHEREAS**, Orange Water and Sewer Authority (OWASA) adopted a Records Retention and Destruction Policy on August 12, 2004; and

**WHEREAS**, the North Carolina Department of Natural and Cultural Resources has issued an updated Water & Sewer Authorities and Sanitary Districts Records Retention and Disposition Schedule and requested that the authorities' governing boards statewide approve the new schedule;

**NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE WATER AND  
SEWER AUTHORITY BOARD OF DIRECTORS:**

1. That the OWASA Board of Directors adopts the North Carolina Records Retention and Disposition Schedule for Water & Sewer Authorities and Sanitary Districts in accordance with North Carolina General Statutes Chapters 121 and 132 and dated May 1, 2016, and directs OWASA staff to comply with the requirements of the updated schedules as applicable.

Adopted this 23<sup>rd</sup> day of June 2016.

  
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John A. Young, Chair

ATTESTED:

  
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Andrea Orbich, Assistant Secretary

**RESOLUTION HONORING THE SERVICE OF QUINTON HARPER TO THE  
CHAPEL HILL-CARRBORO-ORANGE COUNTY COMMUNITY AS A MEMBER OF  
THE ORANGE WATER AND SEWER AUTHORITY'S BOARD OF DIRECTORS**

**WHEREAS**, on May 20, 2014, the Carrboro Board of Aldermen appointed Quinton Harper to serve on the Board of Directors of the Orange Water and Sewer Authority (OWASA); and

**WHEREAS**, Mr. Harper served on the OWASA Board from June 12, 2014, to June 30, 2016; and

**WHEREAS**, Mr. Harper served on the Board's Community Engagement, Finance and Natural Resources and Technical Services Committees; and

**WHEREAS**, Mr. Harper gave freely of his time, energy, and talent in serving the community and OWASA customers with unselfish dedication and compassionate concern; and

**WHEREAS**, Mr. Harper brought to OWASA a passion for and insight into relationships and communications with the people we serve and the people who work at OWASA, and he strengthened the Board's deliberations with his intellect and his concise articulation of issues and needs;

**NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE WATER AND  
SEWER AUTHORITY BOARD OF DIRECTORS:**

1. That the Board of Directors expresses to Mr. Quinton Harper the Board's sincere appreciation and deep gratitude for his outstanding service, leadership and stewardship as a Member of the OWASA Board; and the Board wishes for Mr. Harper much happiness in the years ahead.

2. That this resolution be recorded in the minutes of the OWASA Board of Directors and be part of the permanent records of OWASA, and that a copy of this resolution be transmitted to the Carrboro Board of Aldermen.

Adopted and presented this 23<sup>rd</sup> day of June, 2016.

  
John A. Young, Chair

ATTEST:

  
Andrea Orbich, Assistant Secretary