

**BOARD OF THE METROPOLITAN SEWERAGE DISTRICT  
MARCH 18, 2009**

**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 P.M., Wednesday, March 18, 2009. Mr. Aceto presided with the following members present: Bissette, Bryson, Creighton, Haner, Kelly, Metcalf, Russell, Sobol, Stanley and VeHaun. Ms. Bellamy was 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, Stan Boyd, Ed Bradford, John Kiviniemi, Scott Powell, Jim Hemphill, Peter Weed, Neil Hall, Pam Thomas, Lisa Tolley and Sondra Honeycutt.

**2. Inquiry as to Conflict of Interest:**

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

**3. Approval of Minutes of the February 18, 2009 Board Meeting:**

Mr. Aceto asked if there were any changes to the Minutes of the February 18, 2009 Board Meeting. Mr. Haner asked that page five, item 10, line five, be changed to read, "keeps from being used in this process". With no further corrections, Mr. Aceto called for a motion. Mr. VeHaun moved that the Board approve the minutes as corrected. Mr. Haner seconded the motion. Voice vote in favor of the motion was unanimous.

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

None

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

Mr. Aceto welcomed Ms. Karpen.

**6. Report of General Manager:**

Mr. Hartye reported that a letter was received from Steve Semanchuck regarding his appreciation for MSD and the work of Ricky Bates and Julio Miguel. A call was received from Linda Hamilton of Asheville who was happy with the service she received from McKinley Hensley, Lloyd Anders and Clement Crowe. A call was received from Tracy Dykes of Fernbrook Place to express appreciation for the great customer service she received from Linda Phillips from dispatch, who was very pleasant. Also, a call was received from Tom Murphy of Avery's Creek to thank MSD for work done by Herman Shelton and Robert Burnette. Mr. Murphy was very happy with their professional response, super attitude and great job in removing roots from a manhole.

Mr. Hartye presented NCLM Legislative Bulletins for 2/20/09 and 3/06/09 and two Asheville Citizen-Times articles on the State Pension fund and health insurance. He also presented a NACWA Legislative Alert on the Stimulus. Regarding the Stimulus, Mr. Hartye reported that the comment process on the stimulus was extended another day, but as it stands North Carolina has a capitalization grant in the amount of \$70.7 million for the Clean Water State Revolving Fund (CWSRF) with Wastewater Loans in the amount of \$20 million; Wastewater Grants or Principal Forgiveness loans in the amount of \$34 million and Green Project Reserve loans in the amount of \$14 million. He further reported that the CWSRF Program has identified \$2.2 billion across North Carolina in eligible projects that are ready to proceed to construction. He stated that beyond what MSD has submitted, an application process will be necessary and the main criteria will be ready to go projects. He further stated that in addition to the MSD projects, the County

has submitted a leachate project and the City of Asheville has submitted two extension projects. With regard to principal forgiveness loans, Mr. Sobol asked how municipalities will know if the principal is forgiven or not. Mr. McGill stated that this will have to be declared early on in the process. He further questioned where the money will go if a municipality declines a loan. Mr. McGill stated that the money will be offered to the next eligible municipality.

Mr. Hartye called on Mr. Hemphill to address some of the issues associated with Human Resources, prior to the budget process. Mr. Hemphill, reported that Human Resources has been focusing on issues related to high cholesterol, high blood pressure, and diabetes. He stated that four years ago the District's costs on these issues was \$548,000 and the projected cost for this year is \$343,000, but the employees understand that if these issues are not controlled, it will translate into higher premium cost so they are working very hard to address these issues. Mr. Hemphill reported that the Employee Advisory Committee, comprised of employees and supervisors, are working on various sub-committees such as The Asheville Project, Smoking Cessation, Spousal Buy-out and the possibility of Catastrophic Coverage for those employees who are not interested in the plans currently offered. Mr. Haner asked if MSD has considered higher premiums for spousal coverage. Mr. Hemphill stated that first, MSD wants to encourage employees to move their spouses off of the plan by offering a financial incentive to do so, but no firm decision has been made in this regard. Mr. Hartye said there is a differential cost of premiums for individuals versus individual plus spouse.

Mr. Hartye reported that the next Right of Way Committee meeting will be held April 22<sup>nd</sup> at 9AM. The next regular Board meeting will be held April 15<sup>th</sup> at 2PM and the Board Retreat will be held May 8<sup>th</sup> from 9AM until noon.

Mr. Hartye called on Peter Weed, Director of Administration Services, for a report on the MSD Fleet. Mr. Weed introduced Neil Hall, Fleet Manager. Mr. Weed reported that the MSD fleet consists of 132 vehicles that are equipped to serve an assortment of jobs and needs, with a replacement value of over \$5 million. He stated that one of the most visible trucks is a water tanker, which is a retrofit from a 2001 Volvo chassis with "Can the Grease" displayed on its tank. Although the trucks look new, the average age of on-road vehicles is six years with 75,000 miles. In addition, MSD has purchased two electric plug-in Gem vehicles for the plant that have a payload of 1,200 lbs.

Mr. Weed reported that MSD focuses on diesel technology and diesel engine work and that it's unusual for a shop of this size, with three (3) mechanics and Neil Hall supervising and managing to have the Cummins Diesel Engine program it has. As far as "Clean Diesel Technology", he stated that in 2010, as MSD purchases more diesel trucks, they will put out fewer emissions and will actually filter and clean the air around them. He further stated that MSD has a power-wash bay that can handle its largest vehicles and mechanics can fix minor dings and dents in-house as well as paint and do complete overhauls, with all labor and cost for parts, tracked.

Mr. Weed reported that annually, the Equipment Review Committee meets to evaluate equipment requests greater than \$5,000. The Committee looks at the normal guidelines of these requests; use, whether it's an effective replacement and the life time costs associated with replacements, while adhering to all North Carolina guidelines for purchasing and contract pricing. He further reported that MSD maintains an active worksheet for all replacement vehicles so key data and a replacement schedule can be maintained. He explained how the rotation of vehicles occurs. Mr. Hartye said that rotation depends on the functionality of jobs within the organization. Ms. Karpen asked if recycle means you use the vehicles another year. Mr. Weed explained how the vehicles are recycled within the District. Mr. Weed stated that MSD maintains a reserve fund so that peak expenses or severe market conditions can be smoothed out. MSD's current

replacement cost is about \$370,000 per year. MSD has its own fuel station and these costs are tracked on an annual basis. He further stated that MSD was the first utility in WNC to move into bio-fuels and has used almost half a million gallons since 2003, which means 90,000 gallons of fossil fuel was replaced with soybean oil. Mr. Sobol asked if diesel truck pre-heaters are on timers. Mr. Hall said no, the trucks do not require heaters due to the intake design by Cummins Diesel. Mr. Haner said the public, as they see MSD, focuses on the appearance of its vehicles, with how new they look, and how much it must be spending on vehicles. MSD does not get the credit for being frugal. He suggested putting the year each vehicle was purchased on the outside. Mr. Hartye said the year is currently displayed as part of the truck I.D. number. He explained that the first two of the four numbers on the each vehicle is the year it was purchased. He stated that MSD takes good care of its vehicles and they are rotated, so it makes sense for MSD's first responders to drive the newer vehicles in order to avoid breakdowns on the way to emergencies. Ms. Karpen suggested writing a letter to the Editor or a feature article about MSD's fleet maintenance. Mr. Aceto expressed his appreciation to Mr. Weed for his presentation.

**7. Committee Reports:**

**Right of Way Committee**

Mr. Sobol reported that the Right of Way Committee met February 25<sup>th</sup> to consider Compensation Budgets for Gladstone Road and Sycamore Terrace projects. The Committee also considered condemnations on the Reems Creek Master Plan Extension project.

**8. Consolidated Motion Agenda:**

**a. Consideration of Compensation Budgets: Gladstone Road 4" Main and Sycamore Terrace PRP project:**

Mr. Hartye reported that the Right of Way Committee recommends approval of the Compensation Budgets.

**b. Consideration of Acceptance of Developer Constructed Sewer System – The Village at Reynolds Mountain Phase V:**

Mr. Hartye reported that this project is located inside the District boundary off Weaverville Road and includes the installation of approximately 4,786 linear feet of 8" gravity sewer extension to serve a 330 unit commercial development. Staff recommends acceptance of the developer constructed sewer system. All MSD requirements have been met.

**c. Cash Commitment/Investment Report – Month Ended January 31, 2009:**

Presented as information only.

Mr. Kelly moved that the Board approve the Consolidated Motion Agenda as presented. Mr. Sobol seconded the motion. Roll call vote was as follows: 11 Ayes, 0 Nays.

**9. Old Business:**

None

**10. New Business:**

None

**11. Adjournment:**

With no further business, Mr. Aceto called for adjournment at 2:35 P.M.

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Jackie W. Bryson, Secretary/Treasurer

<h1 style="margin: 0;">MSD</h1> <h2 style="margin: 0;">Regular Board Meeting</h2>
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Metropolitan Sewerage District  
of Buncombe County, NC

### AGENDA FOR 3/18/09

✓	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 February 18, 2009 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: a. Right of Way Committee – 2/25/09 – Kelly	Aceto	2:30
	07. Consolidated Motion Agenda		2:40
	a. Consideration of Compensation Budgets – Gladstone Road 4” Main and Sycamore Terrace PRP.	Hartye	
	b. Consideration of Developer Constructed Sewer System: The Village at Reynolds Mountain Phase V.	Hartye	
	c. Cash Commitment/Investment Report – Month Ended January 31, 2009.	Hartye	
	08. Old Business:	Aceto	2:50
	09. New Business:	Aceto	3:00
	10. Adjournment (Next Regular Meeting 4/15/09)	Aceto	3:10

# **APPROVAL OF MINUTES**

**BOARD OF THE METROPOLITAN SEWERAGE DISTRICT  
FEBRUARY 18, 2009**

**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 P.M., Wednesday, February 18, 2009. Mr. Aceto presided with the following members present: Bellamy, Bissette, Bryson, Creighton, Haner, Kelly, Russell, Sobol, Stanley and VeHaun. Mr. Metcaff was absent.

Others present were: Thomas E. Hartye, General Manager, Marjorie Mann, Attorney, Gary McGill with McGill Associates, Joseph Martin with Woodfin Sanitary Water & Sewer District, Leah Karpen with the League of Women Voters, Stan Boyd, Ed Bradford, Jim Hemphill, Peter Weed, John Kiviniemi, Scott Powell, Barry Cook, Ken Stines, Angel Banks, Julie Willingham and Sondra Honeycutt.

**2. Inquiry as to Conflict of Interest:**

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

**3. Approval of Minutes of the January 21, 2009 Board Minutes:**

Mr. Aceto asked if there were any objections to approving the minutes of the January 21, 2009 Board 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 and Mr. Martin. Mr. Aceto recognized Mr. Russell on his re-appointment to the Board, representing the City of Asheville. There was no public comment.

**6. Report of General Manager:**

Mr. Hartye reported that Mr. Rice of 51 Rex Drive called to express his appreciation for work done by Herman Shelton, an MSD First Responder. Mr. Rice was very happy with the clean-up and service that he received as well as the follow-up call. Also, a call was received from Charles Coxie of Harmony Lane expressing his appreciation to Bobby Arrowood, Clement Crowe, McKinley Hensley, Marcus Bynum and Lloyd Anders for the great work this crew completed around his house. Mr. VeHaun expressed his appreciation to Stan Boyd and Mike Butler for their quick response in arranging for the necessary paperwork, and to System Services for the temporary repair of a private sewer line that was damaged during a house fire in Woodfin.

Mr. Hartye presented a letter from Mayor Bellamy regarding property along Bent Creek that is referenced in the 1995 Agreement between the City of Asheville and Henderson County. He also attached a draft response. Mr. McGill reported that this property was purchased by the City of Asheville for a water treatment plant and became a part of the 1995 agreement with Henderson County. As part of the agreement, this property was conveyed to Henderson County to negotiate with MSD for sewer services and to facilitate the construction of a wastewater treatment plant on the property. He further reported that during the 2001 Master Plan process, this property was not included in the plan, because the property was not in a strategic location for a treatment plant, and the fact that the existing plant has sufficient capacity to treat projected wastewater flows from Buncombe County, North Henderson County and parts of Madison County well beyond the next 20 years. Mr. McGill stated that he does not see a time when this

location would be of interest to MSD. Mr. Hartye stated that the capacity at the plant is sufficient, however, in the next ten to fifteen years an interceptor upgrade may be needed in order to facilitate growth in South Buncombe and provide wastewater services to Henderson County and Cane Creek. Ms. Bellamy stated that since MSD does not plan to use the property for a wastewater treatment facility, it will come back to the City in 2012.

Mr. Hartye announced that Chairman Aceto would like to conduct a Board retreat prior to the May Board meeting from noon until 1:55 p.m., and asked the Board to check their availability. Mr. Aceto asked that discussion on the Board Retreat be moved to Old Business.

Mr. Hartye reported that the DVD Copy of Liquid Assets provided each Board member was forwarded by NACWA to each member of congress prior to deliberating over the stimulus package. He stated that this DVD has a great historical perspective for drinking water, storm water, and sanitary sewer collection and treatment. He further stated that this should serve as a primer for big picture financial discussions that will be the main subject of the Retreat.

Mr. Hartye presented a Legislative Bulletin from the North Carolina League of Municipalities and a NACWA Legislative Alert on the Stimulus and the \$6 billion slated for the Clean Water State Revolving Fund. He reported that approximately \$110 million will go to North Carolina for wastewater projects, with 50% in loans, from zero interest up to the 2.5%. Eighty percent of the remaining funds would be for projects to benefit municipalities that meet affordability criteria as determined by the Governor, and 20 percent for energy saving projects. He further reported that MSD has made an official submittal of four (4) rehabilitation projects and one (1) energy efficiency project that are applicable. He stated that the engineer overseeing this process has indicated that he will try to spread out the money for those first projects that are ready to go in the different areas of North Carolina. He further stated that the most any particular utility could hope to get would be \$1-3 million. Mr. Haner asked who the application was submitted to. Mr. Hartye said Dan Blaisdell with NCDENR-DWQ Construction, Grants & Loans. Mr. Haner asked if the Governor has control over these funds and if she has turned the distribution over to NCDENR. Mr. Hartye said yes, that MSD received a letter from Mr. Blaisdell regarding the criteria for submittal of projects. Mr. Haner asked if the projects submitted are from the CIP list. Mr. Hartye said yes. The four (4) rehab projects selected are high priority projects that are ready to go. A fifth project is the intermediate pump replacement at the treatment plant, which was submitted as an energy saving project. Mr. Haner asked if MSD took into consideration the area's unemployment rate when submitting these projects. Mr. McGill stated that unemployment is not a factor for water and wastewater projects. The stimulus projects will fit into the rules of the State Revolving Loan Fund and the primary focus of these projects will be "ready to go". He further stated that MSD submitted the projects it did because there were no environmental assessments in front of them, they did not have significant property acquisition, and they have been designed and permitted to the extent necessary. Mr. Sobol reported that of the original \$24 million in ready to go projects MSD planned to submit, \$2.5 million was going to Black Mountain for two (2) annexation projects, but these projects were pulled. However, Black Mountain is applying for another program that has \$6 billion dollars of wastewater funding that will flow through rural development.

Mr. Sobol reported that he attended the NACWA Winter Conference in Atlanta and was presented the Excellence in Management Award on behalf of MSD for the second time. He stated that the award is not only for Management and the Board, but for staff, who has done a great job.



**7. Report of Committees:**

**Right of Way Committee**

Mr. Kelly reported that the Right of Way Committee met January 28, 2009 to consider Compensation Budgets on the Rockdale Avenue PRP and Short Coxe @ Southside GSP Projects. The Committee also considered condemnations on the Charland Forest GSR and Nasty Branch Interceptor projects.

**Finance Committee**

Mr. Sobol reported that the Finance Committee met February 3, 2009 to consider the Budget Calendar and Revisions to the Purchasing Policy. The Committee also heard reports on the Second Quarter Budget to Actual Review and the Self-Insured Health Plan. Mr. Sobol called on Mr. Powell for highlights of the Self-Insured Health Plan. Mr. Powell reported that as of the second quarter of this year, plan expenses are higher than projected due to two (2) claims averaging over \$95,000. He stated that nearly 43% of claims paid were for participants over the age of 50, which comprises 19% of the insured pool. There was a 5% drop in acid reflux drugs, as a result of the pharmaceutical step therapy program, instituted by the Finance and Human Resource Divisions. He further stated that less than 19% of participants with chronic conditions such as diabetes, high cholesterol and high blood pressure incurred over 28% of total claims. Over the same period last fiscal year, 18% of participants with chronic conditions incurred over 56% of total claims. Staff believes that the implementation of a Disease Management Program, similar to the City of Asheville's "Asheville Project" is contributing to the reduced costs.

With regard to the Second Quarter City of Asheville Billing Report, Mr. Sobol stated that net billings are down nearly 1% from this time last year due to a reduction in residential consumption as well as signs of recessionary constraints on commercial usage.

Mr. Sobol further reported that he discussed the current US Economic Conditions and is asking the Board to consider a discussion on this issue in the near future, since it will not only affect the MSD as it moves forward in dealing with finances, but the ratepayers.

Mr. Aceto recognized staff for their efforts in the Disease Management Program.

**8. Consolidated Motion Agency:**

**a. Consideration of Compensation Budgets for Rockdale Avenue PRP and Short Coxe @ Southside GSR Projects:**

Mr. Hartye reported that the Right of Way Committee recommends acceptance of the Compensation Budgets.

**b. Consideration of Condemnations – Charland Forest GSR Project:**

Mr. Hartye reported that despite several contacts and a meeting on site, the property owners are not willing to sign the easement based on the compensation (\$500.00) offered. The Committee recommends authority to obtain appraisals and proceed with condemnations.

**c. Consideration of Condemnation – Nasty Branch Interceptor:**

Mr. Hartye reported that in order to work with Norfolk Southern Railroad (NSRR), MSD has offered to pay a fee of \$4,000, but NSRR has been non-responsive to the offer. The Right of Way Committee recommends authority to obtain appraisal and proceed with condemnation to obtain an easement. Ms. Bellamy

noted that the name Nasty Branch has been changed to Town Branch. Mr. Haner asked if there has been any change in the fee amount since the Right of Way Meeting. Ms. Banks reported that in a conversation between MSD Counsel and the Right of Way Property Manager with Northfolk Southern, he has agreed to an easement agreement instead of a license agreement for the \$4,000 fee rather than the \$33,000 fee. She stated that, although there is a verbal agreement at this time, Mr. Clarke wants to proceed with the recommendation of the Right of Way Committee in the event the verbal agreement gets dropped at some point.

**d. Consideration of Acceptance of Developer Constructed Sewer System – Lake Julian Trails:**

Mr. Hartye reported that this project is located outside the District boundary off New Rockwood Road in Buncombe County. The project included the installation of approximately 2,265 linear feet of 8” gravity sewer extension and 291 linear feet of 10” gravity sewer extension to serve an 85 unit residential development. Staff recommends acceptance of the developer constructed sewer system. All MSD requirements have been met.

**e. Consideration of Adoption of Budget Calendar:**

Mr. Hartye reported that staff recommends approval of the proposed Budget Calendar with one change; the April 2<sup>nd</sup> CIP Committee Meeting has been changed to April 30<sup>th</sup>.

**f. Consideration of Adoption of Revised Purchasing Policy:**

Mr. Hartye reported that the Finance Committee recommends adoption of the revised purchasing policy. Mr. Hartye called on Mr. Powell for a report on those changes. Mr. Powell reported that the policy reflects NC General Statutes purchasing limits revised in 2007 as well as other operational and format changes. He stated that the plan addresses the increase in informal bid amounts for supplies and materials from \$5,000 to \$50,000 to the current statutory limit of \$30,000 to \$89,999, and an increase in the formal bid amount of \$50,000 to the current statutory limit of \$90,000. He further reported that the informal bid amounts for construction and repairs has increased from \$5,000 to \$100,000 to the statutory limit of \$30,000 to \$499,999, and an increase in the formal bid amount of \$100,000 to the statutory limit of \$500,000. He stated that a new section was added to the Policy on the requisition process, which establishes limits for the approval process, as well as a new section, which addresses disposal of surplus property. Mr. Aceto asked if there is a restriction on who can bid on surplus property. Mr. Powell said yes.

**g. Second Quarter Budget to Actual Review:**

Mr. Hartye reported that Industrial User Fees are slightly below 50% as a result of Springs Global cutting production, residential fees are slightly lower than normal, and Facility and Tap Fees are higher as a result of receiving unanticipated checks from two (2) new developments early this fiscal year.

**h. Cash Commitment/Investment Report – Month Ended December 31, 2008:**

Informational item – no action was taken.

Mr. Kelly moved that the Board approve the Consolidated Motion Agenda as presented. Mr. Vehaun seconded the motion. Mr. Aceto called for discussion. With no discussion, roll call vote was as follows: 10 Ayes; 0 Nays. Ms. Bryson was absent during the vote.

**9. Old Business:**

With regard to the Board Retreat, Mr. Haner stated that he is interested in changing the Retreat, allowing for a more informal atmosphere and the time to go through discussions to the level they need to go through. He further stated that this would be a perfect time to discuss economic issues and other issues Board Members may bring to the table. Mr. Aceto stated that the function of a Retreat is for Board Members and Staff to present issues as to what the Board should be focusing on, and to set goals & objectives for the coming year. He further stated that two of the items that should be at the top of the agenda include looking at MSD policies regarding construction and borrowing, to see how economic changes have affected them. Also, discuss accelerating some programs. After some discussion, it was the consensus of the Board that the Retreat not be held on the same day as the Board Meeting and that more time be given to deal with important issues. Ms. Bellamy asked what will be on the agenda. Mr. Aceto stated that other than the issues previously mentioned, Board Members should submit their concerns to staff to be placed on the agenda. A discussion was held regarding the timing and location of the retreat. Ms. Bellamy suggested that Mr. Haner Chair a Retreat Committee and report back to the Board.

**10. New Business:**

Regarding the private development (The Springs at Asheville Force Main) approved by the Board at the January Meeting, Mr. Haner asked for more discussion on MSD's policy of letting a private developer convince MSD to use its position as a public body to use highway rights of way to proceed with the development. He further questioned how MSD keeps from using this process, and whether the current policy includes the need to go before the City or County for approval on issues such as zoning and the size of a project. He stated that he does not want the Board to be in a position where it accepts developments that by-passes any of the procedures of the City or County that are already in place. Mr. Boyd stated that in years past MSD established a precedent where a private pump station is applicable to accommodate that in the public and DOT rights of way by accepting ownership of the force main. He further stated that this particular project is a large project and the developer has a good tract record of maintaining facilities. Mr. Hartye stated that developers meet the requirements of the City and County before they come to MSD. This would not only apply to pump systems, but gravity systems as well, which MSD would be responsible for, since private entities are not allowed to own, operate or maintain facilities in the public rights of way. Therefore, MSD would take over ownership and maintenance of the line in the public right of way, whether it's a gravity main or a force main. Mr. Haner stated that it seems like one of the criteria the City would use before giving its approval is the matter of handling waste, and in all likelihood, it would not give approval to the project until the easement was there. Ms. Bellamy stated that before the project comes to Council, it would go to the Technical Review Committee, and staff would say certain requirements have been met, but it is ultimately up to the MSD to decide if sewer is granted. She reported on a problem with a developer, who is telling Black Mountain that they will not come into the City, or adhere to their rules because the City of Asheville has the Sullivan Act and it must give them water.

Mr. Aceto appointed Mr. Stanley to serve on the Planning and Personnel Committees.

**11. Adjournment:**

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

**REPORT OF GENERAL MANAGER**

# MEMORANDUM

TO: MSD Board  
FROM: Thomas E. Hartye, P.E., General Manager  
DATE: March 12, 2009  
SUBJECT: Report from the General Manager

- KUDOS

- Attached is a letter from Steve Semanchuck regarding his appreciation for MSD and the work of Ricky Bates and Julio Miguel.
- Attached is an email account of a call received 2/23/09 from Linda Hamilton of Asheville who was happy with the service she received from McKinley Hensley, Lloyd Anders, and Clement Crowe.
- Tracy Dykes of Fernbrook Place called 2/23/09 to express appreciation for the great customer service she received from Linda Phillips from dispatch who handled her call in a very pleasant way.
- Tom Murphy of Avery's Creek called 3/06/09 to thank MSD for the work of Herman Shelton and Robert Burnette. Mr. Murphy was very happy with their professional response, super attitude and great job in removing roots from a manhole.

- READING

- NCLM Legislative Bulletin 2/20/09 and 3/06/09.
- AC-T articles (2/20/09) on the State pension fund and health insurance.
- NACWA Legislative Alert (3/03/09) on Stimulus

- Board/Committee Meetings

The next ROW Committee will be held March 25<sup>th</sup> at 9 AM. The next Regular Board Meeting will be held April 15<sup>th</sup> at 2pm. The Board Retreat will be May 8<sup>th</sup> 9am till noon.

28 February 2009

Sir -

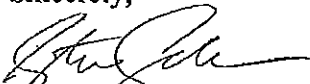
This letter is to inform you of my newly found respect for MSD and its employees. This past month, I called MSD and asked to meet someone concerning a sidewalk or street cut to gain access to a plumbing drain for my rental house on Forsythe Street in Asheville. I was met by Ricky and Julio who used their expertise and camera equipment to determine that the stoppage was not caused by a old, collapsed pipe but by tree roots, possibly invading the pvc pipe joints because the pipe installer neglected to use pvc cement.

My error in judging the cause of the frequent sewage backups almost cost me a good deal of time, money and effort in the wrong direction. Their assistance and advice made it possible for me to focus on the real problem in a much less expensive and timely manner.

They would not accept my offer of a donation to the MSD donut fund; truly kind and incorruptible gentlemen.

I thank you and them, again, for their services.

Sincerely,



Steve Semanchuk  
Hammerhead Construction, Inc.  
40 Flack Valley Rd.  
Weaverville, NC 28787  
216-4623

Ricky Bates WO # 430900 2/18/09

Julio Miguel WO # 432473 2/18/09

**Hartye, Tom**

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**From:** Hemphill, Jim  
**Sent:** Monday, February 23, 2009 11:29 AM  
**To:** Hartye, Tom  
**Subject:** Kudo's for System Services

Tom,

I just got off the phone with Ms. Linda Hamilton of 56 Ivanhoe in Asheville, who was ecstatic about the service she had received from MSD's employees.

On Friday, February 20th, she had a toilet back-up. Grady Brooks, one of First Responders, took the call and was "...fantastic. He put me at ease, calmed me down and told me a crew from MSD would be there first thing on Monday morning."

On Monday morning, Bobby Arrowood's crew (Mckinley Hensley, Lloyd Anders and Clement Crowe) showed up and took care of the problem. "They were great ! Fast workers, cleaned up after themselves and got the problem fixed very quickly."

She related that she had a conversation with a neighbor who echoed her comments and said that she had the same positive experience with MSD repair crews a few years ago.

Ms. Hamilton finished by saying that when she gets her bill, that she "will just cheer. MSD is way worth the money. Thank you"

Jim Hemphill  
HR Director, MSD of Buncombe County  
828-225-8258



# Legislative Bulletin

NCLM.ORG NORTH CAROLINA LEAGUE OF MUNICIPALITIES

P.O. BOX 3069 • RALEIGH, NC 27602-3069 • (919) 715-4000 • FAX (919) 733-9519

No. 6

www.nclm.org

March 6, 2009

## Action Items

**Contact your legislators about these issues . . .**

### Oppose HB 497-- Annexation Moratorium

*What the bill would do:* Place a moratorium on annexation. Please note that the language of this bill currently requires a favorable vote on annexations by those citizens in the proposed annexation area and does not mention a moratorium.

*Sponsors:* Reps. Bruce Goforth, Larry Brown, Nelson Dollar and Fred Steen.

*Status:* Filed

*Actions Needed:* Contact your representatives and ask them to oppose HB 497 because a moratorium is unnecessary. (See next two items)

### Oppose HB 498 – Annexation – A Vote of the People

*What the bill would do:* Require a favorable vote by the people in an area proposed for annexation.

*Sponsors:* Reps. Bruce Goforth, Larry Brown, Nelson Dollar and Fred Steen.

*Status:* Filed

*Actions Needed:* Contact your representatives to oppose this bill. (See below.)

### Annexation reform legislation to encompass 20-point proposal

*What the bill would do:* Annexation reform bill that includes the League's 20-point proposal to reform the annexation statutes to be introduced next week. This legislation will address the legitimate concerns of citizens while supporting the fairness of annexation between in-town and near town residents. The League supports this legislation.

### Oppose SB 427 - Restore Contract Rights to State/Local

*What the bill would do:* Repeal the prohibition against collective bargaining. Also would set up a process for collective bargaining between the state and public employee unions.

*Sponsor:* Sen. Ellie Kinnaird

*Status:* Senate State and Local Government Committee

*Actions Needed:* Contact your senators to oppose this bill.

*Why:* We do not need an adversarial process for deciding appropriate salaries, benefits and work conditions.

### Oppose SB 447 -- No Monetary Exaction for Development

*What the bill would do:* Have effect of prohibiting cities from imposing regulatory and permit fees. Bill states that a municipality cannot impose a tax, fee or monetary contribution for development unless "specifically authorized by law." Existing authority for many fees comes from case law and is not specifically stated in statutes.

*Sponsor:* Sen. David Hoyle

*Status:* Filed

*Actions Needed:* Contact your senators to oppose.

#### N.C. GENERAL ASSEMBLY INFORMATION

Main Number  
919-733-4111

Printed Bills Office  
919-733-5648

Bill Status Desk  
919-733-7779

Legislative Bldg.  
Fax 919-733-2599  
Raleigh, NC 27601-1096

Legislative Office Bldg.  
Fax 919-733-3113  
Raleigh, NC 27603-5925

General Assembly website  
www.ncleg.net

NCLM website  
www.nclm.org





*Why:* League's core principles state that municipal grants of authority should be broadly construed to include supplemental powers reasonably necessary to carry out the municipal functions.

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## **This week's developments**

### **Traffic congestion bill before committee this week**

- The House Transportation Committee is scheduled to take up HB 148/SB 151 -- Congestion Relief/Intermodal Transport Bill next week (week of March 9). Bill sets up state congestion and intermodal fund to make grants for transportation purposes and allows levy of local option sales tax for public transportation, subject to approval by referendum (restrictions on who can levy and amount of tax). League supports the bill and is working on amendments to improve bill. This is a priority of the N. C. Metropolitan Mayors Coalition whose members have worked very hard on this issue . . .

### **Study commission on Equity Formula**

- The most recent version of HB 237- Equity Formula Study Commission calls for two seats on the commission to be filled by League representatives, one from a municipality with population greater than 165,000 and one with less than 165,000. The equity formula determines how some highway funds will be distributed. Bill now goes to House Rules Committee. Metro Mayors Coalition also has made this bill a priority issue. . . .

### **Electronic notices bill passes Local Government II Committee**

- The bill to allow electronic notices for public hearings as a substitute for published notices received a favorable report from the House Local Government II Committee, despite opposition from the Press Association. HB 193 now moves to Judiciary I Committee. Please call members of this committee and ask them to support HB 193 -- Electronic Notices: Judiciary I Committee -- Chair: Rep. Ross; Vice Chairs, Reps. Goodwin, Stam, Stiller; Members, Reps. M. Alexander, Blust, Bryant, Hall, Harison, Insko, Martin, Mobley, Neumann, Stevens and West.

### **Public financing of municipal elections**

- HB 120 -- Public Municipal Campaigns, a bill that would establish a pilot program for public financing of municipal election campaigns now before the Judiciary II committee. The House Committee on Election Law and Campaign Finance Reform discussed the bill first, then adopted a committee substitute and sent to the Judiciary II committee. Applies to Chapel Hill and other municipalities selected by State Board of Elections from those who apply. . .

### **Penalties for theft of scrap metal**

- Reps. Jim Gulley and Thom Tillis have introduced HB 323 - Prevent the Theft of Scrap Metals, which addresses a League legislative priority. The bill strengthens documentation requirements for dealers to discourage theft of metals League supports because theft of metals has been a problem for municipal infrastructure. . .

### **ABC store operations**

- House ABC Committee heard recommendations from the Program Evaluation Division this week that state ABC Commission should have authority to: mandate merger of ABC boards; and require local ABC boards to contract with an agency store (privately owned and operated retail outlet) to sell liquor when performance standards indicate ABC board cannot operate store efficiently. NCLM Finance and Administration Legislation Action Committee looked at this issue in February, and, while recognizing the opportunity to make improvements where appropriate, supports current system . . .

## Federal Stimulus Spotlight

### DUNS number required

Cities and towns must register for a Data Universal Numbering System (DUNS) number to be eligible to receive a discretionary grant directly from the federal government using stimulus funds. This process can take 21 days, so do not delay. Look to the League federal stimulus website for instructions: [www.nclm.org/stimulus.htm](http://www.nclm.org/stimulus.htm).

New requirements for stimulus grant recipients

EPA has released guidance for states distributing funds through the Clean Water State Revolving Fund and Drinking Water State Revolving Fund. Those who receive funds will have to comply with many unique "stimulus" requirements. Look for a public hearing announcement from NC DENR on its policies and selection criteria for these two funds next week...

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## Regulatory Update

### Clean Water Management Trust Fund transfer

On Tuesday, Gov. Beverly Perdue transferred \$100 million from the CWMTF reserve to help meet the state's 08-09 budgetary obligations. The impact of this transfer is not yet known, but the trust fund intends to honor commitments to projects for which the funds were already encumbered or are under contract. Projects selected in the 2008 grant cycle for which no funds have been encumbered will not receive funding until CWMTF can determine whether funding will be available...

### Permeable pavement rule change April 1

All parking lots approved for construction on or after April 1, 2009 will be limited in impervious cover to no more than 80 percent of the total area devoted to parking. The new statutory requirements only apply in those areas that are not presently mandated by state or federal provisions to treat stormwater runoff. . .  
<http://h2o.enr.state.nc.us/su/parkingspaces.htm>

### Smart growth implementation assistance

EPA is offering technical assistance grants for smart growth implementation projects. Grants will go to communities wanting to incorporate smart growth in their future development to meet environmental and other community goals. Applications are due at 5:00 p.m. EST, April 23, 2009. . .  
[http://epa.gov/smartgrowth/2009\\_sgja\\_rfa.htm](http://epa.gov/smartgrowth/2009_sgja_rfa.htm) .

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## Bill Summaries

### ELECTIONS

#### HB 388 – Campaign Disclosure

**Sponsors:** Earle, Parmon, Lucas, Carney

**Status:** House Election Law

Removes the \$3,000 or less exemption for campaign reporting of contributions and loans to a candidate and expenditures by a candidate.

### ENVIRONMENT

#### HB 340/SB 341 – Appalachian Mountains Preservation Act

**Sponsors:** Harrison, Haire, Fisher, Howard/Goss

**Status:** House Environment/Senate Commerce

Prohibits electric public utilities that operate coal-fired generating units in North Carolina from purchasing or using coal that is extracted by mountaintop removal coal mining.

### FINANCE AND TAXATION

#### SB 413 – Streamlined Sales and Use Tax Update

**Sponsors:** Brunstetter

**Status:** Senate Held as Filed

Encourages Congress to grant states the ability to require collection of sales and use tax by remote retailers.

**GENERAL GOVERNMENT**

**HB 342 – Urban Area Revitalization Made Uniform**

**Sponsors:** Daughtry

**Status:** House Local Government I.

Amends G.S. 160A-536(c) to remove the population requirement (was 150,000) for cities to be eligible for creating municipal service districts for urban revitalization projects.

**HB 393 – Modify Rulemaking Process**

**Sponsors:** Allred, Owens

**Status:** House Environment

Removes requirement for ten letters of objection to make a permanent rule subject to legislative review before becoming effective.

**SB 372 – Clarification of Nuisance Abatement Laws**

**Sponsors:** Boseman

**Status:** Senate Judiciary II

Makes various amendments to G.S. Chapter 19 (nuisances) to clarify its application in cases where obscene or lewd matter is involved. Identifies as a nuisance places where lewd films are publicly exhibited as a predominant course of business and every place used for purposes proscribed by the chapter (removing requirement that it be in the regular course of business). Provides that knowledge of, acquiescence to, or participation in proscribed activities is prima facie evidence that person uses the place for the purpose of such activities. Provides that knowledge of a nuisance encompasses knowledge of repeated activities or conditions that violate a local ordinance regulating sexually oriented businesses. Provides that finding of court that tenant or occupant engaged in acts or omissions in violation of local sexually oriented business ordinance causes the right of possession to revert to the owner of the property at the owner's option.

**INCORPORATIONS**

**SB 359 – Incorporate Sneads Ferry**

**Sponsors:** Brown

**Status:** Senate Finance

Incorporates the Village of Sneads Ferry in Onslow County, subject to a referendum.

**PERSONNEL**

**HB 421 – Use of Deadly Force/SBI Investigations**

**Sponsors:** K. Alexander

**Status:** House Ways and Means

Requires district attorney upon request of next of kin to request an SBI investigation into an instance in which a private citizen is killed as a result of the use of a firearm, taser, taser-like device, chemical spray, or any other physical force sufficient to cause death by a law enforcement officer in the line of duty. Provides that any report prepared for the district attorney as a result is to be released to the

S. Ellis Hankins  
Executive Director

decedent's next of kin, the press, and the internal affairs unit, or its equivalent, of the agency employing the affected law enforcement officer.

**RETIREMENT**

**HB 429 – Retirement System COLAs**

**Sponsors:** Tucker

**Status:** House Pensions & Retirement

States intent of the General Assembly to provide cost of living adjustments to the state and local retirement systems in the same percentage increase as the pay increase provided to state employees, not to exceed 1%.

**SB 411 – Amend Survivor's Alternate Benefit**

**Sponsors:** Brunstetter

**Status:** Senate Pensions & Retirement

Currently retirement system provides that upon death of a member, the beneficiary can opt to receive the member's reduced retirement allowance computed by assuming that the member had retired on the first day of the month following the date of his death, if certain criteria are met. Adds to the eligibility a law enforcement officer who has obtained 15 years of service as a law enforcement officer and is killed in the line of duty, notwithstanding the requirement of obtaining age 50.

**UTILITIES**

**HB 323 – Prevent the Theft of Scrap Metals**

**Sponsors:** Gulley, Tillis

**Status:** House Commerce

Strengthens the requirements regarding secondary metals recycling in order to prevent theft of metals. Applies to various types of metals, including metal marked with identification of a public utility or government entity, utility access covers, street light poles or fixtures, road or bridge guard rails, street signs, water meter covers, traffic signals. Prohibits metal recycler from purchasing unless sufficient written documentation is provided to show that seller is owner or authorized agent of owner of materials. Seller must sign a receipt and leave an index fingerprint. Prohibits recycler from paying cash for the materials.

**SB 357 – Utilities/Regulation of Pole Attachments**

**Sponsors:** Rand

**Status:** Senate Commerce

Requires a municipality or cooperatively owned organization that owns poles, ducts, or conduits to allow any communications service provider (telephone, broadband, cable) to utilize its poles, ducts, and conduits at just, reasonable, and nondiscriminatory cost-based rates, terms, and conditions adopted pursuant to negotiated or arbitrated agreements. A request to utilize poles, ducts, or conduits may be denied only if there is insufficient capacity or reasons of safety, reliability, and generally applicable engineering principles, and those limitations cannot be remedied by rearranging, expanding, or otherwise reengineering the facilities at the reasonable and actual cost of the communications service provider.

Kelli H. Kukura  
Director of Governmental Affairs



# Legislative Bulletin

NCLM.ORG NORTH CAROLINA LEAGUE OF MUNICIPALITIES

P.O. BOX 3069 • RALEIGH, NC 27602-3069 • (919) 715-4000 • FAX (919) 733-9519

No. 4

www.nclm.org

Feb. 20, 2009

## Bill introduced to lift ban on collective bargaining

- Legislation introduced to lift the long-standing prohibition on collective bargaining between labor unions and city, county or state government. League opposes SB 178 (see Action Items below) . . .
- **More annexation bills** introduced -- HB 255 -- Zoning/Agri. Annexation Exemption (Cleveland, Hill, Langdon, McGee) would prevent municipal zoning of any agricultural interest that is annexed. Another local bill as well, HB 172 -- Wayne Annexation Moratorium (Sager, Braxton) . . .
- Another bill introduced to disapprove the proposed Jordan Lake Rules. HB 239 (Allen, Gibson) disapproves the nutrient rules adopted by the Environmental Management Commission for Jordan Lake. The League is working with affected cities and towns to address concerns . . .
- **Are your legislators and Senate/House leaders hearing from you on annexation?** Are they hearing from those in your town who support this authority? Now is a critical time. . .
- **Electronic notices of public hearings**, rather than a published notice, would be permissible if HB 193 is enacted. The bill expands to all cities and counties authority to adopt local ordinances setting electronic notices as substitute for other published notices. This is an item on the League's advocacy agenda. . .
- **Watch for update on federal stimulus.** We expect to send out some preliminary information on Monday on the programs with available stimulus funding. Dempsey Benton appointed the state's coordinator for stimulus. Not much detail yet on grant amounts, total funding available or deadlines . . .

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Raleigh, NC 27603-5925

General Assembly website  
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NCLM website  
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## Action Items

### **BILL/ISSUE: MAINTAIN ANNEXATION TO PROPERLY MANAGE GROWTH**

**What it would do:** Bills would restrict or eliminate municipal annexation authority

**Status:** Bills introduced include SB 148, HB 255 and local annexation moratoria

**Action Needed:** Call your legislators, Speaker Joe Hackney, Senate President Pro Tem Marc Basnight and other legislative leaders. They need to hear from you and from citizens who support fairness between in-town and near-town residents and good growth

management.

Speaker Hackney -- (919) 733-3456

Rep. Hugh Holliman, House Majority Leader  
(919) 715-0873

Rep. Skip Stam, House Minority Leader,  
(919) 733- 2962

Senate President Pro Tem Basnight -- (919) 733-6854

GO TO WWW.NCLM.ORG. CLICK ON THE ACTION CENTER ICON FOR INFO



**BILL/ISSUE: SB 178 REPEAL COLLECTIVE BARGAINING BAN**

**Sponsor:** Sen. Larry Shaw

**What it would do:** End the prohibition on collective bargaining between cities and towns and labor unions

**Status:** Senate Judiciary II Committee

**Action Needed:** Call your senators to oppose this bill.

**Why:** We do not need an adversarial process for deciding appropriate salaries, benefits and work conditions.

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**Bill Summaries**

**ABC**

**HB 186 – Local Government Objections to ABC Stores**

**Sponsors:** Parmon, Womble, McGee, Folwell

**Status:** House ABC

Prohibits a local ABC board from locating an ABC store within a municipality if the municipality adopts a resolution objecting. Allows local ABC board to request ABC Commission to approve location notwithstanding the objection; Commission's decision is final.

**ANNEXATION**

**HB 172 – Wayne Annexation Moratorium**

**Sponsors:** Sager, Braxton

**Status:** House Rules

Places moratorium on city-initiated annexation in Wayne County until June 30, 2010.

**HB 255 – Zoning/Agri. Annexation Exemption**

**Sponsors:** Cleveland, Hill, Langdon, McGee

**Status:** Filed in House

Provides that municipal zoning is not applicable to any agricultural interest included in an area that is annexed (either voluntarily or city-initiated). Agricultural interest includes production of produce, grains, livestock or fiber; production of horticultural products; production of aquaculture products; research farms; and petting zoos.

**ENVIRONMENT**

**HB 239 – Disapprove Jordan Lake Rules**

**Sponsors:** Allen, Gibson

**Status:** Filed in House

Disapproves nutrient strategy rules adopted by the Environmental Management Commission for Jordan Lake.

**GENERAL GOVERNMENT**

**HB 193 – Electronic Notice of Public Hearings**

**Sponsors:** Stam, Howard

**Status:** House Local Government II

Authorizes all cities and counties to adopt ordinances to allow publication of notices of public hearings by electronic means in substitution for other published notice. Ordinances do not supersede any requirement for notice by mail to certain classes of people or the posting of signs on certain property, and cannot alter the publication schedule for any public notice.

**SB 199 – Davie's Law/Humane Euthanasia in Shelters**

**Sponsors:** Hoyle

**Status:** Senate Judiciary I

Provides that animals in the custody of a shelter may only be euthanized by sodium pentobarbital administered by a veterinarian or certified euthanasia technician. Prohibits euthanasia with carbon monoxide or other gas.

**SB 212 – Special Plates for Mayors**

**Sponsors:** Brown

**Status:** Senate Commerce

Adds a special registration plate issuable to the mayor of a municipality that bears the word "Mayor" and the letter "M" followed by a number corresponding to an alphabetical list that indicates the municipality served.

**SB 250 – Special Plate for Mayors and Council Members**

**Sponsors:** Davis

**Status:** Filed in Senate

Adds a special registration plate issuable to a mayor that bears the word "Mayor" and the letter "M" followed by a number corresponding to an alphabetical list that indicates the municipality served. Also adds special registration plate issuable to a municipal council member, commissioner or alderman. Plate would bear the words "Council Member," "Commissioner," or "Alderman" followed by a number corresponding to an alphabetical list that indicates the municipality served.

**PERSONNEL**

**HB 177 – Healthy Families and Healthy Workplaces Act**

**Sponsors:** Adams, Ross, Blue, Wainwright

**Status:** House Commerce

Among other things, provides that employees are entitled to paid sick leave for certain purposes and specifies accrual of paid sick leave at a rate of one hour for every 30 hours worked.

**PLANNING AND ZONING**

**SB 234 – Sport Shooting Range Protection**

**Sponsors:** Brock

**Status:** Senate Judiciary I

Provides that when a sport shooting range relocates due to rezoning, condemnation, annexation, road construction, or development, it is still considered to be in continuous existence and not to have undergone a substantial change in use.

**RETIREMENT**

**SB 233 – Equal Tax Treatment of Gov't Retiree Benefits**

**Sponsors:** Hoyle

S. Ellis Hankins  
Executive Director

**Status:** Senate Finance

Equalizes state income tax treatment of federal, state and local government retirement benefits.

**TRANSPORTATION**

**HB 237 – Equity Formula Study Commission**

**Sponsors:** Carney, Cole, Blust, Ross

**Status:** Filed In House

Creates Joint Legislative Transportation Funding Distribution Formula Study Commission to study equity formula; effect of formula on needs in urban, suburban and rural areas; amount each county contributes to the state in tax revenue for transportation purposes; and other issues.

Kelli H. Kukura  
Director of Governmental Affairs

# Treasurer: Pension fund needs \$359M

By Gary D. Robertson  
THE ASSOCIATED PRESS

RALEIGH — North Carolina's state employee pension fund needs an additional \$359 million from the legislature during the next two years to keep it financially sound, State Treasurer Janet Cowell said Thursday.

The news from Cowell, who became treasurer just last month, further burdens lawmakers



Janet Cowell

drawing up a state government spending plan for the next two years by quantifying the retirement system's needs.

"We're giving them a heads-up way early because it's a big number," Cowell said.

The retirement system, comprised of several funds covering 820,000 state and local government employees, teachers, emergency responders and retirees, is cited regularly as among the healthiest in the country.

But the funds lost \$17 bil-

lion in value in 2008 as the nation entered a recession, falling to \$60 billion.

Cowell said recently she would ask the General Assembly for \$29 million more in the next fiscal year than the roughly \$400 million the pension funds already receive annually from the state. But she said a steeper increase probably would be necessary for the year that begins in July 2010 because of the recent losses.

With Thursday's announcement, she is setting the need for additional state funding for the 2010-11 fiscal year to about \$329 million. The estimate follows an actuarial review of the plan by an outside consultant.

The legislature will have to agree to make the contribution, which would go to the fund for state employees, teachers and their retirees.

## \$4B annual payout

The state makes annual pension payments to retirees of about \$4 billion and is in no danger of being unable to meet its pension promises.

But Cowell made clear that failure by state officials to keep the pension funded to meet 100 percent of their obligations would be viewed by investors as a troubling departure from North Carolina's record of prudent fiscal affairs.

Bond ratings agencies could sour on the state's decision to let North Carolina's pension fund fall to the national norm of underfunded accounts and downgrade the state's creditworthiness, a move that could cost taxpayers millions of dollars a year in additional borrowing costs.

"As with all pension funds, they are long-term-horizon plans, so you could fudge a little one year and make it up the next year.

"You could overcompensate and then do a little less later. But over the long haul, you've got to come up with money to keep the system sound or lose a bond rating, which could cost you money," Cowell said.

The request doesn't change how much money the 535,000 public employees

covered by the plans must contribute to the pension.

They are required by law to put 6 percent of their pay into the retirement system.

If lawmakers decide to keep the pension funds fully funded, the state will be kicking in about 6.63 percent of pay beginning in mid-2010. The state's share hasn't been that high in a decade.

Erica Baldwin, a spokeswoman for the State Employees Association of North Carolina, said state officials, including former Treasurer Richard Moore and Cowell, a former state senator, were too content during years of strong investment earnings and kept the state's funding low.

"We've been talking about the employer match for years, and now they're asking for \$359 million in an economic crisis," Baldwin said. "Now they're trying to fix eight years of neglect in a year that isn't really a fixer year."

Cowell said a lengthy recession could increase the demands for state contributions.

# Health insurer seeks obesity, smoking limits

By Gary D. Robertson  
THE ASSOCIATED PRESS

**RALEIGH** — State employees would have to stop smoking or lose weight if they want to receive more generous health benefits under a proposal Thursday presented to legislators Thursday.

The financial motivation for workers, retirees and their dependents to improve their health are contained in recommendations from N.C. State Health Plan administrator Jack Walker to shore up the plan's finances. The plan last year discontinued its wellness programs, which gave merchandise to people who change health habits.

"Money incentives in smoking work," Walker told the Joint Committee on Employee Hospital and Medical Benefits, composed of lawmakers that oversee the health plan. "Offering prizes is ineffective."

The proposal, included in a drafted bill that will soon be introduced in the legislature, also would give an immediately \$250 million cash injection so the plan can pay its claims this spring.

"Somewhere in the latter part of March, we will have insufficient funds to pay hospitals and physicians," Walker said.

"We are concerned for our members, and we are

concerned for the providers," Walker said.

The measure also would raise premiums for workers or retirees who insure their spouses or dependents by at least 7.3 percent annually for the next two years. For example, an employee or retiree who also enrolls family members would see the premium rise from about \$489 today to \$563 by July 2010.

The number of coverage tiers would drop from three to two, and most deductibles and co-pays for doctor visits and prescription drugs would increase. The changes would mean the legislature would have to inject an additional \$349 million in cash into the two-year budget beginning July 1. Two weeks ago, legislators were told they might have to find \$1 billion over the next two years to cover claims without changes to the plan, which cover about 667,000 people.

But the proposal's bottom line would mean higher premiums and eroded benefits.

"It ain't no good news," said Senate Majority Leader Tony Rand, D-Cumberland, a committee co-chairman. Rand said the bill needs to be passed by April 1.

The bill's biggest adjustment to the plan would directly link coverage levels to a person's weight or smoking habits.



To: Members & Affiliates  
From: National Office  
Date: March 3, 2009  
Subject: FINAL EPA GUIDANCE ON STIMULUS  
Reference: LA 09-06

The U.S. Environmental Protection Agency (EPA) issued final guidance March 2 to its regional offices on how it will award and administer capitalization grants to state revolving funds under the newly enacted *American Recovery and Reinvestment Act (ARRA)*. The guidance provides States with the requirements they need to follow in order to access and use the funds available through the stimulus package for the Clean Water and Drinking Water State Revolving Fund Programs (CWSRF and DWSRF). The stimulus provided \$4 billion to the CWSRF and \$2 billion for the DWSRF. The final guidance is available on the NACWA website by [clicking here](#).

This final guidance tracks closely with the draft guidance that NACWA distributed last month through its white paper, which was distributed via [Legislative Alert 09-05](#) on February 20th. Some of the highlights include:

- To receive funds, states must provide details on their "intended-use plans." They must provide EPA with detailed information on every project, including a description, the amount of assistance, and an estimate of the number of jobs that will be created or retained.
- To accelerate the process for getting money to the States, EPA will allow states to apply for conditional grants and partial grants based on draft "intended use plan" submissions if all other components of the program are in place.
- States may blend funds from the ARRA with "base" funds from previous appropriations as long as they meet applicable requirements of the ARRA for the entire project. However, the funds must be separately managed and tracked with States required to report on a weekly basis to EPA how funds are being used. This information will be posted on [www.recovery.gov](http://www.recovery.gov), the government-wide, web-based tracking system for the stimulus.
- States will have up to 180 days to certify that they do not have sufficient eligible projects to meet the 20% set aside requirement for green and environmentally innovative projects before they can use the funds for traditional water and wastewater projects.
- EPA intends to issue additional guidance on how States will need to implement the requirements of "Buy American" provisions contained in the ARRA. The provision requires that none of the appropriated funds may be used for the construction, alteration, maintenance, or repair of a public building or public work unless all the iron, steel, and manufactured goods used in the project are produced in the United States, unless the recipient provides a waiver to EPA or compliance would be inconsistent with U.S. obligations under international agreements.
- States must demonstrate by February 17, 2010 that funds have been obligated for projects that are under contract and ready for construction or the EPA Administrator will deobligate a State's SRF funds and reallocate them to States that can show they have projects that can go to construction within 120 days.

Legislative Alert 09-04

February 11, 2009

Page 2 of 2

NACWA will update its white paper to reflect key changes in the final guidance and will continue to track the implementation of the stimulus and provide members with information as it becomes available. For more information, contact: Patricia Sinicropi at [psinicropi@nacwa.org](mailto:psinicropi@nacwa.org) or Byron DeLuke at [bdeluke@nacwa.org](mailto:bdeluke@nacwa.org).

# **REPORT OF COMMITTEES**

**RIGHT OF WAY  
COMMITTEE RECOMMENDATIONS  
AND MINUTES  
February 25, 2009**

**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 9:00 a.m. on Wednesday, February 25, 2009. The following Right of Way Committee members were present: Mike Sobol, Jackie Bryson, Jon Creighton, and Jerry VeHaun.

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

In the absence of Glenn Kelly, Mike Sobol presided over the meeting.

**II. Inquiry as to Conflict of Interest**

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

**III. Consideration of Compensation Budgets –**

**Gladstone Road 4" Main, Project No. 2007010  
Sycamore Terrace PRP, Project No. 2007014**

The attached Compensation Budgets are based on current ad valorem tax values and follow the MSD approved formula.

**STAFF RECOMMENDATION: Approval of Compensation Budgets.**

Ms. Banks explained that the Gladstone Road Project is located off of Fairway Drive near the municipal golf course and consists of approximately 700 lf of 8" DIP to replace existing 4" clay pipe which is undersized and in poor condition.

Ms. Banks explained that the Sycamore Terrace Project is off of Hendersonville Road in the Royal Pines area and that it consists of approximately 3,300 lf of 8" DIP to replace the existing 4" clay pipe which is undersized and in poor condition.

There was discussion regarding pipe bursting vs. dig and replace on the Sycamore Terrace Project. Mr. Bradford stated that due to the condition of the line pipe bursting was not a feasible option. Mr. VeHaun made the motion to accept Staff's recommendation. Mrs. Bryson seconded the motion. Voice vote was unanimous.

**COMMITTEE RECOMMENDATION: Approval of Compensation Budgets.**

**\*Post Meeting Note: The following property owners signed the Easement Agreements after the February Right of Way Committee Meeting. Therefore, condemnation is not necessary.**

**IV. Consideration of Condemnations, Reems Creek Master Plan Extension, Project No. 2007293**

The proposed line had to be relocated in this area due to state trout buffer requirements. The current location is directly adjacent to, and parallel with, the NCDOT Right of Way for Reems Creek Road.

**PIN No. 9742.18-84-9018** - Owner was contacted in December 2008 with a project introduction letter, maps and easement documentation. While the owner declines staff's offer to meet on site, project details and compensation offers have been discussed via telephone and email. The owner is generally against the project and money is at issue. MSD offered compensation of \$3,590 based upon our appraiser's estimates of market value and our standard square footage formula; the owner has countered with \$15,000 flat lump sum. The owner's opinion of market value is too high (\$48,000 per acre). However, attempting to negotiate a reasonable settlement and avoid condemnation, staff has applied the owner's value to the MSD formula for compensation of \$5,641. This final offer was made with a response deadline of February 23, 2009.

Total Contacts: 7

**PIN NO. 9742.16-94-3364** - Owner was contacted in December 2008 with a project introduction letter, maps and easement documentation. This owner scheduled a site meeting with staff but cancelled the morning of the meeting. In our last telephone conversation the owner stated he did not want to meet and that he wanted a deal just like his neighbor (owner above). This owner is generally against the project and money is at issue. MSD offered compensation of \$2,694 based upon our appraiser's estimates of market value and our standard square footage formula; the owner has countered with \$15,000 flat lump sum. The owner's opinion of market value is too high (\$48,000 per acre). However, attempting to negotiate a reasonable settlement and avoid condemnation, staff has applied the owner's value to the MSD formula for compensation of \$6,048. This final offer was made with a response deadline of February 23, 2009.

Total Contacts: 8

**STAFF RECOMMENDATION: Authority to obtain appraisals and proceed with condemnations.**

Ms. Banks explained the situations with the above two condemnations. Ms. Banks further stated that this week, there was a verbal agreement with the property owner of PIN 9018 to sign the agreement for an additional \$929, for a total of \$6,570; and that the property owner of PIN 3364 had contacted MSD and agreed to sign for an additional \$522, for a total of \$6,570. If the owner's do not follow through with their verbal agreements, condemnation will be necessary. There was some discussion regarding the location of these properties in relation to the NCDOT Right of Way. Ms. Banks stated that the portion of easement falling into the NCDOT Right of Way has been taken out of the compensation figure. Mr. Haner asked if these properties were condemned, would MSD be bound by the verbal agreements or if MSD would go back to the original offer. Ms. Banks stated that MSD would be bound by the appraised damages which have not yet been prepared. Mr. Sobol asked if the

appraisal would include the value of the land with sewer and without. Ms. Banks stated that his value would include value of like properties, topo, areas, usages, without sewer. There was some discussion regarding the sewerline being a benefit to the property owner, as they have no sewer now. Mr. Bradford stated that Staff had discussions with Counsel when this project began and MSD cannot take into consideration that a sewerline will raise property values, and cannot take credit for that when considering compensation offered. Mr. VeHaun made the motion to accept staff's recommendation. Mr. Sobol seconded the motion. Voice vote was unanimous.

**COMMITTEE RECOMMENDATION: Authority to obtain appraisals and proceed with condemnations if owners do not follow through with verbal agreements and sign documents by the end of the week.**

There being no further business the meeting adjourned at approximately 9:13 am.

# **CONSOLIDATED MOTION AGENDA**

# Metropolitan Sewerage District of Buncombe County

## Board Action Item - Right-of-Way Committee

COMMITTEE MEETING DATE: 2/25/2009

BOARD MEETING DATE: 3/18/2009

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 Compensation Budgets –**

**Gladstone Road 4" Main, Project No. 2007010**  
**Sycamore Terrace PRP, Project No. 2007014**

The attached Compensation Budgets are based on current ad valorem tax values and follow the MSD approved formula.

**STAFF RECOMMENDATION: Approval of Compensation Budgets.**

Ms. Banks explained that the Gladstone Road Project is located off of Fairway Drive near the municipal golf course and consists of approximately 700 lf of 8" DIP to replace existing 4" clay pipe which is undersized and in poor condition.

Ms. Banks explained that the Sycamore Terrace Project is off of Hendersonville Road in the Royal Pines area and that it consists of approximately 3,300 lf of 8" DIP to replace the existing 4" clay pipe which is undersized and in poor condition.

There was discussion regarding pipe bursting vs. dig and replace on the Sycamore Terrace Project. Mr. Bradford stated that due to the condition of the line pipe bursting was not a feasible option. Mr. VeHaun made the motion to accept Staff's recommendation. Mrs. Bryson seconded the motion. Voice vote was unanimous.

**COMMITTEE RECOMMENDATION: Approval of Compensation Budgets.**

COMMITTEE ACTION TAKEN	
Motion by: Jerry VeHaun	To: XX 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



**Gladstone Road 4" Main**

Project Number 2007010

**Compensation Budget**

09-Feb-09

Pin Number and Name	Acres	Parcel SF	Land Value	LV/SF	PE	PE Assd. Value	50% PE Assd. Value	TCE SF	TCE Assd. Value	10% Annl Return	Proj Time (Months)	TCE Rent Value	Total Comp. (Rounded)
965816838897											3		
965816834736	0.25	10,890.00	\$30,700.00	\$2.82	315.65	\$890.13	\$445.07	262.70	\$740.81	\$74.08	3	\$18.52	\$464
965816835632	0.57	24,829.20	\$33,000.00	\$1.33	0.00	\$0.00	\$0.00	239.28	\$318.24	\$31.82	3	\$7.96	\$8
965816834544	0.49	21,344.40	\$32,600.00	\$1.53	0.00	\$0.00	\$0.00	1,492.97	\$2,284.24	\$228.42	3	\$57.11	\$57
965816833413	0.72	31,363.20	\$33,700.00	\$1.07	6.97	\$7.46	\$3.73	3,915.67	\$4,189.77	\$418.98	3	\$104.74	\$108
965816831371	0.28	12,196.80	\$30,900.00	\$2.53	2,057.22	\$5,204.77	\$2,602.38	2,828.79	\$7,156.84	\$715.68	3	\$178.92	\$2,781
965816833720	0.55	23,958.00	\$32,900.00	\$1.37	1,757.76	\$2,408.13	\$1,204.07	35.91	\$49.20	\$4.92	3	\$1.23	\$1,205

<b>TOTALS:</b>	\$4,624
<b>Staff Contingency:</b>	\$5,000
<b>GM's Contingency</b>	\$5,000
<b>Amendment</b>	
<b>Total Budget:</b>	\$14,624

PIN 9658.16-83-8897 is owned by Buncombe County. M.S.D. does not pay compensation to state agencies, municipalities, etc.

**Sycamore Terrace PRP**

Project Number 2007014

**Compensation Budget**

09-Feb-09

Pin Number and Name	Acres	Parcel SF	Land Value	LV/SF	PE	PE Assd. Value	50% PE Assd. Value	TCE SF	TCE Assd. Value	10% Annl Return	Proj Time (Months)	TCE Rent Value	Total Comp. (Rounded)
965410354931	0.59	25,700.40	\$272,300.00	\$10.60	1,023.22	\$10,846.13	\$5,423.07	2,743.14	\$29,077.28	\$2,907.73	7	\$1,696.17	\$7,119
965413242679	0.19	8,276.40	\$117,900.00	\$14.25	0.00	\$0.00	\$0.00	839.55	\$11,963.59	\$1,196.36	7	\$697.88	\$698

<b>TOTALS:</b>	<b>\$7,817</b>
<b>Staff Contingency:</b>	<b>\$5,000</b>
<b>GM's Contingency</b>	<b>\$5,000</b>
<b>Amendment</b>	
<b>Total Budget:</b>	<b>\$17,817</b>

# Metropolitan Sewerage District of Buncombe County

## Board Action Item

BOARD MEETING DATE: March 18, 2009

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

PREPARED BY: Kevin Johnson, David Monteith

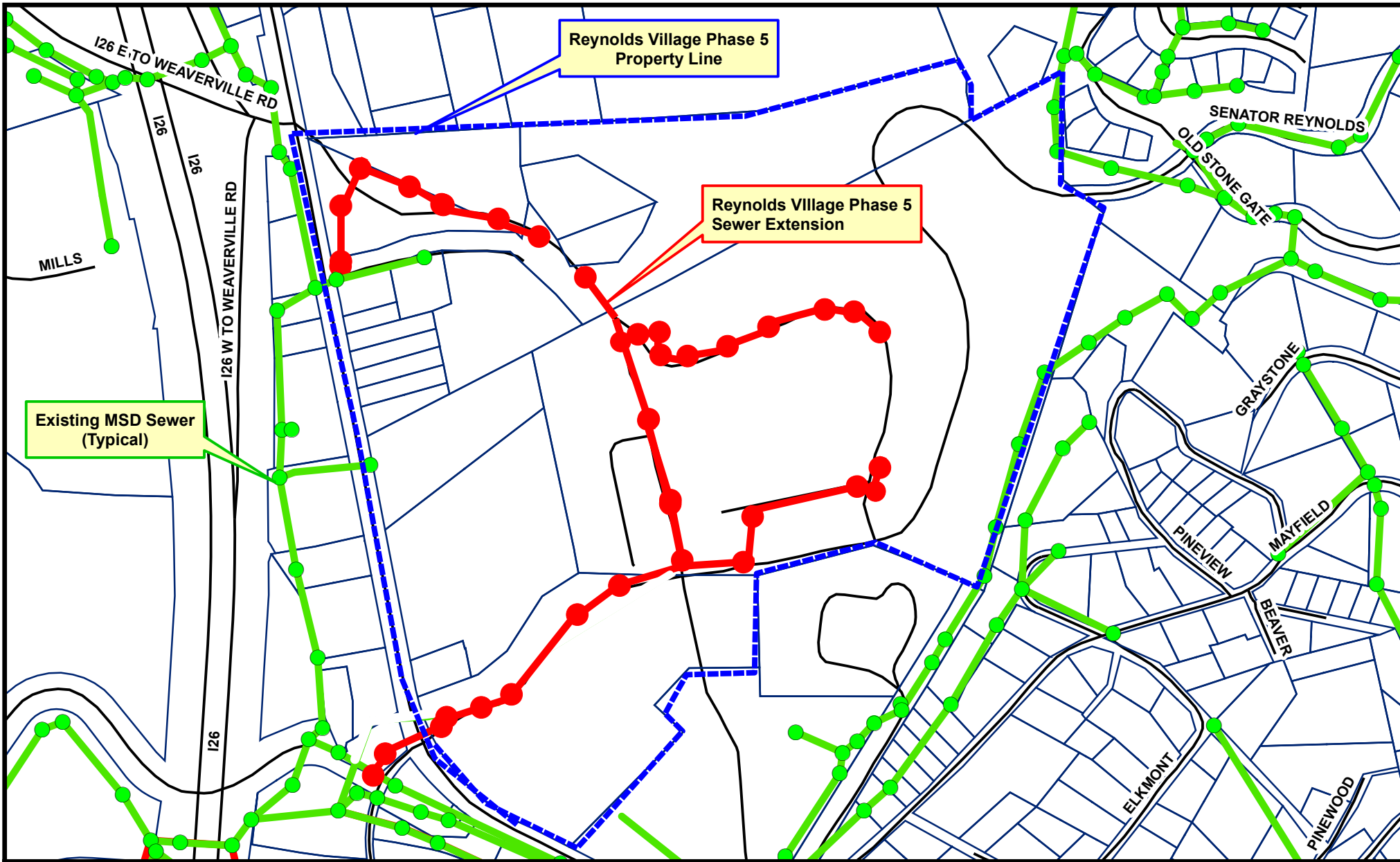
REVIEWED BY: Stan Boyd, PE, Engineering Director

SUBJECT: Acceptance of Developer Constructed Sewer System  
The Village at Reynolds Mountain Phase V

BACKGROUND: This project is located inside the District boundary off Weaverville Road in Buncombe County, North Carolina. The developer of the project is Mr. Kirk Boone (Reynolds Mountain Partners, LLC). The project included the installation of approximately 4,786 linear feet of 8" gravity sewer extension to serve a (330) unit commercial development. A wastewater allocation was issued in the amount of 105,000 GPD for the project. The estimated cost of the sewer extension is \$ 350,000.00.

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

<b>COMMITTEE ACTION TAKEN</b>	
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:	
<b>BOARD ACTION TAKEN</b>	
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:	



Reynolds Village Phase 5  
Property Line

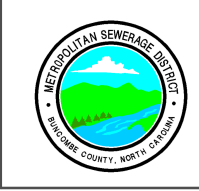
Reynolds Village Phase 5  
Sewer Extension

Existing MSD Sewer  
(Typical)



**Project #2007119**

Not To Scale



**METROPOLITAN SEWERAGE DISTRICT**  
of  
BUNCOMBE COUNTY, NORTH CAROLINA  
**Reynolds Mountain Phase V  
Sewer Extension**

# Metropolitan Sewerage District of Buncombe County

## BOARD INFORMATIONAL ITEM

**Meeting Date:** March 18, 2009  
**Submitted By:** Thomas E. Hartye, PE., General Manager  
**Prepared By:** W. Scott Powell, Director of Finance  
**Subject:** Cash Commitment/Investment Report-Month Ended January 31, 2009

### 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 January 31, 2009 were \$37,149,824. The detailed listing of accounts is available upon request. The average rate of return for all investments is 3.105%. 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 January 31, 2009 does not reflect contractual commitments or encumbrances against said funds. Shown below are the total investments as of January 31, 2009 reduced by contractual commitments, bond funds, and District reserve funds. The balance available for future capital outlay is \$4,109,670.

<b>Total Cash &amp; Investments as of 01/31/09</b>	37,149,824
<b>Less:</b>	
Budgeted Commitments (Required to pay remaining FY09 budgeted expenditures from unrestricted cash)	
Construction Funds	(12,387,498)
Operations & Maintenance Fund	(6,335,765)
	(18,723,263)
Bond Restricted Funds	
Bond Service (Funds held by trustee):	
Funds in Principal & Interest Accounts	(1,122,296)
Debt Service Reserve	(5,005,515)
Remaining Principal & Interest Due	(4,786,410)
	(10,914,221)
District Reserve Funds	
Fleet Replacement	(1,103,161)
WWTP Replacement	(811,490)
Maintenance Reserve	(802,417)
	(2,717,068)
Self-Funded Employee Medical	(685,602)
<b>Designated for Capital Outlay</b>	<b>4,109,670</b>

### Staff Recommendation

None. Information Only.

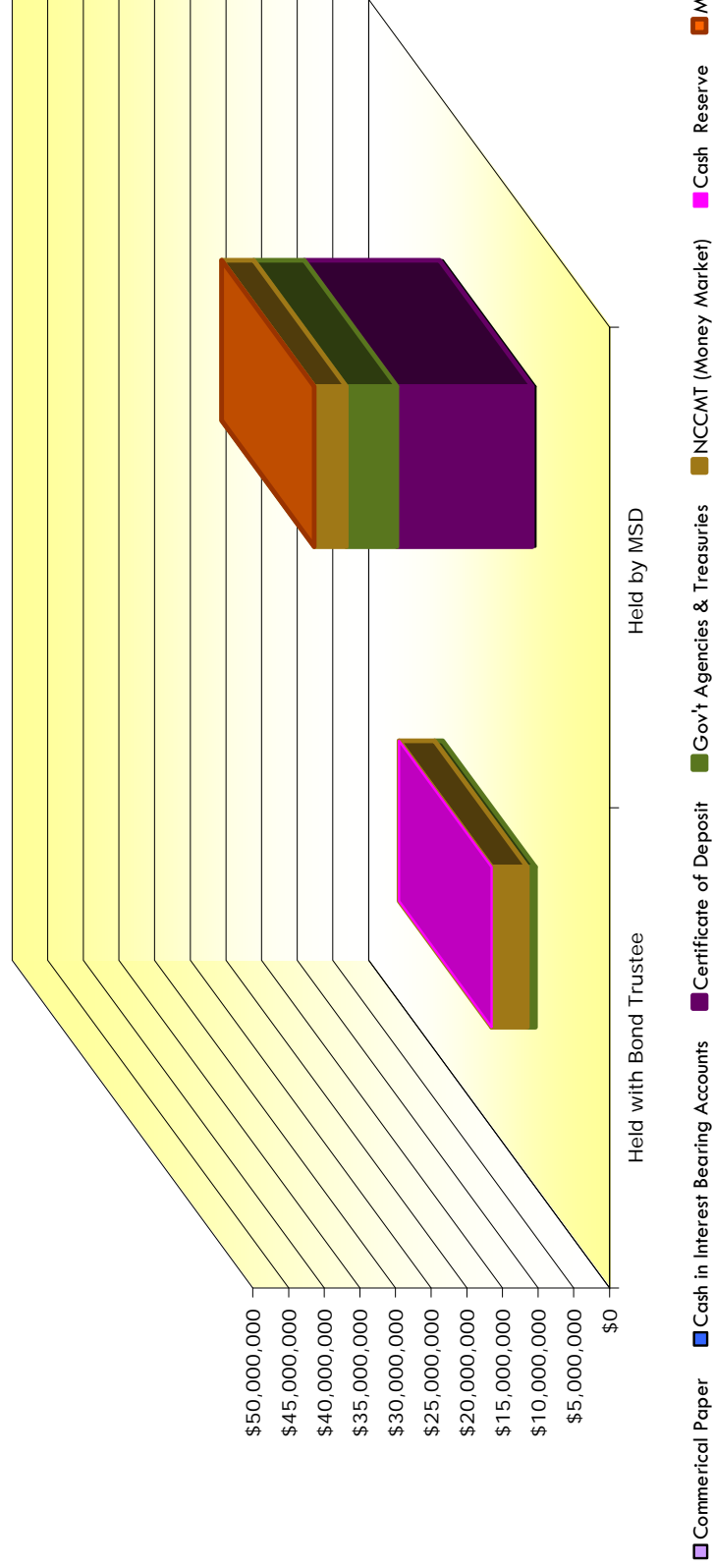
### Action Taken

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

## Metropolitan Sewerage District of Buncombe County Investment Portfolio

	Cash in Interest Bearing Accounts	NCCMT (Money Market)	Certificate of Deposit	Commercial Paper	Municipal Bonds	Cash Reserve	Gov't Agencies & Treasuries	Total
Held with Bond Trustee	\$ -	\$ 5,011,928				\$ -	\$ 1,115,882	\$ 6,127,810
Held by MSD	418,003	4,516,201	19,000,000	-	-	-	7,087,810	31,022,014
	\$ 418,003	\$ 9,528,129	\$ 19,000,000	\$ -	\$ -	\$ -	\$ 8,203,692	\$ 37,149,824

**MSD of Buncombe County  
Investment Portfolio by Location  
As of January 31, 2009**



# MSD Investment Managers' Report at January 31, 2009

## Summary of Asset Transactions

	Original Cost	Market
Beginning Balance	\$ 29,598,624	\$ 29,720,404
Capital Contributed (Withdrawn)	(616,556)	(616,556)
Realized Income	121,540	121,540
Unrealized/Accrued Income	-	(24,100)
Ending Balance	<u>\$ 29,103,608</u>	<u>\$ 29,201,288</u>

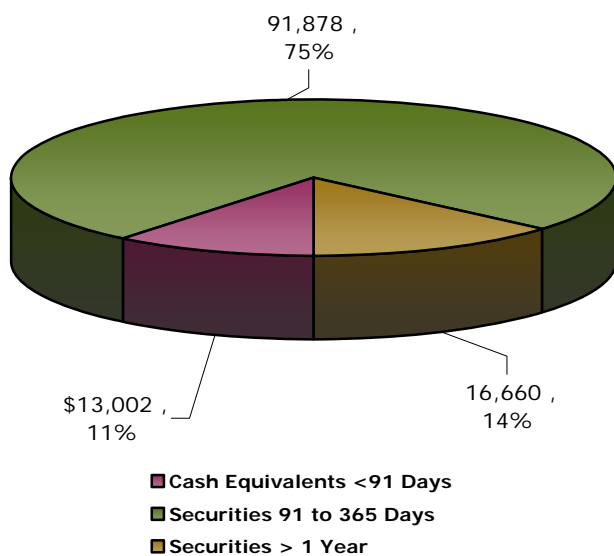
## Value and Income by Maturity

	Original Cost	Income
Cash Equivalents <91 Days	\$ 3,113,478	\$ 13,002
Securities 91 to 365 Days	22,000,750	91,878
Securities > 1 Year	3,989,380	16,660
	<u>\$ 29,103,608</u>	<u>\$ 121,540</u>

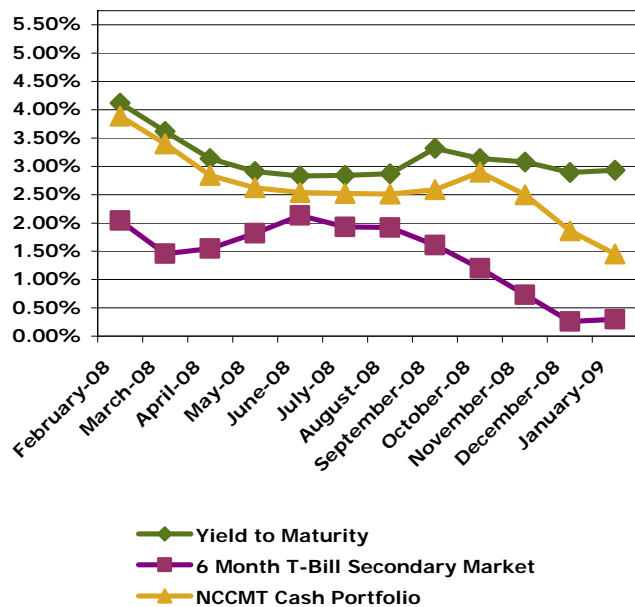
## Month End Portfolio Information

Weighted Average Maturity	216
Yield to Maturity	2.93%
6 Month T-Bill Secondary Market	0.30%
NCCMT Cash Portfolio	1.45%

Metropolitan Sewerage District of Buncombe Co.  
Investment Portfolio Income by Maturity  
January 31, 2009

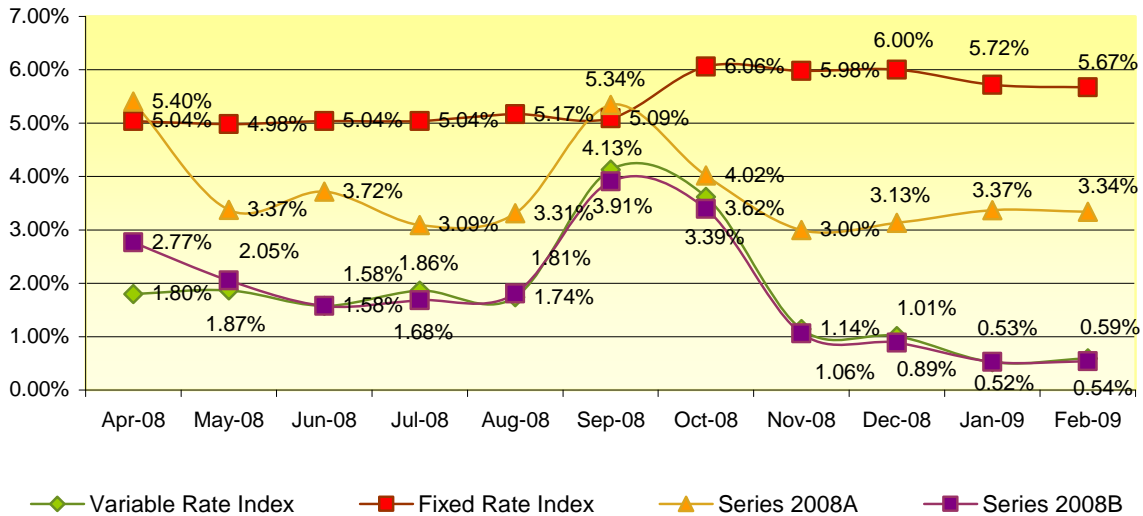


Metropolitan Sewerage District of Buncombe Co.  
Yield Comparison  
January 31, 2009

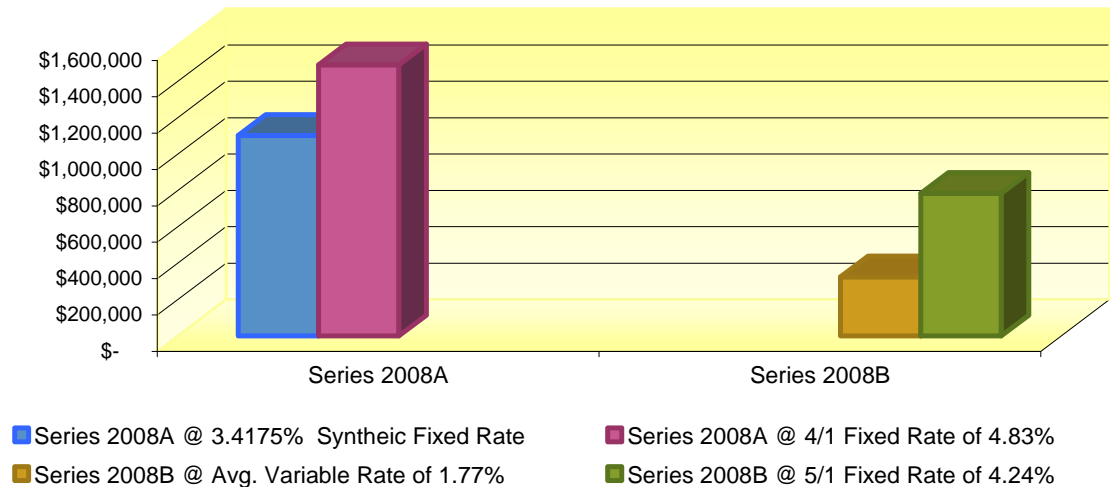


# MSD Variable Debt Service Report As of February 28, 2009

### Variable & Fixed Rate Market History



### Series 2008 A&B Interest Rate Performance



**Series 2008A:**

Savings to date on the Series 2008A Synthetic Fixed Rate Bonds is \$387,759 as compared to 4/1 fixed rate of 4.83%. Assuming that the rate on the Series 2008A Bonds continue at the current all-in rate of 3.7175%, MSD will achieve cash savings of \$5,923,374 over the life of the bonds.

MSD would pay \$5,264,000 to terminate the existing Bank of America Swap Agreement.

**Series 2008B:**

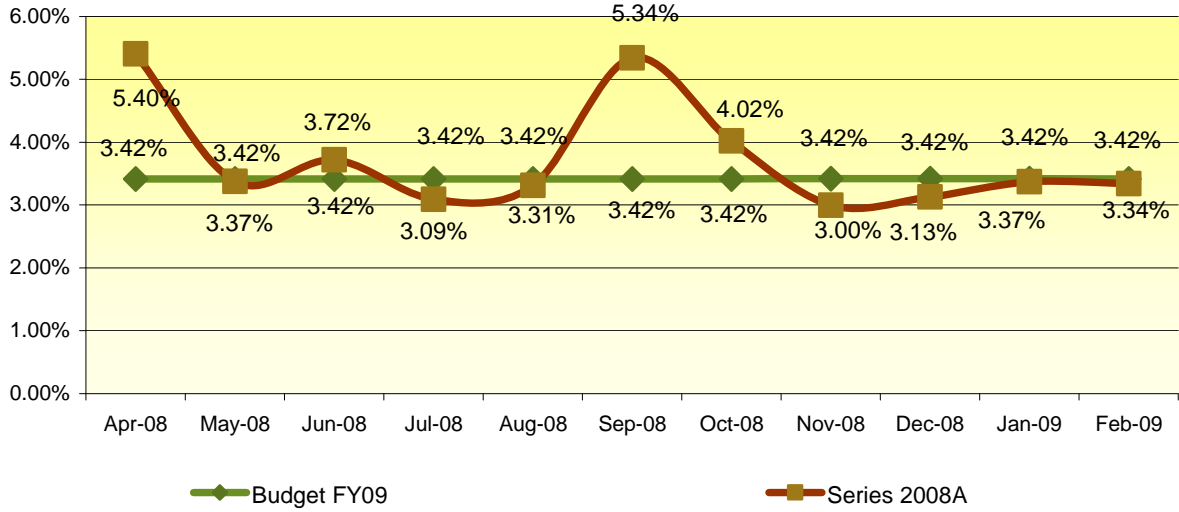
Saving to date on the 2008B Variable Rate Bonds is \$458,126 as compared to 5/1 fixed rate of 4.24%. Since May 1, 2008, the Series 2008B Bonds average variable rate has been 1.77% .

MSD will achieve \$6,341,247 in cash savings over the life of the bonds at the current average variable rate.

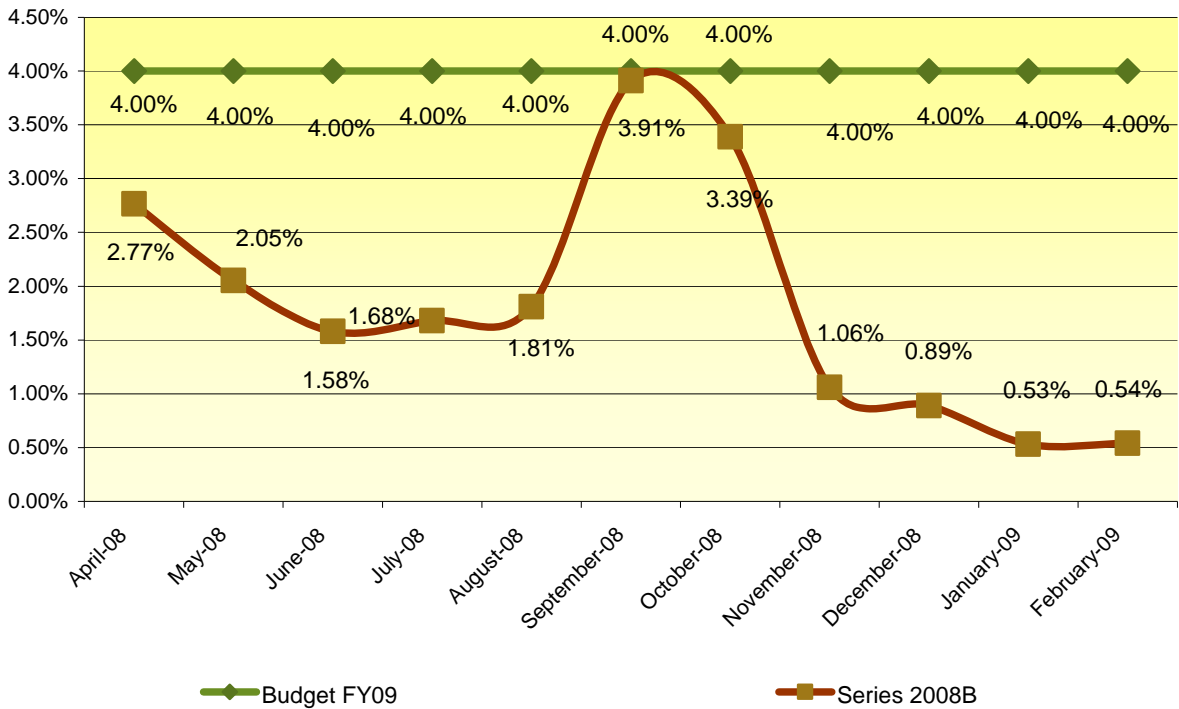


# MSD Variable Debt Performance History Budget v. Actual

## Series 2008A Performance History



## 2008B Performance History



# **STATUS REPORTS**

**CAPITAL IMPROVEMENT PROGRAM**

**STATUS REPORT SUMMARY**

**Current as of March 10, 2009**

PROJECT	AWARD DATE	NOTICE TO PROCEED	*COMPLETION DATE	*CONTRACT AMOUNT	*COMPLETION STATUS (WORK)	COMMENTS
BEECH GLEN DRIVE FOUR INCH MAIN	N/A	N/A	N/A	N/A	N/A	<b>Informal</b> Bids scheduled to open on Thursday, March 19th.
DORCHESTER AVENUE FOUR INCH MAIN	N/A	N/A	N/A	N/A	N/A	<b>Informal</b> Bids scheduled to open on Thursday, March 19th.
GRINDSTAFF ROAD (PRP 11008)	N/A	N/A	N/A	N/A	N/A	<b>Informal</b> Bids scheduled to open on Thursday, March 19th.
HAYWOOD STREET @ INDIGO HOTEL	12/17/2008	1/19/2009	4/18/2009	\$70,436.00	85%	<b>Formal</b> All pipeline work is complete. Paving remains to be done.
MERCHANT STREET (PRP 34007)	N/A	N/A	N/A	N/A	N/A	<b>Informal</b> Bids scheduled to open on Thursday, March 19th.
MERRIMON AVENUE @ OTTARI ROAD	1/21/2009	2/9/2009	6/8/2009	\$283,910.00	0%	<b>Formal</b> All mainline pipe on west side of Merrimon Avenue is complete. Contractor to begin pipe installation upstream of Merrimon Avenue this week.
MONROE PLACE	12/17/2008	1/19/2009	4/18/2009	\$185,990.00	20%	<b>Formal</b> Bursting is scheduled to be done this week.
REEMS CREEK INTERCEPTOR	9/17/2008	10/9/2008	6/30/2010	\$3,549,320.00	75%	<b>Formal</b> Construction is going very well and ahead of schedule.
ROGERS PLACE	12/17/2008	1/19/2009	4/18/2009	\$135,253.00	0%	<b>Formal</b> Bursting is complete. Paving still remains to be done.
WEAVERVILLE HIGHWAY @ HILLCREST ROAD	N/A	N/A	N/A	N/A	N/A	<b>Informal</b> Bids scheduled to open on Thursday, March 19th.
WRF - VENTURI REHAB AT INCINERATOR	1/21/2009	2/10/2009	10/7/2009	\$263,000.00	5%	<b>Informal</b> Contractor has taken measurements for equipment and shop drawings are being submitted.

\*Updated to reflect approved Change Orders and Time Extensions

Planning and Development Projects  
Status Report March 10, 2009

Status	Project Name	Project Number	Work Location	Units	LF	Pre-Construction Conference Date	Comments
	Gene Bradley Subdivision	2004022	Fletcher	9	420	3/3/2005	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
	N. Bear Creek Road Subdivision	2005137	Asheville	20	127	7/11/2006	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
	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
	Jim Beck	2003003	West Asheville	future	75	12/12/2000	Complete - Waiting on final documents
	Reems Creek Townhomes - PH IV	2007279	Weaverville	8	796	12/11/2007	Complete- Waiting on final documents
	Holiday Inn	2001068	Asheville	1	474	8/11/2003	Complete - Waiting on final documents
	Bitmore Park Town Square II-4	2007079	Arden	-	481	6/21/2007	Complete - Waiting on final documents
	Byrd Street Condos	2007085	Asheville	14	300	7/31/2007	Complete - Waiting on final documents
	MWB Sewer Extension	2008046	Asheville	Comm.	285	5/12/2008	Complete - Waiting on final documents
	The Cottages on Liberty Green	2007297	Asheville	7	124	5/30/2008	Complete - Waiting on final documents
	Haw Creek Tract	2006267	Asheville	49	1,817	10/16/2007	Complete - Waiting on final documents
	Oak Crest Place	2004056	West Asheville	27	791	12/3/2004	Ready for final inspection
	Buncombe County Animal Shelter	2007216	Asheville	Comm.	78	5/1/2008	Ready for final inspection
	Northridge Commons	2006198	Weaverville	-	5,826	6/15/2007	Ready for final inspection
	Ridgefield Business Park	2004188	Asheville	18	758	2/16/2005	Complete-Waiting on final documents
			Subtotal	874	29,390		

Planning and Development Projects  
Status Report March 10, 2009

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	Punchlist pending
	Crayton Creek Green	2006282	Asheville	10	482	3/15/2007	Ready for final inspection
	Haywood Village	2007172	Asheville	55	749	7/15/2008	testing
	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
	Asheville Ford	2008083	Asheville	Comm.	243	2/16/2009	Pre-con held, ready for construction
	McGinnis Sewer Extension	2004225	Asheville	9	48	5/19/2005	In redesign.
	Falcon Ridge	2004240	Asheville	38	3,279	10/11/2006	Ready for final inspection
	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
	Brookside Road Relocation	2008189	Black Mtn	n/A	346	1/14/2009	Pre-con held, ready for construction
	Scenic View	2006194	Asheville	48	534	11/15/2006	Ready for final inspection
	Ingles	2007214	Black Mtn.	Comm.	594	3/4/2008	Ready for final inspection
	Bartram's Walk	2007065	Asheville	100	10,077	7/28/2008	testing
	Little Beaver Daycare	2007282	Woodfin	Comm.	882	3/6/2009	Installing
	Creekside Village	2007138	Weaverville	295	1,265	8/21/2008	Ready for final inspection
	Morgan Property	2008007	Candler	10	1,721	8/11/2008	Pre-con held, ready for construction
	Village at Bradley Branch - Ph. III	2008076	Asheville	44	783	8/8/2008	Installing
	Versant Phase I	2007008	Woodfin	64	12,837	2/14/2007	Ready for final inspection
	Canoe Landing	2007137	Woodfin	4	303	5/12/2008	Ready for construction
	Central Valley	2006166	Black Mtn	12	472	8/8/2007	Punchlist pending
	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
	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
	Kyfields	2003100	Weaverville	35	1,118	5/10/2004	Ready for final inspection
	Brotherton Co-Housing	1999162	West Asheville	32	152	1/24/2003	Ready for final inspection
	Teems Road Subdivision	2007143	Asheville	40	1,308	5/27/2008	Ready for construction
	Thom's Estate	2006309	Asheville	40	3,422	1/24/2008	testing
	Thom's Estate - Phase II	2008071	Asheville	40	3,701	6/10/2008	testing
	Rockwood Apartments	2008109	Asheville	256	4072	1/27/2009	Pre-con held, 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	testing	
Oak Crest Drive	2008138	Asheville	5	290	1/14/2009	Pre-con held, ready for construction	
Gorilla Express Carwash	2008086	Asheville	Comm.	178	12/4/2008	Installing	
Forest Manor Complex	2088050	Asheville	Comm.	96	12/4/2008	Pre-con held, ready for construction	
Subtotal				2526	102,382		
Total Units:				3,400			
Total LF:					131,772		