

**BOARD OF THE METROPOLITAN SEWERAGE DISTRICT
AUGUST 20, 2008**

1. Call to Order and Roll Call:

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the Boardroom of MSD's Administration Building at 2:00 PM, Wednesday, August 20, 2008. In the absence of Chairman Aceto, Vice Chairman Sobol called the meeting to order with the following members present: Bellamy, Bissette, Bryson, Creighton, Haner, Kelly, Russell, Sobol and VeHaun. Mr. Gantt and Mr. Metcalf were absent.

Others present were: Thomas E. Hartye, General Manager, William Clarke, General Counsel, Gary McGill with McGill Associates, Leah Karpen with the League of Women Voters, Mr. Gildersleeve and Mr. Christy with WadeTrim, Ed Bradford, John Kiviniemi, Angel Banks, Peter Weed, Stan Boyd, Scott Powell, Jim Hemphill, Ken Stines, Julie Willingham and Sondra Honeycutt, MSD.

2. Inquiry as to Conflict of Interest:

Mr. Sobol asked if there were any conflicts of interest with the agenda items. No conflicts were reported.

3. Approval of Minutes of the July 16, 2008 Board Meeting:

Mr. Sobol turned the meeting over to Mr. Aceto. Mr. Aceto asked if there were any objections to approving the Minutes of the July 16, 2008 meeting as presented. With no objections, the Minutes were approved by acclamation.

4. Discussion and Adjustment of Agenda:

None

5. Informal Discussion and Public Comment:

Mr. Aceto welcomed Ms. Karpen, Mr. Gilbersleeve and Mr. Cristy.

6. Report of General Manager:

Mr. Hartye presented a comparison of water and sewer rates for the member agencies. In addition, he presented a short summary and graph depicting MSD's fuel usage, costs and efficiency measures prepared by Peter Weed.

Mr. Hartye presented articles from the Asheville Citizen Times on Homebuilding in the area and Drought and French Broad River Levels. He also presented a copy of the NCLM Legislative Bulletin, and a copy of a letter from the US Department of Interior regarding MSD's minimum release requirements for the hydro dam facility. Mr. Sobol asked how much flow is required to produce power. Mr. Kiviniemi stated that 500 to 600 cfs is needed.

Mr. Hartye reported that a call was received from Mr. Vance Miller of Adamswood Road praising Herman Shelton, Jason Brigmon and Wayne Rice for their excellent service. These employees were described as very professional, courteous, considerate and gentlemanly. A call was received from a customer at 37 Evelake Drive saying what great service Herman Shelton and Robert Burnette gave when they came out and fixed a blockage. A Thank You card was received from Mr. Coggins of 65 Town Mountain Road thanking Steve Meeks, Robert Burnette, Wayne Rice, Jason Brigmon, Marcus Bynum, John Crowe and Carl Ellington for a great job. A call was received from Harlow Brown for David Monteith being so responsive, knowledgeable, and tough but fair in reviewing and permitting plans. Also a call was received from Ms. Widener to

express her appreciation for Linda Phillips, Dispatcher, for getting her help so quickly and to Herman Shelton for responding promptly and who was very helpful and courteous.

Mr. Hartye announced the upcoming United Way Golf Tournament scheduled for September 18th, headed up by Peter Weed.

Mr. Hartye reported that the next regular Board Meeting will be held September 17th at 2PM. The Finance Committee will meet August 28th at 3PM.

7. Report of Committees:

Personnel Committee

Mr. VeHaun reported that the Personnel Committee met July 22, 2008 to discuss the evaluation of the General Manager. He stated that the Committee recommends that Mr. Hartye receive a 7% increase in salary to \$140,350.00 retroactive to July 1, 2008, along with a \$4,000.00 bonus. Mr. VeHaun moved that the Board approve the recommendation of the Personnel Committee. With no discussion, roll call vote was as follows: 10 Ayes; 0 Nays.

Right of Way Committee

Mr. Kelly reported that the Right of Way Committee met July 23, 2008 to consider condemnations on the Crocket Road PRP Project, Weaverville Highway @ Hillcrest Road Project, Merrimon Avenue @ Ottari Road Project and Monroe Place General Sewer Rehabilitation Project. He further reported that the Committee reviewed the Fourth Quarter Project Status Summary and Condemnation Statistics from July 1, 1991 to June 30, 2008

8. Consolidated Motion Agenda:

a. Consideration of Condemnations – Crocket Road PRP:

Mr. Hartye reported that the Right of Way Committee recommends authority to obtain appraisal and proceed with condemnations.

b. Consideration of Condemnation – Weaverville Highway @ Hillcrest Road:

Mr. Hartye reported that the Right of Way Committee recommends authority to obtain appraisal and proceed with condemnation.

c. Consideration of Condemnation – Merrimon Avenue at Ottari Road:

Mr. Hartye reported that the Right of Way Committee recommends authority to obtain appraisal and proceed with condemnation. Ms. Bellamy asked Mr. Clarke for an explanation of the condemnation process. He explained that MSD will obtain an appraisal, then send a Notice of Condemnation and 30 days later a lawsuit can be filed. He further explained that MSD must deposit what it feels is just compensation in court then the property owner can contest the amount of just compensation, but cannot contest the taking of property. Ms. Banks noted the condemnation statistics provided, which shows the number of easements since 1991; the number of actions filed; the number of settlements prior to trial; how many went to trial and those that are pending. She stated that out of 1,634 easements, only 6 went to trial.

d. Consideration of Condemnation – Monroe Place GSR:

Mr. Hartye reported that the Right of Way Committee recommends authority to obtain appraisal and proceed with condemnation.

e. Consideration of Developer Constructed Sewer Systems: Banks Knoll View, Mills Creek Condominiums, Northpoint Commons, Phase II, Sisters of Mercy, The Village at Monticello and Indian Branch, Phase II.

Mr. Hartye reported that Staff recommends acceptance of the Developer Constructed Sewer Systems. All MSD requirements have been met.

f. Consideration of Bids for Lenox Street GSR and Alta Avenue PRP Projects:

Mr. Hartye reported that the Lenox Street project is located in North Asheville just off Charlotte Street and consists of 420 linear feet of 8-inch DIP. The Alta Avenue project is located in the Oakley Section of Asheville off of Fairview Road and consists of 1,735 linear feet of 8-inch DIP. He stated that both projects are necessary due to repeated overflows, backups, and structural failures associated with aged line segments. He further stated that the following bids were received on August 7, 2008: Payne, McGinn & Cummins with a total bid of \$718,276.26; Buckeye Construction Co., Inc. with a total bid of \$578,791.25; Carolina Specialties, Inc. with a total bid of \$435,092.72; Huntley Construction Co., Inc. with a total bid of \$421,766.50; T & K Utilities, Inc. with a total bid of \$386,415.00; Hobson Construction Co., Inc. with a total bid of \$381,145.00; Wolfpen Associates, Inc. with a total bid of \$367,686.80; Blythe Co. Construction with a total bid of \$319,250.00 and Terry Brothers Construction Co., Inc. with a total bid of \$292,284.00. Staff recommends award of this contract to Terry Brothers Construction Co., Inc. in the amount of \$292,284.00, subject to review and approval by District Counsel.

g. Consideration of Bids for Evergreen Avenue Four-inch Main, Greeley Street USR, Penley Avenue USR and Reese Road GSR Projects:

Mr. Hartye reported that this contract is a combination of four small projects. The Greeley Street and Penley Avenue projects are for the replacement of failing, unclaimed private sewers. The Evergreen Avenue and Reese Road projects will replace under-sized and structurally defective sewer mains. He stated that the following bids were received on August 7, 2008: Payne, McGinn & Cummins with a total bid of \$579,088.75; Huntley Construction Co., Inc. with a total bid of \$356,148.19; Buckeye Construction Co., Inc. with a total bid of \$353,819.10; Carolina Specialties, Inc. with a total bid of \$292,890.17; Hobson Construction Co., Inc. with a total bid of \$273,052.00; T&K Utilities, Inc. with a total bid of \$252,019.00; Blythe Co. Construction with a total bid of \$212,510.00 and Terry Brothers Construction Co., Inc. with a total bid of \$187,423.00. He further stated that staff recommends award of this contract to Terry Brothers Construction Co., Inc. in the amount of \$187,423.00, subject to review and approval by District Counsel.

h. Consideration of NC WaterWARN Mutual Aid Agreement:

Mr. Hartye reported that the NC WaterWARN Agreement establishes a process for peer-to-peer mutual aid to provide rapid, short-term deployment of emergency assistance. The agreement does not obligate members to do anything; yet members are eligible for federal reimbursement provided the agreement is established prior to the event or emergency. Mr. Haner asked if this is an update of the current agreement. Mr. Hartye stated that in 1999-2000 MSD had some mutual aid agreements with small entities in the area that would pay the cost associated with a response, but MSD was not obligated to respond. Mr. Haner questioned the cost of providing equipment

in an emergency situation. Mr. Hartye stated that MSD had a schedule of values, i.e., the rental value of a VAC truck would be \$100 per hour. Mr. Haner asked if MSD has ever collected money for use of equipment. Mr. Hartye said no; there were no major responses. Mr. Stines said MSD did help Henderson County out a couple of times during an SSO. Mr. Haner asked if the administrative costs, to ensure reimbursement by the federal government, is included, or is that a separate expense incurred by MSD. Mr. Clarke stated that this is a more comprehensive approach to the current Mutual Aid Agreement. He further stated that he recommends the Board approve it. However, before the Agreement is signed by the General Manager, there are some language changes that need to be made, therefore, the motion should read, "Staff recommends the MSD Board endorse the Mutual Aid and Assistance Agreement and authorize the General Manager to sign said Agreement with the advice and input of Counsel and the Director of the Water Reclamation Facility to negotiate the terms."

Regarding Henderson County's use of MSD equipment, Mr. VeHaun asked if MSD would bill Henderson County for what FEMA would pay them. Mr. Stines stated that this particular situation was not a FEMA type emergency; it was an SSO emergency. Mr. Hartye stated that an MSD employee would stay with the equipment whatever the circumstance would be. Mr. Clarke stated that this agreement requires MSD to publish a schedule of rates and charges.

i. Fourth Quarter Budget to Actual Review:

Ms. Bellamy asked when the audit will take place and if the numbers shown will change. Mr. Powell stated that the audit will take place beginning September 15th and that revenues will only go up, not down. Ms. Bellamy asked what happens if the District overspends. Mr. Hartye stated that the District has not overspent in the last 10 years, but if overspending is anticipated, a budget amendment would be brought to the Board in June before the end of the fiscal year.

j. Cash Commitment/Investment Report – Month ended June 30, 2008:

Presented as information only.

Mr. Haner moved that the Board approve the Consolidated Motion Agenda as presented. Ms. Bryson seconded the motion. With no further discussion, Mr. Aceto called for the question. Roll call vote was as follows: 10 Ayes; 0 Nays.

9. Treatment Plant Presentation:

Mr. Kiviniemi presented an aerial photo of the treatment plant complex, showing the hydro electric facility, the main treatment plant, the ash lagoon and the alkaline facility. He reported that the plant is operational 24/7, 365 days a year and is comprised of the following divisions: Operations and Maintenance Division, managed by Dennis Lance; Electrical, managed by Tony Franklin; Building Trades, managed by Scott Monroe and Industrial Waste - Pretreatment managed by Monty Payne.

Mr. Kiviniemi explained that wastewater comes from many sources; domestic waste, commercial waste, storm water, ground water and industrial waste. He stated that the industrial waste – pretreatment group is there to protect the plant, to make sure what goes down the drain will not disturb the plant in any way. One of the main aspects of this program is grease control, which is a large contributor of SSO's. He further stated that along with a comprehensive education program to inform the public of this problem and how to prevent it, monitoring and inspection of industries and commercial establishments are done. He presented a diagram showing how a grease interceptor works.

Mr. Kiviniemi reported that MSD maintains 30+ remote pumping stations throughout the MSD service area, which pump wastewater to the plant. He went over the various stages of treatment and de-chlorination before the water is released back into the French Broad River. He stated that the treatment process generates approximately 1 dry tons/day of sludge for every million gallons of water treated or approximately 14 dry tons per day. The sludge is separated from the water; thickened; dewatered to about 24-25% and sent to the incinerator. After incineration, the resulting ash is then pumped to the lagoon.

Mr. Kiviniemi went over the many responsibilities and accomplishments for each division of the Water Reclamation Facility. Ms. Bellamy asked if pharmaceuticals are removed from the wastewater. Mr. Kiviniemi stated that the treatment process is designed to remove a certain amount of organics, but pharmaceuticals are somewhat of an emerging technology and the level of detection is low at this point. However, there is quite a bit of study being done on pharmaceuticals. Mr. Kelly asked how much water is taken out of the French Board each day and how much is put back. Mr. Kiviniemi stated that approximately 10,000/gpd is removed for non-potable water use and the rest of the water that is removed just affects the quarter mile segment from the dam to the tail race. On average, anything above the minimum release goes into the hydro. He further stated that you need 500cfs from the river to consistently make power without having to shut down. Mr. Kiviniemi introduced Ed Bradford for a short synopsis of rehab projects.

Mr. Bradford presented an aerial photo showing facility improvements over the last nine years. He reported that in 2000, full backup power was completed and is used for critical plant functions during power outages. In 2005, the Septage Receiving Facility was completed and during the past year this facility has generated \$199,000 in revenue. Other projects include: The Grit and Grease Removal process, currently in close out; Influent Barscreens complete in 1999-2000; Blowers for the RBC's, recently completed; Sodium Hypochlorite Facility completed in 2000-2001; Dechlorination Facility completed in 2004-2005, which was an in-house project; Incineration Facilities, 2004-2005, with new Belt Filter Presses and replacement of refractory lining; Hydroelectric Facility with switch gear and turbine work, completed in 2003-2004; Intermediate Pump replacement, currently in design, and the Final Microscreen Replacement, which has been problematic for many years and is one of the primary recommendations from the recently completed Facilities Plan. Mr. Bradford reported that pilot testing of two viable technologies for this project was done in May, 2007 and a selection was made. Mr. Bradford presented a strip-away view showing the current plan and stated that the procurement will be brought to the September Board meeting. Mr. Hartye stated that the new filtering units will enhance the quality of water going out of the plant. Construction will not begin until next summer, since the manufacturing of this equipment requires a long lead time.

10. Old Business:

None

11. New Business:

None

12. Adjournment:

With no further business, Mr. Aceto called for adjournment at 3:10 PM.

Jackie W. Bryson, Secretary/Treasurer

MSD

Regular Board Meeting

Metropolitan Sewerage District
of Buncombe County, NC

AGENDA FOR 8/20/08

✓	Agenda Item	Presenter	Time	
	Call to Order and Roll Call	Aceto	2:00	
	01. Inquiry as to Conflict of Interest	Aceto	2:02	
	02. Approval of Minutes of the 7/16/08 Board Meeting.	Aceto	2:07	
	03. Discussion and Adjustment of Agenda	Aceto	2:12	
	04. Informal Discussion and Public Comment	Aceto	2:14	
	05. Report of General Manager	Hartye	2:16	
	06. Report of Committees	Aceto	2:26	
	a. Personnel Committee – 7/22/08	VeHaun		
	b. Right of Way Committee – 7/23/08	Kelly		
	07. Consolidated Motion Agenda		2:40	
	a. Consideration of Condemnations – Crockett Road PRP.	Hartye		
	b. Consideration of Condemnation – Weaverville Highway @ Hillcrest Road.	Hartye		
	c. Consideration of Condemnation – Merrimon Avenue at Ottari Road.	Hartye		
	d. Consideration of Condemnation – Monroe Place.	Hartye		
	e. Consideration of Developer Constructed Sewer Systems: Banks Knoll View, Mills Creek Condominiums, Northpoint Commons, Phase II, Sisters of Mercy, The Village at Monticello and Indian Branch Phase II.	Hartye		
	f. Consideration of Bids for Lenox Street GSR and Alta Avenue PRP Projects.	Hartye		
	g. Consideration of Bids for Evergreen Avenue Four-Inch Main, Greeley Street USR, Penley Avenue USR and Reese Road GSR Projects.	Hartye		
	h. Consideration of NC WaterWARN Mutual Aid Agreement.	Hartye		
	i. Fourth Quarter Budget to Actual Review	Hartye		
	j. Cash Commitment/Investment Report – Month ended June 30, 2008.	Hartye		
	08. Treatment Plant Presentation	Kiviniemi	3:00	
	09. Old Business:	Aceto	3:15	
	10. New Business:	Aceto	3:20	
	11. Adjournment (Next Regular Meeting 9/17/08)	Aceto	3:25	

APPROVAL OF MINUTES

**BOARD OF THE METROPOLITAN SEWERAGE DISTRICT
JULY 16, 2008**

1. Call to Order and Roll Call:

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the Boardroom of MSD's Administration Building at 2:00 PM, Wednesday, July 16, 2008. Chairman Aceto presided with the following members present: Bellamy, Bryson, Creighton, Gantt, Kelly, Russell, Sobol and VeHaun. Mr. Bissette, Mr. Haner and Mr. Metcalf were absent.

Others present were: Thomas E. Hartye, General Manager, William Clarke, General Counsel, Leah Karpen with the League of Women Voters, Gary McGill with McGill Associates, Stan Boyd, Ed Bradford, Jim Hemphill, John Kiviniemi, Barry Cook, Cheryl Rice, Jim Naber, Sandra Moore, Peter Weed and Sondra Honeycutt.

2. Election of Officers:

Mr. Aceto called on Mr. Sobol to preside over the election of Chairman. Mr. Sobol called for nominations. Mr. Kelly nominated Mr. Aceto as Chairman. Mr. Gantt seconded the nomination. Mr. Sobol asked if there were any other nominations. There being none, Mr. Sobol called for a vote. Voice vote in favor of Mr. Aceto as Chairman was unanimous.

Mr. Aceto called for nominations for Vice Chairman. Mr. Kelly nominated Mr. Sobol. Ms. Bellamy seconded the nomination. With no further nominations, Mr. Gantt moved that the nominations be closed. Mr. VeHaun seconded the motion. Voice vote in favor of the motion was unanimous. Mr. Aceto asked if there were any objections to electing Mr. Sobol by acclamation. With no objections, Mr. Sobol was elected Vice Chairman by acclamation.

Mr. Aceto appointed Mr. Bryson to serve as Secretary/Treasurer of the Board. Mr. Aceto called for a vote to ratify the appointment by the Chair. By a show of hands the appointment was approved unanimously.

3. Inquiry as to Conflict of Interest:

Mr. Aceto asked if there were any conflicts of interest with the agenda items. No conflicts were reported.

4. Approval of Minutes of the June 11, 2008 Board Meeting and Public Hearing:

Mr. Aceto asked if there were any objections to approving the Minutes of the May 14, 2008 meeting as presented. With no objections, the Minutes were approved by acclamation.

5. Discussion and Adjustment of Agenda:

None

6. Informal Discussion and Public Comment:

Mr. Aceto welcomed Ms. Karpen.

7. Report of General Manager:

Mr. Hartye reported that in the sleeve of the Board book is a notice that went out with the water billing regarding MSD's sewer rate. This was amended at the request of Mr. Haner, to include MSD's reduction of SSO's.

Mr. Hartye expressed his congratulations to all MSD employees for a good Safety Record for 2007. He reported that MSD received the Gold Safety Award for the fifth consecutive year from the North Carolina Department of Labor, which translates into insurance savings for the District in the upcoming fiscal year.

Mr. Hartye presented a copy of the Budget/Rate Bullets for Fiscal Year 2009. He stated that this information is presented to the Board as a reference. In addition, he presented a graph of the annual number of Sanitary Sewer Overflows (SSO's) since MSD began keeping records in FY 1999. He reported that the graph shows significant reductions. He stated that the numbers are influenced by weather, but have been reduced mainly as a result of both the Districts' aggressive Capital Improvement Program and the preventive maintenance performed by System Services. He further stated that the entire organization shares in this accomplishment, from the Board on down. Ms. Karpen asked if the proposed 3.0% rate increase shown on the first page is the same as the increase approved by the Board in June. Mr. Hartye said yes. Mr. Sobol asked if the amount of flow being treated at the plant has gone down. Mr. Hartye stated that during the last calendar year the average daily flow was 16.7 mgd. Mr. Kiviniemi stated that during early morning and on holidays, the flow is down to about 10 mgd. Mr. Sobol asked if the turbines at the Hydro facility are affected by low flow. Mr. Kiviniemi stated that the turbines have not been shut down, but the power output had to be reduced.

Mr. Hartye presented articles from Southern City on Asheville award for actions to improve air quality and the NCLM Legislative Bulletin.

Mr. Hartye reported that the Personnel Committee will meet July 22nd at 9AM, the Right of Way Committee will meet July 23rd at 9AM and the next regular meeting of the Board will be held August 20th at 2PM. He further reported that a Finance Committee meeting will be scheduled for August.

8. Consolidated Motion Agenda:

a. Consideration of Developer Constructed Sewer Systems:

1. Overlook Office Park.
2. Reems Creek Golf – Phase 9
3. 456 Weaverville Road
4. Howard Street
5. Central Avenue
6. Pinebrook Farms
7. The Settings of Black Mountain – Phase 2

Mr. Hartye reported that staff recommends acceptance of the developer constructed sewer systems. All MSD requirements have been met.

b. Cash Commitment/Investment Report:

Mr. Hartye introduced Ms. Cheryl Rice, the District's new Accounting Manager, who was promoted from within MSD and who is responsible for this report.

Mr. Aceto called for a motion to approve the Consolidated Motion Agenda as presented. Ms. Bellamy made the motion. Mr. Russell seconded the motion. With no discussion, roll call vote was as follows: 9 Ayes; 0 Nays.

9. Consideration of Cost Recovery Policy Changes:

Mr. Hartye reported that at the March Board meeting, the Board asked Staff and Counsel to pursue a way in which the District may continue the Cost Recovery Policy

only for those projects that would qualify as “affordable housing.” He stated that Counsel advised the Board that it should seek support for a compelling governmental interest in affordable housing from its member entities in the form of resolutions adopted by the member agencies. Mr. Hartye further stated that the resolutions passed by the member agencies are attached along with letters of support from two of the primary builders of affordable housing in Buncombe County. Mr. Hartye further reported that staff recommends amending the Cost Recovery Policy to apply only to verifiable affordable housing developments. The reimbursement will still be eligible for on-site sewer lines that are to be publicly owned, operated, and maintained and will be capped for any one project at the current limit of \$40,000. Mr. VeHaun reported that the Town of Woodfin adopted its Resolution on July 15th. Mr. Aceto called for a motion. Ms. Bellamy moved that the Board adopt the Cost Recovery Policy Changes as recommended by staff. Mr. Gantt seconded the motion. Mr. Aceto asked for a clarification on the changes. Mr. Hartye stated that the policy will only apply to verifiable affordable housing developments. Mr. Aceto asked if MSD will still have cost sharing. Mr. Hartye said yes, that potentially cost sharing will be much heavier, particularly if there is an extension where a larger line is required then MSD will pay for the differential cost up to available funds. He stated that the focus is being switched from getting more people on the system to organized growth of the system. Mr. Aceto asked if anything is being done to inform the development community about this change. Mr. Hartye stated that the annual Developers meeting was recently held to bring them up to date on these changes. With no further discussion, voice vote in favor of the motion was unanimous.

10. Old Business:

None

11. New Business:

None

12. Adjournment:

With no further business, Mr. Aceto called for adjournment at 2:20PM.

Jackie W. Bryson, Secretary/Treasurer

REPORT OF GENERAL MANAGER

MEMORANDUM

TO: MSD Board
FROM: Thomas E. Hartye, P.E., General Manager
DATE: August 14, 2008
SUBJECT: Report from the General Manager

- Water & Sewer Rate Information

Water and Sewer Rate information for our member agencies is provided on the attached table for Board information.

- Fuel Usage, Cost, and Efficiency measures

Attached is a short summary and a graph depicting MSD fuel usage, costs and efficiency measures.

- Reading

- AC-T article on homebuilding
- NCLM Legislative Bulletin
- AC-T article on Drought and French Broad River Levels
- MSD minimum release requirements for the hydro dam facility.

- Kudos

- Mr. Vance Miller of Adamswood Road called 7/25 and was amazed at the great service from our System Service Employees. Herman Shelton, Jason Brigmon and Wayne Rice responded to his telephone call within 8-10 minutes. He described them as very professional, courteous, considerate and gentlemanly. He said he wanted us to know what great employees we had working for us here at MSD.
- Customer at 37 Evelake Dr. called to relay what great employees we have and that he can't say enough good things about Herman Shelton and Robert Burnette in how they came out and fixed his blockage very quickly.
- Mr. Coggins of 65 Town Mountain Rd. sent a "Thank You" card for the work our System services employees did on an overflow. Thanks to Steve Meeks, Robert Burnette, Wayne Rice, Jason Brigmon, Marcus Bynum, John Crowe, and Carl Ellington.

- From Harlow Brown, PE (Developer Engineer) for David Monteith being so responsive, knowledgeable, and tough but fair in reviewing and permitting plans.
- Ms. Widener called to express her appreciation for Linda Phillips, Dispatcher for getting her help so quickly and to Herman Shelton for responding promptly and who was very helpful and courteous.

- **Board/Committee Meetings**

The next Regular Board Meeting will be held September 17th at 2pm. The Finance Committee Meeting is scheduled for August 28 at 3 pm.

Monthly Bills for Residential Customers (5 CCF or 3,750 gallons)

7/23/08

	FY02	FY03	FY04	FY05	FY06	FY07	FY08	FY09	Increase
Asheville (bi-monthly bills)									
Water Service	19.02	19.02	19.02	19.02	19.02	22.52	22.52	23.17	2.9%
MSD Sewer Service	19.48	20.04	20.43	20.83	21.45	22.41	23.28	23.99	3.1%
	\$38.49	\$39.05	\$39.44	\$39.85	\$40.47	\$44.93	\$45.79	\$47.15	
	4.8%	1.5%	1.0%	1.0%	1.6%	11.0%	1.9%	3.0%	
Biltmore Forest (bi-monthly bills)									
Water Service	19.89	26.88	28.24	28.24	28.24	28.24	28.24	28.24	0.0%
MSD Sewer Service	19.48	19.94	20.43	20.83	21.45	22.41	23.28	23.99	3.1%
	\$39.37	\$46.82	\$48.67	\$49.07	\$49.69	\$50.65	\$51.51	\$52.22	
	1.8%	18.9%	4.0%	0.8%	1.3%	1.9%	1.7%	1.4%	
Black Mountain (monthly bills)									
Water Service	16.70	19.29	19.67	21.18	21.63	22.08	22.69	23.36	3.0%
MSD Sewer Service	20.25	20.71	21.30	21.72	22.37	23.37	24.25	25.01	3.1%
	\$36.95	\$40.00	\$40.97	\$42.90	\$44.00	\$45.45	\$46.94	\$48.37	
	-9.9%	8.3%	2.4%	4.7%	2.6%	3.3%	3.3%	3.0%	
Montreat (monthly bills) * All single family homes have larger 3/4" meters									
Water Service	22.74	22.74	22.74	22.74	22.74	22.74	29.50	29.50	0.0%
MSD Sewer Service *	22.25	22.76	23.39	23.86	24.57	25.67	26.64	27.47	3.1%
	\$44.99	\$45.50	\$46.13	\$46.60	\$47.31	\$48.41	\$56.14	\$56.97	
	1.8%	1.1%	1.4%	1.0%	1.5%	2.3%	16.0%	1.5%	
Weaverville (monthly bills)									
Water Service	18.34	19.26	19.26	20.25	20.86	22.12	22.12	23.01	4.0%
MSD Sewer Service	20.25	20.71	21.30	21.72	22.37	23.37	24.25	25.01	3.1%
	\$38.59	\$39.97	\$40.56	\$41.97	\$43.23	\$45.49	\$46.37	\$48.02	
	1.8%	3.6%	1.5%	3.5%	3.0%	5.2%	1.9%	3.6%	
Woodfin (bi-monthly bills)									
Water Service	17.44	19.66	19.66	19.87	19.87	19.87	19.87	19.96	0.5%
MSD Sewer Service	19.48	19.94	20.43	20.83	21.45	22.41	23.28	23.99	3.1%
	\$36.92	\$39.60	\$40.09	\$40.70	\$41.32	\$42.28	\$43.15	\$43.95	
	1.9%	7.3%	1.2%	1.5%	1.5%	2.3%	2.0%	1.9%	

Average Water Bill* \$24.54

Average MSD Sewer Bill \$24.91

(Typically residential sewer bills are 23% greater than water in both NC & US)

*Does not include "outside" rates

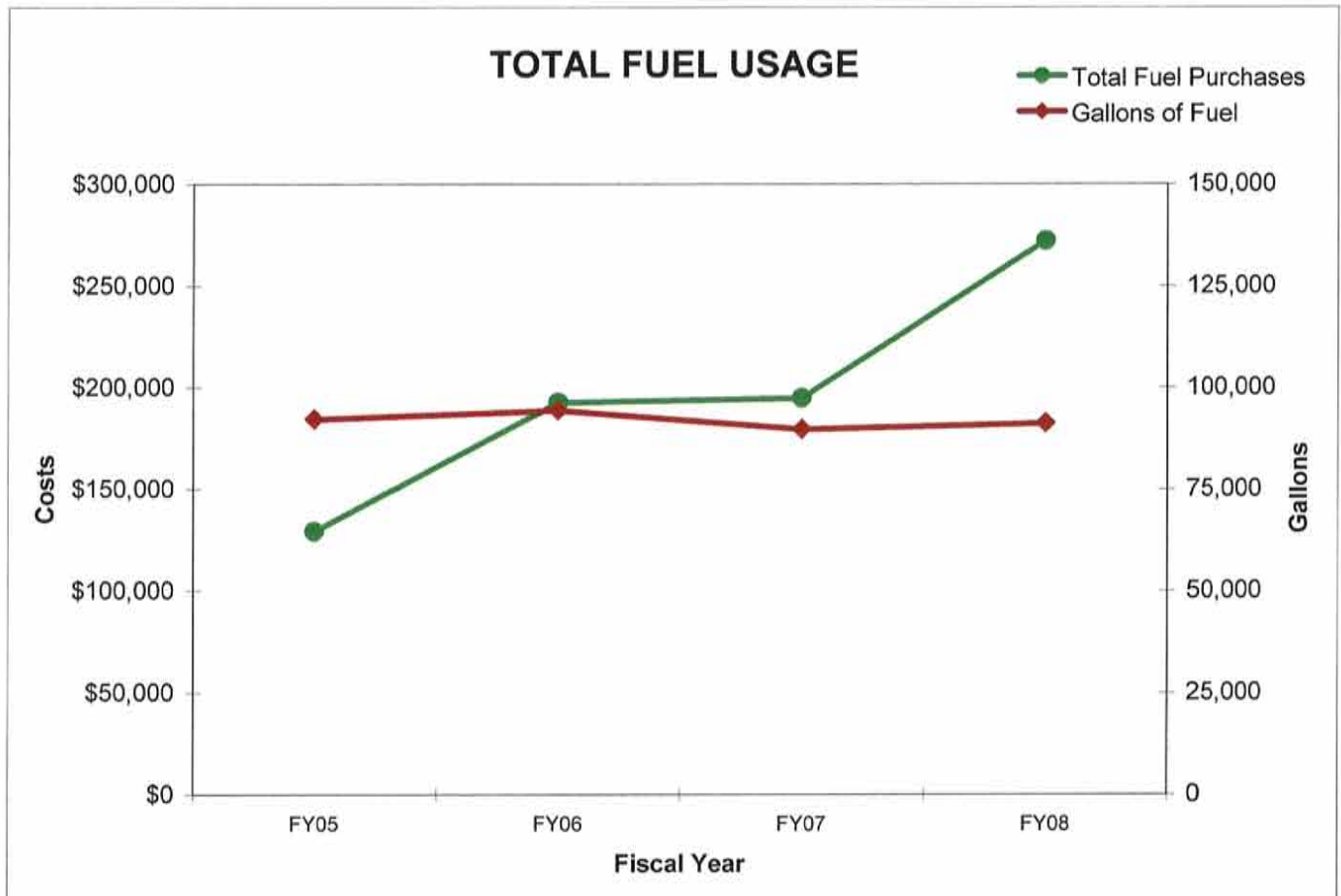
Highlights of MSD's role in Fuel Efficiency

- In July '03, MSD began using B20 Biodiesel – now over 400,000 gallons.
- Started using E10 for gasoline in March '07 – over 17,500 gallons.
- Reduced Fleet inventory in '02 of older surplus vehicles and have since maintained a constant level.
- Annually purchase high-efficiency diesel replacement trucks such as the Mercedes 5-cylinder Sprinter vans. These vehicles can average over 20mpg highway compared to less than 10mpg for the older gas powered ones.
- Most lubrication oils and grease are now synthetic reducing friction and thereby extending engine life and efficiency. Crankcase used oil is closely monitored and analyzed to alert mechanics of potential problems.
- Overall the District has maintained a relatively constant level of fuel consumption while at the same time expanding customer service, reducing emergency response times, and greatly expanding in-house construction.

Shift in traditional labor and workweeks;

- For decades the mandatory 24 hour operations of the wastewater reclamation facility has been staffed by rotating 12-hour shifts; reducing changeovers and inefficiencies associated.
- Adapting the same concept, several other sections of the District have moved to longer shifts (typically 10 hour days) staggered over traditional business hours. This has proven successful so far in both expanding customer service and reducing the impact in rising fuel costs to employees.
- And the EAC has been work on carpooling lists to aid in further reduction of employee's drive time and fuel consumption.

	Total Fuel Purchases	Gallons of Fuel
FY05	\$129,345	92,262
FY06	\$192,682	94,455
FY07	\$194,874	89,790
FY08	\$272,221	91,234



Area homebuilding down far from '07

By Mark Barrett
M.BARRETT@CITIZEN-TIMES.COM

ASHEVILLE — Homebuilding in the region continued its slide in the second quarter as the number of residential building permits dropped 42.7 percent when compared with the same period a year ago.

The April-June figures, for a 10-county region centered on Buncombe County, dropped a similar amount in the first quarter.

There were 857 single-family homes and condominiums permitted during the second quarter in the region stretching from Rutherford County to Macon County, according to Knoxville, Tenn., construction research firm The Market Edge. That compares with 1,496 during the second quarter of 2007.

Regional residential building permits were off 44.9 percent during the first quarter

Homebuilding falls

The number of building permits for residential units excluding apartments dropped again in the second quarter in the region.

	2nd quarter		
	2007	2008	Change
Buncombe	499	276	-44.7%
Haywood	150	64	-57.3%
Henderson	302	129	-57.3%
Jackson	131	79	-39.7%
Macon	101	89	-11.9%
Madison	54	31	-42.6%
McDowell	55	57	3.6%
Polk	44	25	-43.2%
Rutherford	87	61	-29.9%
Transylvania	73	46	-37.0%
WNC	1,496	857	-42.7%

Source: The Market Edge; R. Bradley/CITIZEN-TIMES

after falling 7.2 percent in 2007.

“There are a lot of builders that are suffering because,

Please see **BUILDING** on A3

Continued from A1

I think, they built too much too fast,” said Richard Soderquist of Asheville-based Soderquist Construction Co. He added that builders who construct homes on custom orders are still busy.

“There are not too many developers who are pushing full steam ahead,” Soderquist said, although most are still making preparations and in a position to move ahead with projects once economic conditions change.

Home construction has been hit by much the same factors as the real estate industry as a whole: unsustainable prices and unwise loans followed by a pullback by buyers and lenders.

General concern about the economy has added to the pain.

Nationwide, residential permits were down 23.9 percent in June over June 2007.

Buncombe County saw similar results as the region, with a 44.7 percent

decline in the second quarter, from 499 units permitted in the second quarter of 2007 to 276 in the most recent quarter.

Thomas McClain, owner of Mills River-based custom builder Home Sweet Home, said his business is roughly flat for the year, but it could be worse: “I know there’s a lot of people that are looking for work out there,” he said.

Local employment in the sector had apparently held up relatively well to begin the year, according to state figures. There were 12,200 jobs in natural resources, mining and construction in the Asheville metropolitan area in June, down by 200 from June 2007.

By historic standards, the homebuilding industry is still relatively healthy, said Dale Akins, head of The Market Edge.

“In 2001, '02, '03 and '04, we were doing about 70 mph on the interstate. In '05 and '06 we were doing 150. Now we’re doing 70 again,” he said.



Bulletin No. 8

July 3, 2008

House passes overly restrictive annexation moratorium

By a vote of 98 to 18, the House gave final approval to **HB 2367 – Involuntary Annexation Moratorium**. The bill imposes a broad, harmful nine-month moratorium on city-initiated annexations. It would prohibit municipalities from adopting resolutions of consideration, resolutions of intent or annexation ordinances between Aug. 31, 2008 and May 31, 2009. City-initiated annexations that have already started (resolutions of intent or consideration) also would be affected – the annexation proceedings would be suspended for the nine-month period, and the annexation could not become effective during that period. Annexation proceedings that are complete but in litigation also would be affected – upon a final judgment, the effective date would have to be after May 31, 2009. How a moratorium would affect pending city-initiated annexations is not clear, but it could result in cities and towns having to go back and do over some parts of the annexation procedures, at potentially significant expense. The bill does not affect citizen-requested annexations by petition, including satellite annexations.

The bill that passed the House on third reading on Thursday was amended on the floor to add back in the previous more restrictive provisions. The Judiciary II Committee had adopted a committee substitute for **HB 2367** that would have prohibited city-initiated annexations from becoming effective during a nine-month period, but would not have prevented adoption of resolutions of consideration, intent or ordinances during the moratorium. That version of the bill passed second reading on the House floor, but the final vote was delayed. Before the final vote, the amendment putting back in the overly restrictive provisions were adopted, and then the bill passed final reading.

We appreciate the efforts of Reps. Dan Blue, Lucy Allen and Becky Carney, who spoke on the floor in support of cities and towns. Please thank the members who voted **against** the harmful amendment: Representative(s) Alexander, K.; Alexander, M.; Allen; Bell; Blue;

Bordson; Bryant; Carney; Cole; Cotham; Dickson; Earle; Faison; Farmer-Butterfield; Fisher; Gibson; Glazier; Goodwin; Haire; Hill; Hughes; Jeffus; Killian; Love; Martin; Mobley; Neumann; Parmon; Ross; Samuelson; Saunders; Sutton; Tarleton; Tolson; Tucker; Underhill; Wainwright; Wilkins; Womble; and Wray. We owe **special thanks** to the members who voted **against the bill** on third reading, after the overly restrictive amendment: Representative(s): Alexander, K.; Alexander, M.; Earle; Fisher; Furr; Gibson; Glazier; Goodwin; Gulley; Haire; Hughes; Jeffus; Martin; Mobley; Owens; Saunders; Tolson; Tucker
“We told the House Select Committee back in February that municipal officials were ready and willing to discuss reasonable changes to the state’s annexation statutes to address some concerns expressed by citizens.” said NCLM Executive Director S. Ellis Hankins. “Municipal officials and many business leaders do not believe that a moratorium is necessary or warranted, and are very concerned that this proposed block on annexations would impair orderly and cost-effective provision of necessary services to growth areas. If this were to become law, annexation opponents would seek to extend the moratorium next year and in future years, as happened in Virginia.”

The bill now moves to the Senate. We urge you to **contact your senators immediately** to voice your opposition to an annexation moratorium. Ask them not to consider the moratorium in the last days of the session when there is inadequate time left for careful deliberation on this important issue.

Budget negotiations

According to published reports, the House and Senate have worked on most of the differences between their two versions of the budget, but there will be no vote on the budget this week. Leaders expect a vote next week.

Drought response legislation

League staff members now are evaluating a new version of legislation concerning drought issues that was proposed Thursday. The governor has called for legislation this session to deal with water conservation issues in response to drought conditions in the state. The staff is working to keep existing provisions for local participation in the procedures for declaring a water emergency, to retain local flexibility in choosing best practices in response to a drought and to protect local ability to set water system rates.

NC General Assembly Information

Main Number (Any Legislator)	(919) 733-4111
Printed Bills Office	(919) 733-5648
Bill Status Desk	(919) 733-7779
Legislative Building	fax (919) 733-2599
Raleigh, NC 27601-1096	
Legislative Office Building	fax (919) 733-3113
Raleigh, NC 27603-5925	
www.ncleg.net (NC General Assembly Website)	
www.nclm.org (NC League of Municipalities Website)	

Ellis Hankins
Executive Director

Andrew L. Romanet, Jr.
General Counsel



August 12, 2008

French Broad River at lowest level in at least 100 years

River's water flow rate may worsen if drought continues

Nanci Bompey

Stream flows in the French Broad River have reached their lowest levels since record-keeping began in 1895 and likely will continue to drop as the region's drought drags on. The river at Pearson Bridge in Asheville was flowing at a rate of 121 million gallons a day on Sunday, according to the U.S. Geological Survey.

That rate falls well below the median stream flow of 781 million gallons a day for this time of year and below a previous low of 139 million gallons a day measured in 2002.

"I've been working in river programs for 27 years, and I've never seen the river this low," said Bill Eaker, environmental services manager for the Land-of-Sky Regional Council.

Eaker spoke Monday as he surveyed the French Broad near Carrier Park in getting ready for the annual Mayors' Cup Raft Race coming Sunday.

Ironically, the event intended to highlight the river's cultural, economic and recreational importance could be in jeopardy because water reaches only ankle- and knee-deep in places, Eaker said.

Around the region, commercial rafting companies have cut trips and water systems have issued conservation measures as a lack of rain combined with groundwater systems that never recovered from last year's drought have caused low stream flows.

Monthly average stream flows were at all-time record lows during June and July at more than half of the USGS long-term stream flow gages in WNC

Nearly all of region is listed by the state as being in an exceptional drought, the most severe classification. Asheville has received nearly 10 fewer inches of rain this year than normal.

At this rate, it would take about one and a half times normal rainfall between now and January to end the drought, according to the National Ocean and Atmospheric Administration.

"I can't predict the weather, but if conditions persist, it's (stream levels) going to stay low," said Jerad Bales, director of the N.C. Water Sciences Center.

Quantity and quality

Low water levels can bring a host of problems for the French Broad, a river seen by some as a symbol for WNC.

"The river is probably the one natural resource, other than the mountains, that people most closely identify with," Eaker said.

With less water, pollution from industries and other entities that discharge into the water are at higher concentrations. Water temperatures also have been increasing while the levels have been dropping.

"People don't know too much about how rivers respond to drought," Bales said. "What is happening now is everything that lives there is being squeezed into a smaller and smaller space ... the less water there is there is less oxygen in the water, and the fish are going to be stressed because of that."

The river was once a major lifeline of the region, serving as a source of water for Native Americans and later as a transportation corridor for farmers traveling through the region.

Water quality in the French Broad deteriorated when it was used as a dumping ground for raw sewage as the population of WNC and its industry grew, but cleaned up after the passage of the Clean Water Act in the 1970s.

Since then, the river has become important for towns in WNC.

All of Hendersonville's water comes from the Mills River, and South Asheville is served primarily by the city's intake on the confluence of the two rivers.

Low water levels in the Mills River forced Hendersonville last week to institute mandatory water restrictions.

The river levels also are hurting some in the tourism industry. For the first time in more than 25 years, the Nantahala Outdoor Center decided last week to stop actively selling rafting trips on the French Broad. It has also cut back on trips on the Chattooga River.

"It was just getting lower and lower and lower ... It was just getting to the point where it was obvious that the river was handicapped," said NOC spokesman Charles Conner. "It's just not a river trip we want to sell to these people."

Conner said the company will definitely feel a sting from the loss of trips on the river as will French Broad Rafting Expeditions, a small company out of Marshall that is now running inflatable one-person duckies on the river instead of the larger rafts. The change translates into fewer numbers of people per trip.

"It will end up being a tough summer," said owner Michael Hampton.

Making a point

If there is an upside to the low water levels, some hope it lies in focusing attention on the need to plan for water use as WNC continues to grow.

"It's a bad time for recreation and event planners, but it's a great time to drive home the point that water resources are limited, and we've got to work together because this is a regional resource," Eaker said.

French Broad riverkeeper Hartwell Carson said local governments need to start talking about ways to plan for increased water use and how they can work together to make sure water is evenly distributed around the region.

"If now is not the right time to be looking at long-term solutions, then I don't know what is," Carson said. "If the lowest levels of water ever can't raise people's awareness, then I don't know what will."

Bales said more regulation on withdrawing water would help scientists better understand what is going on in the rivers and in turn help people manage the rivers more effectively.

"The river will recover, but water resource managers need to pay attention because WNC is growing, water demands are growing," Bales said. "We plan for certain worst-case conditions and maybe although we plan for the worst-case conditions the conditions are worse than we planned for."



United States Department of the Interior

FWS-William
TAKE PRIDE IN AMERICA

OFFICE OF THE SECRETARY

Office of Environmental Affairs
Richard B. Russell Federal Building
75 Spring Street, S.W.
Atlanta, Georgia 30303

JUL 17 1990

WM	
EB	
S	

ER-83/1355

Ms. Lois Cashell, Secretary
Federal Energy Regulatory Commission
Room 9310
825 North Capitol Street, NE.
Washington, D.C. 20426

Dear Ms. Cashell:

The Department of the Interior is submitting the following terms and conditions to be included as exemption requirements for the Craggy Dam Hydroelectric Project (FERC No. 7497-001), operated by the Metropolitan Sewerage District of Buncombe County, North Carolina. The facility is located on the French Broad River at Asheville, North Carolina. These requirements come as a result of negotiations between the applicant and the U.S. Fish and Wildlife Service (Service) and in accordance with your March 8, 1989, compliance order.

1. The instantaneous minimum flow maintained at the dam shall be no less than the following values for the indicated months:

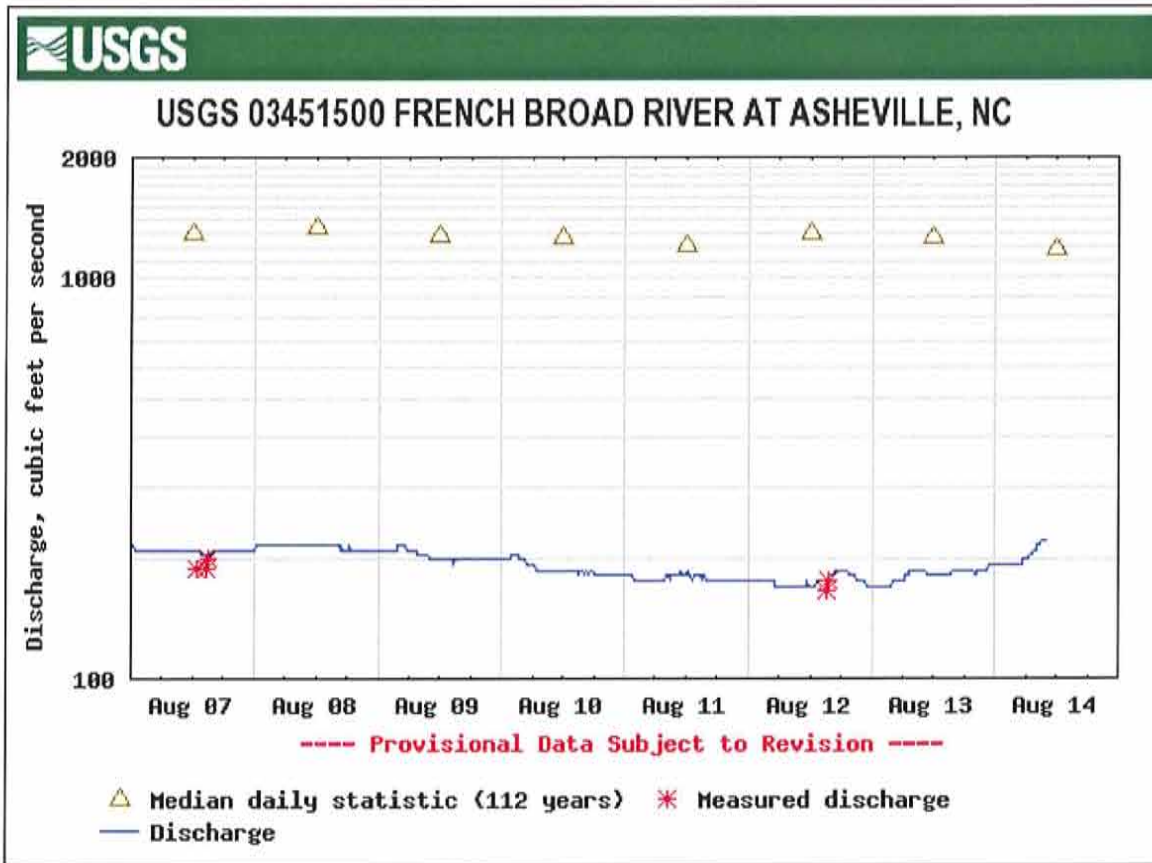
January	375 cfs
February	460 cfs
March	460 cfs
April	460 cfs
May	400 cfs
June	350 cfs
July	325 cfs
August	275 cfs
September	275 cfs
October	275 cfs
November	325 cfs
December	375 cfs

RECEIVED
AUG 16 1990
RENOUGH ENGINEERING

In the event that flows into the reservoir are less than required, flow in the bypassed river reach shall equal inflow to the reservoir.

2. Habitat value losses resulting from the above flow regime shall be mitigated by construction of three (3) wing dams from the west bank of bypassed section which extend no more than two hundred (200) feet into the river. The structures shall be designed to enhance existing fish habitat, and their design and placement shall be subject to approval of the North Carolina Wildlife Resources Commission (Commission), North Carolina Division of Water Resources (Division), and the Service. All components of the wing dam, tie downs, and anchoring rebar should be composed of corrosion-resistant materials to ensure the structures will last for a period equal to the license period.

JUL 23 1990



REPORT OF COMMITTEES

PERSONNEL COMMITTEE MEETING

July 22, 2008

9:00 a.m.

1. Call to Order

Chairman VeHaun called the meeting to order at 9:06 am in the W.H. Mull Building of the Metropolitan Sewerage District. In attendance, were the following members: Jackie Bryson, David Gantt, Stephen Metcalf, and Bill Russell. Also present were Steven Aceto, Max Haner, Billy Clarke, Tom Hartye, Jim Hemphill, and Pam Thomas.

2. Inquiry as to Conflict of Interest

Mr. VeHaun stated there was none at this time.

3. Evaluation of the General Manager

Mr. Hartye discussed objectives and short term goals.

The goals were as follows:

- Update MSD collection system master plan. McGill associates are approximately 75 – 80% complete which involves incorporating growth planning documents and maps from all of our member agencies into a master plan and developing sewer maps for growth/expansion areas and including them into a hydraulic model. An interim report was given in March and the final report is planned to be given at the Board meeting in October.

- Microscreen Project Design. After a lengthy selection process Black and Veatch was selected based upon their experience with retrofitting filter systems. The general design phase is on schedule. Preliminary design is complete along with the specifications for the equipment. The equipment will be purchase this fiscal year set to the lead time for fabrication. The final design will be completed by the end of the year and construction begins in early FY09-10.

- Kept within the operating budget for this fiscal year and are approximately 4% under budget for fiscal year.

- Environmental permit/regulations: MSD has received good regulatory reports for plant (discharge permit), collections system permit, pretreatment program, and the ISO program.

- Replacing 50,000 LF of sewer main per permit: MSD has rehabbed or replaced over 64,000 feet of sewer mains this last year. MSD has negotiated with the state to modify our collection system permit from 50,000 feet per year to 250,000 feet over 5 years, allowing fluctuation of construction cost between years. Over 27,000 feet was accomplished by in-house crews.

- Preventative maintenance permit requirement to clean 10% of your system which comes to less than 500,000 LF for the District. The District has cleaned over 931,000 feet of sewer by our in - house crews.

- Assist board in addressing issues and how to utilize the soon to be updated master plan. Staff and McGill Assoc. utilized a portion of the updated Master Plan for the Reems Creek basin to address policy changes that the Board was to consider. The policy changes reflected a shift from utilizing incentives to get as many customers onto the system to incentives/participation in assuring the orderly growth of the sewer system. The changes also included MSD's role in facilitating the installation of interceptors in areas already identified by our partner agencies, which will need public sewer in the future.

- Update financial forecast and parity plan and assist Board in understanding assumptions, inputs and impacts. The changes included in our financial plan for this year were related to: operations, medical insurance, GASB 45, updated capital improvement program, revenues (i.e. rates and fees, future growth projections, and industrial use changes). These projections proved useful in pursuing an upgrade to our bond ratings. Would like to thank Billy Clarke for all the help and time spent on the reissuance of the bonds etc. The District had lost 1.8 million in industrial revenue the year before, and trying to go for an upgrade in rating with the market the way it is was tough.

- Assess areas of improvement for customer service to developers and the permit process. After input from our development customers as to how we could improve our already good customer service, the District reengineered our plan review process to one reviewer/project manager for both the engineering and the right of way issues. This helps provide more effective customer service.

- Succession planning for passing on of knowledge, experience, and core values. This involves a two tiered approach to succession planning a short term, 2 to 6 years for imminent and critical position retirements, and a long term time table. Projected critical positions, projected retirements, and how to fill those positions from within the organization are the major aspects of the plan. Mr. Hemphill has worked with the division directors to see what their needs are, who will be going out, and time table for training.

Mr. Gantt asked if the master plan was on schedule and if the staff liked the way it had progressed. Mr. Hartye stated he was very pleased and that this was the first time the district had undertaken a master plan of this nature. The plan is more detailed on how the system will grow. Mr. Gantt asked since we have used Black and Veatch, have we been pleased with the new ideas on how to use the microscreens. Mr. Hartye replied the staff was very pleased with the initial design concepts and they were happy with preliminary design product. Mr. Haner asked since the District ended up with 2 -4% under budget how did that compare to years past. Mr. Hartye stated that the percentage has been like that for at least 8 years now. Mr. Haner asked if that 2-4% is a result of a rate increase. Mr. Hartye stated that this is the only the operations budget, which is one part of the overall budget (approx. 1/3). Most people focus in on the operations budget because it concerns the day to day operations for the entire year. The overall budget includes the CIP and debt service. The financial planning takes any carry over monies and applies it going forward to minimize future rate increases. Mr. Aceto stated he has never seen an operations budget miss by more than 5% in recent past. Mr. Aceto asked what are you most proud of and what are most disappointed with in the past year. Mr. Hartye stated he was most proud of the up rating the MSD received even with the economy the way it was and the loss of industry which showed confidence in management and was most disappointed with a personnel issue that was unfortunate.

Mr. VeHaun moved that the meeting be conducted in closed session to discuss Mr. Hartye's evaluation and possible changes in compensation.

Closed session began at 9:50 a.m.
Closed session ended at 10:08 a.m.

Recommendation:

Mr. Gantt moved that the personnel committee recommend to the Board that Mr. Hartye receive a 7% increase in salary to \$140,350.00, along with a \$4,000.00 bonus. Ms. Bryson seconded the motion. Voice vote was unanimous.

4. Adjourn

With no further business, the meeting was adjourned at 10:10 a.m. No future meeting has been scheduled.

**RIGHT OF WAY
COMMITTEE RECOMMENDATIONS
AND MINUTES
July 23, 2008**

I. Call To Order

The regular monthly meeting of the Right of Way Committee was held in the Boardroom of the William H. Mull Building and called to order at approximately 9:05 a.m. on Wednesday, July 23, 2008. The following Right of Way Committee members were present: Glenn Kelly, Jackie Bryson, Jerry VeHaun and Jon Creighton.

Others present were: Steven Aceto, Chairman of the Board; Max Haner, Board member; Tom Hartye, Angel Banks, Ed Bradford, Mike Stamey, Shaun Armistead, Wesley Banner, Scott Powell and Pam Nolan, M.S.D.

II. Inquiry as to Conflict of Interest

Mr. Kelly inquired if anyone had a conflict of interest with Agenda items. There was none.

III. Consideration of Condemnations – Crockett Road PRP, Project No. 2004265

PIN No. 9658.11-56-7301 – This property is located just off Crockett Avenue in the Haw Creek area. The subject property is currently improved with a single family residence. The property owner's major concern is loss of trees and buffer area within the proposed alignment. The owner has proposed an alternate alignment to address this issue but staff is not agreeable to the alternate alignment location as it will result in the loss of a row of several large hemlock trees on the neighboring parcel. MSD offered the property owner \$629.00 for planting replacements in addition to \$3,371.00 compensation for the required easement area, however, the property owner has been unresponsive to date.

Total Contacts: 11

PIN No.'s 9758.11-55-7938 and 9758.11-56-7199 – This property is located just off Crockett Avenue in the Haw Creek area. The subject property is currently improved with apartment dwellings. The property owner has not voiced any concerns pertaining to this project, however, he is not willing to sign due to disagreement on a previous project. During restoration on a prior project, the owner demanded double the amount of the replacement trees as originally set forth in the special provisions, and MSD did not agree. The property owner has not expressed any concerns with the \$3,738.00 compensation offered for the required easement area on his property.

Total Contacts: 5

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnations.

Ms. Banks explained the above situations and noted that the apartment buildings were constructed over the existing sewerline and the re-route on this project will alleviate future problems for both the property owner and MSD. There was no discussion. Jerry VeHaun made the motion to accept Staff's recommendation. Jon Creighton seconded the motion. Voice vote was unanimous.

COMMITTEE RECOMMENDATION: Authority to obtain appraisal and proceed with condemnations.

IV. Consideration of Condemnation – Weaverville Highway @ Hillcrest Road, Project No. 2007022

PIN No. 9731.19-60-1068 - This property is located along Weaverville Highway in Woodfin and is currently unimproved. The lot is small, being 50' wide (front/rear lot lines) by 120' deep (side lot lines). MSD's proposed easement encumbers 5.77 linear feet along the front lot width and 20.66 linear feet along the rear lot width. The existing line encumbers the western half of the parcel (see drawing). The rehabilitation alignment has been repositioned as near to the side lot line as possible. The property owner's major concern is loss of buildable area due to the proposed permanent sewer easement.

The owner proposed an alternate alignment within the parking lot for his neighbor's distribution center (see drawing). This alignment would block the distributor's business during construction and would be more expensive due to the asphalt replacement required. Additionally, the owner has provided no evidence from any authority that future building potential will be reduced from the current building potential with existing utilities as they are now located. The owner has requested a sewer service and clean out which will be provided and has countered the compensation offered of \$13,924 with \$63,880. While the owner does not wish to impede rehabilitation plans, he does feel the proposed easement damages his property beyond use. See attached letter, which has been included per his request.

Total Contacts: 13

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation.

Ms. Banks asked Committee members to look at attached color map and explained location and situation. There was some discussion regarding the location. Mr. Haner asked if MSD's Counsel was aware of this situation and what their opinion was on what an outcome of a court proceeding might be. Ms. Banks stated that they were aware via copy of this package but had not yet made any comments. Mr. Kelly pointed out that the next step would be for staff to obtain an appraisal, which would go to MSD Counsel. Mr. Stamey stated that if the proposed alignment was moved further over the adjoining business would be shut down during construction. Mr. Banner stated that he had spoken with the adjoining property owner and they would not be agreeable if the alignment were shifted further onto their property. Mr. Bradford stated that we are helping the property owner in that we are moving the sewerline closer to the side property line than it currently exists. Mr. Haner stated that his position on this situation would be the appearance of MSD not being reasonable and is concerned about whether MSD would prevail in this situation. Mr. Aceto stated that it appeared to him that the property owner was coming out better. Mr. Kelly stated that he agreed and that MSD could put the line back in the same trench if they chose to. There was some discussion regarding the zoning in this area and that there are no side set back lines. Mrs. Bryson asked how long this project would take. Mr. Stamey stated approximately 1-2 months.

There was discussion regarding subject parcel being a vacant lot, the construction cost increase to MSD due to pavement replacement and the effect this project would have on the adjoining business if the subject owner's proposed alignment were used. Mr. Kelly made the motion to accept Staff's recommendation. Jerry VeHaun seconded the motion. Voice vote was unanimous.

COMMITTEE RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation.

**V. Consideration of Condemnation – Merrimon Avenue @ Ottari Road,
Project No. 2004203**

PIN No. 9740.18-42-2327 – This property is located along Merrimon Avenue and is a commercial property improved with retail use including a bank with a drive thru. The land owner has not voiced any major concerns pertaining to the project but did request after hours work in the bank parking lot and additional paving restoration of the parking lot after construction which MSD has made provisions for. There are four lessees that must sign and despite site meetings, phone calls, and e-mails they have not been responsive to date. None of the four lessees have voiced any concerns pertaining to the project. The property owner has not expressed any concerns with the \$60,346 compensation offered for the required easement areas on his property. MSD has worked with owner and tenants since July of 2007 and must move forward with the project. Bid date is set for October 30th.

Total Contacts: 24

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation.

Ms. Banks explained the above situation. There was no discussion. Glenn Kelly made the motion to accept Staff's recommendation. Jackie Bryson seconded the motion. Voice vote was unanimous.

COMMITTEE RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation.

**VI. Consideration of Condemnation – Monroe Place General Sewer Rehabilitation,
Project No. 1996226**

PIN No. 9649.14-32-1809 – This property is located along Broadway Avenue near downtown Asheville. The property is improved with office use. The property owner's major concern is the limitation that the permanent easement will have in regard to future construction of a retaining wall for a parking lot expansion. He also expressed concerns relating to a replacement tree and advance notice before work begins, which MSD has provided for. The owner has also expressed he is not pleased with the \$436.00 compensation being offered and is requesting \$5,000.00 total compensation.

It is noted that the existing building was constructed over the public sewer line, not allowing for replacement in the same trench. The proposed alignment skirts the building to avoid structural damage then rejoins the existing trench in the rear yard. The areas of overlap in the existing easement and the proposed were netted out (contributing to a lower compensation). Also, abandonment of the line under the building is of some benefit to the owner.

Total Contacts: 8

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation.

Ms. Banks explained the above situation. There was no discussion. Jerry VeHaun made the motion to accept Staff's recommendation. Jon Creighton seconded the motion. Voice vote was unanimous.

COMMITTEE RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation.

VII. Quarterly Report – Fourth Quarter

Attached you will find a Project Status Summary for all active acquisition projects. This report provides information on percentage of easements complete, percentage of compensation expended and comments on condemnations. This information is provided for your review.

STAFF RECOMMENDATION: For information only. No action required.

VIII. Condemnation Statistics – July 1, 1991 to June 30, 2008

Attached you will find a report outlining condemnation statistics and summarizing Right of Way activity from July 1, 1991 to June 30, 2008.

STAFF RECOMMENDATION: For information only. No action required.

There being no further business the meeting adjourned at approximately 9:25 am.

CONSOLIDATED MOTION AGENDA

Metropolitan Sewerage District of Buncombe County

Board Action Item - Right-of-Way Committee

COMMITTEE MEETING DATE: 7/23/08

BOARD MEETING DATE: 8/20/2008

SUBMITTED BY: Tom Hartye, PE, General Manager
 PREPARED BY: Angel Banks, Right of Way Manager
 REVIEWED BY: Ed Bradford, PE, Director of CIP

SUBJECT: Consideration of Condemnations – Crockett Road PRP, Project No. 2004265

PIN No. 9658.11-56-7301 – This property is located just off Crockett Avenue in the Haw Creek area. The subject property is currently improved with a single family residence. The property owner's major concern is loss of trees and buffer area within the proposed alignment. The owner has proposed an alternate alignment to address this issue but staff is not agreeable to the alternate alignment location as it will result in the loss of a row of several large hemlock trees on the neighboring parcel. MSD offered the property owner \$629.00 for planting replacements in addition to \$3,371.00 compensation for the required easement area, however, the property owner has been unresponsive to date.

Total Contacts: 11

PIN No.'s 9758.11-55-7938 and 9758.11-56-7199 – This property is located just off Crockett Avenue in the Haw Creek area. The subject property is currently improved with apartment dwellings. The property owner has not voiced any concerns pertaining to this project, however, he is not willing to sign due to disagreement on a previous project. During restoration on a prior project, the owner demanded double the amount of the replacement trees as originally set forth in the special provisions, and MSD did not agree. The property owner has not expressed any concerns with the \$3,738.00 compensation offered for the required easement area on his property.

Total Contacts: 5

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnations.

Ms. Banks explained the above situations and noted that the apartment buildings were constructed over the existing sewerline and the re-route on this project will alleviate future problems for both the property owner and MSD. There was no discussion. Jerry VeHaun made the motion to accept Staff's recommendation. Jon Creighton seconded the motion. Voice vote was unanimous.

COMMITTEE RECOMMENDATION: Authority to obtain appraisal and proceed with condemnations.

COMMITTEE ACTION TAKEN	
Motion by: Jerry VeHaun	To: XX Approve <input type="checkbox"/> Disapprove
Second by: Jon Creighton	<input type="checkbox"/> Table <input type="checkbox"/> Send back to Staff
<input type="checkbox"/> Other	
BOARD ACTION TAKEN	
Motion by:	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to Staff
<input type="checkbox"/> Other	

Metropolitan Sewerage District of Buncombe County

Board Action Item - Right-of-Way Committee

COMMITTEE MEETING DATE: 7/23/08

BOARD MEETING DATE: 8/20/2008

SUBMITTED BY: Tom Hartye, PE, General Manager
 PREPARED BY: Angel Banks, Right of Way Manager
 REVIEWED BY: Ed Bradford, PE, Director of CIP

**SUBJECT: Consideration of Condemnation – Weaverville Highway @ Hillcrest Road,
 Project No. 2007022**

PIN No. 9731.19-60-1068 - This property is located along Weaverville Highway in Woodfin and is currently unimproved. The lot is small, being 50' wide (front/rear lot lines) by 120' deep (side lot lines). MSD's proposed easement encumbers 5.77 linear feet along the front lot width and 20.66 linear feet along the rear lot width. The existing line encumbers the western half of the parcel (see drawing). The rehabilitation alignment has been repositioned as near to the side lot line as possible. The property owner's major concern is loss of buildable area due to the proposed permanent sewer easement.

The owner proposed an alternate alignment within the parking lot for his neighbor's distribution center (see drawing). This alignment would block the distributor's business during construction and would be more expensive due to the asphalt replacement required. Additionally, the owner has provided no evidence from any authority that future building potential will be reduced from the current building potential with existing utilities as they are now located. The owner has requested a sewer service and clean out which will be provided and has countered the compensation offered of \$13,924 with \$63,880. While the owner does not wish to impede rehabilitation plans, he does feel the proposed easement damages his property beyond use. See attached letter, which has been included per his request.

Total Contacts: 13

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation.

Ms. Banks asked Committee members to look at attached color map and explained location and situation. There was some discussion regarding the location. Mr. Haner asked if MSD's Counsel was aware of this situation and what their opinion was on what an outcome of a court proceeding might be. Ms. Banks stated that they were aware via copy of this package but had not yet made any comments. Mr. Kelly pointed out that the next step would be for staff to obtain an appraisal, which would go to MSD Counsel. Mr. Stamey stated that if the proposed alignment was moved further over the adjoining business would be shut down during construction. Mr. Banner stated that he had spoken with the adjoining property owner and they would not be agreeable if the alignment were shifted further onto their property. Mr. Bradford stated that we are helping the property owner in that we are moving the sewerline closer to the side property line than it currently exists. Mr. Haner stated that his position on this situation would be the appearance of MSD not being reasonable and is concerned about whether MSD would prevail in this situation. Mr. Aceto stated that it appeared to him that the property owner was coming out better. Mr. Kelly stated that he agreed and that MSD could put the line back in the same trench if they chose to. There was some discussion regarding the zoning in this area and that there are no side set back lines.

Mrs. Bryson asked how long this project would take. Mr. Stamey stated approximately 1-2 months. There was discussion regarding subject parcel being a vacant lot, the construction cost increase to MSD due to pavement replacement and the effect this project would have on the adjoining business if the subject owner's proposed alignment were used. Mr. Kelly made the motion to accept Staff's recommendation. Jerry VeHaun seconded the motion. Voice vote was unanimous.

COMMITTEE RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation.

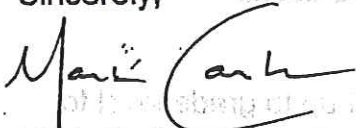
COMMITTEE ACTION TAKEN	
Motion by: Glenn Kelly	To: XX Approve <input type="checkbox"/> Disapprove
Second by: Jerry VeHaun	<input type="checkbox"/> Table <input type="checkbox"/> Send back to Staff
<input type="checkbox"/> Other	
BOARD ACTION TAKEN	
Motion by:	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to Staff
<input type="checkbox"/> Other	

- Restrictions by MSD on the placement of additional fill within the easement area will require my construction of retaining walls and devices to provide stable retention of fill for my future building as well as insure fill does not encroach into the easement area.
- I formerly owned the adjoining lot north of this site where I built the building currently occupied by Ference Cheese. At the time, in order to control surface runoff from a creek north of me, and to comply with TVA requirements for 100 year flood levels, I installed a 6' steel culvert channel from the "Ference" North boundary to and through this subject lot.
- As you can see from the location of the aforementioned culvert, this, in itself, creates significant limitations as to the size and placement of a future building.
- There are a combination of considerations affecting the lot which separately, and especially taken together, create significant use restrictions.
- The permanent easement you seek is for 1445 square feet. This amounts to 24% of my total parcel. Considering best available usable space, the impact of your request impacts considerably more than 24% of the utility of the lot.

I have been made aware that your process of arriving at value compensation for property taken involves applying a standard dollar figure applied to the land square footage needed for the easement. I suppose as a general rule this would be practical and fair. But, in the case of my lot, available square footage is at a real premium and there are only limited spaces to use for a building site, not to mention a reduction in the size of the future building.

For this reason I submit to you that \$63,880 is a reasonable payment for the proposed easement. (Tax valuation for recent years has been \$106,100). I hope I have explained my position clearly and to your understanding. Mr. Banner, it is my hope we can reach an agreement on this matter so that MSD can proceed with their plans and I can do likewise. I believe it will be in both of our best interests. I would like to begin construction in calendar year 2008. Thank you for your attention.

Sincerely,


 Mark Carlson

Mark Carlson
Quality Builder
18 Laurel Creek Drive
Asheville, NC 28803

June 15, 2008

Mr. Wesley Banner
Right of Way Agent
Metropolitan Sewerage District
2028 Riverside Drive
Asheville, NC 28804

**SUBJECT: Weaverville Highway @ Hillcrest Road Sanitary Sewer Replacement
MSD of Buncombe County Project #2007022**

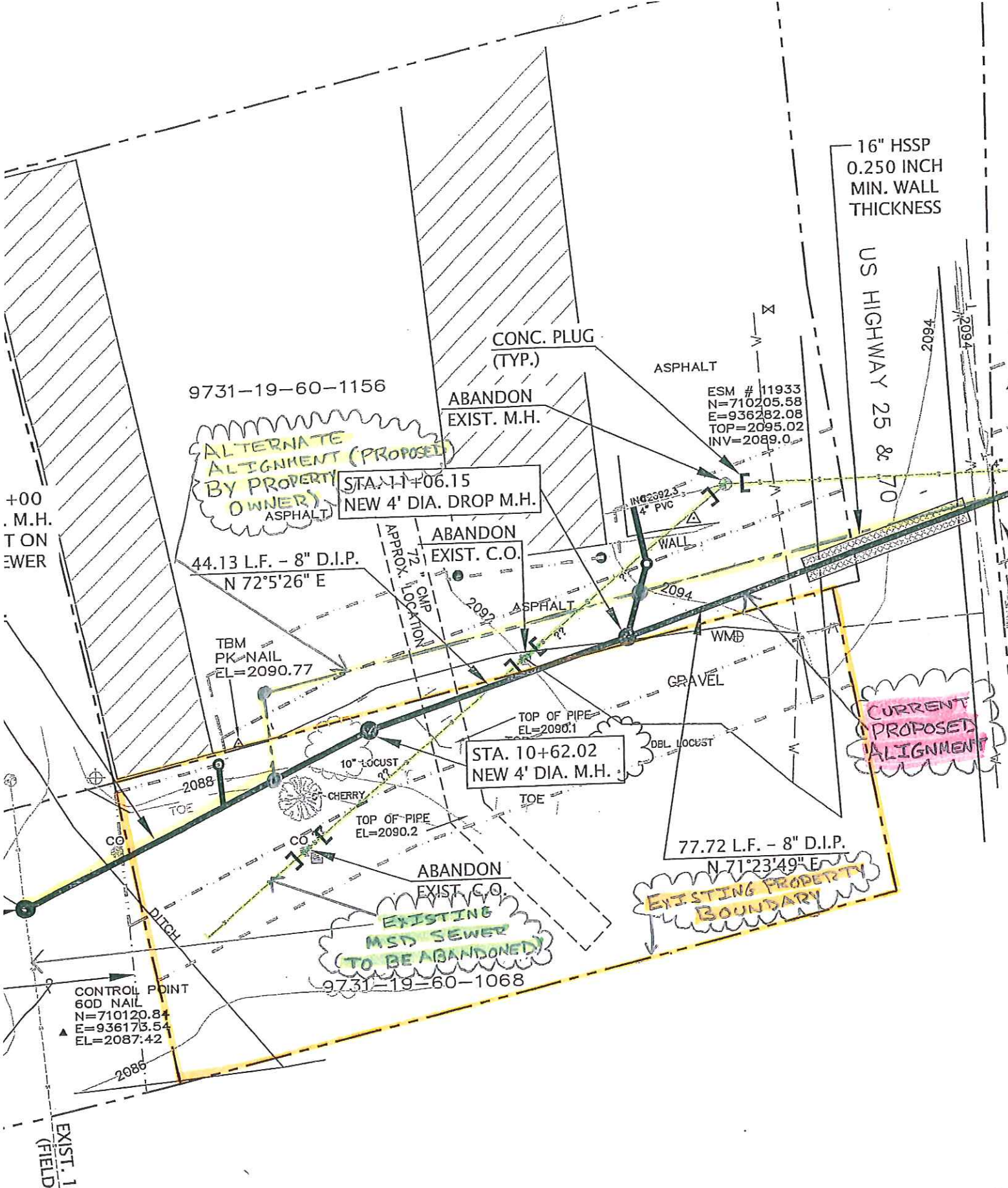
Dear Mr. Banner,

We have met on the site in question and conversed several times about the impact MSD's proposed new line and easement would have upon my planned development of the site. When I purchased the property several years ago for the purpose of commercial development, I was aware of the existing challenges inherent with the property. I have tried to express to you at each of our contacts that it is in no way my intention to impede the plans MSD would like to see implemented, but I don't believe MSD has yet to understand the limitations their request places upon me. Please see that your committee gets copies of this letter.

As a builder/developer in Buncombe for 30 years, I am well familiar with the hurdles faced in trying to see a project through from concept to completion. At the same time, I must make reasonable efforts to insure my investment and plans for the site are equally respected. After having discussed this matter at some length with you on several occasions, I have consulted my attorney regarding MSD's proposal. He is aware of the unique conditions of this parcel and has recommended I respond to you personally one last time with a proposal in hopes he will not need to be retained to represent me in the future.

For the purpose of explanation to others who may not be familiar with the site and with our discussions, let me provide some background detail.

- The actual size of the lot is 50' x 120'.
- The topography requires considerable fill to bring it up to grade level to Weaverville Highway. Otherwise the lot is uniformly flat.



+00
M.H.
TON
OWER

16" HSSP
0.250 INCH
MIN. WALL
THICKNESS

US HIGHWAY 25 & 70

9731-19-60-1156

CONC. PLUG
(TYP.)

ASPHALT

ESM # 11933
N=710205.58
E=936282.08
TOP=2095.02
INV=2089.02

ABANDON
EXIST. M.H.

ALTERNATE
ALIGNMENT
(PROPOSED)
BY PROPERTY
OWNER
ASPHALT

STA. 10+06.15
NEW 4' DIA. DROP M.H.

INC 2092.3
4" PVC

ABANDON
EXIST. C.O.

44.13 L.F. - 8" D.I.P.
N 72°5'26" E

TBM
PK NAIL
EL=2090.77

ASPHALT

WMB

GRAVEL

STA. 10+62.02
NEW 4' DIA. M.H.

TOP OF PIPE
EL=2090.1

CURRENT
PROPOSED
ALIGNMENT

TOP OF PIPE
EL=2090.2

77.72 L.F. - 8" D.I.P.
N 71°23'49" E

EXISTING PROPERTY
BOUNDARY

ABANDON
EXIST. C.O.

EXISTING
MSTW SEWER
TO BE ABANDONED

9731-19-60-1068

CONTROL POINT
60D NAIL
N=710120.84
E=936173.54
EL=2087.42

EXIST. 12" SEWER
(FIELD VERIFY)

SANITARY SEWER REPLACEMENT PLAN

SCALE: 1"=20'

Metropolitan Sewerage District of Buncombe County

Board Action Item - Right-of-Way Committee

COMMITTEE MEETING DATE: 7/23/08

BOARD MEETING DATE: 8/20/2008

SUBMITTED BY: Tom Hartye, PE, General Manager
 PREPARED BY: Angel Banks, Right of Way Manager
 REVIEWED BY: Ed Bradford, PE, Director of CIP

**SUBJECT: Consideration of Condemnation – Merrimon Avenue @ Ottari Road,
 Project No. 2004203**

PIN No. 9740.18-42-2327 – This property is located along Merrimon Avenue and is a commercial property improved with retail use including a bank with a drive thru. The land owner has not voiced any major concerns pertaining to the project but did request after hours work in the bank parking lot and additional paving restoration of the parking lot after construction which MSD has made provisions for. There are four lessees that must sign and despite site meetings, phone calls, and e-mails they have not been responsive to date. None of the four lessees have voiced any concerns pertaining to the project. The property owner has not expressed any concerns with the \$60,346 compensation offered for the required easement areas on his property. MSD has worked with owner and tenants since July of 2007 and must move forward with the project. Bid date is set for October 30th.

Total Contacts: 24

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation.

Ms. Banks explained the above situation. There was no discussion. Glenn Kelly made the motion to accept Staff's recommendation. Jackie Bryson seconded the motion. Voice vote was unanimous.

COMMITTEE RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation.

COMMITTEE ACTION TAKEN	
Motion by: Glenn Kelly	To: <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by: Jackie Bryson	<input type="checkbox"/> Table <input type="checkbox"/> Send back to Staff
<input type="checkbox"/> Other	
BOARD ACTION TAKEN	
Motion by:	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to Staff
<input type="checkbox"/> Other	

Metropolitan Sewerage District of Buncombe County

Board Action Item - Right-of-Way Committee

COMMITTEE MEETING DATE: 7/23/08

BOARD MEETING DATE: 8/20/2008

SUBMITTED BY: Tom Hartye, PE, General Manager
 PREPARED BY: Angel Banks, Right of Way Manager
 REVIEWED BY: Ed Bradford, PE, Director of CIP

SUBJECT: Consideration of Condemnation – Monroe Place General Sewer Rehabilitation, Project No. 1996226

PIN No. 9649.14-32-1809 – This property is located along Broadway Avenue near downtown Asheville. The property is improved with office use. The property owner's major concern is the limitation that the permanent easement will have in regard to future construction of a retaining wall for a parking lot expansion. He also expressed concerns relating to a replacement tree and advance notice before work begins, which MSD has provided for. The owner has also expressed he is not pleased with the \$436.00 compensation being offered and is requesting \$5,000.00 total compensation.

It is noted that the existing building was constructed over the public sewer line, not allowing for replacement in the same trench. The proposed alignment skirts the building to avoid structural damage then rejoins the existing trench in the rear yard. The areas of overlap in the existing easement and the proposed were netted out (contributing to a lower compensation). Also, abandonment of the line under the building is of some benefit to the owner.

Total Contacts: 8

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation.

Ms. Banks explained the above situation. There was no discussion. Jerry VeHaun made the motion to accept Staff's recommendation. Jon Creighton seconded the motion. Voice vote was unanimous.

COMMITTEE RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation.

COMMITTEE ACTION TAKEN	
Motion by: Jerry VeHaun	To: <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by: Jon Creighton	<input type="checkbox"/> Table <input type="checkbox"/> Send back to Staff
<input type="checkbox"/> Other	
BOARD ACTION TAKEN	
Motion by:	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to Staff
<input type="checkbox"/> Other	

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: August 20, 2008

SUBMITTED BY: Thomas Hartye, P.E., General Manager

PREPARED BY: Kevin Johnson, David Monteith

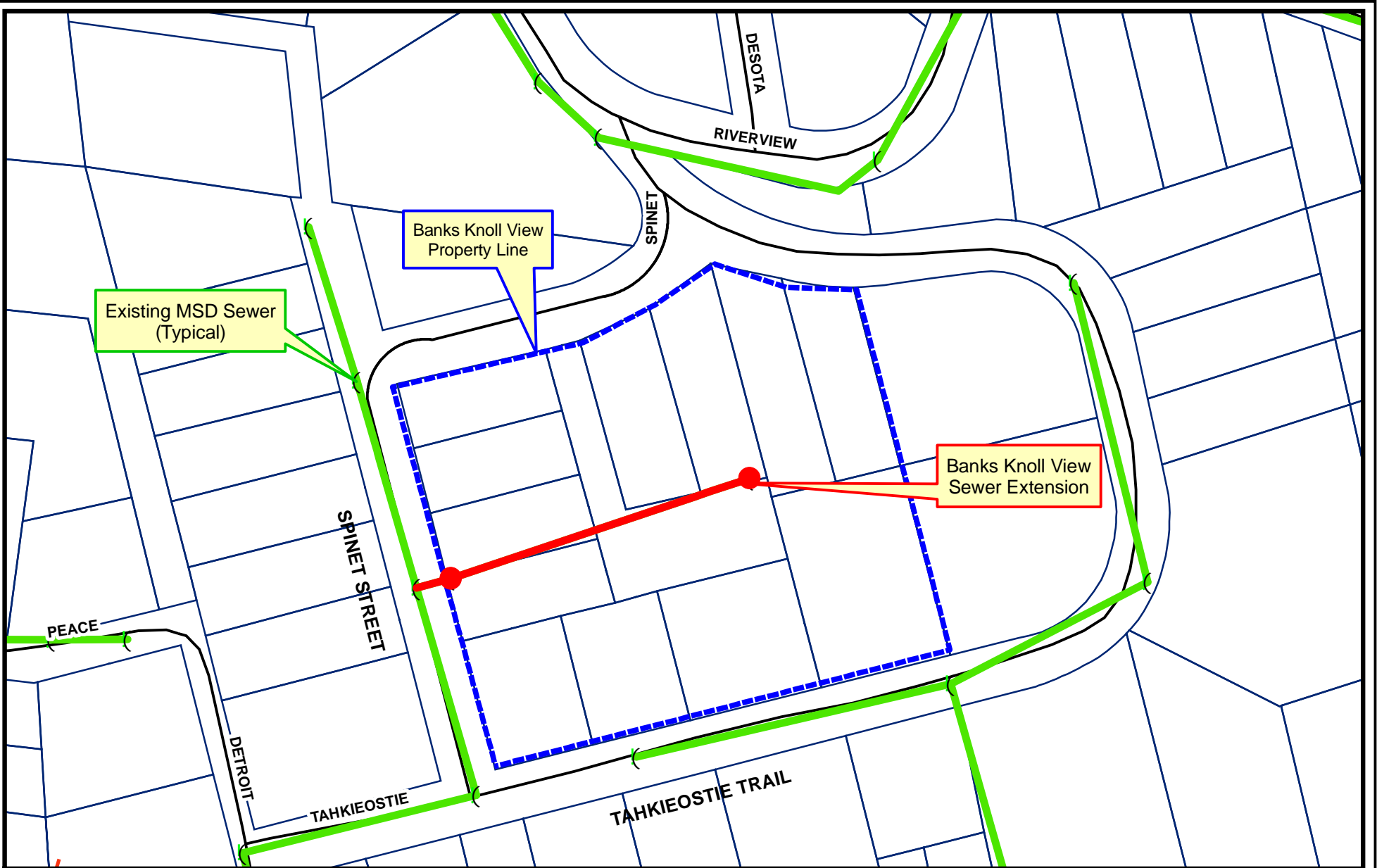
REVIEWED BY: Stan Boyd, PE, Engineering Director

SUBJECT: Acceptance of Developer Constructed Sewer System
Banks Knoll View

BACKGROUND: This project is located inside the District boundary off Spinet Street in Asheville, North Carolina. The developer of the project is Mr. David Ross. The project included the installation of approximately 263 linear feet of 8" gravity sewer extension to serve a residential development. A wastewater allocation was issued in the amount of 1500 GPD for the project. The estimated cost of the sewer extension is \$12,500.00.

STAFF RECOMMENDATION: Acceptance of developer constructed sewer system.
(All MSD requirements have been met)

COMMITTEE ACTION TAKEN	
Motion by :	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	
BOARD ACTION TAKEN	
Motion by	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	



Existing MSD Sewer
(Typical)

Banks Knoll View
Property Line

Banks Knoll View
Sewer Extension

Project #2007248

Not To Scale



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA

BANKS KNOLL VIEW
Sewer Extension

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: August 20, 2008

SUBMITTED BY: Thomas Hartye, P.E., General Manager

PREPARED BY: Kevin Johnson, David Monteith

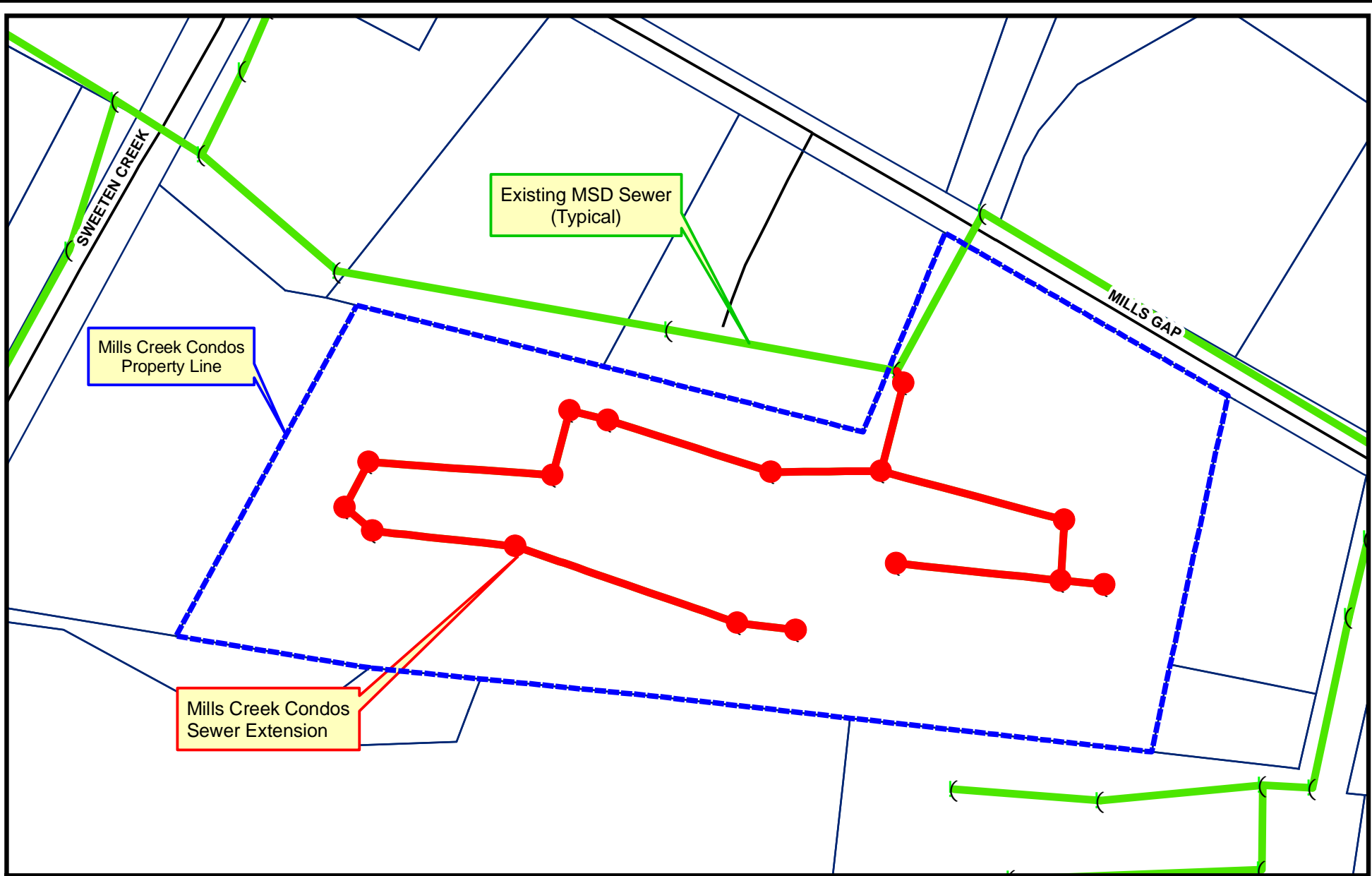
REVIEWED BY: Stan Boyd, PE, Engineering Director

SUBJECT: Acceptance of Developer Constructed Sewer System
Mill Creek Condominiums

BACKGROUND: This project is located inside the District boundary off Mills Gap Road in Asheville, North Carolina. The developer of the project is Mr. Stan Robinson. The project included the installation of approximately 1925 linear feet of 8" gravity sewer extension to serve a residential development. A wastewater allocation was issued in the amount of 22500 GPD for the project. The estimated cost of the sewer extension is \$123,000.00.

STAFF RECOMMENDATION: Acceptance of developer constructed sewer system.
(All MSD requirements have been met)

COMMITTEE ACTION TAKEN	
Motion by :	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	
BOARD ACTION TAKEN	
Motion by	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	



Project #2005175

Not To Scale



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA
MILLS CREEK CONDOMINIUMS
Sewer Extension

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: August 20, 2008

SUBMITTED BY: Thomas Hartye, P.E., General Manager

PREPARED BY: Kevin Johnson, David Monteith

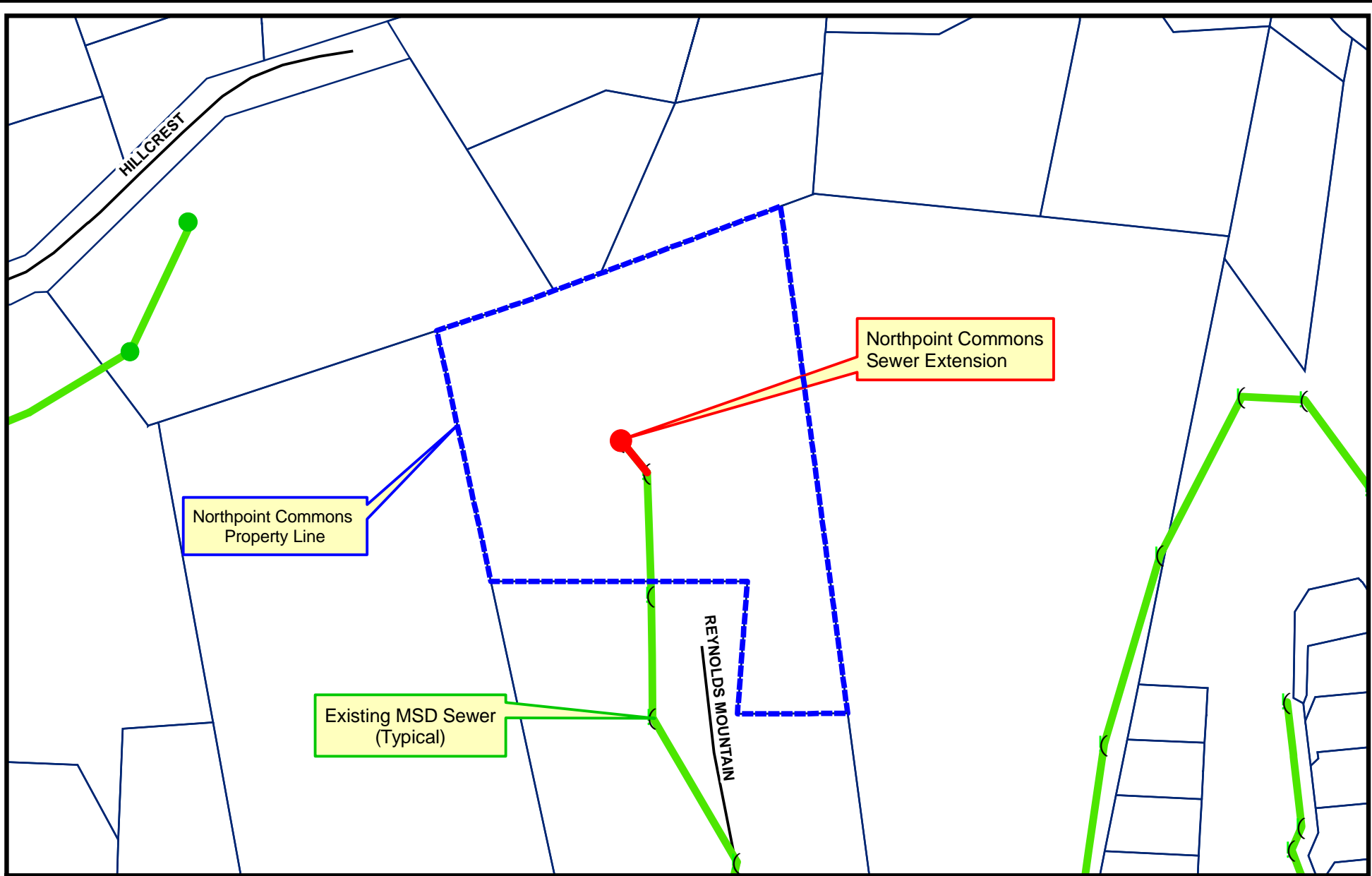
REVIEWED BY: Stan Boyd, PE, Engineering Director

SUBJECT: Acceptance of Developer Constructed Sewer System
Northpoint Commons Phase II

BACKGROUND: This project is located inside the District boundary off Reynolds Mountain Boulevard in Woodfin, North Carolina. The developer of the project is Mountain Housing Opportunities. The project included the installation of approximately 101 linear feet of 8" gravity sewer extension to serve a residential development. A wastewater allocation was issued in the amount of 15,000 GPD for the project. The estimated cost of the sewer extension is \$ 15,000.00.

STAFF RECOMMENDATION: Acceptance of developer constructed sewer system.
(All MSD requirements have been met)

COMMITTEE ACTION TAKEN	
Motion by :	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	
BOARD ACTION TAKEN	
Motion by	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	



Northpoint Commons
Property Line

Northpoint Commons
Sewer Extension

Existing MSD Sewer
(Typical)

REYNOLDS MOUNTAIN

HILLCREST

Project #2006050

Not To Scale



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA
**Northpoint Commons Phase II
Sewer Extension**

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: August 20, 2008

SUBMITTED BY: Thomas Hartye, P.E., General Manager

PREPARED BY: Kevin Johnson, David Monteith

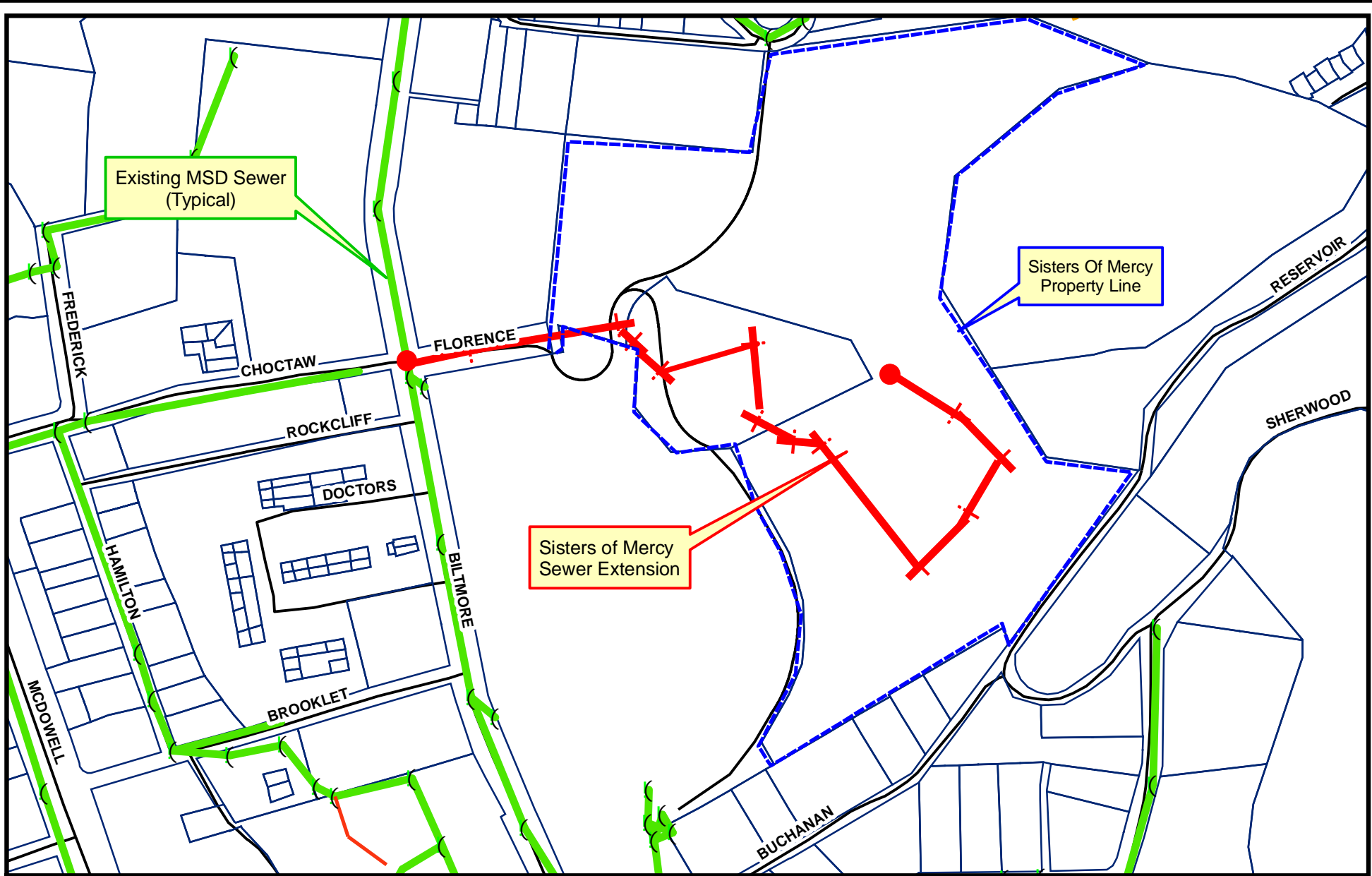
REVIEWED BY: Stan Boyd, PE, Engineering Director

SUBJECT: Acceptance of Developer Constructed Sewer System
Sisters of Mercy

BACKGROUND: This project is located inside the District boundary off Biltmore Avenue in Asheville, North Carolina. The developer of the project is Partners in Mercy (Dr. Robert Scully). The project included the installation of approximately 1600 linear feet of 8" gravity sewer extension to serve a mixed-use development. A wastewater allocation was issued in the amount of 7700 GPD for the project. The estimated cost of the sewer extension is \$ 191,558.00.

STAFF RECOMMENDATION: Acceptance of developer constructed sewer system.
(All MSD requirements have been met)

COMMITTEE ACTION TAKEN	
Motion by :	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	
BOARD ACTION TAKEN	
Motion by	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	



Existing MSD Sewer
(Typical)

Sisters Of Mercy
Property Line

Sisters of Mercy
Sewer Extension

Project #2006092

Not To Scale



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA

**Sisters of Mercy
Sewer Extension**

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: August 20, 2008

SUBMITTED BY: Thomas Hartye, P.E., General Manager

PREPARED BY: Kevin Johnson, David Monteith

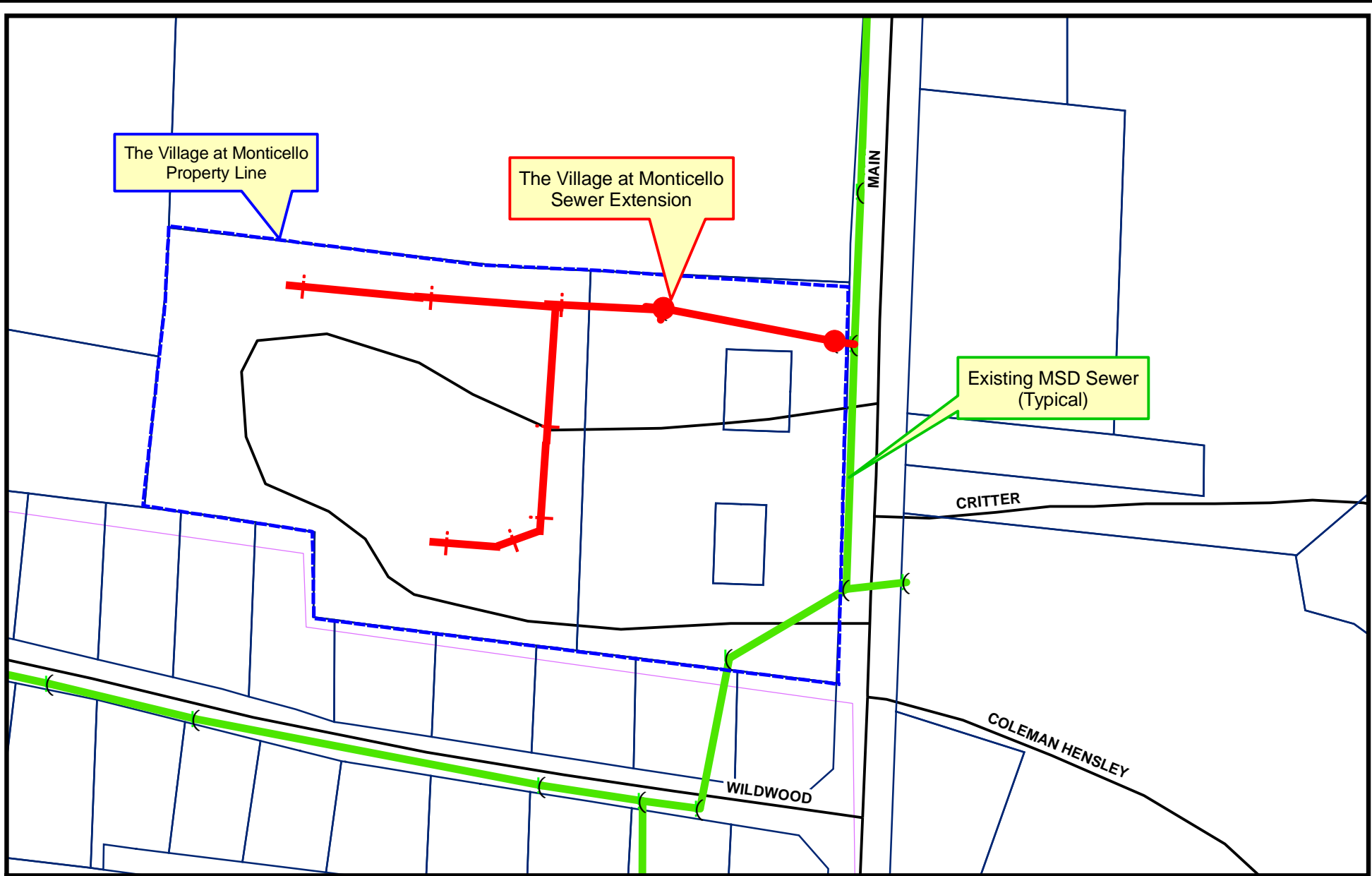
REVIEWED BY: Stan Boyd, PE, Engineering Director

SUBJECT: Acceptance of Developer Constructed Sewer System
The Village at Monticello

BACKGROUND: This project is located inside the District boundary off Main Street in Weaverville, North Carolina. The developer of the project is Mr. P. Andrew Walker (Monticello Development, LLC). The project included the installation of approximately 835 linear feet of 8" gravity sewer extension to serve a commercial development. A wastewater allocation was issued in the amount of 31,915 GPD for the project. The estimated cost of the sewer extension is \$ 46,550.00.

STAFF RECOMMENDATION: Acceptance of developer constructed sewer system.
(All MSD requirements have been met)

COMMITTEE ACTION TAKEN	
Motion by :	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	
BOARD ACTION TAKEN	
Motion by	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	



The Village at Monticello
Property Line

The Village at Monticello
Sewer Extension

Existing MSD Sewer
(Typical)

MAIN

CRITTER

WILDWOOD

COLEMAN HENSLEY

Project #2006305

Not To Scale



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA

**The Village at Monticello
Sewer Extension**

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: August 20, 2008

SUBMITTED BY: Thomas Hartye, P.E., General Manager

PREPARED BY: Kevin Johnson, David Monteith

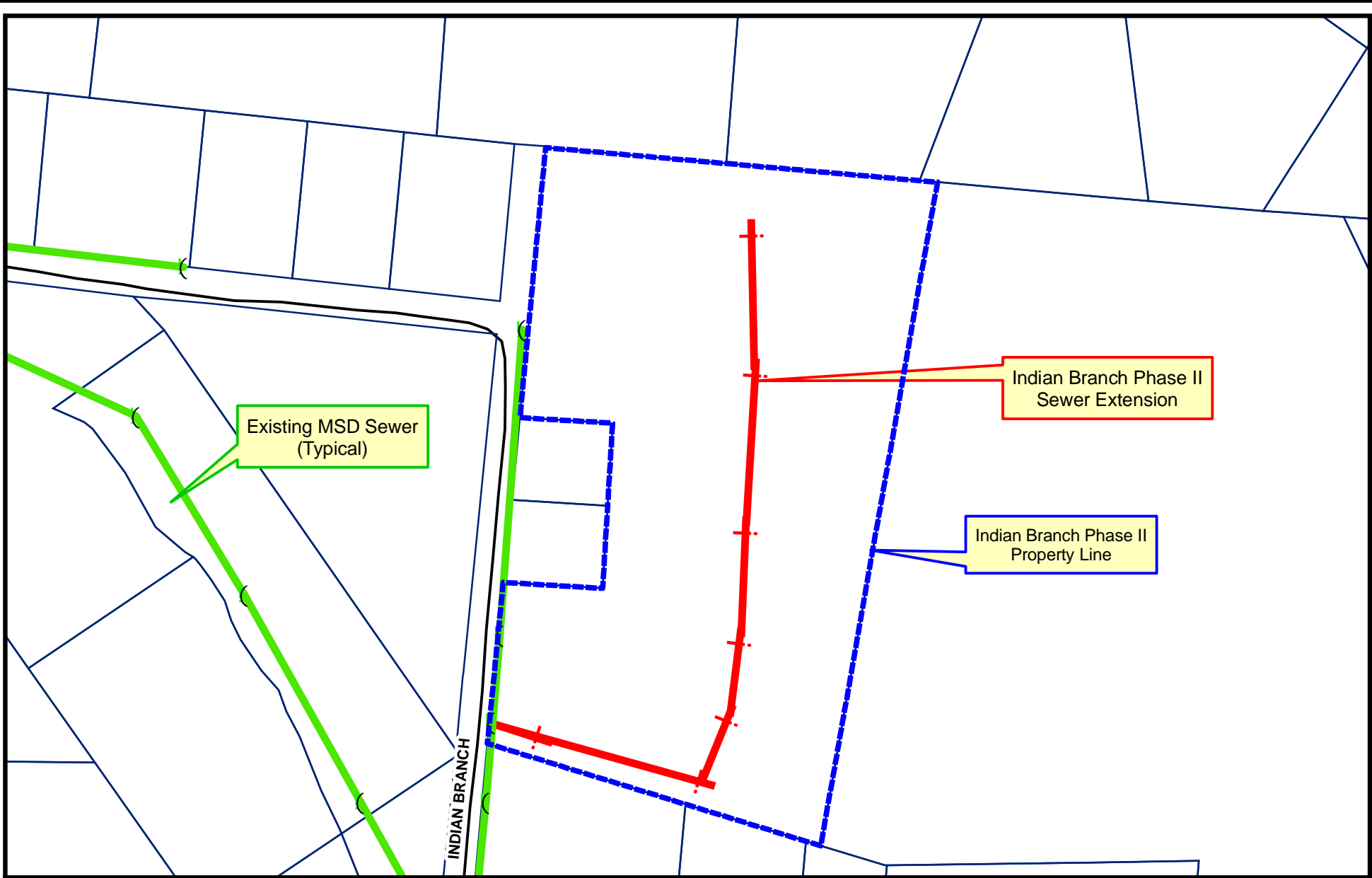
REVIEWED BY: Stan Boyd, PE, Engineering Director

SUBJECT: Acceptance of Developer Constructed Sewer System
Indian Branch Phase II

BACKGROUND: This project is located inside the District boundary off Indian Branch Road in Buncombe County, North Carolina. The developer of the project is Mr. Robbie Kirkpatrick (Indian Branch, LLC). The project included the installation of approximately 571 linear feet of 8" gravity sewer extension to serve a residential development. A wastewater allocation was issued in the amount of 12000 GPD for the project. The estimated cost of the sewer extension is \$40,000.00.

STAFF RECOMMENDATION: Acceptance of developer constructed sewer system.
(All MSD requirements have been met)

COMMITTEE ACTION TAKEN	
Motion by :	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	
BOARD ACTION TAKEN	
Motion by	To: <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove
Second by:	<input type="checkbox"/> Table <input type="checkbox"/> Send back to staff
<input type="checkbox"/> Other:	



Project #2006171

Not To Scale



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA

**Indian Branch Phase II
Sewer Extension**

Metropolitan Sewerage District of Buncombe County BOARD ACTION ITEM

BOARD MEETING DATE: August 20, 2008

SUBMITTED BY: Tom Hartye, P.E. - General Manager

PREPARED BY: Ed Bradford, P.E. - Director of CIP
Mike Stamey, P.E. - Project Manager

SUBJECT: Sanitary Sewer Rehabilitation Projects: Lenox Street GSR – MSD Project No. 2003025; Alta Avenue PRP – MSD Project No. 2004264

BACKGROUND: These projects are necessary due to the repeated overflows, backups, and structural failures associated with these aged line segments.

The Lenox Street project is located in North Asheville just off Charlotte Street and consists of 420 linear feet of 8-inch DIP. The Alta Avenue project is located in the Oakley section of Asheville off of Fairview Road and consists of 1,735 linear feet of 8-inch DIP.

The Alta Avenue project was generated through MSD's Pipe Rating program, which numerically rates pipe segments based on several structural factors. Line segments with high (meaning bad) ratings are flagged by the program, and then further evaluated by an engineer for specific rehabilitation needs.

The contract was advertised and bids were received on August 7, 2008 in the following amounts:

<u>Contractor</u>	<u>Bid Amount</u>
1) Payne, McGinn & Cummins:	\$718,276.26
2) Buckeye Construction Co., Inc.:	\$578,791.25
3) Carolina Specialties, Inc.:	\$435,092.72
4) Huntley Construction Co. Inc.:	\$421,766.50
5) T & K Utilities, Inc.:	\$386,415.00
6) Hobson Construction Co. Inc.:	\$381,145.00
7) Wolfpen Associates, Inc:	\$367,686.80
8) BlytheCo. Construction:	\$319,250.00
9) Terry Brothers Construction Co., Inc.:	\$292,284.00

The apparent low bidder is Terry Brothers Const. Co., Inc., with a bid amount of \$292,284.00. Terry Brothers has performed numerous rehabilitation projects for the District, and has a good performance history.

Please refer to the attached documentation for further details.

FISCAL IMPACT: The combined FY09 construction budgets for these projects total \$435,000.00.

STAFF RECOMMENDATION: Staff recommends award of this contract to Terry Brothers Construction Co., Inc., in the amount of \$292,284.00, subject to review and approval by District Counsel.

**METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA**

**SANITARY SEWER REHABILITATION
LENOX STREET, PROJECT NO. 2003025**

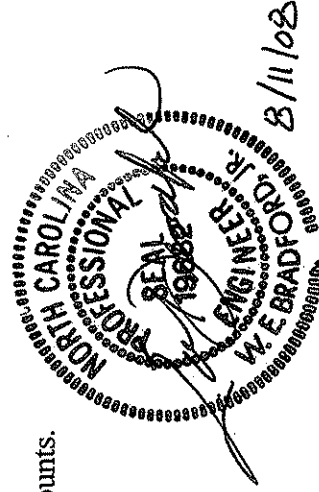
PRP-34010 ALTA AVENUE, PROJECT NO. 2004264

**BID TABULATION
August 7, 2008**

BIDDER	BID BOND	MBE FORM	BID FORMS (PROPOSAL)	LENOX STREET	ALTA AVENUE	COMBINED TOTAL BID AMOUNT
Payne, McGinn & Cummins	5%	1	Yes	\$ 175,200.00	\$ 543,076.26	\$ 718,276.26
Buckeye Construction Company	5%	1	Yes	\$ 199,247.00	\$ 379,544.25	\$ 578,791.25
Carolina Specialties	5%	1	Yes	\$ 120,132.09	\$ 314,960.63	\$ 435,092.72
Huntley Construction	5%	1	Yes	(*) \$ 103,910.00	\$ 317,856.50	(*) \$ 421,766.50
T & K Utilities	5%	1	Yes	\$ 113,555.00	\$ 272,860.00	\$ 386,415.00
Hobson Construction Co.	5%	1	Yes	\$ 101,275.00	\$ 279,870.00	\$ 381,145.00
Wolfpen Associates	5%	2	Yes	(*) \$ 124,220.00	(*) \$ 243,466.80	(*) \$ 367,686.80
BlytheCo. Construction Co.	5%	1	Yes	\$ 77,900.00	\$ 241,350.00	\$ 319,250.00
Terry Brothers Construction Co.	5%	1	Yes	\$ 85,186.00	\$ 207,098.00	\$ 292,284.00

(*) Indicates correction in Contractor's bid amounts.

APPARENT LOW BIDDER



Ed Bradford, P.E.
Project Engineer
Metropolitan Sewerage District
of Buncombe County, North Carolina

This is to certify that the bids tabulated herein were publicly opened and read aloud at 2:00 p.m. on the 7th day of August, 2008, in the W. H. Mull Building at the Metropolitan Sewerage District of Buncombe County, Asheville, North Carolina, and that said bids were accompanied by acceptable bidders bonds in the amount of 5% of the bid.

Interoffice Memorandum

TO: Tom Hartye, General Manager

FROM: Ed Bradford, CIP Manager
Mike Stamey, Project Manager

DATE: August 7, 2008

RE: Lenox Street Sanitary Sewer Replacement – MSD Project No. 2003025
PRP – 34010 Alta Avenue Sanitary Sewer Replacement – MSD Project 2004264

These projects are necessary due to the repeated overflows, backups, and structural failures associated with these aged line segments.

The Lenox Street Sanitary Sewer Replacement is located in North Asheville just off Charlotte Street and consists of 420 linear feet of 8-inch DIP. The PRP – 34010 Alta Avenue Sanitary Sewer Replacement is located in the Oakley section of Asheville off of Fairview Road and consists of 1,735 linear feet of 8-inch DIP.

9 bids were received on Thursday, August 7, 2008 as follows:

<u>Contractor</u>	<u>Bid Amount</u>
1) Payne, McGinn & Cummins:	\$718,276.26
2) Buckeye Construction Co., Inc.:	\$578,791.25
3) Carolina Specialties, Inc.:	\$435,092.72
4) Huntley Construction Co., Inc.:	\$421,766.50
5) T & K Utilities, Inc.:	\$386,415.00
6) Hobson Construction Co., Inc.:	\$381,145.00
7) Wolfpen Associates, Inc:	\$367,686.80
8) BlytheCo. Construction:	\$319,250.00
9) Terry Brothers Construction Co., Inc.:	\$292,284.00

The combined FY08/09 construction budgets for these projects totals \$435,000.00. Terry Brothers Construction Co., Inc. is the apparent low bidder for this contract with a bid amount of \$292,284.00 Terry Brothers has extensive experience with District rehabilitation projects and has an excellent performance history.

Staff recommends award of this contract to Terry Brothers Const. Co., Inc., contingent upon review and approval by District legal counsel.

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

CAPITAL IMPROVEMENT PROGRAM

BUDGET DATA SHEET - FY 2008 - 2009

PROJECT:	Lenox Street	LOCATION:	Asheville	REVIEWED BY:
TYPE:	General Sewer Rehabilitation	DATE OF REPORT:	January-08	
PROJECT NO.	2003025	TOTAL L.F.:	435	
PROJECT BUDGET:	\$132,267.00	PROJECT ORIGIN:	SSO's, Work Orders, Line Condition	

DESCRIPTION	ESTIMATED PROJECT COST	TOTAL EXPENDS THRU 6/30/07	TOTAL COSTS JULY - DEC 07	EST. COST JAN - JUNE 08	EST. BUDGET FY 08-09
01 - SURVEY / EASEMENT PLATS # PLATS: [9]	\$4,000.00	\$3,700.00			
02 - LEGAL FEES	\$3,709.00	\$3,709.00			
03 - ENGINEERING ASSISTANCE					
04 - ACQUISITION SERVICES	\$6,344.00	\$6,344.00			
05 - COMPENSATION	\$16,214.00	\$16,214.00			
06 - APPRAISAL					
07 - CONDEMNATION					
08 - ENVIRONMENTAL SURVEY					
09 - PRELIM. ENG. REP.					
10 - DESIGN / ASBUILT SURVEYS	\$6,000.00	\$4,475.00			\$1,000.00
11 - ENVIRONMENTAL ASSESSMENT					
12 - ARCHAEOLOGICAL					
13 - GEOTECHNICAL					
14 - CONSTRUCTION CONTRACT ADM.					
15 - CONSTRUCTION	\$95,000.00				\$95,000.00
16 - PERMITS					
17 - PUBLIC MEETINGS					
18 - TESTING	\$1,000.00				\$1,000.00
TOTAL AMOUNT	\$132,267.00	\$34,442.00	\$0.00	\$0.00	\$97,000.00

ENGINEER:	MSD	ESTIMATED BUDGETS - FY '09 - '18	
CONTRACTOR:		FY 09-10	\$0.00
CONSTRUCTION ADMINISTRATION:	MSD	FY 10-11	\$0.00
INSPECTION:	MSD	FY 11-12	\$0.00
R.O.W. ACQUISITION:	Martin-McGill	FY 12-13	\$0.00
		FY 13-14	\$0.00
PROJECT NOTES:		FY 14-15	\$0.00
		FY 15-16	\$0.00
		FY 16-17	\$0.00
		FY 17-18	\$0.00



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA



Lenox Street Project No. 2003025

Budget Map

NOT TO SCALE



METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

CAPITAL IMPROVEMENT PROGRAM

BUDGET DATA SHEET - FY 2008 - 2009

PROJECT: PRP 34010 Alta Avenue				LOCATION: Asheville		REVIEWED BY:
TYPE: Pipe Rated Projects				DATE OF REPORT: January-08		
PROJECT NO.: 2004264				TOTAL L.F.: 1,735		M.S.
PROJECT BUDGET: \$358,105.00				PROJECT ORIGIN: Pipe Rating Program		A.B.

DESCRIPTION	ESTIMATED PROJECT COST	TOTAL EXPENDS THRU 6/30/07	TOTAL COSTS JULY - DEC 07	EST. COST JAN - JUNE 08	EST. BUDGET FY 08-09
01 - SURVEY / EASEMENT PLATS # PLATS: [1]	\$3,330.00	\$3,330.00			
02 - LEGAL FEES	\$625.00	\$624.00			
03 - ENGINEERING ASSISTANCE					
04 - ACQUISITION SERVICES					
05 - COMPENSATION	\$1,950.00	\$1,950.00			
06 - APPRAISAL					
07 - CONDEMNATION					
08 - ENVIRONMENTAL SURVEY					
09 - PRELIM. ENG. REP.					
10 - DESIGN / ASBUILT SURVEYS	\$6,700.00	\$5,100.00			\$1,600.00
11 - ENVIRONMENTAL ASSESSMENT					
12 - ARCHAEOLOGICAL					
13 - GEOTECHNICAL					
14 - CONSTRUCTION CONTRACT ADM.					
15 - CONSTRUCTION	\$340,000.00				\$340,000.00
16 - PERMITS	\$3,500.00	\$3,500.00			
17 - PUBLIC MEETINGS					
18 - TESTING	\$2,000.00				\$2,000.00
TOTAL AMOUNT	\$358,105.00	\$14,504.00	\$0.00	\$0.00	\$343,600.00

ENGINEER: MSD	ESTIMATED BUDGETS - FY '09 -'18	
CONTRACTOR:	FY 09-10	\$0.00
CONSTRUCTION ADMINISTRATION: MSD	FY 10-11	\$0.00
INSPECTION: MSD	FY 11-12	\$0.00
R.O.W. ACQUISITION: MSD	FY 12-13	\$0.00
	FY 13-14	\$0.00
PROJECT NOTES:	FY 14-15	\$0.00
	FY 15-16	\$0.00
	FY 16-17	\$0.00
	FY 17-18	\$0.00



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA

Budget Map



NOT TO SCALE

**PRP 34010 - Alta Avenue
Project No. 2004264**



Metropolitan Sewerage District of Buncombe County BOARD ACTION ITEM

BOARD MEETING DATE: August 20, 2008

SUBMITTED BY: Tom Hartye, P.E. - General Manager

PREPARED BY: Ed Bradford, P.E. - Director of CIP
Shaun Armistead, E.I.T. - Project Manager

SUBJECT: Sanitary Sewer Rehabilitation Projects:
Evergreen Avenue Four-Inch Main (MSD No. 2006019)
Greeley Street USR (MSD No. 2005005)
Penley Avenue USR (MSD No. 2006029)
Reese Road GSR (MSD No. 2006017)

BACKGROUND: This is a combination of four small projects. The Greeley Street and Penley Avenue projects are for the replacement of failing, unclaimed private sewers. The Evergreen Avenue and Reese Road projects will replace under-sized and structurally defective sewer mains.

The Evergreen Avenue Four-Inch Main project is located in West Asheville, near the intersection of Old Haywood Road and Patton Avenue. It is for the replacement of a public four-inch collector, and is comprised of 165 LF of 8-inch DIP.

The Greeley Street Unclaimed Sewer Replacement is located in West Asheville, near Brevard Road, and is comprised of 326 LF of 8-inch DIP.

The Penley Avenue Unclaimed Sewer Replacement is located in Woodfin, near Elk Mountain Road, and is comprised of 179 LF of 8-inch DIP.

The Reese Road GSR is located in Haw Creek, and is comprised of 571 LF of 8-inch DIP.

The combined project footage totals 1,241 LF of 8-inch DIP.

The contract was advertised and eight bids were received on August 7, 2008 in the following amounts:

<u>Contractor</u>	<u>Bid Amount</u>
Payne, McGinn & Cummins:	\$579,088.75
Huntley Construction Co., Inc.:	\$356,148.19
Buckeye Construction Co., Inc.:	\$353,819.10
Carolina Specialties, Inc.:	\$292,890.17
Hobson Construction Co., Inc.:	\$273,052.00
T&K Utilities, Inc.:	\$252,019.00
BlytheCo Construction:	\$212,510.00
Terry Brothers Const. Co., Inc.:	\$187,423.00

The apparent low bidder is Terry Brothers Const. Co., Inc., with a bid amount of \$187,423.00. Terry Brothers has performed numerous rehabilitation projects for the District, and has a good performance history.

Please refer to the attached documentation for further details.

FISCAL IMPACT: The combined FY09 construction budgets for these projects total \$301,450.

STAFF RECOMMENDATION: Staff recommends award of this contract to Terry Brothers Construction Co., Inc., in the amount of \$187,423.00, subject to review and approval by District Counsel.

**METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA**

SANITARY SEWER REHABILITATION

Evergreen Avenue Four Inch, Project No. 2006019
Greeley Street, Project No. 2005005
Penley Avenue, Project No. 2006029
Reese Road, Project No. 2006017

BID TABULATION

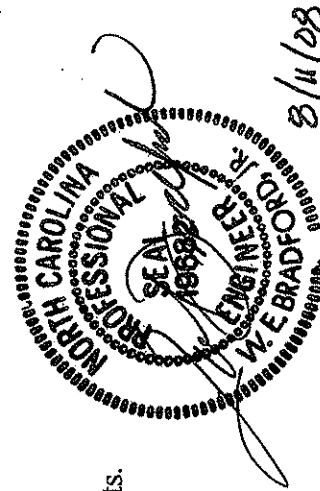
August 7, 2008

BIDDER	BID BOND	MBE FORM	BID FORMS (PROPOSAL)	EVERGREEN AVENUE	GREELEY STREET	PENLEY AVENUE	REESE ROAD	COMBINED TOTAL BID AMOUNT
Payne, McGinn & Cummins	5%	1	Yes	\$ 65,229.00	\$ 150,464.00	\$ 87,376.00	(*) \$ 276,019.75	(*) \$ 579,088.75
Huntley Construction Company	5%	1	Yes	\$ 41,639.70	\$ 92,545.00	\$ 47,329.99	(*) \$ 174,633.50	(*) \$ 356,148.19
Buckeye Construction Company	5%	1	Yes	\$ 42,331.75	(*) \$ 81,613.35	\$ 70,670.90	\$ 159,203.10	(*) \$ 353,819.10
Carolina Specialties	5%	1	Yes	\$ 40,137.46	\$ 72,098.54	\$ 40,843.50	\$ 139,810.67	\$ 292,890.17
Hobson Construction Company	5%	1	Yes	\$ 27,500.00	(*) \$ 70,730.00	(*) \$ 33,082.00	\$ 141,740.00	(*) \$ 273,052.00
T & K Utilities	5%	1	Yes	\$ 30,665.00	\$ 61,319.00	\$ 37,690.00	\$ 122,345.00	\$ 252,019.00
BlytheCo. Construction	5%	1	Yes	\$ 22,290.00	\$ 56,300.00	(*) \$ 26,415.00	\$ 107,505.00	(*) \$ 212,510.00
Terry Brothers Construction Co.	5%	1	Yes	\$ 18,299.00	\$ 44,457.00	\$ 31,775.00	\$ 92,892.00	\$ 187,423.00

APPARENT LOW BIDDER

(*) Indicates correction in Contractor's bid amounts.

Ed Bradford, P.E.
Project Engineer
Metropolitan Sewerage District
of Buncombe County, North Carolina



This is to certify that the bids tabulated herein were publicly opened and read aloud at 3:00 p.m. on the 7th day of August, 2008, in the W. H. Mull Building at the Metropolitan Sewerage District of Buncombe County, Asheville, North Carolina, and that said bids were accompanied by acceptable bidders bonds in the amount of 5% of the bid.

Interoffice Memorandum

TO: Tom Hartye, General Manager

FROM: Ed Bradford, CIP Manager
Shaun Armistead, Project Manager

DATE: August 7, 2008

RE: Evergreen Avenue Four-Inch Main Replacement (MSD Project No. 2006019)
Greeley Street Unclaimed Sewer Replacement (MSD Project No. 2005005)
Penley Avenue Unclaimed sewer Replacement (MSD Project No. 2006029)
Reese Road Sewer Replacement (MSD Project No. 2006017)

This is a combination of four small projects. The Greeley Street and Penley Avenue projects are for the replacement of failing, unclaimed private sewers. The Evergreen Avenue and Reese Road projects will replace under-sized and structurally defective sewer mains.

The Evergreen Avenue Four-Inch Main project is located in West Asheville, near the intersection of Old Haywood Road and Patton Avenue, and is comprised of 165 LF of 8-inch DIP.

The Greeley Street Unclaimed Sewer Replacement is located in West Asheville, near Brevard Road, and is comprised of 326 LF of 8-inch DIP.

The Penley Avenue Unclaimed Sewer Replacement is located in Woodfin, near Elk Mountain Road, and is comprised of 179 LF of 8-inch DIP.

The Reese Road Sewer Replacement is located in Haw Creek, and is comprised of 571 LF of 8-inch DIP.

The combined project footage totals 1,241 LF of 8-inch DIP.

Eight bids were received on Thursday, August 7, 2008 as follows:

<u>Contractor</u>	<u>Bid Amount</u>
Payne, McGinn & Cummins:	\$579,088.75
Huntley Construction Co., Inc.:	\$356,148.19
Buckeye Construction Co., Inc.:	\$353,819.10
Carolina Specialties, Inc.:	\$292,890.17
Hobson Construction Co., Inc.:	\$273,052.00
T&K Utilities, Inc.:	\$252,019.00
BlytheCo Construction	\$212,510.00
Terry Brothers Const. Co., Inc.:	\$187,423.00

The FY08/09 construction budget for these four projects combined is \$301,450.00. Terry Brothers Construction Co., Inc. is the apparent low bidder for this contract with a bid amount of \$187,423.00. Terry Brothers has extensive experience with District rehabilitation projects and has an excellent performance history.

Staff recommends award of this contract to Terry Brothers Construction Co., Inc., contingent upon review and approval by District legal counsel.

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

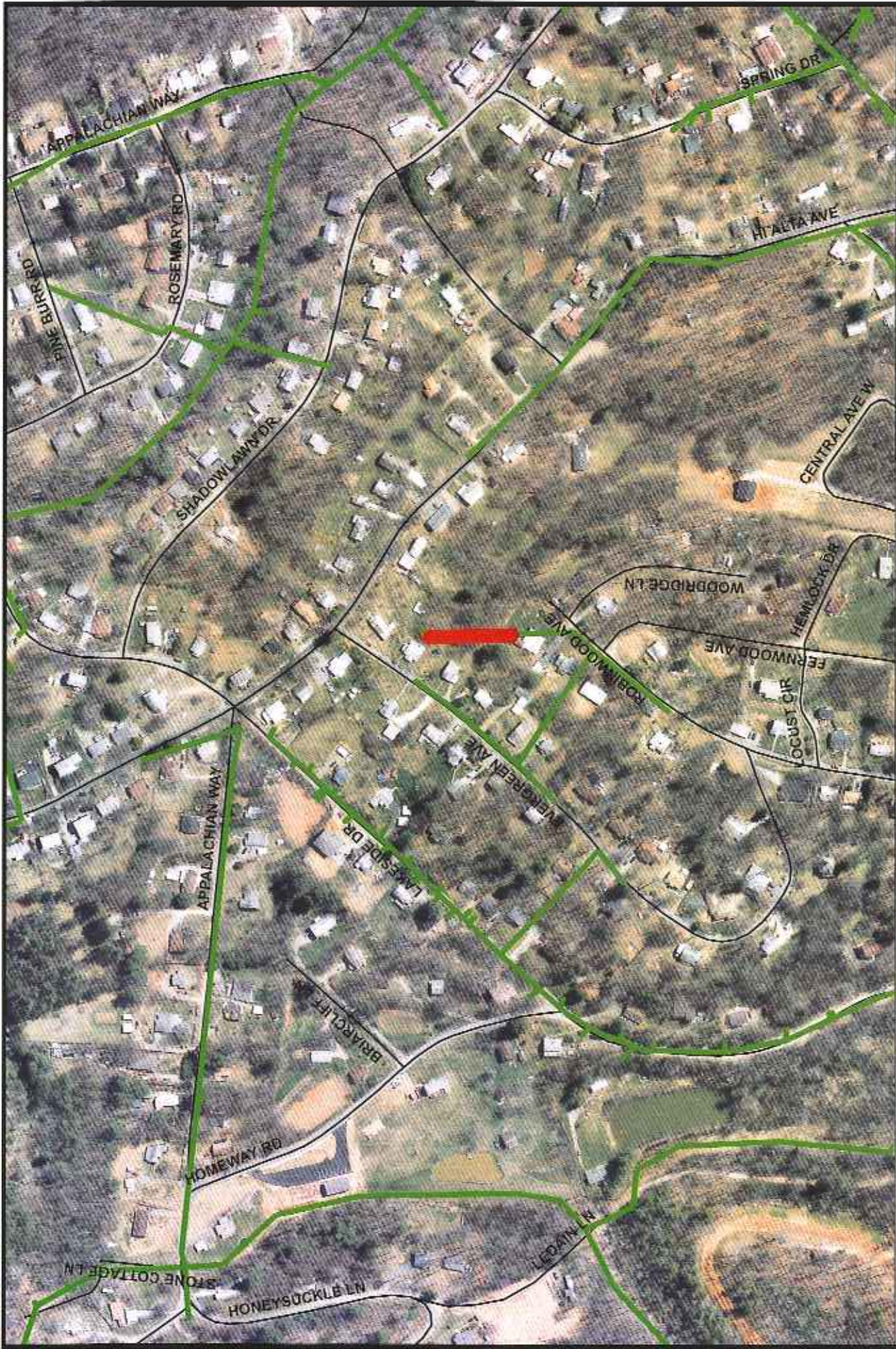
CAPITAL IMPROVEMENT PROGRAM

BUDGET DATA SHEET - FY 2008 - 2009

PROJECT: Four Inch Main - Evergreen Ave.				LOCATION: W. Asheville		REVIEWED BY:
TYPE: Four Inch Rehabilitation				DATE OF REPORT: January-08		
PROJECT NO.: 2006019				TOTAL L.F.: 185		E.B.
PROJECT BUDGET: \$63,525.00				PROJECT ORIGIN: Problematic Four Inch Sewer Main		S.A.
						A.B.

DESCRIPTION	ESTIMATED PROJECT COST	TOTAL EXPENDS THRU 6/30/07	TOTAL COSTS JULY - DEC 07	EST. COST JAN - JUNE 08	EST. BUDGET FY 08-09
01 - SURVEY / EASEMENT PLATS # PLATS: [4]	\$2,025.00	\$2,025.00			
02 - LEGAL FEES	\$4,000.00	\$1,907.00	\$500.00		\$1,593.00
03 - ENGINEERING ASSISTANCE					
04 - ACQUISITION SERVICES					
05 - COMPENSATION	\$11,000.00	\$264.00	\$323.00	\$2,413.00	\$8,000.00
06 - APPRAISAL	\$1,500.00		\$850.00		\$650.00
07 - CONDEMNATION	\$5,000.00		\$167.00	\$500.00	\$4,333.00
08 - ENVIRONMENTAL SURVEY					
09 - PRELIM. ENG. REP.					
10 - DESIGN / ASBUILT SURVEYS	\$3,000.00	\$2,500.00			\$500.00
11 - ENVIRONMENTAL ASSESSMENT					
12 - ARCHAEOLOGICAL					
13 - GEOTECHNICAL					
14 - CONSTRUCTION CONTRACT ADM.					
15 - CONSTRUCTION	\$36,000.00				\$36,000.00
16 - PERMITS					
17 - PUBLIC MEETINGS					
18 - TESTING	\$1,000.00				\$1,000.00
TOTAL AMOUNT	\$63,525.00	\$6,696.00	\$1,840.00	\$2,913.00	\$52,076.00

ENGINEER: MSD	ESTIMATED BUDGETS - FY '09 - '18	
CONTRACTOR:	FY 09-10	\$0.00
CONSTRUCTION ADMINISTRATION: MSD	FY 10-11	\$0.00
INSPECTION: MSD	FY 11-12	\$0.00
R.O.W. ACQUISITION: MSD	FY 12-13	\$0.00
	FY 13-14	\$0.00
PROJECT NOTES:	FY 14-15	\$0.00
	FY 15-16	\$0.00
	FY 16-17	\$0.00
	FY 17-18	\$0.00



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA

Budget Map



NOT TO SCALE

Four Inch Main - Evergreen Avenue Project No. 2006019



METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

CAPITAL IMPROVEMENT PROGRAM

BUDGET DATA SHEET - FY 2008 - 2009

PROJECT: Greeley Street USR				LOCATION: W. Asheville		REVIEWED BY:
TYPE: Unclaimed Sewer Rehabilitation				DATE OF REPORT: January-08		
PROJECT NO.: 2005005				TOTAL L.F.: 326		S.A.
PROJECT BUDGET: \$69,580.00				PROJECT ORIGIN: Unclaimed Sewer Rehabilitation Program		A.B.

DESCRIPTION	ESTIMATED PROJECT COST	TOTAL EXPENDS THRU 6/30/07	TOTAL COSTS JULY - DEC 07	EST. COST JAN - JUNE 08	EST. BUDGET FY 08-09
01 - SURVEY / EASEMENT PLATS # PLATS: [3]	\$1,975.00	\$1,975.00			
02 - LEGAL FEES	\$2,605.00	\$2,605.00			
03 - ENGINEERING ASSISTANCE					
04 - ACQUISITION SERVICES					
05 - COMPENSATION					
06 - APPRAISAL					
07 - CONDEMNATION					
08 - ENVIRONMENTAL SURVEY					
09 - PRELIM. ENG. REP.					
10 - DESIGN / ASBUILT SURVEYS	\$2,000.00	\$1,225.00			\$775.00
11 - ENVIRONMENTAL ASSESSMENT					
12 - ARCHAEOLOGICAL					
13 - GEOTECHNICAL					
14 - CONSTRUCTION CONTRACT ADM.					
15 - CONSTRUCTION	\$62,000.00				\$62,000.00
16 - PERMITS					
17 - PUBLIC MEETINGS					
18 - TESTING	\$1,000.00				\$1,000.00
TOTAL AMOUNT	\$69,580.00	\$5,805.00	\$0.00	\$0.00	\$63,775.00

ENGINEER: MSD	ESTIMATED BUDGETS - FY '09 -'18	
CONTRACTOR:	FY 09-10	\$0.00
CONSTRUCTION ADMINISTRATION: MSD	FY 10-11	\$0.00
INSPECTION: MSD	FY 11-12	\$0.00
R.O.W. ACQUISITION: MSD	FY 12-13	\$0.00
	FY 13-14	\$0.00
PROJECT NOTES:	FY 14-15	\$0.00
	FY 15-16	\$0.00
	FY 16-17	\$0.00
	FY 17-18	\$0.00



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA



NOT TO SCALE

Greeley Street - USR
Project No. 2005005



Budget Map

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

CAPITAL IMPROVEMENT PROGRAM

BUDGET DATA SHEET - FY 2008 - 2009

PROJECT: Penley Ave. USR				LOCATION: Woodfin		REVIEWED BY:
TYPE: Unclaimed Sewer Rehabilitation				DATE OF REPORT: January-08		
PROJECT NO. 2006029		TOTAL L.F.: 179		S.A.		
PROJECT BUDGET: \$45,436.00		PROJECT ORIGIN: Unclaimed Sewer Rehabilitation Program			A.B.	

DESCRIPTION	ESTIMATED PROJECT COST	TOTAL EXPENDS THRU 6/30/07	TOTAL COSTS JULY - DEC 07	EST. COST JAN - JUNE 08	EST. BUDGET FY 08-09
01 - SURVEY / EASEMENT PLATS # PLATS: [4]	\$3,750.00	\$1,980.00		\$1,770.00	
02 - LEGAL FEES	\$2,186.00	\$1,757.00	\$429.00		
03 - ENGINEERING ASSISTANCE					
04 - ACQUISITION SERVICES					
05 - COMPENSATION					
06 - APPRAISAL					
07 - CONDEMNATION					
08 - ENVIRONMENTAL SURVEY					
09 - PRELIM. ENG. REP.					
10 - DESIGN / ASBUILT SURVEYS	\$3,500.00	\$3,150.00			\$350.00
11 - ENVIRONMENTAL ASSESSMENT					
12 - ARCHAEOLOGICAL					
13 - GEOTECHNICAL					
14 - CONSTRUCTION CONTRACT ADM.					
15 - CONSTRUCTION	\$35,000.00				\$35,000.00
16 - PERMITS					
17 - PUBLIC MEETINGS					
18 - TESTING	\$1,000.00				\$1,000.00
TOTAL AMOUNT	\$45,436.00	\$6,887.00	\$429.00	\$1,770.00	\$36,350.00

ENGINEER: MSD	ESTIMATED BUDGETS - FY '09 -'18	
CONTRACTOR:	FY 09-10	\$0.00
CONSTRUCTION ADMINISTRATION: MSD	FY 10-11	\$0.00
INSPECTION: MSD	FY 11-12	\$0.00
R.O.W. ACQUISITION: MSD	FY 12-13	\$0.00
	FY 13-14	\$0.00
PROJECT NOTES:	FY 14-15	\$0.00
	FY 15-16	\$0.00
	FY 16-17	\$0.00
	FY 17-18	\$0.00



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA



NOT TO SCALE

Penley Avenue - USR
Project No. 2006029

Budget Map



METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

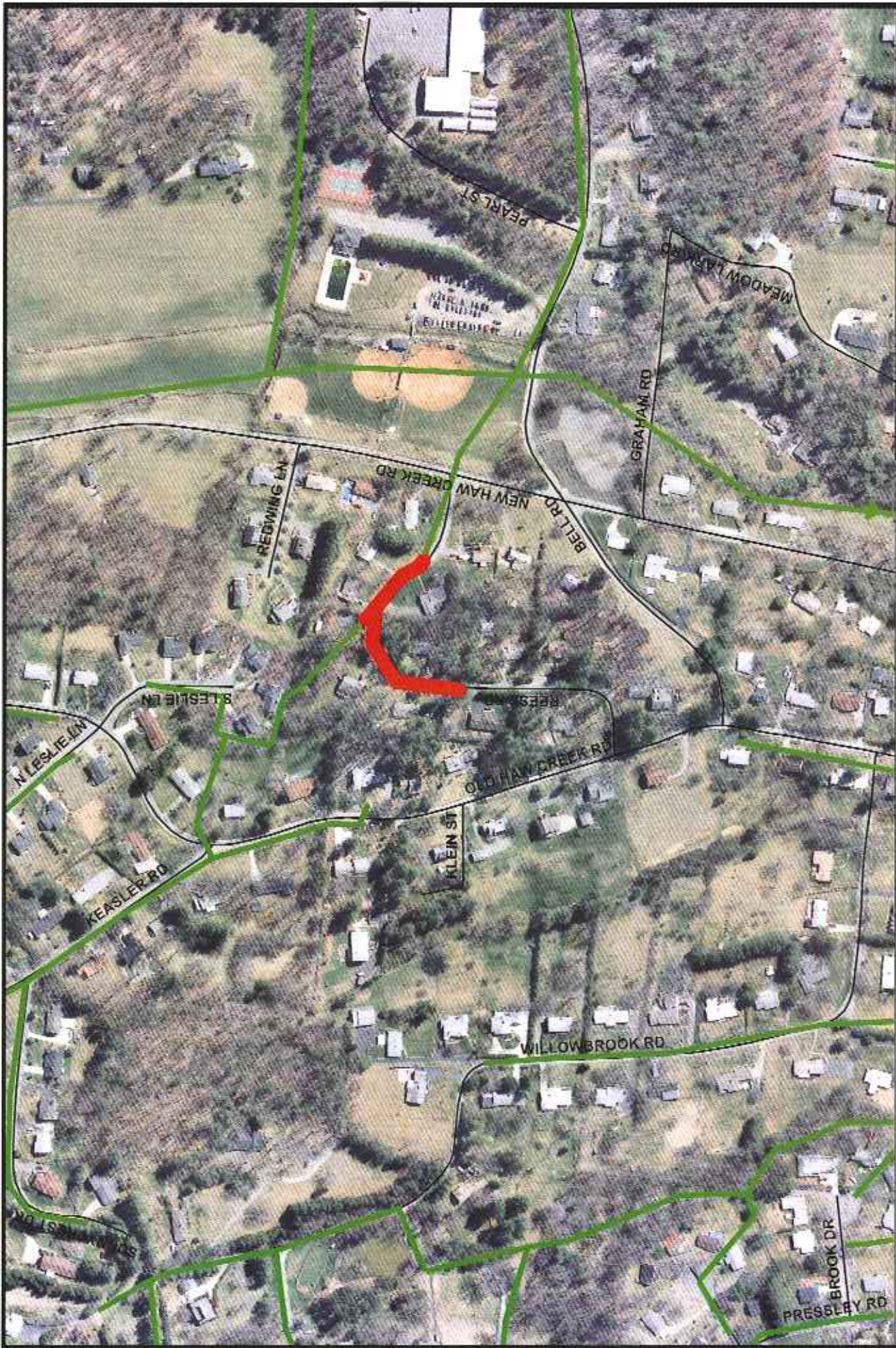
CAPITAL IMPROVEMENT PROGRAM

BUDGET DATA SHEET - FY 2008 - 2009

PROJECT:	Reese Road	LOCATION:	Asheville	REVIEWED BY:
TYPE:	General Sewer Rehabilitation	DATE OF REPORT:	January-08	
PROJECT NO.	2006017	TOTAL L.F.:	572	S.A.
PROJECT BUDGET:	\$183,350.00	PROJECT ORIGIN:	SSO's, Work Orders, Line Condition	A.B.

DESCRIPTION	ESTIMATED PROJECT COST	TOTAL EXPENDS THRU 6/30/07	TOTAL COSTS JULY - DEC 07	EST. COST JAN - JUNE 08	EST. BUDGET FY 08-09
01 - SURVEY / EASEMENT PLATS # PLATS: [0]					
02 - LEGAL FEES					
03 - ENGINEERING ASSISTANCE					
04 - ACQUISITION SERVICES					
05 - COMPENSATION					
06 - APPRAISAL					
07 - CONDEMNATION					
08 - ENVIRONMENTAL SURVEY					
09 - PRELIM. ENG. REP.					
10 - DESIGN / ASBUILT SURVEYS	\$13,400.00		\$9,884.00	\$3,500.00	
11 - ENVIRONMENTAL ASSESSMENT					
12 - ARCHAEOLOGICAL					
13 - GEOTECHNICAL					
14 - CONSTRUCTION CONTRACT ADM.					
15 - CONSTRUCTION	\$168,450.00				\$168,450.00
16 - PERMITS	\$500.00			\$500.00	
17 - PUBLIC MEETINGS					
18 - TESTING	\$1,000.00				\$1,000.00
TOTAL AMOUNT	\$183,350.00	\$0.00	\$9,884.00	\$4,000.00	\$169,450.00

ENGINEER:	MSD	ESTIMATED BUDGETS - FY '09 -'18	
CONTRACTOR:		FY 09-10	\$2,700.00
CONSTRUCTION ADMINISTRATION:	MSD	FY 10-11	\$0.00
INSPECTION:	MSD	FY 11-12	\$0.00
R.O.W. ACQUISITION:	MSD	FY 12-13	\$0.00
		FY 13-14	\$0.00
PROJECT NOTES:		FY 14-15	\$0.00
		FY 15-16	\$0.00
		FY 16-17	\$0.00
		FY 17-18	\$0.00



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA



Budget Map

NOT TO SCALE

Reese Road Project No. 2006017



Metropolitan Sewerage District of Buncombe County
BOARD ACTION ITEM

BOARD MEETING DATE: August 20, 2008

SUBMITTED BY: Tom Hartye, P.E. - General Manager

PREPARED BY: John Kiviniemi, Director of Water Reclamation

**SUBJECT: North Carolina Water and Wastewater Agency Response Network
 Mutual Aid and Assistance Agreement for Water and Wastewater Utilities**

BACKGROUND: The Water and Wastewater Agency Response Network (NCWaterWARN) initiative establishes a process for peer-to-peer mutual aid to provide rapid, short-term deployment of emergency assistance to restore critical operations to an affected utility. To date, twenty-six states have active WARN agreements. The water industry in NC with support from state and federal partners has been working for more than a year to develop a WARN for our state. Utility representatives in cooperation with NCDENR, NCDEM, USEPA region IV, and other partner agencies and sponsored by NCAWWA-WEA, NCRWA, NCWOA and NCLM have developed the agreement which is ready to be approved and implemented in NC. This agreement is the backbone of the WARN network where provisions for network activation, reimbursement, liability and other issues mutually were agreed upon by participating utilities.

Features of NCWaterWARN include:

- The agreement supplements existing mutual aid agreements.
- Unlike most mutual aid agreements, NCWaterWARN does not require state or federal declarations to be activated.
- The agreement does not obligate members to do anything – members are not required to provide assistance.
- Membership does provide access to possible assistance statewide whenever the member needs help. NCWaterWARN is designed to expedite assistance before the state and federal governments can mobilize.
- This peer-to-peer approach is the most effective and efficient way to help a utility to bring its system back to operations within the shortest timeframe possible. It provides for a more coordinated response with types resources.
- Promoting mutual aid/assistance meets FY06 Department of Homeland Security requirements. In order to be eligible for federal reimbursement, assistance provided under mutual aid agreements requires that the agreement be established prior to the event or emergency.
- The planning and coordination resulting from membership will ensure that members are better prepared than they are today. Membership provides a network of resources and contact information that will assist members in developing relationships that provide direct and indirect benefits on a continuous basis.

FISCAL IMPACT: Agreement for future emergency response assistance only.

STAFF RECOMMENDATION: For the MSD Board to endorse this mutual aid and assistance agreement and to authorize the MSD General Manager to execute said agreement

North Carolina Water and Wastewater Agency Response Network

Mutual Aid and Assistance Agreement For Water and Wastewater Utilities

This Agreement is made and entered into by public and private Water and Wastewater Utilities in North Carolina that have, by executing this Agreement, manifested their intent to participate in an Intrastate Program for Mutual Aid and Assistance.

This Agreement is authorized under Section 160A-318 of the North Carolina General Statutes which provides that public and private Water and Wastewater Utilities may contract with each other to provide mutual aid and assistance in restoring water and sewer in the event of natural disasters or other emergencies.

ARTICLE I. PURPOSE

Recognizing that emergencies may require assistance in the form of personnel, equipment, materials, and supplies from outside the area of impact, the signatory utilities established an Intrastate Program for Mutual Aid and Assistance. Through the Mutual Aid and Assistance Program, Members coordinate response activities and share resources during emergencies whether localized to the utilities or a declared disaster. This Agreement sets forth the procedures and standards for the administration of the Intrastate Mutual Aid and Assistance Program.

ARTICLE II. DEFINITIONS

A. Authorized Official— An employee or officer of a Member that is authorized by the Member's governing board or management to:

- request assistance;
- offer assistance;
- Refuse to offer assistance or;
- Withdraw assistance under this Agreement.

B. Disaster – An emergency event that reaches a specific financial threshold related to magnitude of loss and property damage.

C. Confidential Information – Information defined NCGS 132-1.2 as confidential information or NCGS 132-1.7 as sensitive public security information.

D. Emergency— An unanticipated and/or sudden natural or manmade event that requires immediate action and is, or is likely to be, beyond the control of the services, personnel, equipment, and facilities of a Mutual Aid and Assistance Program Member.

E. Incident Command System (ICS) – A standardized on-scene emergency management system designed for use for all kinds of emergencies and is applicable to small as well as large and complex incidents. ICS is the combination of facilities, equipment, personnel procedures, and communications operating within a common organization structure, designed to aid in the management of resources during incidents.

F Indemnity – Security against hurt, loss, or damage. An exemption from incurred penalties or liabilities.¹

G. Indemnity – A party to this Agreement that is entitled to be indemnified by another party to this Agreement pursuant to the terms of Article X.

H. Indemnitor – A party to this Agreement that is obligated to indemnify another party to this Agreement pursuant to the terms of Article X.

I. Large water and or wastewater utility— A utility that is represented with a population in excess of 10,000.

J. Member— Any public or private Water or Wastewater Utility that manifests intent to participate in the Mutual Aid and Assistance Program by executing this Agreement.

K. Mutual Aid and Assistance Agreement – A formal agreement among emergency responders to lend assistance across jurisdictional boundaries when required.

L. National Incident Management System (NIMS)— A national, standardized approach to incident management and response that sets uniform processes and procedures for emergency response operations.

M. The North Carolina Water and Wastewater Agency Response Network (NC WARN) - A network of public and private water and wastewater utilities united under an agreement to provide and receive mutual aid and assistance to signatories to the agreement during emergencies ranging from those that may arise from declared disasters or are specific to a single utility.

N. Period of Assistance— A specified period of time when a Provider assists a Recipient. The period commences when personnel, equipment, materials, or supplies depart from a Provider's facility and ends when the resources return to their facility (portal to portal). All protections identified in the agreement apply during this period. The specified Period of Assistance may occur during response to or recovery from an emergency, as previously defined.

O. Provider— A Member that responds to a request for assistance under the Mutual Aid and Assistance Program.

P. Recipient— A Member who requests and receives assistance under the Mutual Aid and Assistance Program.

¹ *Miriam-Webster*. Retrieved August 22, 2007, from Miriam-Webster.com website: <http://www.m-w.com/>

Q. Small water and or wastewater Utility— A utility with a population less than 10,000.

R. Private Water Utility— An entity that is not a unit of government that owns or operates a water and/or wastewater utility, whether on a for-profit or not-for-profit basis.

S. Public Utility— A unit of government that owns or operates a water and/ or wastewater utility.

ARTICLE III. ADMINISTRATION

The Mutual Aid and Assistance Program shall be administered through the North Carolina Water and Wastewater Agency Response Network (NCWaterWARN) Committee. The purpose of the NcWaterWARN Committee is to provide coordination of the Mutual Aid and Assistance Program before, during, and after an emergency. The NcWaterWARN Committee, under the leadership of an elected Chairperson, shall meet quarterly as deemed necessary by the Chair to address Mutual Aid and Assistance Program issues.

The administration of NcWaterWARN will be through the NcWaterWARN Committee. The committee shall consist of a chair and vice chair, an eastern regional section, a western regional section, and (3) At-Large members. The NcWaterWARN committee shall consist of an eastern regional section with three (3) seats representing large and small public water and wastewater utilities and private water systems. The western regional section shall consist of three (3) seats representing large and small public water and wastewater utilities and private water systems. Also, there shall be three (3) At-Large seats for additional representatives from either large and small public water and wastewater utilities or private water systems.

NcWaterWARN regional sections include the following counties divided into an eastern regional section and a western regional section. The regional sections are divided along the central division regions of NC Department of Environment and Natural Resources (NCDENR). A map of the regional sections is included in Appendix A of this agreement.

Eastern Regional Section— Montgomery, Anson, Moore, Richmond, Person, Orange, Chatham, Lee, Hoke, Scotland, Granville, Durham, Wake, Harnett, Cumberland, Robeson, Vance, Warren, Franklin, Johnston, Sampson, Bladen, Columbus, Northampton, Halifax, Nash, Wilson, Wayne, Duplin, Pender, New Hanover, Brunswick, Edgecombe, Greene, Lenoir, Gates, Hertford, Bertie, Martin, Pitt, Craven, Jones, Onslow, Beaufort, Pamlico, Carteret, Hyde, Dare, Washington, Tyrrell, Chowan, Perquimans, Pasquotank, Camden, and Currituck.

Western Regional Section— Cherokee, Graham, Swain, Clay, Macon, Jackson, Haywood, Transylvania, Madison, Buncombe, Henderson, Mitchell, Yancey, McDowell, Rutherford, Polk, Avery, Burke, Watauga, Caldwell, Cleveland, Ashe, Alleghany, Wilkes, Alexander, Catawba, Lincoln, Gaston, Surry, Yadkin, Iredell, Mecklenburg, Stokes, Forsyth, Davie, Davidson, Rowan, Cabarrus, Stanley, Union, Rockingham, Guilford, Randolph, Caswell, and Alamance.

Representatives from large and small public water and wastewater utilities and private utilities shall be elected at the NcWaterWARN Annual Meeting. Election and voting procedures will be described in the NcWaterWARN Operational Procedures.

Under the leadership of the NCWaterWARN Committee Chair, NCWaterWARN Committee Members shall plan and coordinate emergency preparedness and response activities for the Mutual Aid and Assistance Program. The NCWaterWARN Committee Chair (or his/her designee) shall maintain a master list of all members of the Mutual Aid and Assistance Program.

The NCWaterWARN Committee shall elect a Chair and a Vice Chair. The first Chair and Vice Chair will serve a two (2) year term and subsequent Chairs and Vice Chairs will serve one (1) year thereafter.

The NCWaterWARN Committee shall:

- A. Convene an annual meeting for members.
- B. Provide for the development and maintenance of a database of all participating utilities through one of the members, sponsor agencies, or participating agencies or associations.
- C. Meet as a NCWaterWARN Committee at least quarterly, as needed and at the discretion of the Chair, to address and resolve concerns, create and modify procedures and any additional policy or legal issues related to NCWaterWARN.
- D. Provide for the development and maintenance of a secure website.
- E. Include an advisory board in its meetings to provide input based on the expertise of their agency.

The additional responsibilities of the Chair are described throughout the agreement. Those duties will be highlighted in the agreement for review by the NCWaterWARN Committee and the Sponsors. Those duties will be listed together in the protocols.

The NCWaterWARN shall have an advisory board that consists of representatives from partner agencies and stakeholders. Representatives to the advisory board from the respective agencies shall be named by those agencies. The advisory board is not a voting member. NCWaterWARN advisory board may include at least one representative from the following agencies:

- North Carolina Department of Environment and Natural Resources Public Water Supply Section
- North Carolina Department of Environment and Natural Resources Division of Water Quality
- North Carolina Section of the American Water Works Association and Water Environment Association
- North Carolina Rural Water Association
- North Carolina Waterworks Operators Association
- North Carolina Emergency Management
- North Carolina League of Municipalities
- Eastern Water and Wastewater Network
- Environmental Protection Agency Region IV
- Department of Homeland Security Protective Security Advisor

Other agencies may be invited to join or have representation on the advisory board at the discretion of the NCWaterWARN committee.

ARTICLE IV.
PROCEDURES

In coordination with other response partner agencies, *the* NCWaterWARN Committee shall develop operational and planning procedures for the Mutual Aid and Assistance Program. These procedures shall be reviewed at least annually and updated as necessary.

ARTICLE V.
PRE-EVENT PLANNING

Members shall identify resources available for deployment and develop plans for housing and providing for the necessities and maintenance of personnel and equipment deployed to provide mutual aid and assistance when a request for assistance is made by the member.

In addition, Members shall provide training to their response personnel related to:

- NIMS compliance
- Mutual aid response protocols
- Required documentation for providing mutual aid and assistance and for receiving mutual aid and assistance

ARTICLE VI.
REQUESTS FOR ASSISTANCE

Member Responsibility: Members shall identify an Authorized Official and alternates, provide contact information including 24-hour access, and maintain resource information made available by the utility for mutual aid and assistance response.

In the event of an Emergency, a Member's Authorized Official may request mutual aid and assistance from a participating Member. Requests for assistance can be made orally or in writing. When made orally, the request for personnel, equipment, materials, and supplies shall be prepared in writing as soon as practicable. Requests for assistance shall be directed to the Authorized Official of the participating Member. The Chair will be notified of all activations of the agreement. Specific protocols for requesting aid shall be provided in the required procedures (Article IV).

Response to a Request for Assistance: After a Member receives a request for assistance, the Authorized Official evaluates whether resources are available to respond to the request for assistance. Following the evaluation, the Authorized Representative shall inform, as soon as possible, the Recipient whether it has the resources to respond. If the Member is willing and able to provide assistance, the Member shall inform the Recipient about the type of available resources and the approximate arrival time of such assistance.

Discretion of Provider's Authorized Official: Execution of this Agreement does not create any duty to respond to a request for assistance. When a Member receives a request for assistance, the Authorized Official shall have absolute discretion as to the willingness to respond and/or availability of resources. An Authorized Member's decisions on the availability of resources shall be final.

ARTICLE VII.
PROVIDER PERSONNEL

National Incident Management System: When providing assistance under this Agreement, the Requesting Utility and Responding Utility shall be organized and shall function under the National Incident Management System if State or Federal preparedness funding is desired.

Control: Provider personnel shall remain under the direction and control of the Provider. The Recipient's Authorized Official shall coordinate response activities with the designated supervisor(s) of the Provider(s). Whenever practical, Provider personnel must be self sufficient for up to 72 hours.

Food and Shelter: The Recipient shall supply reasonable food and shelter for Provider personnel. If the Recipient is unable to or fails to provide food and shelter for Responding personnel, the Provider's designated supervisor is authorized to secure the resources necessary to meet the needs of its personnel. The cost for such resources should not exceed the State per diem rates for that area without further justification of good faith efforts to secure accommodations within the per diem. The Recipient remains responsible for reimbursing the Provider for all costs associated with providing food and shelter, if such resources are not provided.

Communication: The Recipient shall provide Provider personnel with radio equipment as available, or radio frequency information to program existing radio, in order to facilitate communications with local responders and utility personnel.

Status: Unless otherwise provided by law, the Provider's officers and employees retain the same privileges, immunities, rights, duties, and benefits as provided in their respective jurisdictions.

Licenses and Permits: To the extent permitted by law, Provider personnel who hold licenses, certificates, or permits evidencing professional, mechanical, or other skills shall be allowed to carry out activities and tasks relevant and related to their respective credentials during the specified Period of Assistance. Members should comply with NIMS credentialing where applicable.

Right to Withdraw: The Provider's Authorized Official retains the right to withdraw some or all of its resources at any time. Notice of intention to withdraw must be communicated to the Recipient's Authorized Official as soon as possible.

ARTICLE VIII.
COST REIMBURSEMENT

Unless otherwise mutually agreed in whole or in part, the Recipient shall reimburse the Provider for each of the following categories of costs incurred while providing aid and assistance during the specified Period of Assistance. Such cost may include damage or loss to equipment.

Personnel: Provider personnel are to be paid for assigned duty during a specified Period of Assistance (refer to definition of period of assistance in Article II) according to the terms provided in their employment contracts or other conditions of employment. Either Member may require Provider's personnel to observe a rest period prior to travel back to the Provider's base

of operations to ensure safety of personnel. The Provider designated supervisor(s) must keep accurate records of work performed by personnel during the specified Period of Assistance. Recipient reimbursement to the Provider must consider all personnel costs, including salaries or hourly wages, costs for fringe benefits, and indirect costs.

Equipment: The Recipient shall reimburse the Provider for the use of equipment during a specified Period of Assistance, including but not limited to, reasonable rental rates, all fuel, lubrication, maintenance, transportation, and loading/unloading of loaned equipment. All equipment shall be returned to the Provider in similar condition to its condition at the time of the request for mutual aid and assistance. As a minimum, rates for equipment use must be based on the Federal Emergency Management Agency's (FEMA) Schedule of Equipment Rates. If a Provider uses rates different from those in the FEMA Schedule of Equipment Rates, the Provider must provide such rates in writing to the Recipient prior to supplying resources. Mutual agreement on rates other than FEMA Schedule of Equipment Rates must be reached in writing prior to dispatch of the equipment. Reimbursement for equipment not referenced on the FEMA Schedule of Equipment Rates must be developed based on actual recovery of costs. If Provider must lease a piece of equipment while its equipment is being repaired, Recipient shall reimburse Provider for such rental costs.

Materials and Supplies: The Recipient must reimburse the Provider in kind or at actual replacement cost, plus handling charges, for use of expendable or non-returnable supplies. The Provider must not charge direct fees or rental charges to the Recipient for other supplies and reusable items that are returned to the Provider in a clean, damage-free condition. Reusable supplies that are returned to the Provider with damage must be treated as expendable supplies for purposes of cost reimbursement.

Payment Period: The Provider must provide an itemized bill to the Recipient for all expenses it incurred as a result of providing assistance under this Agreement. The Provider must send the itemized bill to the authorized official not later than ninety (90) days following the end of the Period of Assistance. The Recipient must pay the bill in full on or before the one hundred eightieth (180th) day following the billing date. Unpaid bills become delinquent upon the one hundred eighty-first (181st) day following the billing date, and, once delinquent, the bill accrues interest at the rate of prime, as reported by the *Wall Street Journal*, plus two percent (2%) per annum.

Records – Each Provider and their duly authorized representatives shall have access to a Recipient's books, documents, notes, reports, papers, and records which are directly pertinent to this Agreement for the purposes of reviewing the accuracy of a cost bill or making a financial, maintenance, or regulatory audit. Each Recipient and their duly authorized representatives shall have access to a Provider's books, documents, notes, reports, papers, and records which are directly pertinent to this Agreement for the purposes of reviewing the accuracy of a cost bill or making a financial, maintenance, or regulatory audit. Such records shall be maintained and made accessible for at least three (3) years or longer where required by law.

ARTICLE IX.
DISPUTES

Any claim arising out of or relating to this agreement shall be subject to mediation as a condition precedent to the institution of legal or equitable proceedings by any Member. The parties shall share the mediator's fee and any filing fees equally. Mediation shall be held in the County of the Providing Member if a place has not been mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court of competent jurisdiction. Claims not resolved by mediation shall be decided by a court of competent jurisdiction unless the parties mutually agree otherwise.

ARTICLE X.
LIABILITY

Each Member shall be responsible for any and all claims, demand, suits, actions, damages and causes of action related to or arising out of or in any way connected with its own actions, and the actions of its personnel, in providing mutual aid and assistance rendered or performed pursuant to the terms and conditions of this Agreement.

ARTICLE XI.
INDEMNIFICATION

In the event of a liability, claim, demand, action, or proceeding of whatever kind or nature arising out of provision of assistance under this agreement, the Members who received and provided assistance during said Period of Assistance shall indemnify and hold harmless those other Members, NCWaterWARN Committee and Sponsor Agencies who had no involvement with the transaction or occurrence that is the subject of the aforementioned claim, action, demand, or other proceeding of whatever kind.

ARTICLE XII.
WORKERS' COMPENSATION CLAIMS

Recipient shall not be responsible for reimbursing any amounts paid or due as benefits to Provider's employees under the terms of the North Carolina Workers' Compensation Act, Chapter 97 of the General Statutes, due to personal injury or death occurring during the period of time such employees are engaged in the rendering of aid and assistance under this Agreement. It is mutually understood that Recipient and Provider shall be responsible for payment of such workers' compensation benefits only to their own respective employees. Further, it is mutually understood that Provider will be entirely responsible for the payment of workers' compensation benefits to its own respective employees pursuant to G.S. 97-51.

ARTICLE XIII.
NOTICE

A Member who becomes aware of a claim or suit that in any way, directly or indirectly, contingently or otherwise, affects or might affect other Members of this Agreement shall provide prompt and timely notice to the Members who may be affected by the suit or claim. Each Member reserves the right to participate in the defense of such claims or suits as necessary to protect its own interests.

ARTICLE XIV.
CONFIDENTIAL INFORMATION

Except as otherwise required by law, pursuant to NCGS 132-1.7, any Member shall maintain in the strictest confidence and shall take all reasonable steps necessary to prevent the disclosure of any confidential information shared between Members under this Agreement. If any Member, third party, or other entity requests or demands, by subpoena or otherwise, that a Member disclose any confidential information disclosed under this Agreement, the Member shall immediately notify the owner of the confidential information and shall take all reasonable steps necessary to prevent the disclosure of any confidential information by asserting all applicable rights and privileges with respect to such information and shall cooperate fully in any judicial or administrative proceeding relating thereto.

ARTICLE XV.
EFFECTIVE DATE

This Agreement shall be effective after the Water and/or Wastewater Utility's authorized representative executes the Agreement. An executed copy will be provided to the NCWaterWARN Committee Chair.

ARTICLE XVI.
WITHDRAWAL

A Member may withdraw from this Agreement by providing written notice of its intent to withdraw to NCWaterWARN Committee Chair. Withdrawal takes effect sixty (60) days after the NCWaterWARN Committee Chair receives notice.

Membership may be suspended or revoked by the NCWaterWARN Committee for failure to comply with this Agreement.

**ARTICLE XVII.
MODIFICATION**

Modifications to this Agreement may be made to incorporate programmatic operational changes to support the Agreement. Modifications require a two-thirds majority vote of Members. The NCWaterWARN Committee Chair must provide written notice to all Members of proposed modifications to this Agreement sixty (60) days in advance of the vote. The NCWaterWARN Committee Chair must provide written notice to all members of approved modifications to this Agreement. Approved modifications take effect sixty (60) days after the date upon which notice of the approved modifications are sent to the Members.

No provision of this Agreement may be modified, altered, or rescinded by individual parties to the Agreement.

**ARTICLE XVIII.
SEVERABILITY**

The Members agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

**ARTICLE XIX
PRIOR AGREEMENTS**

This Agreement supersedes all prior Agreements between Members to the extent that such prior Agreements are inconsistent with this Agreement.

**ARTICLE XX.
MULTIPLE AGREEMENTS**

When multiple mutual aid and assistance agreements exist between two Members, if inconsistencies exist between the agreements, the conditions of this Agreement take precedence except by mutual written acceptance of an alternate agreement of both Members for that specific event.

**ARTICLE XXI.
PROHIBITION ON THIRD PARTIES AND ASSIGNMENT OF RIGHTS/DUTIES**

This Agreement is for the sole benefit of the Members and no person or entity shall have any rights under this Agreement as a third-party beneficiary. Assignments of benefits and delegations of duties created by this Agreement are prohibited.

ARTICLE XXII.
INTRASTATE AND INTERSTATE MUTUAL AID AND ASSISTANCE PROGRAMS

To the extent practicable, Members of this Agreement shall participate in Mutual Aid and Assistance activities conducted under the North Carolina Statewide Mutual Aid and Assistance Agreement and the Interstate Emergency Management Assistance Compact (EMAC). Members may voluntarily agree to participate in an interstate Mutual Aid and Assistance Program for water and wastewater utilities through this Agreement if such a Program were established.

Now, therefore, in consideration of the covenants and obligations set forth in this Agreement, the Water and Wastewater Utility listed here manifests its intent to be a Member of the Intrastate Mutual Aid and Assistance Program for Water and Wastewater Utilities by executing this Agreement on this _____ day of _____ 2007.

Water/Wastewater Utility: _____

By: _____

By: _____

Title: _____

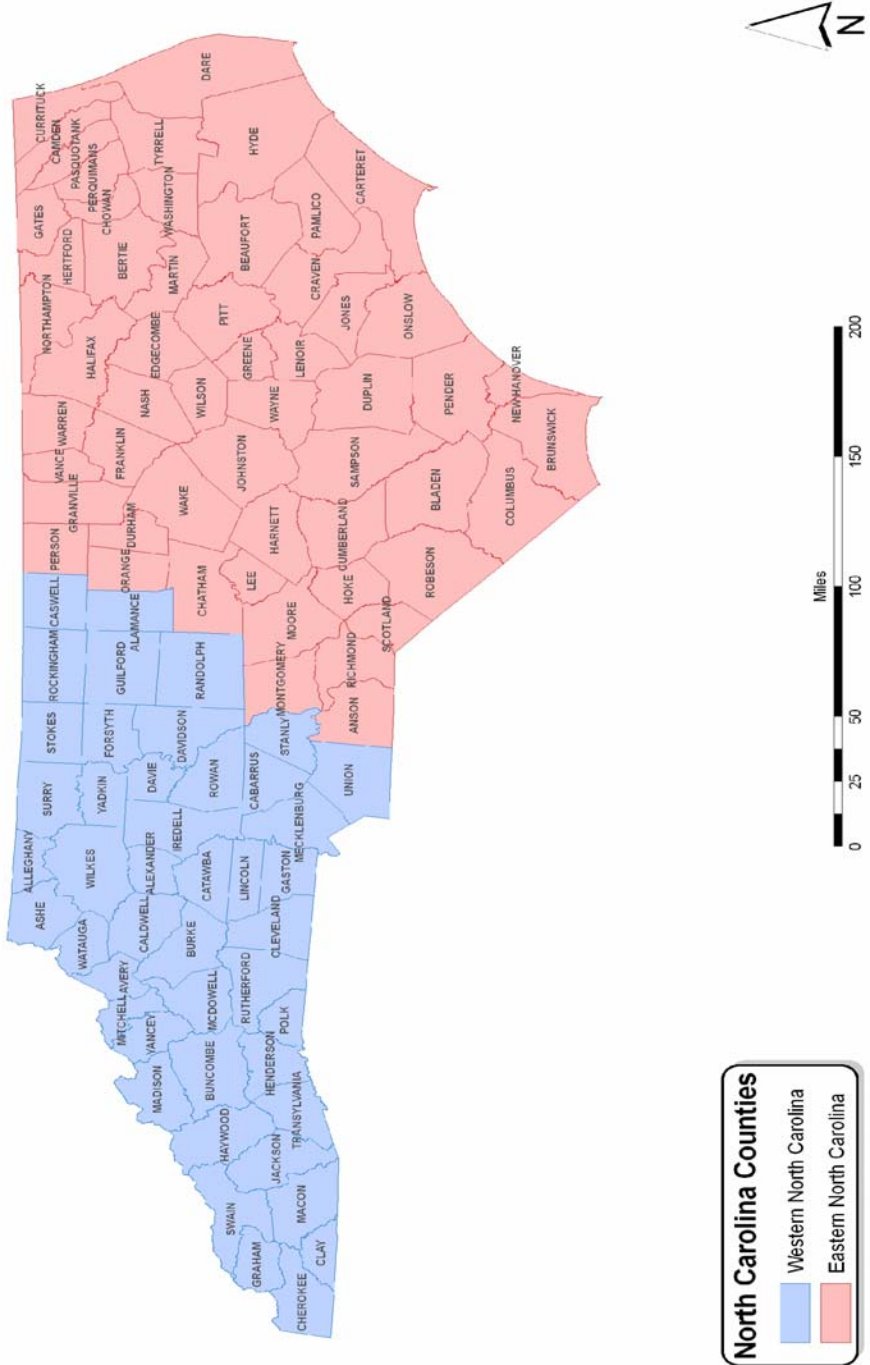
Title _____

Please Print Name

Please Print Name

APPENDIX A.
NC WARN REGIONAL MAP

NC WARN



Metropolitan Sewerage District of Buncombe County

BOARD INFORMATIONAL ITEM

Meeting Date: August 20, 2008

Submitted By: Thomas E. Hartye, PE., General Manager

Prepared By: W. Scott Powell, Director of Finance

Subject: Fourth Quarter Budget to Actual Review

Background

At the end of each quarter, actual revenue and expenditure amounts are compared with the budget to evaluate departmental performance. The third quarter report is analyzed to estimate year-end results, and project revenues and expenditures for the subsequent year's budget. See the attached schedule for comparison of year-to-date actual amounts at June 30, 2008 with original budget for FY 07-08.

Discussion

There are several explanatory notes at the bottom of the page to assist in using this schedule as a management tool. Other considerations are as follows:

- Domestic User Fees appear right on target. The accounts receivable balance from the Member Agencies for June billings will be received in September, but are not anticipated to vary greatly.
- Industrial User Fees were budgeted under the assumption that Anvil, Inc. would substantially wind down production and cease operations by early FY 08.
- Facility fees, traditionally budgeted very conservatively, illustrate the continued growth in the District and substantiate the increase in metered locations.
- Interest and miscellaneous income reflect higher than expected earnings on investments, as well as receiving a pump station fee from the Cliff Management Services, LLC in FY 08.
- Rental income is down, as the facility vacated by the Buncombe County Solid Waste Department has not yet been leased to another tenant.
- Actual and encumbered O&M expenditures appear reasonable but once accruals and adjustments are made, may vary slightly in the final audit.
- Bond principal and interest actually spent are slightly less than budgeted due to variable interest rates being budgeted conservatively.
- Capital projects may not contain some expenditures from June, so total expenditures may be increased in the final financial statements after contractor invoices are received on August 15th.

Staff Recommendation

None – Informational only

Action Taken

Motion by:	to	Approve	Disapprove
Second by:		Table	Send to Committee
Other:			
Follow-up required:			
Person responsible:			Deadline:

Metropolitan Sewerage District
Budget to Actual Revenue and Expenditure Report
For the fiscal year ended June 30, 2008
UNAUDITED--NON-GAAP

	Budget	Actual to Date	% Budget to Actual
REVENUES			
Domestic User Fees ¹	\$ 21,781,808	\$ 22,346,219	102.59%
Industrial User Fees	1,496,051	1,591,746	106.40%
Facility Fees ²	2,023,066	2,671,999	132.08%
Tap Fees	176,934	333,185	188.31%
Billing and Collection	537,285	582,082	108.34%
Interest and Misc. Income ^{3 7}	1,603,500	2,109,134	131.53%
Employee Contribution to Health Ins.	296,000	313,286	105.84%
City of Asheville (Enka Bonds)	37,000	37,003	100.01%
Rental Income	58,750	16,560	28.19%
Use of Available Funds ⁴	8,389,773	-	0.00%
Total Revenues ⁵	<u>\$ 36,400,167</u>	<u>\$ 30,001,213</u>	107.11%
EXPENDITURES			
Operations and Maintenance ⁶	\$ 12,793,101	\$ 11,988,034	93.71%
Bond Principal and Interest	8,192,946	8,072,053	98.52%
Capital Equipment (Other than O&M)	645,000	620,495	96.20%
Capital Projects	13,769,120	12,587,162	85.23%
Contingency	1,000,000	-	
Total Expenditures	<u>\$ 36,400,167</u>	<u>\$ 33,267,744</u>	91.39%

Notes:

¹ Revenues are on the cash basis

² Received \$464,100 from Town Square West development

³ \$200,000 higher than expected investment income earnings

⁴ Prior year bond and pay-as-go funds to be used for CIP

⁵ Budget-to-Actual Ratio does not include use of available funds

⁶ Includes encumbered amounts as well as actual insurance expenditures

⁷ Received \$150,000 from Cliffs Management Services, LLC for a pump station

Metropolitan Sewerage District of Buncombe County

BOARD INFORMATIONAL ITEM

Meeting Date: August 20, 2008
Submitted By: Thomas E. Hartye, PE., General Manager
Prepared By: W. Scott Powell, Director of Finance
Subject: Cash Commitment/Investment Report-Month Ended June 30, 2008

Background

Each month staff presents to the Board an investment report for all monies in bank accounts and specific investment instruments. The total investments as of June 30, 2008 were \$40,487,554. The detailed listing of accounts is available upon request. The average rate of return for all investments is 4.275%. These investments comply with North Carolina General Statutes, Board written investment policies and the District's Bond Order.

The attached investment report represents cash and cash equivalents as of June 30, 2008 does not reflect contractual commitments or encumbrances against said funds. Shown below are the total investments as of June 30, 2008 reduced by contractual commitments, bond funds and District reserve funds. The balance available for future capital outlay is (\$12,598,417).

Total Cash & Investments as of 06/30/08		40,487,554
Less:		
FY 09 O&M Expenditures approved 6/11	(13,705,731)	
Construction Ordinance	(18,803,725)	
		(32,509,456)
Bond Restricted Funds		
Bond Service (Funds held by trustee):		
Funds in Principal & Interest Accounts	(4,272,321)	
Debt Service Reserve	(4,917,596)	
FY 08 Principal and Interest	(8,160,540)	
		(17,350,457)
District Reserve Funds		
Fleet Replacement	(1,017,135)	
WWTP Replacement	(767,545)	
Maintenance Reserve	(791,479)	
		(2,576,159)
Self-Funded Employee Medical		(649,898)
Designated for Capital Outlay		(12,598,417)

Staff Recommendation

None. Information Only.

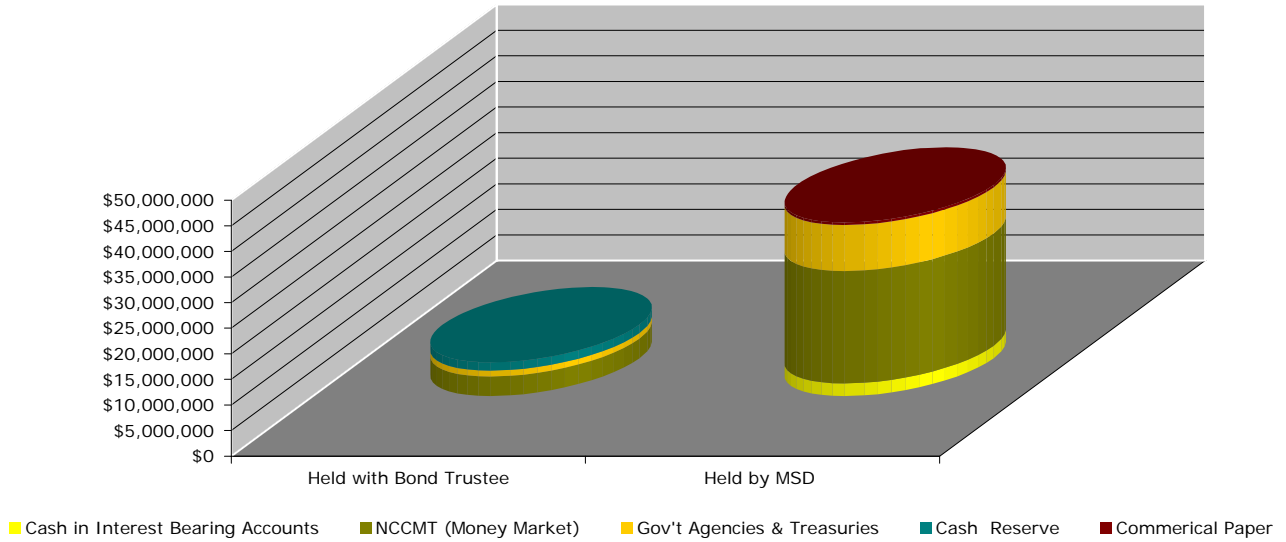
Action Taken

Motion by:	to	Approve	Disapprove
Second by:		Table	Send to Committee
Other:			
Follow-up required:			
Person responsible:			Deadline:

**Metropolitan Sewerage District of Buncombe County
Investment Portfolio**

	Cash in Interest Bearing Accounts	NCCMT (Money Market)	Commercial Paper	Cash Reserve	Gov't Agencies & Treasuries	Total
Held with Bond Trustee	\$ -	\$ 3,822,958		\$ 1,621,309	\$ 1,139,114	\$ 6,583,381
Held by MSD	2,419,684	21,985,683	497,838		9,000,968	33,904,173
	<u>\$ 2,419,684</u>	<u>\$ 25,808,641</u>	<u>\$ 497,838</u>	<u>\$ 1,621,309</u>	<u>\$ 10,140,082</u>	<u>\$ 40,487,554</u>

**MSD of Buncombe County
Investment Portfolio by Location
As of June 30, 2008**



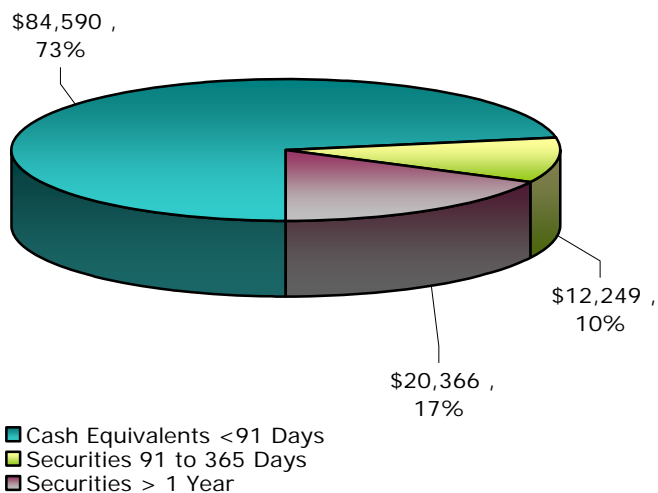
MSD Investment Managers' Report at June 30, 2008

<u>Summary of Asset Transactions</u>	<u>Original</u>	
	<u>Cost</u>	<u>Market</u>
Beginning Balance	\$ 31,862,902	\$ 31,928,723
Capital Contributed (Withdrawn)	(3,266,397)	(3,266,397)
Realized Income	117,205	117,205
Unrealized/Accrued Income	0	(10,042)
Ending Balance	<u>\$ 28,713,710</u>	<u>\$ 28,769,489</u>

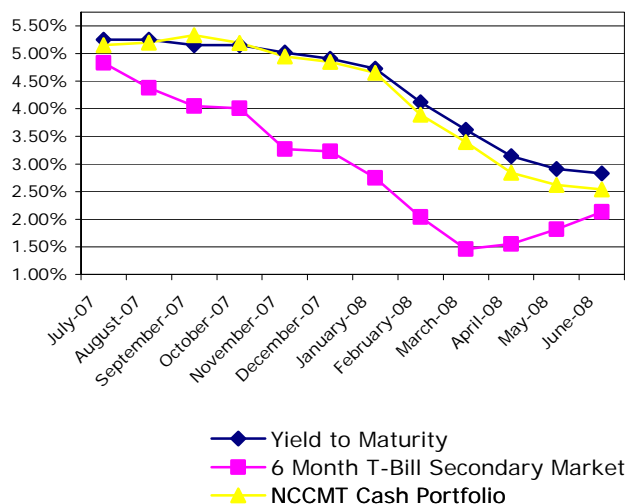
<u>Value and Income by Maturity</u>	<u>Original Cost</u>	<u>Income</u>
Cash Equivalents <91 Days	\$ 20,723,580	\$ 84,590
Securities 91 to 365 Days	3,000,750	\$ 12,249
Securities > 1 Year	4,989,380	\$ 20,366
	<u>\$ 28,713,710</u>	<u>\$ 117,205</u>

<u>Month End Portfolio Information</u>	
Weighted Average Maturity	202 Days
Yield to Maturity	2.83%
6 Month T-Bill Secondary Market	2.13%
NCCMT Cash Portfolio	2.54%

Metropolitan Sewerage District of Buncombe Co.
Investment Portfolio Income by Maturity
June 30, 2008



Metropolitan Sewerage District of Buncombe Co.
Yield Comparison
June 30, 2008



TREATMENT PLANT PRESENTATION

STATUS REPORTS

CAPITAL IMPROVEMENT PROGRAM

STATUS REPORT SUMMARY

Current as of August 12, 2008

PROJECT	AWARD DATE	NOTICE TO PROCEED	*COMPLETION DATE	*CONTRACT AMOUNT	*COMPLETION STATUS (WORK)	COMMENTS
ALTA AVENUE - PRP 34010	TBA	TBA	TBA	TBA	0%	Bids were opened on August 7th. Terry Brothers Construction was the apparent low bidder. This project will be presented at the August Board meeting.
DUNWELL AVENUE	5/15/08	5/29/08	11/24/08	\$396,008.00	80%	Construction is going very well.
EVERGREEN AVENUE	TBA	TBA	TBA	TBA	0%	Bids were opened on August 7th. Terry Brothers Construction was the apparent low bidder. This project will be presented at the August Board meeting.
GREELEY STREET	TBA	TBA	TBA	TBA	0%	Bids were opened on August 7th. Terry Brothers Construction is the apparent low bidder. This project will be presented at the August Board meeting.
LENOX STREET	TBA	TBA	TBA	TBA	0%	Bids were opened on August 7th. Terry Brothers Construction is the apparent low bidder. This project will be presented at the August Board meeting.
LOWER SMITH MILL CREEK INTERCEPTOR	6/14/06	7/5/06	12/31/07	\$3,178,317.00	100%	Project is complete and in close out.
MARDELL CIRCLE FOUR INCH	5/15/08	5/29/08	8/27/08	\$123,015.50	99%	Project turned over to City of Asheville for paving per interlocal agreement.
PENLEY AVENUE	TBA	TBA	TBA	TBA	0%	Bids were opened on August 7th. Terry Brothers Construction is the apparent low bidder. This project will be presented at the August Board meeting.
REEMS CREEK INTERCEPTOR	TBA	TBA	TBA	TBA	0%	Project is in advertisement and will be presented at the September Board.
REESE ROAD	TBA	TBA	TBA	TBA	0%	Bids were opened on August 7th. Terry Brothers Construction is the apparent low bidder. This project will be presented at the August Board meeting.
SHELBURNE ROAD INTERCEPTOR	1/16/08	1/28/08	5/26/08	\$537,197.00	100%	Project is complete and in close out.
SWEETEN CREEK @ ROCK HILL ROAD PHASE 2	9/19/07	11/12/07	8/17/08	\$1,616,013.58	100%	Project is complete and in close out.
WRF - GRIT AND GREASE (SCHREIBER REHAB & RETROFIT PROJECT)	3/21/07	4/1/07	8/1/08	\$351,300.00	92%	Working through air supply issues.

*Updated to reflect approved Change Orders and Time Extensions

Planning and Development Projects
Status Report August 13, 2008

Status	Project Name	Project Number	Work Location	Units	LF	Pre-Construction Conference Date	Comments
Complete-Waiting on Final Documents	Ashley Woods Phase 3	1999066	Avery's Creek		2,008	7/14/2005	Complete-Waiting on final documents
	Gene Bradley Subdivision	2004022	Fletcher	9	420	3/3/2005	Complete-Waiting on final documents
	The Ramble Block B Phase 1	2003175	Asheville	380	5,741	1/27/2005	Complete-Pending Board Acceptance
	Craggy View Cottages Phase 3	2004187	Swannanoa	10	193	2/22/2004	Complete-Waiting on final documents
	Franklin Road Sewer Extension	2004020	Swannanoa	1	263	5/26/2005	Complete-Waiting on final documents
	Acton Woods Apartments	2002195	Enka	20	0	1/27/2003	Complete-Waiting on final documents
	Davidson Road Sewer Extension	2004154	Asheville	3	109	12/15/2004	Complete-Waiting on final documents
	Givens Estates	2001143	S. Asheville	116	267	7/16/2003	Complete-Waiting on final documents
	Falconwood Subdivision	2004122	Enka	23	502	12/6/2005	Complete-Waiting on final documents
	Reynolds Mountain Phase IV	1995126	Asheville	37	2,036	7/6/2005	Complete-Waiting on final documents
	Riverbend Urban Village	2004206	Asheville	260	1250	8/29/2006	Complete-Waiting on final documents
	Northpoint Commons Phas 2	2000120	Woodfin	5	101	8/24/2006	Complete - Waiting on final documents
	N. Bear Creek Road Subdivision	2005137	Asheville	20	127	7/11/2006	Complete - Waiting on final documents
	Winterberry Subdivision	2005040	Arden	24	847	9/8/2006	Complete - Waiting on final documents
	Woodfin Manor	2003154	Woodfin	60	575	10/11/2006	Complete - Waiting on final documents
	Willowcreek Village Ph.3	2003110	Asheville	26	597	4/21/2006	Complete - Waiting on final documents
	Westmore Subdivision	2003003	West Asheville	92	1163	8/29/2006	Complete - Waiting on final documents
	Rock Hill Road Subdivision	2005153	Asheville	2	277	8/7/2006	Complete - Waiting on final documents
	Ken Higgins	199153	Asheville	-	240	6/15/2007	Complete - Waiting on final documents
	Chapel Park	2007083	Asheville	8	263	10/18/2007	Complete - Waiting on final documents
	Waightstill Mountain Ph-2-A	2003158	Arden	50	5011	10/14/2005	Complete - Waiting on final documents
	Waightstill Mountain Ph.2	2003158	Arden	32	5,011	5/5/2006	Complete - Waiting on final documents
	Waightstill Mountain PH-9	2006026	Arden	80	1878	8/7/2006	Complete - Waiting on final documents
	Jim Beck	2003003	West Asheville	future	75	12/12/2000	Complete - Waiting on final documents
	Lake Julian Trails Ph. 3,4, & 5	2006223	Asheville	74		8/2/2007	Complete - Waiting on final documents
	Hudson Street Cottages	2005147	Asheville	8	141	6/7/2006	Complete- Waiting on final documents
	Crowell Park	2006082	Asheville	74	860	8/2/2007	Complete- Waiting on final documents
	Reems Creek Townhomes - PH IV	2007279	Weaverville	8	796	12/11/2007	Complete- Waiting on final documents
	Pinebrook Farms	2005169	Weaverville	145	6796	9/8/2006	Complete- Waiting on final documents
	Craven Street Sewer Extension	2007098	Asheville	4	382	12/4/2007	Complete - Waiting on final documents
	Walmart (Airport Rd.)	2006144	Asheville	Comm.	2624	12/4/2007	Complete - Waiting on final documents
Ridgefield Business Park	2004188	Asheville	18	758	2/16/2005	Complete-Waiting on final documents	
			Subtotal	1589	41,311		

Planning and Development Projects
Status Report August 13, 2008

Status	Project Name	Project Number	Work Location	Units	LF	Pre-Construction Conference Date	Comments
Under Construction	Bell Road	2007159	Black Mtn	5	285	11/28/2007	Pre-con held, ready for construction
	Crayton Creek Green	2006282	Asheville	10	482	3/15/2007	Ready for final inspection
	Southcliff On-Site PH-2	2004220	Fairview		6008	7/20/2006	Ready for final inspection
	Haywood Village	2007172	Asheville	55	749	7/15/2008	Ready for construction
	Grove Park Cove Subdivision	2004101	Asheville	14	1122	6/28/2006	Pre-con held ready for construction
	The Settings (6 Acre Outparcel)	2004192	Black Mountain	21	623	3/15/2006	Ready for final inspection
	Northridge Commons	2006198	Weaverville	-	5,826	6/15/2007	Installing
	McGinnis Sewer Extension	2004225	Asheville	9	48	5/19/2005	In redesign.
	Falcon Ridge	2004240	Asheville	38	3,279	10/11/2006	Pre-con held- construction on hold
	Waightstill Mountain PH-8	2006277	Arden	66	3,387	7/26/2007	testing
	Artisan Park	1998125	West Asheville	133	4,529	4/26/2001	Changed Engineer - work to restart soon
	Byrd Street Condos	2007085	Asheville	14	300	7/31/2007	Ready for final inspection
	Scenic View	2006194	Asheville	48	534	11/15/2006	Ready for final inspection
	Reynolds Road Townhomes	2004178	Asheville	22	564	2/21/2007	Ready for final inspection
	Asheville Rental Commercial Ctr.	2006286	Asheville	Comm.	331	8/22/2007	Punchlist Pending
	Ingles	2007214	Black Mtn.	Comm.	594	3/4/2008	Pre-con held, ready for construction
	Bartram's Walk	2007065	Asheville	100	10,077	7/28/2008	Pre-con held, ready for construction
	Grandview Phase II	2007036	Asheville	7	352	2/13/2007	Testing
	Versant Phase I	2007008	Woodfin	64	12,837	2/14/2007	Installing
	Canoe Landing	2007137	Woodfin	4	303	5/12/2008	Ready for construction
	Central Valley	2006166	Black Mtn	12	472	8/8/2007	Punchlist pending
	Biltmore A6	2006227	Asheville	40	6,635	12/12/2007	Installing
	Biltmore Park Town Square II-1	2007076	Arden	-	967	6/21/2007	Installing
	Biltmore Park Town Square II-2	2007077	Arden	-	1,331	6/21/2007	Installing
	Biltmore Park Town Square II-3	2007078	Arden	-	527	6/21/2007	Installing
	Bitmore Park Town Square II-4	2007079	Arden	-	481	6/21/2007	Installing
	Haw Creek Tract	2006267	Asheville	49	1,817	10/16/2007	Installing
	Montreat-Chapman	2007275	Montreat	5	1096	5/12/2008	Pre-con held, ready for construction
	Hominy Valley Center	2005010	Candler	5	433	8/9/2005	Punchlist pending
	Kenilworth Cottages	2008031	Asheville	11	177	5/12/2008	Ready for construction
	CVS-Acton Circle	2005163	Asheville	4	557	5/3/2006	Ready for final inspection
	The Settings Phase 2	2004192	Black Mountain	100	8016	6/15/2006	Ready for final inspection
	Hamburg Mountain Phase 3	2004086	Weaverville	13	844	11/10/2005	Ready for final inspection
	UNCA New Science Building	2005039	Asheville	5	538	10/28/2005	Ready for final inspection
	Bostic Place Sewer Relocation	2005102	Asheville	3	88	8/25/2005	Ready for final inspection
	Franklin Road Sewer Extension	2004020	Swannanoa	1	263	5/26/2005	Ready for final inspection
	Kyfields	2003100	Weaverville	35	1,118	5/10/2004	Ready for final inspection
	Holiday Inn	2001068	Asheville	1	474	8/11/2003	Ready for final inspection
	Brotherton Co-Housing	1999162	West Asheville	32	152	1/24/2003	Ready for final inspection
	Whitney Heights Off-Site	2006008	Asheville	-	584	2/7/2007	Ready for final inspection
	Teems Road Subdivision	2007143	Asheville	40	1,308	5/27/2008	Ready for construction

Planning and Development Projects
Status Report August 13, 2008

Status	Project Name	Project Number	Work Location	Units	LF	Pre-Construction Conference Date	Comments
	Thom's Estate	2006309	Asheville	40	3,422	1/24/2008	Pre-con held, ready for construction
	Thom's Estate - Phase II	2008071	Asheville	40	3,701	6/10/2008	Pre-con held, ready for construction
	Carolina Day School	2007090	Asheville	1	1,827	3/10/2008	Pre-con held, ready for construction
	Residences at Biltmore	2006162	Asheville	16	277	3/14/2008	Pre-con held, ready for construction
	The Cottages on Liberty Green	2007297	Asheville	7	124	5/30/2008	Ready for construction
	MWB Sewer Extension	2008046	Asheville	Comm.	285	5/12/2008	Ready for construction
	Buncombe County Animal Shelter	2007216	Asheville	Comm.	78	5/1/2008	Ready for construction
	Skyland Apartments	2007117	Arden	63	96	4/23/2008	Ready for construction
	Leicester Village Townhomes	2007291	Weaverville	56	427	4/15/2008	Ready for construction
	Reynolds Village Phase V	2006250	Woodfin	Comm.	4,786	4/3/2008	Pre-con held, ready for construction
	Moore Street Sewer Extension	2008047	Weaverville	7	336	4/9/2008	Installing
	Biltmore Lake Block D2	2006228	Asheville	103	2,600	6/13/2008	Pre-con held, ready for construction
	Oak Crest Place	2004056	West Asheville	27	791	12/3/2004	Ready for final inspection
	Subtotal			3082	150,729		
	Total Units:			4,671			
	Total LF:				192,040		

***Right of Way Section
Project Status Summary
Open Projects***

<i>Project</i>	<i>Total ROW Budget</i>	<i>Total Expends to Date</i>	<i>Comment</i>
Crockett Road PRP	\$17,109		Negotiations underway, no funds expended to date.
Dingle Creek Interceptor, Ph II	\$64,657	\$41,947	Access 88% complete with 65% of Total Budget expended to date. Notify Monty Payne to smoke test neighborhood upon completion of all easements.
Dunwell Avenue GSR	\$23,218	\$5,768	Project 100% complete with 25% of Total Budget expended and no condemnations.
Eastwood Ave @ Old US 70 PRP	\$11,778	\$3,143	Project 100% complete with 27% of Total Budget expended and no condemnations.
Evergreen Avenue Four Inch Main	\$10,971	\$838	Access 100% complete with 8% of Total Budget expended to date. One condemnation filed with settlement pending.
Inglewood Road	\$43,990	\$41,486	Access 100% complete with 94% of Total Budget expended to date. One condemnation filed with judgment pending.
Long Shoals Road PRP	\$340,584	\$213,591	Access 100% complete with 63% of Total Budget expended to date. Three condemnations filed with judgments pending.
Lower Smith Mill Creek Rehabilitation	\$295,324	\$265,443	Access 100% complete with 90% of Total Budget expended to date. Ten condemnations filed; two have been dismissed, three settled prior to trial and five are pending judgments.
Merchant Street PRP	\$13,081	\$500	Access 14% complete with 4 % of Total Budget expended to date.
Merrimon Ave @ Ottari Rd GSR	\$221,473	\$1,778	Access 25% complete with less than 1% Total Budget expended to date.
Merrimon Avenue @ Stratford Road GSR	\$55,854	\$35,539	Access 91% complete with 64% of Total Budget expended to date.
Monroe Place GSR	\$15,461	\$5,025	Access 50% complete with 33% of Total Budget expended to date.
Nasty Branch Interceptor	\$19,962	\$6,477	Access 67% complete with 32% of Total Budget expended to date.
Old Home @ Weaverville Highway PRP	\$100,394	\$99,277	Access 100% complete with 99% of Total Budget expended to date. Market values much greater than tax values in this corridor and appraised damages were high. One condemnation filed with judgment pending.
Reems Creek Interceptor	\$58,824	\$44,710	Access 95% complete with 76% of Total Budget expended to date. One condemnation filed with judgment pending.

<i>Project</i>	<i>Total ROW Budget</i>	<i>Total Expends to Date</i>	<i>Comment</i>
Riverside Drive/Westover Drive	\$19,322	\$13,895	Access 100% complete with 72% of Total Budget expended to date. Two condemnations filed with judgments pending.
US 70 @ Neil Price Avenue GSR	\$21,143	\$14,374	Project 100% complete with 68% of Total Budget expended and no condemnations.
Weaverville Hwy. @ Hillcrest Road SS Replacement	\$31,751	\$9,500	Access 33% complete with 30% of Total Budget expended to date.

Condemnation Statistics
July 1, 1991 - June 30, 2008

Project	Easements	Actions	Settled Prior to Trial	Trial	Pending
Anvil Knitwear	3				
Azalea Avenue PSR	3				
Bankstown Road MSP	10				
Biltmore Forest Rehabilitation	7				
Biltmore Forest/Ram Branch	20	1		1	
Black Mountain 4"	1				
Black Mountain Chevrolet	2				
Black Mountain Rehabilitation	30				
Broadway Avenue	6				
Broadway Avenue @ 5 Points	12	4	4		
Brucemont Circle	3				
Brucemont Place Phase 2	32				
Campground Road AMP	2				
Carson Creek	4				
Clingman Avenue Rehabilitation	11				
Craven Street Access	2				
Delaware Avenue	9				
Depot Street @ Nasty Branch	2				
Depot Street Emergency Rehab.	2	1	1		
Dingle Creek @ Crowfields	3				
Dingle Creek Interceptor, Ph. 2	7				

Condemnation Statistics
July 1, 1991 to June 30, 2008

Project	Easements	Actions	Settled Prior to Trial	Trial	Pending
Druid Drive	4				
Dula MSR	2				
Dunwell Avenue	13				
Earl Capps Hollow	21				
East Euclid Parkway	3				
East Kenilworth Lake	11	5	5		
Eastwood Avenue @ US 70	10				
Elk Mountain Road PSR	3				
Emma Industrial Park	6				
Evergreen Avenue	4	1			1
Fair Oaks Road PRP	7	1	1		
Fairfax Avenue	11	3	3		
Fairway Drive	2				
Glen Bridge Road PRP	14				
Glen Bridge Road Rehabilitation	11	2	2		
Glenview Road Rehabilitation	9				
Grassy Branch Rehabilitation	37	9	9		
Greeley Street PSR	3				
Grindstaff Road	2				
Grove Park Inn Rehabilitation	1				
Harnett Street	2				
Heywood Road Rehabilitation	7	2	2		

Condemnation Statistics
July 1, 1991 to June 30, 2008

Project	Easements	Actions	Settled Prior to Trial	Trial	Pending
Hi Alta Avenue	14	2	2		
Hilliard/Coxe Avenue	4				
Holiday Inn/Kinko	2				
Honey Drive	9				
Inglewood Road	9	1			1
Johnston Boulevard	17				
Juvenile Evaluation Center	3				
Kitazuma Road	1				
Lake Julian Interceptor	7	1	1		
Lake Julian Pump Station	3				
Lake Louise Interceptor	34				
Lakey Gap Rehabilitation	2				
Lennox Street	8				
London Rd. Pilot Basin, 2b	43				
London Road AMP	12	2	2		
Long Shoals Road	2				
Long Shoals Road PRP	16	3			3
Lookout Road Rehabilitation	16	3	3		
Lower Ross Creek Interceptor	29	8	8		
Lower Smith Mill Creek Int.	39	10	5		5
Mardell Circle	3				
Merchant Street PRP	1				

Condemnation Statistics
July 1, 1991 to June 30, 2008

Project	Easements	Actions	Settled Prior to Trial	Trial	Pending
Merrimon Avenue @ Ottari	1				
Merrimon Ave. @ Beaverdam Crk.	7				
Merrimon Ave. @ Reed Creek	41	5	5		
Merrimon Ave. @ Stratford	10				
Merrimon Avenue Rehabilitation	4				
Merrimon Ave./I-240 Ramp	1				
Middle Beaverdam Creek Ph. 1	13				
Middle Beaverdam Creek Ph. 2	3				
Middlebrook AMP	8				
Midland Drive AMP	3				
Monroe Place GSR	1				
Montford Ave. @ US 19/23	4				
Morningside Drive	4				
Nasty Branch Interceptor	2				
NCDOT @ Lowes	1				
Nesbitt Drive Rehabilitation	9				
North Fork @ KOA Emergency	2				
North Griffing Blvd. PSR	9				
North Swannanoa Phase I	62	2	1	1	
North Swannanoa Phase II, 1	50	11	11		
North Swannanoa Phase II, 2	71	6	5	1	
North Swannanoa Phase II, 3	89	12	12		

Condemnation Statistics
July 1, 1991 to June 30, 2008

Project	Easements	Actions	Settled Prior to Trial	Trial	Pending
Northwood Road Rehabilitation	7				
Oaken Hill Place Rehabilitation	5				
Old Heywood Road MSR	27	2	2		
Old Home @ Weaverville Hwy.	16	1			1
Old Home Road PSR	1				
Patton Mountain PSR	14				
Penley Avenue PSR	4				
Pinehurst Road Rehabilitation	6				
Pisgah View Rehabilitation	20	1		1	
Pressley Branch Rehabilitation	5				
Reems Creek @ Balcrank	12				
Reems Creek Interceptor	117	1			1
Reems Creek Master Plan	1				
Riceville Road Rehabilitation	5				
Riverside Cemetary	1				
Riverside/Westover Rehabilitation	1	1	1		
Riverside/Westover Drive	2	2			2
Roberts Street Rehabilitation	3				
Roebing Circle Rehabilitation	1				
Roger's Place Rehabilitation	2				
Rollingwood Road PSR	6				
Russell Avenue Rehabilitation	3				

Condemnation Statistics
July 1, 1991 to June 30, 2008

Project	Easements	Actions	Settled Prior to Trial	Trial	Pending
Shelburne Road Rehabilitation	20				
Shiloh Road MSR	14				
Smith Mill Creek AMP	19				
State Street MSR	2				
Sulphur Springs Creek Rehabilitation	24	3	2	1	
Swannanoa River Road	19				
Sweeten Creek @ Rock Hill Road	29				
Sweeten Creek MSR	5				
Sweeten Creek/Wilson Creek	63	1		1	
Swindale Street PSR	5	1	1		
Tomahawk Basin Phase III	31				
Tomahawk Branch	16	1	1		
Trinity Chapel Road	4				
Trotter Place to Middlemont AMP	9	1	1		
Upper Ross Creek Rehabilitation	20				
US 70 @ Neil Price Ave. GSR	9				
US 70 @ Parkway GSR	1				
US 74	20	5	5		
VA Hospital	1				
View Street Rehabilitation	3				
Volvo Construction Equipment	1				

Condemnation Statistics
July 1, 1991 to June 30, 2008

Project	Easements	Actions	Settled Prior to Trial	Trial	Pending
Waters Road Rehabilitation	10	1	1		
Weaverville Hwy. @ Hillcrest	2				
Weaverville Main Street Rehabilitatio	8				
Webster Street PSR	1				
Wilmington Street MSR	9				
Winding Road PSR	3				
Woodland Road MSR	4				
Total	1634	116	96	6	14