

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT
JULY 16, 1991

1. Call to Order and Roll Call:

The regular monthly meeting of the Board of the Metropolitan Sewerage District was held in the Boardroom of MSD's Administration Building at 2:00 p.m. on Tuesday, July 16, 1991. Chairman Smith called the meeting to order at 2:00 p.m. with the following members present: Aceto, Bryson, Edwards, Ivey, Maas, McDonald, Penny, Smith, Waddey, Wallace and Williams.

Others present were: W. H. Mull, Engineer-Manager, John S. Stevens, General Counsel, Dean Huber, and Bill Morris of Hendon Engineering Associates, Inc., Gary Davis with McGill Associates, Dr. Lewis Sommerville and Larry Blackmon of Mount Pisgah Academy, Bob Tinkler representing the League of Women Voters, Debra Price representing CIBO, Bob Ensley, Stan Boyd and Ann LaVeck, MSD.

2. Minutes of the June 18, 1991 Board Meeting:

Mr. Waddey moved that the minutes of the June 18, 1991 meeting be adopted as written. Mr. Edwards seconded. Voice vote was unanimous in favor of the motion.

3. Election of Officers (Chairman, Vice Chairman, Secretary/Treasurer and Assistant Secretary/Treasurer):

Mr. Leon Williams, Vice Chairman expressed his appreciation to the Board for its patience and understanding during the years that he has served and a special thanks to Mr. Smith, Mr. Mull and Mr. Stevens for their guidance and help. Mr. Williams further stated that he felt it was time for him to step down and moved that the Board nominate Mr. George Ivey to replace him as Vice Chairman. Mr. Aceto seconded. Voice vote was unanimous in favor of the motion.

Chairman Smith asked the Board to accept a special nomination of Mr. Leon Williams as Vice Chairman Emeritus. Mr. Smith stated that Mr. Williams has served as Vice Chairman of the Board since the Board began meeting on a regular basis and that the Board appreciated his excellent service for nearly 30 years and looked forward to his continued participation as a member of the Board. Mr. Waddey moved that the Board accept this special nomination. Mr. Penny seconded. Voice vote was unanimous in favor of the motion.

Mr. Aceto moved that the Board re-elect Chairman, Frank Smith to serve another term. Ms. Bryson seconded. Voice vote was unanimous in favor of the motion.

Chairman Smith reappointed Ms. Jackie Bryson, Secretary/Treasurer and Mr. Wayne Edwards, Assistant Secretary/Treasurer along with the appointment of Ms. Carolyn Wallace to the Personnel Committee.

4. Report of Engineer-Manager:

a. Capacity Depletion Fee Waiver - Mount Pisgah Academy:

Mr. Mull presented a letter from Lapsley Associates along with other correspondence regarding the extension of a sewer line to Mt. Pisgah Academy and stated that a request for waiver of the Capacity Depletion Fee in the amount of approximately \$37,000.000 was presented by representatives of the Academy's Board to the Sewer Consolidation Committee at the July 1, 1991 meeting. Mr. Aceto reported that Mt. Pisgah Academy has recently participated with the County in the construction of a sewer line connection that serves the academy, retirement home, condominiums and 35 homes in the area. Mr. Aceto further reported that Mt. Pisgah Academy split the cost of this construction with the County at a cost of approximately \$30,000.00. In addition, the Academy has been under pressure from the state to connect to MSD's treatment plant and shut-down its own facility. Mr. Aceto stated that following review of this request by the committee, and as a result of a split vote, the committee agreed

that Mt. Pisgah Academy should present its request to the Board. A lengthy discussion followed regarding the Academy's participation with the County in this project; the length of time the Academy has been involved in this project; consideration given to other projects since inception of this fee; and the effect of this fee on future economic development. Mr. Stevens stated that not just any consideration buys a waiver of the fee and reminded the Board that in the past there were only two ways in which a waiver of the fee was considered. First, a building permit must be applied for prior to the October 1, 1990 deadline and second, a written agreement made with assurances given that a tap would be made into the system for a fixed fee or no fee at all in exchange for something valuable, which was invariably a right-of-way. Mr. Mull discussed how the fees were arrived at and reasons for implementation of the fees and stated that to date approximately \$171,000.00 has been collected in capacity depletion fees. Dr. Sommerville, representing the Board of Mount Pisgah Academy gave a brief summary of events to date and stated that not until recently was such a fee ever mentioned. A discussion followed regarding the possibility of separating the fee into single entities instead of charging a fee for the complex as a whole. Chairman Smith recommended that the MSD staff investigate the fee cost according to the separate entities and provide this information to the Sewer Consolidation Committee for consideration prior to Board review. Mr. Larry Blackmon, President of Mt. Pisgah Academy stated that they were not aware of the fee until a few weeks ago, therefore, no budget was set aside for this fee and requested that they be notified when this matter will again be brought before the Board.

b. Report on First Two Weeks of Collection System O&M:

Mr. Mull presented a progress report prepared by Ann LaVeck on the Collection System as of July 12, 1991. Following review by the Board, Ms. LaVeck stated that employees are enthusiastic about the new equipment and have become acclimated very well to new surroundings. Ms. LaVeck further stated that in regard to response time that three calls have been received from Black Mountain, two during working hours, which were responded to within 30 minutes and one call received after hours which was responded to within 1 hour. Ms. LaVeck stated that in the event they were to receive double the amount of calls they would have a difficult time handling them because not enough time has lapsed to evaluate the work force and at this time are not able to schedule preventative maintenance. On behalf of the Board, Chairman Smith commended Ms. LaVeck and the entire staff for the good work they have done.

c. Easement Surveys - Weaverville:

Mr. Mull presented a proposal by McGill Associates, P.A. for additional services for surveying and the preparation of easement drawings for sewer line improvements in the Town of Weaverville at a maximum not to exceed fee of \$32,500.00 (calculated at approximately \$500.00 per easement, plus expenses). Mr. Mull stated that this proposal was presented to the Sewer Consolidation Committee on July 15, 1991, and although the committee approved the contract, they expressed concern regarding the actual cost of the surveys. Mr. Aceto stated that the committee would be carefully monitoring the surveying component of the engineering fees and discussed the possibility of submitting Request for Proposals for survey work on future projects. Following a brief discussion on the costs involved, Mr. Aceto moved that the Board approve the proposal by McGill & Associates for a maximum not to exceed fee of \$32,500.00. Mr. Edwards seconded. Roll call vote was as follows: 11 Ayes; 0 Nays

d. Proposal for Engineering Services - North Swannanoa:

Mr. Mull presented a proposal by Hendon Engineering Associates, Inc. for engineering services to replace a portion of the existing North Swannanoa Interceptor line around WMIT radio station's property in Black Mountain. Mr. Mull stated that the field where the line is located has webs of underground copper wire connecting to the radio towers and that the field is in poor condition with sinking holes. Hendon

Engineering is proposing to relocate 3,000 feet of sewer line at a cost of \$25,500.00 for engineering and design for a total project cost of approximately \$350,000.00. Mr. Mull further stated that the proposal was brought before the Sewer Consolidation Committee on July 15, 1991 and the committee recommended that the Board approve the proposal which is an amendment to the agreement dated August 10, 1990. Mr. Aceto stated that the committee was concerned that this proposal needed to coincide with Hendon Engineering's proposal to proceed with preliminary engineering on the North Swannanoa Interceptor and to insure the committee that whatever is put in at WMIT is a part of the overall project. A discussion followed regarding additional cost, if any, in going ahead with this section of the project and any new easements required to complete the project. Mr. Mull stated that a contract amendment will be submitted to the Board for approval at its next regular meeting. Mr. Waddey moved that the Board approve Hendon Engineering's contract for engineering services in the amount of \$25,500.00. Dr. Maas seconded. Roll call vote was as follows: 10 Ayes; 0 Nays and 1 Abstention by Mr. Aceto

e. Clarification of Black Mountain Engineering Services:

Mr. Mull reported that ENG/Six Associate's Amendment Contract for Engineering Services for sewer line rehabilitation in Black Mountain and approved by the Board at the June 18, 1991 meeting did not include fees for four newly identified systems. The four systems total approximately 1,800 feet of line at a cost of \$6,900.00 for Final Design & Bid and \$4,230.00 for Construction Administration and Post Construction and are as follows: North Fork Rd, Fourth Street, 4th/5th Streets/Montreat Road and Azalea Street. Mr. Aceto moved that the Board approve the cost of the additional four streets for a total of \$11,130.00. Mr. Penny seconded. Roll call vote was as follows: 11 Ayes; 0 Nays

f. Approval of bids for Collection System Equipment:

1. **One 1-ton 4WD Truck**

Mr. Mull presented a phone tabulation of the Board made on June 25, 1991 for the purchase of one (1) 1-Ton 4WD Truck along with the following bid tabulation: Matthews Ford, Inc. (Apparent low bidder) with a total base bid of \$19,653.41 and Curtis Dodge Subaru with a total base bid of \$24,827.00. In addition, Mr. Mull presented a letter received from MSD Attorney, Walter L. Currie. Mr. Currie stated that in review of the bids that the bid of Matthews Ford, Inc. is made contingent upon availability of the vehicle by Ford Motor Company, and recommends that the MSD confirm availability by telephone to Matthews Ford before recommending award to the MSD Board. Mr. Currie further stated that the bid of Curtis Dodge-Subaru does not appear to include North Carolina highway use tax on the vehicle or sales tax on the subcontracted service body. Mr. Currie recommended that if MSD does not award the bid to Matthews Ford that a clarification be requested as to whether or not sales and use tax is included. Mr. Mull stated that a poll of the Board was necessary in order assure immediate delivery and requested that the Board reaffirm actions taken on June 25, 1991. Mr. Aceto moved that the Board approve the apparent low bid of Matthews Ford, Inc. for one (1) 1-Ton 4WD Truck in the amount of \$19,653.41. Mr. Waddey seconded. Roll call vote is as follows: 11 Ayes; 0 Nays.

2. **Office Furniture for Maintenance Facility:**

Mr. Mull presented a phone tabulation of the Board made on June 28, 1991 for the purchase of furniture for the Maintenance Facility along with the following bid tabulation: Office Environments (Apparent Low Bidder) with a total base bid of \$19,599.09 and Hoyle Office Supply with a total base bid of \$20,160.18. In addition, Mr. Mull presented a letter from MSD Attorney Walter L. Currie. Mr. Currie stated that it was his understanding that the MSD received informal bids for the procurement of office furniture under the provisions of G.S. 143-131 since the

procurement was for equipment estimated to cost between \$5,000.00 and \$19,999.00. Mr. Currie further stated that the principal standard of G.S. 143-131 is that the contract shall be awarded to the lowest responsible bidder, however, the awarding board can also take into consideration quality, the performance history of the bidder, and the time within which the bidder proposes to perform (if the contract documents have not themselves specified the time for performance). Mr. Currie stated that in his opinion that the award of the contract should be made to the lowest bidder in the absence of evidence that the goods bid do not meet the quality requirements of the procurement, evidence that the low bidder has a low performance history, or indication that the bidder cannot perform in the time specified. Mr. Edwards moved that the Board approve the apparent low bid of Office Environments for furniture for the Maintenance Facility in the amount of \$19,599.09. Mr. Penny seconded. Roll call vote is as follows: 11 Ayes; 0 Nays

5. Report of Officers

None

6. Report of Committees:

a. Sewer System Consolidation - Mr. Aceto:

Mr. Aceto stated that the committee met two times during the month and reported on the following items not previously discussed in the Engineer-Manager's report:

July 1, 1991 Meeting:

1. Confined Space Rescue and Hazardous Material Handling Services:

Mr. Aceto reported that a proposal from the City of Asheville was presented to the committee by City of Asheville Fire Chief Ruckavina to provide confined space rescue and hazardous material handling services at an annual cost of \$5,000.00. In addition, Mr. Aceto reported that the committee discussed a letter from Mr. Jerry Vehaun of the Buncombe County Emergency Management Agency essentially stating that he did not feel such a proposal was necessary since training and equipment were available at no cost to the District. Mr. Aceto stated that following considerable discussion by the committee on emergency response that this issue be turned back over to MSD staff for further consideration and to focus on what was the best and most rapid response to any emergency that might arise.

2. Asheville Street & Sidewalk Sewer Rehabilitation:

Mr. Aceto reported that there was some speculation that the Street and Sidewalk Sewer Rehabilitation project would exceed the original costs estimated in the CIP. Mr. Aceto stated that although there was no positive indication of an increase at this time, the committee felt the Board should be aware of the potential for such an increase.

3. Short Term Equipment Leasing:

Mr. Aceto reported that the committee expressed a concern in respect to staff looking into the possibility of short term leasing of equipment as an alternative to purchasing in order to give the District additional time to determine its capital needs.

July 15, 1991 Meeting:

1. Beaverdam-Woodfin Sewer Line:

Mr. Aceto reported that the proposed sewer line project in the Beaverdam-Woodfin area is a matter of concern for the State and the MSD and that the committee was informed there was reason to believe that if proper action were not taken this line could be subject to a future moratorium. Mr. Aceto stated that a 120 bed nursing home scheduled to be constructed in 1992 would discharge into a line that is already over capacity. Mr. Aceto stated that because the preliminary design work has already been done by developers of the nursing home, the committee voted to proceed with the preliminary design work on this line. Mr. Aceto expressed his concern as to where the MSD stood regarding priority projects and request from local industries, that have been turned down due to a lack of capacity on the Sweeten Creek line. Mr. Bill Morris of Hendon Engineering reported that the preliminary engineering report for the Beaverdam line is 95% complete and reports for the Sweeten Creek, South Swannanoa and North Swannanoa lines are complete. Mr. Morris further reported that 95% of the mapping of the Beaverdam basin and 100% of the mapping for the Sweeten Creek and South Swannanoa lines are complete and stated that within the next six months the MSD will be in a position to go forward with designs on all three projects along with the North Swannanoa project.

b. Capital Improvement Plan Committee - Mr. Aceto

1. Status of Construction on Rehabilitation Projects:

Mr. Aceto stated that a report was given by MSD staff regarding current rehabilitation projects and the status of design work underway on the Weaverville, Black Mountain and Montreat projects.

2. Sewer Maintenance Policy:

Mr. Aceto reported that a lengthy discussion was held regarding MSD's Sewer Maintenance Policy and its obligations in respect to line maintenance and how calls should be handled where no cleanouts were in place at the property line. Mr. Aceto further reported that the committee contemplated two main issues. First, that MSD should only maintain main sewer lines and should not be concerned with house laterals to the property line and second, that MSD agrees to maintain to the property line. No consensus regarding the policy was reached, therefore, the policy was sent back to staff for further consideration and revision.

Mr. Aceto expressed his appreciation for members of this committee and stated that participation by the municipalities was invaluable to the MSD.

c. Personnel Committee - Mr. Ivey

Mr. Ivey reported that a meeting was held on June 25, 1991 with Asheville City Manager Doug Bean, Asheville Mayor Ken Michalove, Pam McGrayne (the City of Asheville Personnel Director), Frank Smith and Bill Mill to discuss MSD's concerns as to whether employees transferring from the City were qualified. Mr. Ivey stated that the City assured the MSD that all employees that would be transferred would be in good standing and agreed to evaluate all of its employees up through July 1, 1991 with some employees receiving a 1-month evaluation and others ranging up to a 12-month evaluation. Regarding merit raises, Mr. Ivey stated that the City agreed to evaluate those employees scheduled to be evaluated in July and August and advance them a merit increase prior to July 1, which would give MSD two additional months to develop criteria for evaluating employees.

In other business, Mr. Ivey reported that the City of Asheville made a proposal to enroll all MSD and Buncombe County employees in the City's dental insurance plan at a very attractive cost. Mr. Ivey further reported that the committee recommended Board approval for this dental coverage for all employees as of July 1, 1991. Mr. Mull stated that the District would pay premiums for employees, however, employees will be required to pay any additional coverage for family or spouse. Following a brief review of the provisions and cost of the dental insurance, Ms. Wallace moved that the Board approve the addition of dental insurance to the MSD's benefit package. Mr. Penny seconded. Roll call vote was as follows: 11 Ayes; 0 Nays

d. Plant Operations Committee:

Dr. Maas reported that although the committee has not met, he felt it would be useful to keep the Board updated on the parameters that caused the recent State moratorium. Dr. Maas stated that the plant was doing well on BOD limits with an average for the month of June of 30mg/l and an average of 54mg/l for Total Suspended Residue. However, Dr. Maas expressed concern that during the month of June the MSD exceeded its limits 10 out of 30 days, which could result in serious repercussions. Dr. Maas further stated that fecal counts, with a limit of 1,000/100ml averaged 850/100ml but that this count exceeded limits substantially on three occasions; twice at 16,000/100ml and once at 11,000/100ml. Mr. Mull stated that although the fecal count was over the limit at certain times during the month, that the count would not cause any danger to public health. Dr. Maas reported that there did not seem to be a correlation between inflow to the plant and the resulting values and that in one case during the month a large inflow seemed to have a diluting effect. A discussion followed regarding the relation of exceeding the fecal limits and the use of chlorine treatment, which could possibly result in damage to wildlife. Also discussed was the expected completion date of construction and the importance of not delaying replacement of equipment to avoid future problems.

6. Unfinished Business:

None

7. New Business

1. Plant Expansion Modification:

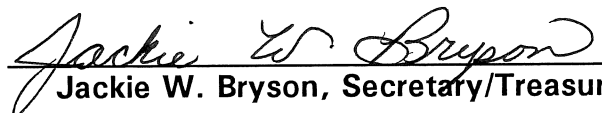
At 3:58 p.m. Mr. Penny moved that the Board go into Executive Session to consider a plant expansion or modification. Ms. Wallace seconded. Voice vote was unanimous in favor of the motion.

At 4:25 p.m. Chairman Smith moved that the Board reconvene the regular Board meeting.

9. Date of Next Regular Meeting: August 20, 1991

10. Adjournment:

There being no further business, the meeting was adjourned at 4:28 p.m.


Jackie W. Bryson, Secretary/Treasurer