

# **BOARD OF THE METROPOLITAN SEWERAGE DISTRICT**

**JULY 17, 2002**

**1. Call to Order and Roll Call:**

The regular monthly meeting of the Metropolitan Sewerage District Board and Public Hearing on the Minority Business Enterprise Program were held in the Boardroom of MSD's Administration Building at 2:00 p.m., Wednesday, July 17, 2002. Chairman Blackburn presided with the following members present: Ball, Bryson, Field, Gantt, Graham, Kelly, Pace, Sobol and Venable. Mr. Aceto was absent.

Others present were: Stanley C. Boyd, Director of Engineering, William Clarke, General Counsel, Danny Bridges of McGill Associates, Brenda Mills and LeRhonda Casey with the Asheville-Buncombe Office of Minority Affairs, Leah Karpen, with the League of Women Voters, Peter Weed, Ann LeMieux, Marsha Kiser and Sondra Honeycutt, MSD.

**2. Approval of Minutes of the June 12, 2002 Meeting:**

Mr. Venable moved that the minutes of the June 12, 2002 meeting be approved as presented. Mr. Pace seconded the motion. Voice vote in favor of the motion was unanimous.

**3. Discussion and Adjustment of Agenda:**

Mr. Blackburn announced that the Public Meeting on the Minority Business Enterprise Program would take place following the election of officers.

**4. Election of Officers:**

Mr. Blackburn called for nominations for Chairman. Ms. Bryson nominated Mr. Blackburn. Mr. Kelly seconded the nomination. There being no further nominations, Mr. Venable moved that the nominations be closed. Ms. Graham seconded the motion. Mr. Blackburn was elected Chairman by acclamation.

Mr. Blackburn called for nominations for Vice Chairman. Mr. Pace nominated Mr. Sobol. Ms. Graham seconded the nomination. There being no further nominations, Mr. Venable moved that the nominations be closed. Mr. Pace seconded the motion. Mr. Sobol was elected Vice Chairman by acclamation.

Mr. Blackburn appointed Jackie Bryson as Secretary/Treasurer. Ms. Field moved that the Board approve the appointment. Ms. Graham seconded the motion. Voice vote in favor of the motion was unanimous.

**5. Informal Discussion and Public Comment:**

Mr. Blackburn congratulated Marsha Kiser for receiving certification as a Professional in Human Resources from the Human Resource Certification Institute.

Mr. Blackburn welcomed Ms. Leah Karpen, representing the League of Women Voters and Ms. LeRhoda Casey and Ms. Brenda Mills with the Asheville-Buncombe Office of Minority Affairs.

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### **MINUTES OF THE PUBLIC HEARING**

Mr. Blackburn opened the Public Hearing on the Minority Business Enterprise Program at 2:13 p.m.

Mr. Gantt expressed his appreciation to Peter Weed for facilitating the Minority Inclusion Committee and to Members Cathy Ball, Marsha Kiser, Stan Boyd, Ed Bradford, Charlene Hoskins, Brenda Mills, William Clarke and Mr. Venable, who attended some of the meetings.

Mr. Gantt reported the Committee met on five occasions and started out with two goals. First, the Committee did not like the idea of mandatory goals and secondly staff indicated they wanted to be able to promote from within. He stated that with these goals in mind, the Committee drafted a proposal that included minority participation in contracting, purchasing and employment.

Regarding purchasing, Mr. Gantt stated the Committee wanted to make sure everyone had a chance to share in the business generated by MSD with a goal of 12% minority participation in purchasing and contracting. He explained the definition of a Minority Person. He stated that staff would work with the Office of Minority Affairs to make sure minority contractors are certified.

With regard to Personnel, Mr. Gantt reported the Committee recommends that MSD increase the number of minority and women employees to better reflect the makeup of the District as a whole. Also, increase its outreach efforts and provide diversity education to staff.

Ms. Mills, with the Office of Minority Affairs expressed her appreciation to the Committee for their effort to include minorities and women. Ms. Graham asked if the District is already doing business with minority owned businesses. Ms. Mills stated yes, but her office confirms whether these businesses are in fact minority owned businesses. She further stated that MSD has updated its vendor list and sent out a survey, and from the 38 responses, her office was able to update its directory. Ms. Leah Karpen, with the League of Women Voters asked if Russian/Ukraine are included in the definition of minority persons. Mr. Clarke stated that under the North Carolina State Statute, Russian/Ukraine are not considered a minority. He further stated that at the May meeting, the Board adopted the recommendations of the Minority Inclusion Committee and today's Public Hearing is being held to hear comments from the public in accordance with the requirements of the Statute. Ms. Graham asked how long this definition would stay in effect. She stated that she would feel more comfortable if the definition of Minority Persons was revisited after a certain period of time, since it could change. A discussion followed with regard to how often the report should be revisited. Mr. Weed stated this report is a revision from 1995.

At 2:25 p.m., the Public Hearing was closed.

Mr. Gantt moved that the Board adopt the Report of the Minority Inclusion Committee to be reviewed by the Board every five years in order to make sure it meets the goals that were set out. Ms. Ball seconded the motion. With regard to the Personnel Recommendations, Mr. Venable expressed a concern that employees may assume MSD has set a quota for hiring minority and women employees, therefore, feels it would be beneficial to begin diversity education as soon as possible. Mr. Gantt stated the Committee did not set a number for that reason. With regard to supporting apprenticeship programs, Ms. Graham asked if the MSD would fund this effort. Mr. Gantt stated that the purpose of supporting these programs is to get the best possible skilled labor.

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With no further discussion roll call vote was as follows: 10 Ayes; 0 Nays. Mr. Blackburn expressed his appreciation to those involved in this Committee.

**6. Report of General Manager:**

In the absence of Mr. Hartye, Mr. Boyd presented information regarding the AMSA Gold Award, Kenilworth Lake, Public Access Mapping - GIS, EPA Grant, NCDENR Press Release and Human Resource Certification.

Mr. Boyd reported that MSD received the Peak Performance Gold Award from The Association of Metropolitan Sewerage Agencies (AMSA) for 100% compliance with all MSD's NPDES Permit Parameters. He congratulated the Plant Staff for this Award.

Regarding Kenilworth Lake, Mr. Boyd reported that access construction and cleaning of the lower portion of Ross Creek is complete and monitoring of the line will continue until it is replaced. Mr. Gantt, suggested that staff send a letter to Mr. Dave Herbert and the Kenilworth Lake Association informing them that this work is complete.

Mr. Boyd announced that MSD now has a public link to its GIS mapping and data information at [msdbc.org](http://msdbc.org). Mr. Venable stated it would be helpful if this information could be accessed by both name and address.

Regarding the EPA Grant, Mr. Boyd reported the North Swannanoa Interceptor project is being funded in part by this grant and MSD was notified that the first payment (\$633,000) of the approximate \$2 million is being processed. Mr. Venable asked when the rest of the funds would be received. Mr. Boyd stated that reimbursement is based on a percentage of completion of the contract, which ends in December or January.

Mr. Boyd presented a press release from the NCDENR concerning Environmental Management Systems (ISO 14001) certifications. He reported that MSD would undergo a certification audit on July 24<sup>th</sup> and once it is certified a local press release would be issued. He stated there are only two other facilities in North Carolina that are certified.

**7. Report of Committee Chairs:**

**Right of Way Committee**

Mr. Pace reported the Right of Way Committee met June 26, 2002 to consider condemnations on the following projects: Norfolk/Southern Railway (NSR) - Heywood Road and Grassy Branch Rehabilitation project. He further reported the Committee considered the Compensation Budget on the Lower Ross Creek Rehabilitation Project - Section 2. Regarding condemnation on NSR, Mr. Venable asked why MSD has a license agreement rather than an easement. Mr. Clarke stated Norfolk Southern has only agreed to license agreements. The license agreements include a provision requiring MSD to remove its sewer line upon sixty days notice. A discussion followed regarding the legal difference between a license and an easement.

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**8. Consolidated Motion Agenda:**

**a. Consideration of Compensation Budget - Lower Ross Creek Section 2:**

Mr. Boyd reported the Right of Way Committee recommends approval of the **original** Compensation Budget for the Lower Ross Creek project.

**b. Consideration of City of Asheville Constructed Sewer System:**

- 1. Brevard Road Annexation Phase II - Contract A**
- 2. Brevard Road Annexation Phase II - Contract B**
- 3. Brevard Road Annexation Phase III - Contract II.**

Mr. Boyd reported that staff recommends acceptance of the City of Asheville constructed sewer system - Brevard Road Annexation Phase II, Contract A & B, and Phase III, Contract 2. All MSD requirements have been met.

Ms. Ball asked to be excused from voting on this item since she submitted designs on the project from the City of Asheville. Mr. Blackburn excused her from voting.

**c. Acceptance of Developer Constructed Sewer Systems:**

- 1. Suwannee Road Sewer Extension**
- 2. Anderson Business Park Sewer Extension**
- 3. The Views of Asheville Sewer Extension**
- 4. Quick Stop (US 70) Sewer Extension**
- 5. Chunn's Cove Heights**

Mr. Boyd reported on the location of each of the developer constructed sewer systems. Staff recommends acceptance of the developer constructed sewer systems and all MSD requirements have been met. Mr. Sobol requested that item c.4 (Quick Stop) be pulled for further discussion.

**d. Consideration of Construction Contracts: General Sewer Rehabilitation Projects - Lookout Rd, Webster Street and Pinehurst Rd.**

Mr. Boyd reported the following bids were received for the Lookout Rd., Webster Street and Pinehurst Rd. projects June 20, 2002: Bryant Electric Company with a total combined bid of \$385,971.50; Buckeye Construction Company with a total combined bid of \$412,676.80; T&K Utilities, Inc. with a total combined bid of \$473,280.00; Terry Brothers Construction Company with a total combined bid of \$473,563.00; Hobson Construction Company with a total combined bid of \$480,995.00 and Wheeler Construction Company with a total combined bid of \$598,855.00. Staff recommends award of this contract to Bryant Electric Company, Inc. in the amount of \$385,971.50, contingent upon review by District Counsel.

**e. Report on Smoke Testing Contract:**

Presented as information only.



**f. Cash Commitment/Investment Report for Period Ended 5/31/02:**

Presented as information only.

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Regarding Item e. (Smoke Testing Contract), Mr. Venable asked why the amount in the budget for this line item was not being awarded and if the \$0.18 per foot is for the entire budget. Mr. Boyd stated that assuming the District would use the budgeted amount of \$100,000.00, over 500,000 feet could be tested and that the 244,000 feet is for the first area (Beaverdam) to be tested.

Mr. Pace moved that the Board approve the Consolidated Motion Agenda Item a., Item c.1, c.2, c.3, c.5, Item d., Item e. and Item f. Ms. Graham seconded the motion. Roll call vote was as follows: 9 Ayes; 0 Nays. Ms. Field was absent during the vote and remainder of the meeting.

Mr. Gantt moved that the Board approve Consolidated Motion Agenda Item b. Ms. Graham seconded the motion. Roll call vote was as follows: 8 Ayes; 0 Nays. Ms. Ball was excused from voting.

Ms. Graham moved that the Board approve Consolidated Motion Agenda Item c.4 (Quick Stop). Mr. Pace seconded the motion. Mr. Sobol stated since this is a pump system, how does this coincide with MSD's policy on pump stations and extending the line over 75 feet from the owner's parcel of land. Mr. Boyd reported that this is a convenience store located on Highway 70 and because the on-site septic system failed, this was the only other alternative for the owner to remain in business. He stated that the owner installed his own pump station and force main, which runs across the Department of Transportation (DOT) right of way. He further stated that the DOT does not allow a private individual to install a sewer system in the right of way, so the MSD agreed to accept the 2" force main for ownership. Mr. Sobol asked if MSD is accepting ownership of the pump station and the line. Mr. Boyd stated just the line. Mr. Sobol stated he does not see how this fits in with the policy, which states MSD is not allowed to pump beyond 75 feet from where the property line ends. He further stated he hopes this option will be available to other people in the future. Mr. Boyd stated this line is a 2" force main not a gravity sewer and does not change the MSD policy. Mr. Pace explained that this is not a case where MSD would take over all 2" force mains, but a situation where there is no other alternative. A discussion followed with regard to whether taking over this line is setting a precedent for others who want to put in 2" force mains and if this issue should be revisited by engineering. With no further discussion, roll call vote was as follows: 9 Ayes; 0 Nays.

Mr. Blackburn stated that since this is a Construction issue, Mr. Sobol should meet with the MSD Engineering staff and report back to the Board.

**9. Old Business:**

None

**10. New Business:**

None

**11. Adjournment:**

At 3:00 p.m., Ms. Graham moved for adjournment. Mr. Pace seconded the motion. Voice vote in favor of the motion was unanimous.

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Jackie W. Bryson, Secretary/Treasurer