

## MINUTES

The Commissioners of Public Works of the City of Spartanburg, SC, Regular Meeting, held at 200 Commerce Street, Spartanburg, SC, March 21, 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 FEBRUARY 28, 2023**

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

### 2. **WORKERS' COMPENSATION INSURANCE RENEWAL**

Spartanburg Water's Workers' Compensation insurance renews annually on April 1. For the 2023 renewal, staff utilized the current agent, McGriff Insurance Services, to obtain quotes from insurance carriers on behalf of Spartanburg Water. The current policy is written through Amerisure at an annual cost of \$103,747.

The results of the quotes received are tabulated below:

Insurance Carrier	Annual Premium
Eastern Alliance	\$91,970
Amerisure	\$109,529
KeyRisk	\$121,900

Based on the pricing received, management recommended approval of the quote submitted by Eastern Alliance as the carrier for Workers' Compensation insurance at the annual premium cost of \$91,970. The Workers' Compensation premium will be allocated as follows: \$61,620 for SWS and \$30,350 for SSSD.

Mr. Littlejohn moved and Ms. Viney seconded the motion to ratify the action taken in the SSSD meeting to approve management's recommendation to approve the quote submitted by Eastern Alliance as the carrier for Workers' Compensation insurance. The motion passed unanimously.

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**3. EMERGENCY RESPONSE COMMUNICATIONS AND 911 TOWER**

The Commission of Public Works of the City of Spartanburg (“Commission”) along with Spartanburg County (“Tenant”), have been working to complete an intergovernmental agreement that will permit an Emergency Response Communications and 911 Tower, constructed, owned and operated by the Tenant, to be placed on Commission owned property that borders Reservoir #1; specifically a .07 acre plot of land (Lease area 1 - Access Road) and a .23 acre plot of land (Lease area 2 - footprint of the base of the tower), within the physical address of 2290 Rainbow Lake Road, Boiling Springs, SC 29316, Tax Map No.: 2-23-00-019.00.

The intergovernmental agreement incorporates all covenants that management deemed appropriate to protect Commission real property, Commission personal property, the Public Water Shed, and future unrelated use of the Emergency Response Communications and 911 Tower by Tenant. This intergovernmental agreement has been fully vetted through the Commission’s legal counsel and the following Covenants are highlighted for the Commissions review.

**Area to be leased**

**by Tenant** .07 acres within Tax Map No.: 2-23-00-019.00

**Initial Term of Lease**

Thirty (30) Years beginning April 1, 2023 thru March 31, 2053

**Renewal Term**

Two (2) subsequent auto-renewing periods of ten (10) Years

1<sup>st</sup> Subsequent Term April 1, 2053 - March 31, 2063  
2<sup>nd</sup> Subsequent Term April 1, 2063 - March 31, 2073

**Rent to Tenant**

\$1.00 per annum

**Use of Premises By Tenant**

Restricted by Commission to “disaster response communications and emergency response communications, including 911 emergency communications (“permitted uses”). Tenant shall use the leased premises or communications tower for no other purposes except the permitted uses”.

**Use of Tower by Commission**

Tenant agrees to reserve appropriate physical space on the Communications Tower and Lease Premises for Commission communication equipment, and further provide preventative maintenance assistance for up to six (6) Commission owned handheld radios and two (2) Commission owned boat mounted radios during the Term of the Lease.

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This proposed partnership between the Commission of Public Works of the City of Spartanburg and Spartanburg County in the construction of this Emergency Response and 911 Tower, will improve emergency response coverage for Spartanburg County residents in an area that currently has black out zones and lack of proper coverage due to the existing natural topography.

A red-lined version of the intergovernmental agreement with additional inclusions, the final intergovernmental agreement as well as satellite maps indicating the physical location of the proposed Tower are included for Commission review.

After careful discussions, site and plan review, and covenant inclusions, management recommended that the Commission of Public Works of the City of Spartanburg approve the intergovernmental agreement between the Commission and Spartanburg County with an initial term of April 1, 2023 through March 31, 2053.

Mr. Boyle reviewed the presented intergovernmental agreement that will permit an Emergency Response Communications and 911 Tower, constructed, owned and operated by the Tenant, to be placed on Commission owned property that borders Reservoir #1.

Mr. Boyle stated there is an amendment to this agenda item to include the second lease area of .23 acre plot of land (Lease area 2 – footprint of the base of the tower), within the physical address of 2290 Rainbow Lake Road, Boiling Springs, SC, 29316, Tax Map No.:2-23-00-019.00. Maps and information provided reflect this, just an oversight in the agenda write-up. The minutes will reflect this correction.

Mr. Boyle noted that this tower will provide emergency response communications coverage for this area, which will benefit Spartanburg Water Lake Warden coverage as well. This will allow Spartanburg County to discontinue a lease at Hogback Mountain, which will be a cost savings for the County. This is a good partnership opportunity.

Mr. Littlejohn moved and Ms. Viney seconded the motion to approve management's recommendation that the Commission of Public Works of the City of Spartanburg approve the intergovernmental agreement between the Commission and Spartanburg County with an initial term of April 1, 2023, through March 31, 2053. The motion passed unanimously.

**4. APPOINTMENT OF SECRETARY-TREASURER**

The Chief Financial Officer for the Commission of Public Works of the City of Spartanburg (SWS) also holds the responsibility/title of Secretary-Treasurer for the Commission of Public Works of the City of Spartanburg. The primary responsibilities of the Secretary-Treasurer of the SWS are to approve the minutes for record keeping, attest to the signatures of the Chief Executive Officer and the Chairperson of the SWS on various documents and agreements. In addition, with public bond closings, incumbency certificates are included in the final bond documents, which include the service,

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appointment or election of current members of the Board of Commissioners, the Chief Executive Officer and the Secretary-Treasurer of the Commission.

In light of the incumbent Chief Financial Officer/Secretary-Treasurer of the SWS retiring effective March 31, 2023, SWS Chief Executive Officer, Guy Boyle; is requesting that the Commission approve the Chief Operating Officer, a position currently held by Mr. Robert Walden, to fulfill the role of Secretary-Treasurer of the SWS until such time that a new Chief Financial Officer is named for the SWS.

Ms. Viney moved and Mr. Littlejohn seconded the motion to approve the Chief Executive Officer's recommendation to approve the Chief Operating Officer, a position currently held by Mr. Robert Walden, to fulfill the role of Secretary-Treasurer of the SWS until such time that a new Chief Financial Officer is named. The motion passed unanimously.

**5. CONTRACT EXECUTED BY THE CHIEF EXECUTIVE OFFICER FOR PROFESSIONAL SERVICES**

A professional services engagement has been executed by the Chief Executive Officer with the Raftelis Group - a utility sector consultant, who will review and update water and sewer Rate Models for Fiscal Year 2024 and beyond for the Commission of Public Works of the City of Spartanburg, and the Spartanburg Sanitary Sewer District. The engagement will start in March 2023 and will include data collection and review, updating of water and sewer models, preparing recommendations, and working with the CEO on final strategy and planning. The cost of the engagement is \$19,380 for professional services. Costs shall be allocated \$9,690 to SWS and \$9,690 to SSSD.

The above was provided as information to the Commission.

**6. WATER QUALITY REPORT**

Rick Jolley provided an update to the Commission on water quality.

Mr. Jolley noted that the algaecide application on February 22-23, was successful, and the algae counts have been reduced. Reservoir #1 Intake Structure: Geosmin – 12 PPT and MIB was less than detect. Finished water entering the distribution system: Geosmin – 11 PPT and MIB was less than detect.

The above was provided as information to the Commission.

**7. 319 GRANT FUNDED LAKE BOWEN STORMWATER OUTFALLS PROJECT – CONSTRUCTION SERVICES**

Proposals were received January 26, 2023, for construction services to install stormwater best management practice (BMP) structures at five locations adjacent to Lake Bowen. The project will address sediment laden and impervious surface runoff that negatively impacts the lake. The locations were initially identified in the 319 Grant, which was awarded to

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Spartanburg Water to improve stormwater quality discharging into Lake Bowen.

Construction firms were requested to provide proposals that included information on similar previous experience, schedule, references, and a lump sum bid for each location. The proposals were evaluated using a weighted scoring matrix on the above listed information. The evaluation and scoring of the proposals were conducted by an evaluation team.

Because of the anticipated cost, the Request for Proposal was advertised publically in the Herald-Journal, SCBO as well as our website. Bid information was distributed to 12 contractors. Two proposals were submitted and evaluated.

Proposals were received from the following firms:

- HGS, LLC dba RES Environmental Operating Company, LLC  
Raleigh, NC
- BWC Contracting, Inc.  
Gaffney, SC

The highest scoring proposal was submitted by RES Environmental Operating Company, LLC. This firm provided a more detailed description of current workload and previous experience in their proposal than the other firm.

Based on the weighted matrix score, management recommended the award of the construction services for the Lake Bowen Stormwater Outfalls Project to RES Environmental Operating Company, LLC in the amount of \$271,263.25.

The project will be funded with 319 Grant funding and capital funding.

Mr. Montgomery, upon providing a memo to Ms. Viney, Vice Chairperson, recused himself from the meeting. Mr. Boyle read this memo into the minutes and the original is attached for recordkeeping.

Date: March 21, 2023

To: Angela Viney, Vice-Chairperson  
Commission of Public Works of the City of Spartanburg SC

From: John Montgomery, Chairperson  
Commission of Public Works of the City of Spartanburg SC

Re: Recuse John Montgomery, Chairperson, from taking part in any Discussion, deliberation or vote on Agenda Item #7 (319 Grant Funding for Lake Bowen Stormwater Outfalls Project) In full compliance of SC Code 8-13-700 (319 Grant Funding for Lake Bowen Stormwater Outfalls Project) In full compliance of SC Code 8-13-700

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I must recuse myself from participating in any discussion, deliberation or voting on agenda item #7, 319 Grant Funding for Lake Bowen Stormwater Outfalls Project - Construction Services, the full description of which is listed on the March 21, 2023 Commission agenda. The full context of item #7 has been prepared by Spartanburg Water administrative leadership and may require some discussion, deliberation and a vote of acceptance by a quorum of members of the Commission.

I have not been involved in any negotiations, discussions or other business related matters associated with agenda item #7, but wish to notify the Commission that several of the land parcels that lie within the geographic area to be covered by this 319 Grant funding for the Lake Bowen Stormwater Outfalls Project, are owned, represented or are of a business nature run by members of the Montgomery family or are business interests owned in whole or in part by members of the Montgomery family.

\_\_\_\_\_  
John D. Montgomery, Chairperson

\_\_\_\_\_  
Date

Read into the Minutes March 21, 2023

\_\_\_\_\_  
Guy Boyle, CEO

\_\_\_\_\_  
Date

Ms. Viney, Vice Chairperson, conducted the meeting for the 319 Grant Funded Lake Bowen Stormwater Outfalls Project agenda item.

Rick Jolley provided the Commission with an overview of the 319 Grant Funded Lake Bowen Stormwater Outfalls Project – Construction Services agenda item.

Ms. Viney noted that Mr. Boyle had clarified a few questions she had regarding the 319 Grant Funded Lake Bowen Stormwater Outfalls Project – agenda item, adding that the application for this grant was submitted in the Fall of 2020. Ms. Viney asked who selected the areas for this project and did they know that it consisted of Montgomery property. Mr. Jolley stated that watershed staff selected these areas and would have known it included Montgomery property.

Mr. Littlejohn asked if other entities would be interested in the Montgomery's benefiting from the 319 Grand Funds. Mr. Jolley noted that previously the fence and solar powered feeding trough was moved further back on the property, and probably wasn't the favorable thing for the property owner. Spartanburg Water benefited greatly by moving the fence and the trough further back on the property. Mr. Boyle noted that management received legal counsel in 2020 and counsel stated that Spartanburg Water has been forthcoming with this public information, and is the legal way to approach it.

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Ms. Viney moved and Mr. Littlejohn seconded the motion to approve management’s recommendation and award of the construction services for the 319 Grant Funded Lake Bowen Stormwater Outfalls Project to RES Environmental Operating Company, LLC. The motion passed by quorum.

Mr. Montgomery was not in the room and did not participate in the discussion or vote.

Mr. Montgomery returned to the room and resumed as Chairperson.

**8. RESERVOIR MANAGEMENT ENFORCEMENT CASES RESOLVED BY THE WATERSHED MANAGEMENT DEPARTMENT**

Rick Jolley briefed the Commission on the number of Reservoir enforcement cases resolved at the staff level by the Watershed Management Department since the beginning of 2022.

In 2022 there was a total of 36 resolved enforcements between Reservoir #1, Lake Bowen, and Lake Blalock. To date in 2023, there has been a total of 17 resolved enforcements between Reservoir #1, Lake Bowen, and Lake Blalock. Watershed staff diligently works with adjoining property owners to resolve these cases.

The above was provided as information to the Commission.

**9. RECEIPT OF BIDS – 2023 PARTICIPATION PROJECT BUNDLE #1**

Bids were received on March 15, 2023, for the 2023 Participation Project Bundle #1. The project consists of the installation of approximately 1,500 linear feet of 8" ductile iron pipe along Hummingbird Lane.

Nine contractors obtained the bid documents for the project and four contractors submitted a bid. The bids were as follows:

<u>BIDDER</u>	<u>AMOUNT OF BID</u>
Lowry Utilities LLC Gaffney, SC	\$133,130
Payne, McGinn and Cummins, Inc. Travelers Rest, SC	\$151,480
Two Brothers Utilities, LLC Shelby, NC	\$157,014
HRH Engineering & Construction Services Chesnee, SC	\$190,800
Garawco Inc. Rock Hill, SC	NO BID

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Harper Corporation Greenville, SC	NO BID
Harrison & Son Contractors, Inc. Woodruff, SC	NO BID
Long & Sons Utility Simpsonville, SC	NO BID
TP Howard’s Plumbing Co. Inc. Fairview, NC	NO BID
Engineer’s Estimate	\$200,000

Management recommended awarding the contract to the lowest responsive bidder, Lowry Utilities, of Gaffney, SC for the amount of \$133,130.

This project will be funded partially by outside participation fees in accordance with the SWS Participation Policy and SWS capital funds.

Gene Jackson provided the Commission with an overview of the 2023 Participation Project Bundle #1 agenda item.

Mr. Littlejohn moved and Ms. Viney seconded the motion to approve management’s recommendation to award the contract to the lowest responsive bidder, Lowry Utilities, of Gaffney, SC. The motion passed unanimously.

**10. 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 January 26, 2023.

**A. Outside City Private Fire Service Agreement**

**(1) Converse Mill Lofts FS**

Converse Mill Lofts, located at 200 High Street in Spartanburg, wishes to connect an 8-inch water line to the Commission’s 12-inch water line along East Main Street Extension to serve a private fire protection system, including four private hydrants, for the above-mentioned apartment complex. Re-Imagine Converse Mill, LLC wishes to enter into an agreement for this service.

Annual Stand-by Revenue - \$1,368.16

**B. Inside City Water Main Extension Agreements**

**(1) South Daniel Morgan Avenue Extension**

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Clement Storage III, LLC is developing 360 South Daniel Morgan Avenue. This development will consist of one commercial lot, and approximately 318 linear feet of 6-inch water main. The developer will bear all costs.

**C. Outside City Water Main Extension Agreements**

**(1) Briarwood Reserve**

Mark III Properties is developing Briarwood Reserve located off of Zion Hill Road. This development will consist of 109 residential lots, approximately 853 linear feet of 8-inch water main; 2,544 linear feet of 6-inch water main; 708 linear feet of 4-inch water main; and four hydrants. The developer will bear all costs.

**(2) Ravencrest**

Mark III Properties, LLC is developing Ravencrest located off of Canaan Road. This development will consist of 276 residential lots, approximately 7,960 linear feet of 6-inch water main; 1,380 linear feet of 4-inch water main; 835 linear feet of 2-inch water main; and eight hydrants. The developer will bear all costs.

The above was provided as information to the Commission.

**11. 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) Jesse R. Freeman**, desires to replace a dock on Lake Blalock.
- (2) Flynnnerprise, LLC**, desires to construct a boat lift and replace a dock on Lake Bowen.
- (3) David Grayshock**, desires to construct a dock and stabilize the shoreline on Lake Bowen.
- (4) Timothy B. Lawrence**, desires to construct a boat lift and personal watercraft lift on Lake Bowen.
- (5) Sergey Manzik**, desires to construct a dock on Lake Bowen.
- (6) Judy L. Waldrop**, desires to replace a dock and construct a boat lift on Lake Bowen.
- (7) Wanda O. Wofford**, desires to replace a dock on Lake Bowen.

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

- (1) **Thomas F. Eberhard and Marcy Marie Eberhard**, dock replacement, hard pathway, and shoreline stabilization on Lake Bowen.
- (2) **Viktor Kovalets**, boat ramp on Lake Bowen.
- (3) **Montanari Properties, LLC**, boat ramp and dock replacement on Lake Bowen.

The above was provided as information to the Commission.

## 12. CHIEF EXECUTIVE OFFICER REPORT

- A. Mr. Boyle noted that EPA presented a rule on PFAS in drinking water that is expected to become the final rule in coming months. Spartanburg Water has been very proactive in this area and finished water was tested in 2020. The measurements were well below the recommended levels within the final rule. Staff has a press release prepared if needed.
- B. Mr. Boyle informed the Commission that the home located on Spartanburg Water property at 2290 Rainbow Lake Road is being evaluated for the price of bringing it up to code versus demolition. Management will bring a recommendation back to the Commission after assessments are complete.
- C. Mr. Boyle updated the Commission on the recent waterline in Landrum that was struck in error by a utility contractor. Repairs are being completed, and the contractor will be responsible for the cost of these repairs.

Meeting adjourned at 3:26 p.m.

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Robert F. Walden  
Interim Secretary-Treasurer

tbh