

ORANGE WATER AND SEWER AUTHORITY

MEETING OF THE BOARD OF DIRECTORS

MARCH 26, 2015

The Board of Directors of the Orange Water and Sewer Authority (OWASA) held a regular business meeting on Thursday, March 26, 2015, at 7:00 PM in Council Chambers at the Chapel Hill Town Hall, 405 Martin Luther King Jr. Boulevard.

Board Members present: John A. Young, Chair; Michael M. Hughes, P.E., Vice Chair; Heather Payne, Secretary; Terri Buckner; Stephen (Steve) Dear; Quinton Harper; and Amy Witsil. Board Members excused: David (Dave) Moreau and Ruchir Vora.

OWASA staff present: Ed Kerwin; Beth Canada; Patrick Davis; Greg Feller; Kenneth Loflin; Andrea Orbich; Johnny Riley; Ruth Rouse; Kelly Satterfield; Stephen Winters; and Robin Jacobs of Epting and Hackney.

Others present: Meg Holton, Water, Wastewater, and Stormwater Manager, University of North Carolina at Chapel Hill; and Tim Johnson, NC Center for Geographic Information and Analysis.

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 Setting the Date of May 28, 2015 for a Public Hearing on OWASA's Fiscal Year 2016 Budget. (Resolution so titled attached hereto and made a part of these minutes. Motion by Heather Payne, second by Steve Dear and unanimously approved.)

2. BE IT RESOLVED THAT the Orange Water and Sewer Authority adopt the Resolution Setting the Date of May 28, 2015 for a Public Hearing on Proposed Revisions to OWASA's Schedule of Rates, Fees and Charges. (Resolution so titled attached hereto and made a part of these minutes. Motion by Heather Payne, second by Steve Dear and unanimously approved.)

3. Heather Payne made a motion to approve the Minutes of the January 22, 2015 Meeting of the Board of Directors as amended on pages 2 and 5 as follows: "...Terri Buckner opposed because a survey is feedback on the issues important to staff instead of~~and not~~ engaging the community on the issues of importance to them." Second by Steve Dear and unanimously approved. Please see Motion No. 3 above.

4. Heather Payne made a motion to approve the Minutes of the January 22, 2015 Work Session of the Board of Directors, second by Steve Dear and unanimously approved.

5. Heather Payne made a motion to approve the Minutes of the February 12, 2015 Work Session of the Board of Directors, second by Steve Dear and unanimously approved.
6. Heather Payne made a motion to approve the Minutes of the February 12, 2015 Closed Session of the Board of Directors for the Purpose of Discussing Personnel Matters, second by Steve Dear and unanimously approved.
7. Heather Payne made a motion to approve the Minutes of the March 12, 2015 Work Session of the Board of Directors, second by Steve Dear and unanimously approved.
8. Heather Payne made a motion to approve the Minutes of the March 12, 2015 Closed Session for the Purpose of Discussing a Personnel Matter, second by Steve Dear and unanimously approved.
9. BE IT RESOLVED THAT the Orange Water and Sewer Authority adopt the Resolution Adopting Policy on Procedures to be followed by Orange Water and Sewer Authority (OWASA) Staff in the Enforcement of Laws, Regulations and Rules Pertaining to Public Access and Use of OWASA Reservoirs. (Resolution so titled attached hereto and made a part of these minutes. Motion by Terri Buckner, second by Amy Witsil and unanimously approved.)
10. Terri Buckner made a motion to adjourn the meeting, 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.

### Change to the Agenda

Without objection, the Board agreed to reschedule the Closed Session from the Board Meeting tonight to April 9, 2015.

### Chapel Hill's OWASA Committee Meeting

John Young said that the Chapel Hill Town Council's OWASA Committee and Chapel Hill appointees to the OWASA Board will meet on either April 23, 2015 or May 14, 2015 at 8:00 AM in the OWASA Boardroom; the agenda will be provided.

### Committees

Terri Buckner said that the Natural Resources and Technical Systems (NRTS) Committee met on March 17<sup>th</sup> to discuss information for OWASA's Energy Management Plan, including the baseline assessment of energy use for 10-year period from 2005-2014, energy management strategies implemented to date, and potential goals and objectives for the Energy Management Plan. The NRTS Committee requested that other strategies be evaluated in the next phase of work and that staff draft proposed goals and objectives for consideration by the Committee at its next meeting (date to be determined). On behalf of the NRTS Committee, Ms. Buckner requested that the Board discussion of energy management scheduled for the April 23<sup>rd</sup> Board meeting be deferred until the Committee is ready to report back to the Board with proposed draft goals and objectives. The Board concurred.

Steve Dear said that the Community Engagement Committee met on March 25<sup>th</sup> to discuss Engage Carrboro and review draft webpages for community engagement for development of OWASA's Energy Management Plan. Mr. Dear said that Committee members liked the approach and made several recommendations for improving the webpages. The next Community Engagement Committee meeting will be scheduled in April or early May to discuss a staff report on the Affordability Outreach Pilot Program.

### G. Herbert Stout Award for Visionary Use of Geographic Information System (GIS) by a Local Government in North Carolina

Ruth Rouse, OWASA's Planning and Development Manager, introduced Beth Canada, OWASA's GIS Coordinator, and Tim Johnson, Director of the NC Center for Geographic Information and Analysis. Mr. Johnson presented OWASA with the G. Herbert Stout Award for Visionary Use of GIS by a Local Government in North Carolina.

### PETITIONS AND REQUESTS

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

#### ITEM ONE: RESOLUTION SETTING THE DATE OF MAY 28, 2015 FOR A PUBLIC HEARING ON OWASA'S FISCAL YEAR 2016 BUDGET

Heather Payne made a motion to approve the resolution, second by Steve Dear and unanimously approved. Please see Motion No. 1 above.

#### ITEM TWO: RESOLUTION SETTING THE DATE OF MAY 28, 2015 FOR A PUBLIC HEARING ON PROPOSED REVISIONS TO OWASA'S SCHEDULE OF RATES, FEES AND CHARGES

Heather Payne made a motion to approve the resolution, second by Steve Dear and unanimously approved. Please see Motion No. 2 above.

ITEM THREE: MINUTES

Heather Payne made a motion to approve the Minutes of the January 22, 2015 Meeting of the Board of Directors as amended on pages 2 and 5 as follows: "...Terri Buckner opposed because a survey is feedback on the issues important to staff instead of~~and not~~ engaging the community on the issues of importance to them." Second by Steve Dear and unanimously approved. Please see Motion No. 3 above.

ITEM FOUR: MINUTES

Heather Payne made a motion to approve the Minutes of the January 22, 2015 Work Session of the Board of Directors, second by Steve Dear and unanimously approved. Please see Motion No. 4 above.

ITEM FIVE: MINUTES

Heather Payne made a motion to approve the Minutes of the February 12, 2015 Work Session of the Board of Directors, second by Steve Dear and unanimously approved. Please see Motion No. 5 above.

ITEM SIX: MINUTES

Heather Payne made a motion to approve the Minutes of the February 12, 2015 Closed Session of the Board of Directors for the Purpose of Discussing Personnel Matters, second by Steve Dear and unanimously approved. Please see Motion No. 6 above.

ITEM SEVEN: MINUTES

Heather Payne made a motion to approve the Minutes of the March 12, 2015 Work Session of the Board of Directors, second by Steve Dear and unanimously approved. Please see Motion No. 7 above.

ITEM EIGHT: MINUTES

Heather Payne made a motion to approve the Minutes of the March 12, 2015 Closed Session of the Board of Directors for the Purpose of Discussing a Personnel Matter, second by Steve Dear and unanimously approved. Please see Motion No. 8 above.

ITEM NINE: AUTHORIZE STAFF TO PUBLICIZE THE PRELIMINARY PROPOSAL OF NO INCREASE IN OWASA'S MONTHLY WATER AND SEWER RATES FOR THE FISCAL YEAR 2016 BUDGET

The Board agreed to authorize staff to inform customers that the proposed budget for Fiscal Year 2016 includes no increase in monthly rates for water, sewer or reclaimed water services. Other

rates and fees are under review, and if adjustments are proposed, they would be publicized before the public hearings in May.

ITEM TEN: APPROVAL OF LAKE RULES ENFORCEMENT FOR CANE CREEK RESERVOIR AND UNIVERSITY LAKE

Terri Buckner requested, and the Board agreed, that the Lake Rules include the following statement; "Children Under 13 Must Wear An Approved Personal Flotation Device."

Terri Buckner made a motion to adopt the Resolution Adopting Policy on Procedures to be followed by Orange Water and Sewer Authority (OWASA) Staff in the Enforcement of Laws, Regulations and Rules Pertaining to Public Access and Use of OWASA Reservoirs; second by Amy Witsil and unanimously approved. Please see Motion No. 9 above.

ITEM ELEVEN: 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 the meeting as follows:

- Staff will schedule a Natural Resources and Technical Systems Committee meeting to discuss energy management;
- Staff will schedule a Community Engagement Committee meeting to discuss Affordability Pilot Project Report;
- April 9, 2014 Work Session will include the following:
  - o Review employee health and dental insurance renewal;
  - o Review Scope of Work for Biosolids Management Report (Part 2);
  - o Fiscal Year 2016 Preliminary Budget and Rate Adjustment Recommendations;
  - o Review Draft 2015 Customer Survey; and
  - o Reschedule the Closed Session that was scheduled for tonight.

Terri Buckner made a motion to adjourn the meeting, second by Quinton Harper and unanimously approved. Please see Motion No. 10 above.

The meeting was adjourned at 7:38 PM.

Respectfully submitted,



Andrea Orbich  
Executive Assistant/Clerk to the Board

Attachments

**RESOLUTION SETTING THE DATE OF MAY 28, 2015 FOR A PUBLIC HEARING ON  
OWASA'S FISCAL YEAR 2016 BUDGET**

**WHEREAS**, Section 159-12 of the General Statutes of North Carolina requires a Public Hearing on the budget for the ensuing fiscal year; and

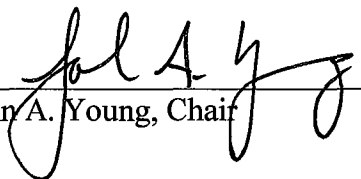
**WHEREAS**, in accordance with Section 7.05 of the Bond Order, and Section 159-13 of the General Statutes of North Carolina, the Board of Directors of Orange Water and Sewer Authority shall adopt an Annual Budget for the Fiscal Year 2016 on or before the first day of July 2015; and

**WHEREAS**, said proposed Budget will be placed with the Clerk to the Board and will be available for public inspection;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That a Public Hearing is hereby set for Thursday, May 28, 2015, at 7:00 P.M., in Chapel Hill Town Hall, for the purpose of receiving public comment on the proposed Fiscal Year 2016 budget.
2. That any interested persons may appear in-person, or by agent or attorney, and present any comments they may have regarding the proposed budget.
3. That notice of the time and place of the Public Hearing shall be advertised and mailed at least ten days prior to the date fixed above for the Public Hearing to The University of North Carolina at Chapel Hill, and to the Towns of Chapel Hill and Carrboro and to Orange County.

Adopted this 26th day of March, 2015.

  
\_\_\_\_\_  
John A. Young, Chair

ATTEST:

  
\_\_\_\_\_  
Heather Payne, Secretary

**RESOLUTION SETTING MAY 28, 2015 AS THE DATE FOR A PUBLIC  
HEARING ON PROPOSED REVISIONS TO OWASA'S SCHEDULE OF RATES,  
FEES AND CHARGES**

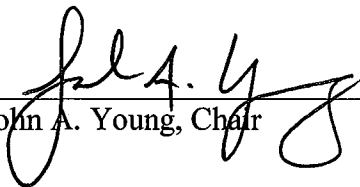
**WHEREAS**, the Orange Water and Sewer Authority must charge fees sufficient to provide financial resources to recover the cost of ongoing operations, pay for capital improvements, and provide sufficient financial resources to ensure sustainable fiscal strength and stability; and

**WHEREAS**, Section 162A-6 of the General Statutes of North Carolina and Section 7.04 of the Amended and Restated Bond Order adopted September 13, 2001, provide for the revision of such rates, fees and charges;

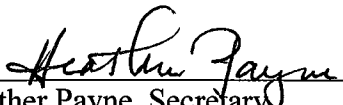
**NOW, THEREFORE, BE IT RESOLVED:**

1. That a Public Hearing is hereby set for Thursday, May 28, 2015 at 7:00 P.M., in Chapel Hill Town Hall, for the purpose of receiving public comment on any proposed adjustments to Orange Water and Sewer Authority's rates, fees and charges.
2. That any interested persons may appear in person, or by agent or attorney, to present comments on the proposed modifications to the current schedule of rates, fees and charges.
3. That notice of the time and place of the Public Hearing shall be advertised and shall be mailed at least ten days prior to the date fixed above for the Public Hearing to the University of North Carolina at Chapel Hill, Town of Carrboro, Town of Chapel Hill, and Orange County.

Adopted this 26th day of March, 2015.

  
\_\_\_\_\_  
John A. Young, Chair

ATTEST:

  
\_\_\_\_\_  
Heather Payne, Secretary

**RESOLUTION ADOPTING POLICY ON PROCEDURES TO BE FOLLOWED  
BY ORANGE WATER AND SEWER AUTHORITY (OWASA) STAFF IN THE  
ENFORCEMENT OF LAWS, REGULATIONS AND RULES PERTAINING  
TO PUBLIC ACCESS AND USE OF OWASA RESERVOIRS**

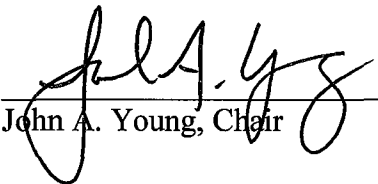
**WHEREAS**, Orange Water and Sewer Authority (OWASA) has instituted certain Lake Rules and Regulations to protect water quality and to ensure that all patrons have a safe and enjoyable experience when visiting our recreational facilities; and

**WHEREAS**, in order to assure consistent application and enforcement of its rules pertaining to access and use of its reservoirs and land under the supervision of its staff, the Board of Directors has determined to adopt the attached Policy regarding Enforcement of Lake Usage Rules and Regulations;


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

1. The Orange Water and Sewer Authority Board of Directors hereby adopts the attached Policy Regarding Enforcement of Lake Usage Rules and Regulations.

Adopted this 26<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
John A. Young, Chair

ATTEST:

  
\_\_\_\_\_  
Heather Payne, Secretary



# **Policy Regarding Enforcement of Lake Usage Rules and Regulations**

## Purpose

The Orange Water and Sewer Authority (OWASA) has instituted certain Lake Rules and Regulations to protect water quality and to ensure that all patrons have a safe and enjoyable experience when visiting our recreational facilities. This policy establishes procedures for the effective, consistent, and equitable enforcement of our Lake Rules and Regulations by OWASA Staff.

## I. Procedure

Whenever a violation of a lake rule is witnessed by Staff, or a reported violation is established by Staff, the violator(s) will immediately be notified of the infraction and requested to comply with the Rule(s). If the violation involves a breach of statutory law or Wildlife Resources Commission (WRC) Regulation, local Law Enforcement and/or the WRC may be notified as needed to address those types of violations. However, the violator(s) must come into compliance with statute or regulation when requested by Staff, or they shall be directed to leave the Lake/OWASA property.

Staff will determine the appropriate penalty using Attachment 1 in conjunction with the violator(s)' record of previous infractions. Staff will then complete and ask the violator to sign a written Notice of Violation (NOV) (see Attachment 2) that will detail the infraction and the penalty. The NOV must be signed by the Staff member who witnessed the infraction, or determined that it did occur.

The violator will be given a copy that also includes information regarding their right to an appeal. Records of all violations will be kept on file at the Warden's Office for a period of at least five years. Copies will be forwarded to the Water Supply and Treatment Manager for review.

Patrons (or other violators) who fail to follow the directions given by OWASA staff, or who refuse to sign acknowledging receipt of the written NOV, will be required to leave the Lake/OWASA premises. The assistance of appropriate local law enforcement officers may be requested to deal with violators who fail or refuse to leave the premises when requested, or to deal with statutory or regulatory violations other than those listed on the chart.

## II. Appeal Process

Any patron receiving a NOV involving a suspension of lake use privileges may appeal the suspension by submitting a written request to the Water Supply and Treatment Manager within

five business days from the date of issuance. The Water Supply and Treatment Manager must respond to the appeal request in writing within ten business days of receipt of the request. The Water Supply and Treatment Manager will review/investigate the incident (including interviewing the violator and/or witnesses, if deemed necessary) and determine if the suspension remains in effect or is rescinded and if so, what conditions if any may apply.

The Department Manager's decision may be appealed to the Executive Director within ten business days of the date on the written response. The Executive Director shall respond to the appeal request in writing within fifteen business days of receipt of the request. The Executive Director will review/investigate (including interviewing the violator and/or witnesses, if deemed necessary) the incident and determine if the suspension remains in effect or is rescinded and if so, what conditions if any may apply. All decisions by the Executive Director are final.

### III. After Action Review

When Law Enforcement is involved for an incident involving Rules and Regulations Violations, an After Action Review will be conducted to review the incident and make recommendations regarding the proper handling of the incident by Staff.

## Penalty Structure for Lake Rules Violations

<b>Description</b>	<b><u>First Offense</u></b>	<b><u>Second Offense</u></b>	<b><u>Third Offense</u></b>
<b>Alcohol/Illegal Drugs</b>	60 day suspension	1 Year suspension	Banned from the Lake
<b>All other Lake Rules violations</b>	Warning	30 day suspension	60 day suspension*

\* Offenses committed after the third offense may result in suspension of lake privileges for the remainder of the season

### Notes:

1. Offenses are cumulative (i.e. exiting the boat while on University Lake one day would count as a first offense. Leaving trash in the boat a month later at Cane Creek Reservoir would count as a second offense and so on)
2. Breaches of statutory law or Wildlife Resources Commission (WRC) Regulations that result in local law enforcement or WRC citations will result in an indefinite suspension of lake privileges.



# ORANGE WATER AND SEWER AUTHORITY

*A public, non-profit agency providing water, sewer and reclaimed water services to the Carrboro-Chapel Hill community.*

## Notice of Violation

\_\_\_\_\_ has been (warned/suspended) for violating OWASA Lake Rules/Policies \_\_\_\_\_ on (Date) \_\_\_\_\_. They will be allowed to return to the Lakes on (Date) \_\_\_\_\_.

\_\_\_\_\_  
Lake Patron Signature & Driver License Number

\_\_\_\_\_  
Warden-on-Duty Signature

Note: Any patron receiving a notice of violation involving a suspension of lake use privileges may challenge this action by submitting a written request to the Water Supply and Treatment Manager at 400 Jones Ferry Road, Carrboro, NC 27510 within five business days from the date of issuance.