

**Minutes
Spruce Pine Town Council
Monday, June 26, 2023**

A meeting of the Town Council was held on June 26, 2023. Present were Mayor Darla Harding and Council Members Rocky Buchanan, James Acuff, and Jackie Rensink. Staff in attendance included Darlene Butler, Crystal Young, Kasey Cook, and Shelley Buchanan. Others attended, including Chad Donnahoo, Chase Thomas, Cynthia Sciacca, Phillip Hise, Susan Larsen, Billy Summerlin, and Lynn Holler.

CALL TO ORDER

Mayor Darla Harding called the regular meeting to order at 5:30 PM. Rocky Buchanan gave the invocation. James Acuff led the Pledge of Allegiance.

APPROVAL OF AGENDA

James Acuff moved to approve the agenda as presented. Rocky Buchanan seconded the motion, which carried with all present in favor.

APPROVAL OF MINUTES

James Acuff moved to approve the minutes of the regular meeting of June 12, 2023. Rocky Buchanan seconded the motion, which carried with all present in favor.

James Acuff moved to approve the minutes of the public hearing held on June 12, 2023. Rocky Buchanan seconded the motion, which carried with all present in favor.

APPOINTMENTS

Billy Summerlin thanked the Council for allowing him to come and speak at tonight's meeting. He explained that he was here to speak as a citizen and not an employee of the Town of Spruce Pine, as he retired last month. Billy quoted scripture from the Bible and reiterated that a house divided will not stand. He then made a plea that the people of Spruce Pine put their differences aside and start to get along and be kind to one another. Billy went to each official at the meeting and spoke of each one's character. He then asked that a particular group of people stop bullying and help this Town thrive by being a positive influence. He ended by saying he misses working for the Town and he considers us all his family.

Susan Larsen asked to speak at the meeting on behalf of the Healthy Community Initiative to request the Council's support of a community initiative to make Mitchell and the surrounding counties healthier. She presented a letter from the community group and asked that they consider offering 2 free pool days for families beginning this summer season. She also asked that the hours be extended to 7:30 pm on these days to allow more working families the chance to take advantage of this opportunity. Mayor Harding responded that they will discuss and let them know by the first meeting in July. Mrs. Larsen also requested that the water aerobics class at the pool be better advertised so more people would be aware of it.

PUBLIC COMMENT- none

ACTION AGENDA

- Crystal Young summarized a proposed amendment to the Veolia contract. This amendment removes the Cross Connection component from the contract and allows the Town to take that service back over in house, saving around \$3,000 per year. Rocky Buchanan moved to adopt the Amendment No.1 to the Amended and Restated Contract for Operations, Maintenance, and Capital Services Agreement between the Town of Spruce Pine and Veolia. James Acuff seconded the motion, which carried with all present in favor. Said amendment is incorporated by reference and attached to these minutes.
- James Acuff made a motion to provide water at outside rates with no annexation to Merry Wright at 218 Sagebrush Rd. Jackie Rensink seconded the motion, which carried with all present in favor.

TOWN MANAGER

- ✓ Before Libby resigned, she and Darlene applied for a \$100,000 grant from the Dogwood Health Trust. Spruce Pine was chosen as the recipient of this grant. Darlene asked for the Council's blessing to sign to accept this funding. James Acuff made a motion to authorize Darlene to accept the Dogwood Health Trust grant. Jackie Rensink seconded the motion, which carried with all present in favor.

- ✓ The Town will be receiving an additional \$90,000 from the ABC Board. This is due to projected sales and excellent management of the ABC store.
- ✓ A local contractor has offered to donate the labor and equipment to build a new set of steps from the walking bridge down to the Pine Bridge end of Riverside Park. The cost of materials will be around \$2,400. The plan is to take the steps out completely and replace them with new wooden steps and a hand rail. James Acuff made a motion to accept the offer and allow this work to be done. Jackie Rensink seconded the motion, which carried with all present in favor.
- ✓ Several applications have been received for the position of Spruce Pine Main Street Director. Darlene has passed these along to SPMS executive board and will be conducting interviews soon.
- ✓ The fireworks display and parade will be held on Saturday, July 1st. The parade will begin at 6pm then fireworks to follow after dark.
- ✓ Julie Wiggins with the HCCOG will be attending one of the coming up Council meetings. Darlene asked the Council to be thinking of any questions they have for her concerning what the COG does and how they can help the Town.
- ✓ Matt Miller has offered to fix the area of the splash pad concrete that isn't draining efficiently.


MAYOR/COUNCIL REQUESTS / COMMENTS

- Rocky Buchanan stated that he believes the EV charging stations the Town plans to install should not be free to use. He stated everyone has to purchase gas so individuals needing to charge their EV should have to pay for that service. Darlene agreed and stated that David Whitson is looking into that installation for the Town.

ADJOURNMENT

James Acuff moved to adjourn the meeting at 6:10 PM.

Shelley Buchanan, Town Clerk



Darja Harding, Mayor

ABSENT
Larry McKinney, Mayor Pro Tem

Rocky Buchanan, Council Member



James Acuff, Council Member

Jackie Rensink, Council Member

**AMENDMENT NO. 1 TO THE
AMENDED AND RESTATED CONTRACT FOR OPERATIONS, MAINTENANCE,
AND CAPITAL SERVICES AGREEMENT BETWEEN
THE TOWN OF SPRUCE PINE AND VEOLIA.**

This Amendment ("Amendment No. 1") to the Amended and Restated Contract for Operations, Maintenance, and Capital Services Agreement of the Town of Spruce Pine, North Carolina, Water Treatment System is made and dated this 16th day of May, 2023 ("Effective Date") by and between the Town of Spruce Pine, North Carolina (the "TOWN"), and Veolia Water North America – South, LLC ("VEOLIA"). The TOWN and VEOLIA are sometimes herein referred to individually as a "Party" and collectively as the "Parties."

WITNESSETH:

WHEREAS, the TOWN and VEOLIA are parties to an Amended and Restated Contract for Operations, Maintenance, and Capital Services Agreement dated July 1, 2020, ("Original Agreement"), whereby VEOLIA provides full contract operations, maintenance and management services (the "Services") for the operation of the Spruce Pine Water Treatment Plant and related Facilities, as more fully described in the Agreement; and

WHEREAS, the parties now wish to amend the Original Agreement to reflect additional changes to their relationship,

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Parties hereby agree that the Agreement be amended as follows:

1. Veolia Shall:

Section 23 of "Veolia Shall" is hereby removed:

~~23. Provide a resource with the appropriate certification to act as the Cross-Connection Control Coordinator, who will administer and interpret the TOWN's Cross-Connection and Control Plan and serve as the Operator in Responsible Charge (ORC) as recognized by the North Carolina Department of Environmental Quality. Compensation for this service is included under the Cross-Connection Control Component of the Contract Price. This service shall not include testing. VEOLIA will coordinate testing at the TOWN's request. All costs incurred by VEOLIA with regard to testing will be billed to the TOWN as a pass-through with no markup up to \$5,000. Amounts in excess of \$5,000 will be subject to a markup of 17.5 percent.~~

2. The Town Shall:

Section 16 of "The Town Shall" shall be added, and states as follows:

16. The TOWN shall provide a resource with the appropriate certification to act as the Cross-Connection Control Coordinator, who shall administer and interpret the TOWN's Cross-Connection and Control plan and serve as the Operator in Responsible Charge

(ORC) as recognized by the North Carolina Department of Environmental Quality Compensation for this service.

3. Compensation:

Section 2 of "Compensation" shall be modified, and will read as follows:

2. Contract Price VEOLIA's annual compensation for performing the services under this Agreement shall be the "Contract Price", which shall be the sum of (1) the "Fixed Component", and (2) the "Sampling Component." and ~~(3) the "Cross-Connection Component"~~. The Contract Price for the Contract Year beginning July 1, 2023, through June 30, 2024, shall be \$940,631.68, which the TOWN shall pay in equal monthly installments of \$78,385.97 (each, a "Monthly Payment"). Calculations for the various components of the Contract Price are included in Exhibit G.

Section 5 of "Compensation" is hereby removed:

~~5. The Cross-Connection Component for the Contract Year beginning July 1, 2020, through June 30, 2021, is \$7,500. It will not be adjusted with the exception of changes in the scope of the service, in which case it will be subject to application of the Changes section of this agreement.~~

4. The TOWN has the power and authority to enter into this Amendment.

5. Any consents required to be obtained by the TOWN in connection with the execution, delivery, and performance by the TOWN of this Amendment have been obtained.

6. This Amendment shall take effect July 1, 2023.

7. All terms of the Agreement not specifically amended or modified by this instrument shall remain unmodified and in full force and effect.

WHEREFORE, both parties indicate their approval of this Amendment by their signature below and each party warrants that all action necessary to bind the parties to the terms of this Agreement has been taken.

TOWN OF SPRUCE PINE

VEOLIA WATER NORTH
AMERICA- SOUTH, LLC

By: Darlene Butler

By: Joseph Tackett
Joseph Tackett (Jun 28, 2023 18:18 EDT)

Print Name: Darlene Butler

Print Name: Joseph Tackett

Title: Town Manager

Title: President

Date: 6/27/23

Date: Jun 28, 2023






Amendment - Spruce Pine - Removes Cross Connections

Final Audit Report

2023-06-28

Created:	2023-06-28
By:	Brooke Morris (brooke.morris@veolia.com)
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"Amendment - Spruce Pine - Removes Cross Connections" History

-  Document created by Brooke Morris (brooke.morris@veolia.com)
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