

MINUTES

The Commissioners of Public Works of the City of Spartanburg, SC, Regular Meeting, held at 200 Commerce Street, Spartanburg, SC, January 26, 2023, at 3:00 p.m.

Copies of the agenda were forwarded to the following news media: Spartanburg Herald-Journal, The Spartan Weekly, Greenville News, The Greer Citizen, Hometown News, WSPA-TV 7, WYFF-TV 4, WLOS-TV 13, WHNS Fox Carolina, WORD News Radio, WOLT-FM Radio, Tribune Times, and the Times Examiner.

Commissioners present were Ms. Viney, Mr. Littlejohn, and Mr. Montgomery. No one was absent.

The meeting was opened with the following statement:

This is a regular meeting of The Commissioners of Public Works of the City of Spartanburg, SC. Written notice of the date, time, and place for this meeting, along with the agenda, has been posted in the lobby and on the Spartanburg Water website, and copies forwarded to local and nearby news media, at least 24 hours prior to this meeting.

1. APPROVAL OF MINUTES OF REGULAR MEETING OF DECEMBER 6, 2022

Ms. Viney moved and Mr. Littlejohn seconded the motion to approve the minutes as written. The motion passed unanimously.

2. MONTHLY FINANCIAL REPORT

Newt Pressley presented a financial summary of SWS expenditures and revenues for the five-month period ending November 30, 2022, and the six-month period ending December 31, 2022. An explanation was provided for the favorable and unfavorable budget variances.

The above was provided as information to the Commission.

3. PROPOSED 2023 COMMISSION MEETING SCHEDULE

January 26	February 28
March 28	April 25
May 23	June 27
July – No Meeting	August 22
September 26	October 24
November – No Meeting	December 5

The Commission agreed to change the March meeting date to March 21, 2023.

4. ENGINEERING PARKING LOT PAVING PROJECT

Bids were received on December 27, 2022, for milling and removing current asphalt, repaving, and restriping the parking lot of the Engineering building located at 175 N. Liberty Street.

The request for bid was advertised in local media, the Spartanburg Water website, and forwarded to prospective vendors. The solicitation drew responses from three bidders. A cost tabulation is listed below:

The Commissioners of Public Works of the City of Spartanburg, SC – Regular Meeting, January 26, 2023

<u>BIDDER</u>	<u>AMOUNT OF BID</u>
Bird Paving Inman, SC	\$27,405.40
Bennett Paving Inc. Roebuck, SC	\$35,680.00
BWC Contracting Inc. Gaffney, SC	\$59,960.00

Based on the bid responses, management recommended the approval of award to Bird Paving for the contract price of \$27,405.40. Funding will be split equally between the SSSD and SWS depreciation budget.

Remsen Parrish provided the Commission with an overview of the Engineering Parking Lot Paving Project agenda item.

Mr. Littlejohn moved and Ms. Viney seconded the motion to ratify the action taken in the SSSD meeting and approve management’s recommendation to award the bid to Bird Paving for the contract price of \$27,405.40. The motion passed unanimously.

5. RIGHT-OF-WAY MOWING AND MAINTENANCE CONTRACT

Bids were received on November 23, 2022, for the mowing and maintenance of 30 miles of water distribution right-of-ways located throughout Spartanburg County and within the jurisdiction of the Spartanburg Water System to be performed twice annually. The contract term is for 12 months with right of extension at the Owner’s discretion. Contract extensions will not exceed two terms in addition of the original awarded term.

The request for bid was advertised in local media, Spartanburg Water website, and forwarded to prospective vendors. The solicitation drew responses from six bidders. A cost tabulation is listed below:

<u>BIDDER</u>	<u>AMOUNT OF BID</u>
Forest Edge Spartanburg, SC	\$32,400
Derricks Green and Clean Services Cowpens, SC	\$34,620
Farr’s Landscaping & Grading Inc. Pauline, SC	\$35,760
Landscape Accents LLC Laurens, SC	\$38,460
C & S Nature Works Boiling Springs, SC	\$44,400

The Commissioners of Public Works of the City of Spartanburg, SC – Regular Meeting, January 26, 2023

Palmetto Pro Property Services, LLC \$50,860
Beaufort, SC

Based on the results of bid responses, management recommended the approval of an award to Forest Edge for the contract price of \$32,400. Funding will be provided by the SWS operational budget.

Ms. Viney moved and Mr. Littlejohn seconded the motion to approve management’s recommendation to award the bid to Forest Edge for the contract price of \$32,400. The motion passed unanimously.

6. PROFESSIONAL SERVICES FOR HUMAN RESOURCES ORGANIZATIONAL ASSESSMENT

A single proposal was received on January 6, 2023, from the professional consulting firm of “Find Great People” (FGP) to perform a limited Engagement Audit of the Human Resources Department and Operations as well as, a Human Resource Team Assessment.

Phase 1 of the scope includes the review of existing compliance reporting requirements, Human Resource structure and operations, a Strengths and Weaknesses assessment, and a GAP Analysis. Phase II includes an HR team assessment, review of organizational objectives and alignment of the HR organization with these objectives, benchmarking and strategy analysis and goal assessment of inclusion, diversity and equity objectives of the organization. The duration of the engagement is expected to last between six-eight weeks.

The cost will be as follows:
Phase I of the Project \$4,500
Phase II of the Project \$5,250

The professional services contract cost will be funded by SWS and SSSD operating funds, and allocated as follows: SWS (\$4,875) and SSSD (\$4,875).

Mr. Littlejohn moved and Ms. Viney seconded the motion to ratify the action taken in the SSSD meeting and approve management’s recommendation to enter into a professional consulting agreement with Find Great People to perform a limited Engagement Audit of the Human Resources Department and Operations as well as, a Human Resource Team Assessment. The motion passed unanimously.

7. PROFESSIONAL SERVICES FOR LOBBYING SUPPORT ON WASTEWATER AND WATER LEGISLATION

The Tallon Group, Inc., a South Carolina Corporation engaged in Lobbying Services, was engaged by Spartanburg Water during the 2022 SC State Legislation session and to lobby on behalf of Spartanburg Water for American Rescue Plan Act (ARPA) funds during this time. Staff is requesting that The Tallon Group be retained for 2023 to assist with lobbying efforts. Additional ARPA funds are expected to be made available by the SC State Legislature during the 2023 session. In addition, there are a number of

The Commissioners of Public Works of the City of Spartanburg, SC – Regular Meeting, January 26, 2023

House and Senate Bills that were pre-filed in December 2022, that may negatively impact water and wastewater utilities should they prevail. The Tallon Group will be lobbying on behalf of Spartanburg Water with any legislation that has the potential to affect Spartanburg Water either positively or negatively. Tallon will also be working to advance legislation that has been recommended by Spartanburg Water regarding water professionals and recognizing the importance of water and wastewater reclamation on the economy of South Carolina to be recognized the same day every year in perpetuity, if passed.

Management has re-written the contract with The Tallon Group to be for one year, with a 30-day notice of termination at any point in time.

Costs are the same as 2022 and are to be billed at a rate of \$3,750 per month for SWS and \$3,750 per month for SSSD.

Mr. Littlejohn moved and Ms. Viney seconded the motion to ratify the action taken in the SSSD meeting and approve management's recommendation to retain The Tallon Group for 2023 to assist with lobbying efforts. The motion passed unanimously.

8. RESOLUTION REVIEW

Management provided the Commission with recommended amendments to the Resolution adopted by the Commission on March 28, 1989, allowing the Chief Executive Officer to execute agreements on behalf of the Commission.

Commissioners of Public Works of the City of Spartanburg, South Carolina
Resolution of Commission

January 26, 2023

WHEREAS, the Commissioners of Public Works of the City of Spartanburg, South Carolina, is a duly-constituted political entity elected in accordance with the statutes of the State of South Carolina, and as such is empowered to construct, purchase, operate and maintain water works within or without, or partially within and partially without, the cooperate limits of the City of Spartanburg, South Carolina, for the use and benefit of such City and the inhabitants thereof, and to contract with individuals, corporations, or state or political subdivisions or agencies, including those outside the corporate limits of such municipality for such service; and

WHEREAS, the increasing complexity of the duties and responsibilities of the Commissioners, coupled with an increase in the number of written agreements, contracts and other documents requiring signature by the Commissioners, has created a time-consuming paperwork process that can be more efficiently performed by the Commissioners by delegation of certain specific authority to others to execute such instruments on behalf of the Commission when properly authorized and directed by the Commissioners;

NOW, THEREFORE, BE IT RESOLVED that the Chief Executive Officer of the Spartanburg Water System, as the principal administrator of the Commissioners of Public Works of the City of Spartanburg, South Carolina,

The Commissioners of Public Works of the City of Spartanburg, SC – Regular Meeting, January 26, 2023

is hereby authorized and directed to execute certain agreements, contracts, and other documents, as described below, in the name of and on behalf of the Commissioners, and the Secretary-Treasurer of the Commissioners of Public Works of the City of Spartanburg is hereby authorized and directed to attest the same, and the Chief Executive Officer, together with the Secretary-Treasurer, are hereby further authorized and directed to deliver the executed documents on behalf of the Commissioners, as more fully described below:

1. All agreements, contracts and other documents must be on standard forms which have been previously approved for use by the Commissioners or by legal counsel working for the Commissioners.
2. A report of the execution of such documents on behalf of the Commissioners by the Chief Executive Officer and Secretary-Treasurer shall be made to the Commissioners at the next meeting of the Commissioners following the execution of such documents, such report to be in such form and detail as desired by the Commissioners.
3. All required fees and charges as established by the Commissioners shall have been paid.
4. The following types of standard forms of agreements can be executed or approved under the authority set forth in this resolution:
 - a. Private Fire Protection Agreements;
 - b. Structure Agreements with Landowners whose property adjoins the Reservoirs Lake William C. Bowen, Lake H. Taylor Blalock or Reservoir #1;
 - c. Right-of-Way and Easement Agreements granting or conveying a right-of-way or easement by the Commissioners;
 - d. Right-of-Way and Easement Agreements granting or conveying a right-of-way or easement to the Commissioners;
 - e. Ownership Agreements for the Development and Conveyance of Water Mains when the applicant is paying all costs involved in such extension or reimbursement is based on established policy approved by the Commissioners; and
 - f. Standard Agreement and Easement for Structure at Lake William C. Bowen Reservoir except those involving dwellings partially below or below Contour 825.
5. All contracts for professional services including but not limited to architects, engineers, auditors, accountants, attorneys and consultants and all contractual fees paid for these professional

The Commissioners of Public Works of the City of Spartanburg, SC – Regular Meeting, January 26, 2023

services, not to exceed \$25,000, may be executed at the discretion of the Chief Executive Officer together with the Secretary-Treasurer on behalf of the Commission.

6. Except as authorized in Section 4 and 5 above, the Commissioners will extend specific authority to the Chief Executive Officer and the Secretary-Treasurer to execute agreements, contracts, and other documents and perform other actions on behalf of the Commission, by action specifically adopted and specifically relating to a particular matter or project, as may be required in the future.
7. This resolution shall constitute official action on the part of the Commissioners and shall remain in full force and effect until duly repealed or amended. All resolutions or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistencies, including the Resolution adopted by the Commissioners on March 28, 1989.

Adopted this 26th day of January, 2023

Mr. Boyle reviewed the updates made to the Resolution, including the addition of number 5, regarding contractual fees paid for these professional services, not to exceed \$25,000, may be executed at the discretion of the Chief Executive Officer together with the Secretary-Treasurer on behalf of the District. Mr. Boyle noted that the wording was asked to be amended to read up to instead of not to exceed in the SSSD meeting, therefore it would be updated in the SWS Resolution as well.

Mr. Littlejohn moved and Ms. Viney seconded the motion to approve management's recommendation to approve the amendments to the Resolution adopted by the Commission on March 28, 1989, allowing the Chief Executive Officer to execute agreements on behalf of the Commission, adopted this 26th day of January, 2023. The motion passed unanimously.

9. PROCUREMENT POLICY UPDATE

Management requested the Commission approve recommended updates to the Procurement Policy, if aforementioned Resolution amendments are adopted.

CURRENT

All contracts for the professional services of architects, engineers, consultants, auditors, and legal counsel, and all fees paid for such professional services, must be approved by the Commissioners, but competitive bidding shall not be required for such services.

RECOMMENDED CHANGE

All contracts for professional services, including but not limited to architects, engineers, auditors, accountants, attorneys and consultants, shall be exempt from this Policy, provided, however, that any contract for a defined scope of professional services that is estimated to exceed \$25,000

The Commissioners of Public Works of the City of Spartanburg, SC – Regular Meeting, January 26, 2023

must be approved by the Commissioners, but competitive bidding shall not be required for such services.

Mr. Littlejohn moved and Ms. Viney seconded the motion to approve recommended updates to the Procurement Policy based on the Resolution adopted by the Commission under agenda item number 9. The motion passed unanimously.

10. NOTIFICATION OF ENACTMENT OF EMERGENCY PROCUREMENT – JOHN B. WHITE, SR. BLVD WATERLINE FAILURE

On November 11, 2022, at 1646 John B. White Sr. Blvd., a two-inch water service line connection and an adjacent one-inch water service line connection failed causing extensive damage to approximately 240 linear feet of asphalt pavement and the underlying roadway's sub-surface along two westbound lanes of traffic.

John B. White Sr. Blvd is a major thoroughfare associated with west bound traffic and the SCDOT required for all traffic lanes to be reopened in a timely manner. Maintenance staff initiated and received management approval to execute an Emergency Procurement Request to make the necessary repairs to the damaged roadway in accordance with SCDOT specifications.

Due to high traffic volume, BC Cannon, a traffic control contractor, was selected to set up the necessary traffic control devices to ensure job site and public safety. The roadway base/sub-surface and asphalt resurfacing work was awarded to Bennett Paving. The total cost associated with contracted services for repair was \$100,160.

Bobby Walden provided the Commission with information regarding the John B. White, Sr. Blvd waterline failure agenda item.

The above was provided as information to the Commission.

11. WATER QUALITY REPORT

Bobby Walden provided an update to the Commission on water quality. The recent algaecide application in December on Lake Bowen and Reservoir 1 was successful in decreasing MIB. Geosmin has increased and an algaecide application will take place on Reservoir 1 tomorrow, January 27. It has been an unusual weather pattern with the rain, sudden cooler temperature, along with the lake drawdown, is believed to have contributed to the taste and odor issues.

The above was provided as information to the Commission.

12. VARIANCE REQUEST – 176 MAYSONS COVE DRIVE – LAKE BOWEN

On September 15, 2022, the adjoining property owner applied to install an additional PWC lift adjacent to the existing dock and two existing PWC lifts. Watershed staff evaluated the request and determined that the current marine structure (dock and existing lifts) already exceeded the 1,000 square

The Commissioners of Public Works of the City of Spartanburg, SC – Regular Meeting, January 26, 2023

foot maximum area and that the current marine structure already incorporated the maximum number of PWC lifts permissible to an adjoining property owner. The application for the PWC lift was disapproved.

The adjoining property owner has submitted a written request for a variance of the Standard Specifications of the Lake Bowen Policies and Procedures for a marine structure regarding the 1,000 square foot maximum footprint requirement.

Watershed staff has confirmed that installation of the additional PWC lift would not create a safety concern or impede access to the neighboring marine structures. However, it would increase the already-excessive footprint of the existing marine structure and be in violation of the Policies and Procedures associated with no more than two PWC lifts for each qualifying parcel.

Staff does not recommend the approval of the variance as requested above.

Bobby Walden reviewed the requested variance request for 176 Maysons Cove Drive on Lake Bowen. The adjoining property owner applied to install an additional PWC lift adjacent to the existing dock and two existing PWC lifts. The current marine structure exceeds the 1,000 square foot maximum area and that the current marine structure already incorporated the maximum number of PWC lifts allowed.

Ms. Viney moved and Mr. Littlejohn seconded the motion to endorse management's recommendation and deny the variance request at 176 Maysons Cove Drive. The motion passed unanimously.

13. PARTICIPATION PROJECT CONSISTENT WITH OUTSIDE CITY WATER MAIN EXTENSION POLICY – HUMMINGBIRD LAKE

Recently management received a request from a property owner on Hummingbird Lane, east of Parris Bridge Road and north of Fosters Grove Road, concerning the possibility of obtaining water service.

The water main extension consists of approximately 1,500 linear feet of 6-inch water main and one hydrant, and is consistent with the SWS Water Main Extension Policy. It will be billed at the outside city rate plus surcharge until such time as the full local share is recovered.

The water main extension has been upsized for future growth in the area to an 8-inch line which increased the original project estimate from \$114,000 to \$200,000. The property owner's participation cost is still based on the original estimate of \$114,000 and not the future growth estimate.

Management recommended Commission approve the above.

Gene Jackson reviewed the outside city water main extension request for Hummingbird Lake.

The Commissioners of Public Works of the City of Spartanburg, SC – Regular Meeting, January 26, 2023

Mr. Littlejohn moved and Ms. Viney seconded the motion to approve management's recommendation to approve the outside city water main extension for Hummingbird Lake. The motion passed unanimously.

14. PARTICIPATION PROJECT CONSISTENT WITH OUTSIDE CITY WATER MAIN EXTENSION POLICY – 129 PETRAS WAY

Recently management received a request from a property owner on Petras Way, east of Gossett Road and north of Mount Pleasant Road, concerning the possibility of obtaining water service.

The water main extension consists of approximately 840 linear feet of 6-inch water main and one hydrant, and is consistent with the SWS Water Main Extension Policy. It will be billed at the outside city rate plus surcharge until such time as the full local share is recovered.

The water main extension has been upsized for future growth in the area to 110 linear feet of 12-inch water main; 730 linear of 6-inch water main; and one hydrant, which increased the original project estimate from \$55,100 to \$150,000. The property owner's participation cost is still based on the original estimate of \$55,100 and not the future growth estimate.

Management recommended Commission approve the above.

Gene Jackson reviewed the outside city water main extension request for 129 Petras Way.

Mr. Littlejohn moved and Ms. Viney seconded the motion to approve management's recommendation to approve the outside city water main extension for 129 Petras Way. The motion passed unanimously.

15. AGREEMENTS EXECUTED BY THE CHIEF EXECUTIVE OFFICER ON BEHALF OF THE COMMISSION

The following agreements have been executed on behalf of the Commission by the Chief Executive Officer in accordance with the resolution adopted by the Commission on March 28, 1989.

A. Inside City Water Main Extension Agreements

(1) Fairview On Main

Omnific Properties, LLC is developing Fairview On Main located off of North Fairview Avenue. This development will consist of eight residential lots, approximately 35 linear feet of 6-inch water main; 250 linear feet of 4-inch water main; and one hydrant. The developer will bear all costs.

B. Outside City Water Main Extension Agreement

(1) Fairview Falls

The Commissioners of Public Works of the City of Spartanburg, SC – Regular Meeting, January 26, 2023

Rhobee Enterprises, LLC is developing Fairview Falls located off of Riveroak Road. This development will consist of 48 residential lots, approximately 1,928 linear feet of 6-inch water main; 264 linear feet of 4-inch water main; 227 linear feet of 2-inch water main; and two hydrants. The developer will bear all costs.

(2) Garrison Place

Holly Drive Properties, Inc., is developing Garrison Place located off of Valley Falls Road. This development will consist of 42 residential lots, approximately 553 linear feet of 6-inch water main; 450 linear feet of 4-inch water main; 106 linear feet of 2-inch water main; and one hydrant. The developer will bear all costs.

(3) Paulas Place

M. Seay, LLC is developing Paulas Place located off of Peachtree Road. This development will consist of 48 residential lots, approximately 1,503 linear feet of 6-inch water main; 435 linear feet of 2-inch water main; and two hydrants. The developer will bear all costs.

16. PERMITS ISSUED AT THE RESERVOIR

Applications have been submitted and all fees have been paid on the following Lake Agreements, associated with new construction and replacement.

- (1) Thomas L. Baker, Jr., and Crystal T. Baker**, desire to construct a dock on Lake Blalock.
- (2) Michael Crawley**, desires to replace a dock on Lake Blalock.
- (3) Joel DeMeza and Cher Blevins DeMeza**, desire to stabilize the shoreline on Lake Blalock.
- (4) John W. Edwards**, desires to construct a hard pathway and dock on Lake Blalock.
- (5) Donald W. and Michell H. Wall**, desire to replace a dock on Lake Blalock.
- (6) Angela and Robert R. Bellamy**, desire to replace a dock on Lake Bowen.
- (7) Alfred Gene Eskridge, III, and Julie Ann Eskridge**, desire to stabilize the shoreline on Lake Bowen.
- (8) Krissie Genobles**, desires to construct a hard pathway and dock on Lake Bowen.
- (9) Linda and James F. Gregory**, desire to replace a dock on Lake Bowen.

The Commissioners of Public Works of the City of Spartanburg, SC – Regular Meeting, January 26, 2023

- (10) **Leonard F. Holden, Jr.**, desires to construct a dock on Lake Bowen.
- (11) **Dennis Matthew Horton and Brandy Blalock Horton**, desire to replace a dock, construct a boat lift and personal watercraft lift on Lake Bowen.
- (12) **Ann M. Johnson, as Trustee of the Ann M. Johnson Revocable Trust Agreement**, desires to stabilize the shoreline on Lake Bowen.
- (13) **Joseph R. and Jeanette R. McMillin**, desire to stabilize the shoreline on Lake Bowen.
- (14) **George Reginald Pryor and Rene R. Pryor**, desire to replace a dock on Lake Bowen.
- (15) **Ronn C. Radcliff**, desires to replace a dock on Lake Bowen.
- (16) **Janis D. Reese**, desires to stabilize the shoreline on Lake Bowen.
- (17) **6 Man Club, LLC**, desires to replace a dock, construct a boat lift and personal watercraft lift on Lake Bowen.
- (18) **Michael E. Turner**, desires to stabilize the shoreline on Lake Bowen.

Applications have been submitted and all fees have been paid on the following Lake Agreements, associated with acknowledgement of ownership.

- (1) **Steven G. Chesnee and Brigitte K. Chesnee**, hard pathway, dock replacement, and shoreline stabilization on Lake Bowen.
- (2) **Catherine W. Harrison and Guy L. Harrison**, dock replacement on Lake Bowen.
- (3) **Patrick McKenna, Lindsey Roberts, Mark S. Hendley, Jr.**, personal watercraft lift, hard pathway, boat lift, and replacement dock on Lake Bowen.
- (4) **John Sellers**, boat lift and dock replacement on Lake Bowen.
- (5) **Donna Shealy Foster Turstee for the William Shealy Foster Irrevocable Trust, Dated May 17, 2019**, replacement dock on Lake Bowen.
- (6) **Shawn A. Syhlman and Marina Syhlman**, dock replacement on Lake Bowen.
- (7) **Dennis J. Van Winkle**, dock replacement on Lake Bowen.
- (8) **Randall L. Wood**, dock replacement and shoreline stabilization on Lake Bowen.

17. NEGOTIATIONS AND MISCELLANEOUS ADMINISTRATIVE MATTERS

There were no negotiations or miscellaneous administrative matters.

Page 12

The Commissioners of Public Works of the City of Spartanburg, SC – Regular Meeting, January 26, 2023

Meeting adjourned at 4:14 p.m.

G. Newton Pressley
Secretary-Treasurer

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