Town of Mount Olive

February 18, 2022

Special Called Board Meeting

Minutes

Mayor Kenneth Talton called the meeting to order at 1:30 P.M. Those in attendance per roll call of Mayor Kenneth Talton were Mayor Pro-Tempore Steve Wiggins, Commissioner Vicky Darden, Commissioner Harlie Carmichael, Commissioner Barbara Kornegay, Commissioner Dennis Draper, Town Manager Jammie Royall, Town Clerk/Administrative Assistant Sherry Davis and Town Attorney Carroll Turner.

Our guests were Clark Maness and Chan Bryant of Withers and Ravenel Engineering. Present via Zoom were Bill Cowan and Ken Orie also of Withers and Ravenel Engineering.

Mayor Kenneth Talton welcomed everyone to the meeting.

Commissioner Harlie Carmichael delivered our invocation and Mayor Pro-Tempore Steve Wiggins led us in the Pledge of Allegiance.

Mayor Kenneth Talton read the Conflict of Interest Statement; There were none.

Mayor Kenneth Talton requested a motion to approve the published agenda. We were advised that Action Memo- 02-18 Should be two separate items. Action Memo – 02-18 Consider Approval of Waste Water Treatment Plant Improvements Project Proposed Soil Works. Action Memo – 02-19 would remain the same and Action Memo – 02-20 would be added as Consider Approval of Withers Ravenel Professional Service Agreement Amendment. Commissioner Vicky Darden made the motion to accept the amended agenda. Commissioner Barbara Kornegay seconded and the motion passed 5-0.

Mayor Kenneth Talton then discussed Action Memo- 02-18 Consider Approval of Waste Water Treatment Plant Improvements Project Proposed Soil Works. He asked Clark Maness for an update of the time line.

Mr. Clark Maness stated Waste Water Treatment Plant Improvements Contract I and II Funding was provided by the North Carolina Office of Budget and State Management in November of 2020. Dellinger, Inc. was the low bidder and awarded Contract I. A notice to proceed was issued on March 15, 2021. Contract II’s budget was higher than expected in November 2020 and the bidding was postponed for five months. Dellinger, Inc. was the lowest bidder and awarded Contract II in April of 2021. A notice to proceed was issued in August of 2021.

The Mount Olive WWTP Improvements - Contract I project includes clearing, grubbing, removal and disposal of approximately 145.5 acres of existing hybrid sycamore crop, removal and disposal of existing drip irrigation lines, installation of new spray irrigation lines and spray guns, temporary erosion control measures, and preparation/planting of 161.22 acres of Coastal Bermuda grass crop. This is for fields 5,6,7 & 8 out of 12 fields. Work also includes installation of new control valves, concrete housing pads, and FRP covers, blow off assemblies, air release valves, and drain valves.

A meeting was held with Withers Ravenel Engineering, Dellinger, Inc, the Mayor, Town Board of Commissioners, Town Manager and WWTP Plant Staff on Wednesday, December 29, 2021 at 2:00 P.M. Dellinger, Inc. the contractor agreed to provide a five- year warranty instead of the one year warranty. The agreement revolved around Dellinger providing the pressure testing would work which they have done. A summary of this meeting is attached as part of these meeting minutes.

The proposed contract amendment to Contract I is close to completion except Field 9 pressure test. On fields 5, 6, 7 & 8 the contractor still has to remove the erosion and sanitize the devices.

With Contract II the contractor plans to start construction in March 2022 they are awaiting a notice to proceed to install the irrigation pump. Substantial completion is expected by September 2022.

Commissioner Dennis Draper asked why it has taken six months to start. Clark Maness stated it was due to the ordering of supplies.

Mayor Kenneth Talton asked when Contract I is expected to be completed. Clark Maness advised it is very close to being completed but there have been delays due to the issues with the pipe installation in Field 9. The Special Order of Consent states the irrigation lines have to be installed by June 6, 2022. It does not state they have to be operational.

Commissioner Barbara Kornegay wanted to know what we are waiting for on Field 9. Clark Maness stated a Non-Discharge Permit because a major modification is required to convert trees to a grass spray field. The Soil Scientist requires 61” per year across the entire site. He found that some areas were not suitable for irrigation as they could not handle the 61” per year. That area will have to be re-permitted and the Soil Scientist will have to state what amount these areas can handle.

Commissioner Barbara Kornegay asked if the Soil Scientists has been back. Clark Maness answered, no. His work has been paid for the highlighted areas have been completed. The non-highlighted areas would require another soil test. This will require another hydrogeological survey.

Daniel Thornberg is the contact from the Non-Discharge Monitoring Office. It requires updating engineering plan, soil test to re-permit but no hydrogeological survey.

Clark Maness states this requires additional fees to determine what the new application rates will be. Commissioner Dennis Draper said he thought this had been done. Clark Maness advised the analysis was completed but the application rate has to be recalculated. Commissioner Dennis Draper asked why was not in the original study. Clark Maness stated he was not scoped to do so, they were going by the Non-Discharge Permit. Mr. Chan Bryant advised there were scope deficiencies in the original field. Commissioner Dennis Draper said this should have been done initially, now we have to pay additional costs. Clark Maness advised initially we couldn’t do the analysis until the field was cleared. Commissioner Dennis Draper asked who approved it. Clark Maness answered they do not have that in writing. Commissioner Dennis Draper commented they are charging us for something we might not be able to use. Clark Maness stated in 2010 we were allowed 662,000 gallons per day, it was reduced because of the irritation lines and tree fields. Commissioner Barbara Kornegay said if we want these areas done we have to pay $19,000.00. She asked if there is anybody cheaper. Commissioner Dennis Draper stated we are talking about $200,000.00 Clark Maness advised that is possible but it will probably be cheaper to use them since they have already done the work.

Commissioner Barbara Kornegay asked everyone if we are satisfied with our current Soil Scientists. Town Manager Jammie Royall stated he agrees with the board this should have been performed in the normal scope of work. Commissioner Dennis Draper reiterated we still have to pay extra. Clark Maness said it was just for the areas discussed above. The Soil Scientists was not permitted to do this in the original fees agreement. If he had been he would have performed the work at that time. Commissioner Dennis Draper commented, so we are caught between a rock and a hard place. Clark Maness agreed.

Clark Maness informed the board they are not obligated to irrigate these areas but we need all the land we can get. Commissioner Barbara Kornegay said, since we already have the pipe installed. Commissioner Dennis Draper thinks this was in the original contract for labor and material. The 12” pipe installed duplicated what we already had because he did some research. They tapped their pipe into what was already there because we already had water going to the drip field. Who was responsible for this? Clark Maness said it was not shown on their records, they accidentally hit the line. Commissioner Dennis Draper asked, how did they think we had water there to start with. Clark Maness said the records indicated the line on the north side. Commissioner Dennis Draper wanted to know why no one caught this and what the cost is to us, he suspects six figures. Clark Maness doesn’t feel like it is that much. Commissioner Dennis Draper stated we are looking at more money. This whole project is to repair a badly designed system to begin with. Plus it doesn’t give us any additional flow. It will cost us 35 million dollars to get a system that will allow us to add new flow. We took out a 14 million dollar loan twenty years ago for a flow of 2 million gallons per day. We are paying 640,000.00 per year on this loan until the year 2041. The pressure test failed because the wrong gaskets were installed and your inspector did not pick up on this. This raises questions regarding his effectiveness and responsibility.

Commissioner Barbara Kornegay said she feels like we are being gouged because of your mistake. She is tired of spending monies that were in the contract already. She feels that Withers & Ravenel has betrayed our trust. Mr. Chan Bryant commented, he understands and respects our concerns. We want this to be right. We do not take this lightly. We enjoy working with the Town of Mount Olive. Construction is not perfect and repair issues are a concern. The contractor is picking up the costs of the expense. The inspector is in the field to observe. There is a certain standard of care for spray fields, which is different when building a nuclear plant or an airplane. The manufacturer of the pipe sent the wrong gaskets, this is very unusual circumstances. The contractor should have caught that.

Commissioner Dennis Draper wanted to know why Withers Ravenel’s inspector did not catch this before the water test. He gets the feeling that nobody wants to take responsibility. Mr. Chan Bryant advised that he can respect that. Commissioner Dennis Draper said, it stresses him that for over twenty years people have performed faulty work on our Waste Water Treatment Plant. Commissioner Barbara Kornegay stated, we need reassurance this will not happen again in the future. We need more than the normal standard of care. Clark Maness advised the proposed amendment is to provide administrative construction and observance. However, it does not include any spray field or irrigation costs. As part of our services we try to keep everything within the parameters

Mr. Chan Bryant said that is why our contractor is bonded and he understands our frustration. However, this amendment has nothing to do with these issues. We are trying to account for five additional months of having a person here and trying to stay within the scope. Commissioner Dennis Draper stated, we had to rebid because it was over what we had. Mr. Chan Bryant advised price changes have affected everyone across the country. Commissioner Dennis Draper is not concerned with other towns just Mount Olive. Mr. Chan Bryant stated their focus is to get the Town of Mount Olive across the goal line. We are just asking for fair compensation for the delay. The soil scientists is asking for additional compensation. Commissioner Dennis Draper advised we don’t have a choice and I don’t like that.

Mayor Kenneth Talton asked if there were any other comments or questions. Clark Maness stated the $19,290.00 does not include the soil scientist’s fee. Waste Water Treatment Plant ORC Glenn Holland stated if the board approves there will not be any other costs associated. Clark Maness said it is already in the contract. Dellinger, Inc. has to provide additional spray heads.

Commissioner Dennis Draper wanted to clarify, if we agree to the project amendments there would not be any additional costs. He then asked if there would be anything else to come up. Clark Maness and Chan Bryant do not foresee any additional costs. Commissioner Dennis Draper commented this amendment increases the price from $778,000.00 to $967,000.00. Chan Bryant asked if the town staff was willing to supplement any services. That would be one way to control the costs. Commissioner Dennis Draper stated there are only two people and we can’t ask them to do anymore or take on any additional responsibilities.

Clark Maness advised there is an hourly task fee for the observer, so we only bill for the actual time he spends there. Commissioner Dennis Draper said, so we may not have to that much. Clark Maness stated maybe if things go smoothly. Commissioner Barbara Kornegay wants him to be there as much as possible. Clark Maness said it is based on the level of service. Waste Water Treatment Plant Glenn Holland thinks we should approve the contract amendment because that would equal 80 homes for the $19,290.00. That will help us get out from under the moratorium.

Mayor Kenneth Talton requested a motion to approve Action-Memo 02-18 - Consider Approval of Waste Water Treatment Plant Improvements Proposed Soil Works. Commissioner Barbara Kornegay made a motion to accept the Professional Services Contract Amendment. Mayor Pro-Tempore Steve Wiggins seconded the motion and it passed 5-0.

Mayor Kenneth Talton then discussed Action-Memo 02-19 - Consider Whether To Allow or Not to Allow the Contractor to Install All of the Reclaim Water Lines and Spray Guns in Field 9 for the Mount Olive WWTP Improvements – Contract I Project. He advised we need to determine whether to allow or not allow the contractor to install. Clark Maness asked if the Town wants to move forward with installing reclaim water lines and spray guns in Field 9.

Commissioner Barbara Kornegay asked if the equipment has to be installed before the soil scientists comes in. Clark Maness answered, yes and that we need to tell them as soon as possible so they don’t charge additional fees. They are onsite now so they can perform the work while they are already here. Waste Water Treatment Plant ORC said we don’t need to put spend all this money and then only be allowed 6 inches per year. Do you have any estimates. Clark Maness said the estimates are 21 inches per year. Mr. Chan Bryant advised there are no guarantees. Clark Maness commented Waste Water Treatment Plant ORC Glenn Holland knows it has been irrigated in the past. Does the Town want to allow installation in preparation for future use. Waste Water Treatment ORC Glenn Holland stated there would be no additional fee because it is already in the existing contract. The soil information is Contract I.

Mayor Kenneth Talton asked if there were any other questions or comments. Town Attorney Carroll Turner said, his recollection was a previous discussion not to pursue Field 9. Commissioner Barbara Kornegay advised that issue was worked through.

Mayor Kenneth Talton requested a motion to approve Action Memo- 02-19. Commissioner Dennis Draper made a motion to approve installation of all reclaim water lines and spray guns in Field 9 for the Waste Water Treatment Improvements Project. Commissioner Barbara Kornegay seconded the motion and it passed 5-0.

Mayor Kenneth Talton then discussed Action Memo – 02-20 - Consider Approval of Withers Ravenel Professional Service Agreement Amendment. Waste Water Treatment ORC Glenn Holland advised the amount of the amendment is $189,000.00. He asked Clark Maness to explain. Mayor Kenneth Talton asked Clark Maness to elaborate. Clark Maness advised everyone to look at Page 2 Subsection C Design and Permit Electronic Bar Screen to replace the manual one. Commissioner Barbara Kornegay wanted to know if there would be any extra cost after this. Clark Maness advised this does not include installation but we might be able to do a change order for Dellinger.

Commissioner Barbara Kornegay asked Waste Water Treatment Plant ORC Glenn Holland for his opinion. Waste Water Treatment Plant ORC stated last time the installation cost was $35,000.00 and that was two years ago. Clark Maness stated Task 4, Task 5 & Task 6 require additional time for additional observation hours. He used as an example: to permit something different that is out of our scope, we need written permission from the Town.

Mayor Kenneth Talton asked if there were any other questions or discussions. Mayor Pro-Tempore Steve Wiggins made a motion to approve Action Memo -02-20. Commissioner Harlie Carmichael seconded the motion and it passed 5-0.

There being no further business Commissioner Dennis Draper made a motion to adjourn. Mayor Pro-Tempore Steve Wiggins seconded and the motion passed 5-0.

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Respectfully Submitted,

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Kenneth K. Talton Sherry Davis

Mayor Administrative Assistant/Town Clerk