

MINUTES OF BOARD MEETING: September 10, 2020
HENRY COUNTY WATER AUTHORITY

I. CALL TO ORDER/ATTENDANCE:

A meeting of the Henry County Water Authority Board, duly advertised, was held on Thursday, September 10, 2020, in the Engineering Conference Room of the Authority's Administrative campus located at 100 Westridge Industrial Blvd., McDonough, GA. Mr. James C. Carter, Jr., Chairman, called the meeting to order at 8:02 a.m. The following members were present: James C. Carter, Jr., Warren Holder, Cletonya Stidom, Carlotta Harrell, and Zuwena Poole. The following Authority staff and consultants were present:

Authority Staff: Lindy D. Farmer, Jr., Tony Carnell, Kim Osborne, Roderick Burch, Pat Hembree, Scott Harrison, Scott Sage, Allen Rape, Dan Newcombe, Bill Banks
Legal Counsel: Andy Welch, Smith, Welch, Webb & White; Ted Meeker, Sumner Meeker

II. VISITORS: None

III. ACCEPTANCE OF AGENDA:

Mr. Carter presented the Amended Agenda for acceptance by the Board. He noted that discussion of the General Manager's evaluation process has been added under "Other Business." Motion was made by Mrs. Harrell and seconded by Mr. Holder to accept the Amended Agenda as presented. The motion carried (5/0).

IV. REPORT OF ATTORNEY:

Mr. Welch reported to the Board concerning industrial waste processing issues at Ken's Foods. He advised that an Administrative Hearing was conducted by the General Manager on August 25, 2020, and that sworn testimony and other information was presented. Mr. Welch explained the administrative enforcement process as well as the compliance order which was subsequently issued. Mr. Hembree advised that Ken's Foods is complying with the provisions of the order. Ken's has hired a consultant, Chemtron Riverbend, who met with the Authority's consultant on September 9, 2020. Discussions were held concerning the Authority's requirements to begin accepting 50,000 mgd from Ken's. The Authority has requested additional data which has not yet been received. Mr. Hembree reported that Ken's Foods is currently not discharging any flow to the Authority. Mr. Hembree also noted that Ken's has hired a Class I Operator and is training additional staff. Mr. Farmer pointed out that no additional facility expansions will be approved for Ken's Foods until these issues are resolved.

Mr. Welch advised that the compliance order provides that the Authority will receive weekly written reports from Ken's Foods. The Authority's staff and consultants will continue to

inspect the facility. If Ken's fails to provide documentation, and comply with other terms of the Compliance Order, the Authority will take subsequent action. Mr. Welch advised that the Authority should receive weekly reports from Ken's Foods. Pat Hembree and his team will continue to inspect the facility. Mr. Hembree reported that Ken's Foods has been notified that the Authority will expect reimbursement of costs associated with services provided by the Authority's consultant.

V. REPORT OF GENERAL MANAGER:

Mr. Scott Harrison presented a recommendation to surplus two Conex storage containers on the Purchasing/Inventory yard. He advised that these units are being disposed of due to age. He noted that the Authority has included a line item for the construction of a storage building in the FY20 budget, therefore, these two units will not be replaced. Motion was made by Mr. Holder and seconded by Ms. Poole to approve the surplus of the two Conex storage containers as recommended by staff. The motion carried unanimously (5/0).

Mr. Scott Sage addressed the Board concerning a request received from the developer of the Costco on Jodeco Road for a water and sewer availability letter. Mr. Sage advised that the Authority can provide water for the project, but sewer is currently not available. It however could be made available via a line extension. He stated that the developer has presented some options for providing sewer to the property: 1) a gravity line from the existing public sewer located on the Jodeco Village property – staff is evaluating this gravity sewer extension option, but in need of additional information from the developer's consultant – most cost effective & timely option if it can be constructed per HCWA standards and specifications. Some challenges including crossing a ravine and wetlands on the adjacent property. The line will also cross in close proximity to the adjacent property owner's stormwater pond. Mr. Jones, the developer, supports this routing as the cost is within their budget. We are awaiting information on the route which is a 700' – 800' extension.

Mr. Farmer advised that a regional lift station to serve that basin would take at least two years to design and construct. Scott Sage advised that SS Option 2 would be an interim pump station but the challenge would be whether the flow can be discharged back to the Emson property/Jodeco Village. It was noted that the Authority is waiting to hear from the developer/consultant as to gravity flow. Mr. Sage advised that the consultant must show the Authority how they propose to get sewer to the property. Mr. Carter noted that the Authority will still need to address long term services to the area. Ms. Stidom noted that there is future growth coming with the construction of the western parallel. She stated sewer service is not just about Costco but sewer for all of the development that is coming. Mr. Carnell stated that a developer's agreement can be considered for future development, but we must distinguish this project as a different type of development. If a determination is made that the sewer would be a "system improvement" then the Authority can enter into a developer agreement. He noted that the Authority is looking as part of CIP – crossing the interstate will be required. Mr. Burch explained how impact fees are applied: They go to plant capacity and expenses; cost to upgrade Walnut

Creek approximately \$70 million. Impact fees help to offset this expense. The developer pays or the customer base must pay.

VI. PROJECTS AND ADJUSTMENTS:

The following projects were presented, noted to be in compliance with Authority policy and recommended for approval by the Board.

New Projects by Authority: GDOT3650 SR81 @South River WL Relocation
SPLOST2977A Peeksville Road WL Relocation

Mr. Sage provided additional information regarding each project.

Developer Projects: None

Budget Adjustments: None

There being no further discussion, a Motion was made by Mr. Holder and seconded by Mrs. Harrell to approve the projects as presented. The motion carried unanimously (5/0).

VII. APPROVAL OF MINUTES: August 13, 2020 Regular Meeting

The minutes of the August 13, 2020 Regular Meeting and Executive Session of the Board were approved on motion made by Ms. Poole and seconded by Mrs. Harrell. The motion carried (5-0).

VIII. OTHER BUSINESS:

Ms. Cooper distributed the General Manager's evaluation packet. She explained the process for submitting responses, either electronically or in writing. The Board agreed that a committee composed of the Chairman and Ms. Poole be established to review the responses and to have discussions with the General Manager regarding the process. Mr. Carter noted that the deadline to return responses is October 1, 2020 (three weeks). Ms. Cooper encouraged members to provide written comments. She will arrange one-on-one interviews with each Board member either by telephone or WebX to discuss responses.

IX. EXECUTIVE SESSION:

Mr. Carter advised that an Executive Session will be required in order to discuss potential litigation. The Board took a brief recess at 9:21 a.m. Upon return, a motion was made by Mrs. Harrell and seconded by Mr. Holder to enter into Executive Session at 9:29 a.m. for the purpose of

discussing potential litigation matters. The motion carried unanimously (5/0) and the Board entered into Executive Session.

Motion was made by Mrs. Harrell and seconded by Ms. Stidom to return to Open Session at 9:46 a.m. The motion carried unanimously (5-0).

Upon return to Open Session, a motion was made by Ms. Stidom and seconded by Ms. Poole to authorize the Authority's staff to move forward with the use of eminent domain proceedings to acquire the sanitary sewer easement located on property owned by Emson Investment Properties, LLC for the purpose of operating and maintaining said line due to public health and safety concerns. Mr. Carter opened the floor for further discussion. Mr. Holder encouraged that the process be expedited in view of public health concerns. Mr. Carter called for a vote on the motion. Each member of the Board voted in favor of the motion and it carried unanimously (5/0).

X. ADJOURNMENT:

Motion was made by Ms. Stidom and seconded by Mr. Holder to authorize the Chairman to execute the Affidavit concerning Executive Session matters and to adjourn the meeting at 9:52 a.m. The motion carried (5-0) and the meeting was adjourned.

James C. Carter, Jr., Chairman

Kimberly Turner Osborne, Clerk