

METROPOLITAN SEWERAGE DISTRICT BOARD

August 20, 1985

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the Boardroom of MSD's Administration Building, 2 p.m., Tuesday, August 20, 1985.

Vice-Chairman Williams and the following Board members were present: Messrs. Batts, Boggs, Clark, Dent, Dyson, and Pope. Also present were Attorney John S. Stevens, Consulting Engineer Don Berryhill, Asheville Mayor Larry S. McDevitt, Chairman of the Buncombe County Commissioners, R. Curtis Ratcliff, and Buncombe County Planning Director, Jon Creighton.

Mr. Clark moved that the minutes of the July 16 meeting stand approved as written, and Mr. Dent seconded the motion. Voice vote was unanimous in favor of the motion.

Mayor Larry McDevitt and Chairman Ratcliff of the Buncombe County Commissioners appeared at the meeting and asked to be heard. Mayor McDevitt explained that the City and the County had considered the Draft Agreement for Sewer Consolidation prepared by the MSD as presented to the City last summer. Mayor McDevitt and Chairman Ratcliff presented a memorandum on sewer consolidation, said memorandum incorporating the following principles: (1) That the agreement attempt to include all appropriate local governments in Buncombe County; (2) that cost of all aspects of the sewer system be borne by users rather than by ad valorem tax base; (3) that MSD, in its sole discretion, assume responsibility for maintenance and rehabilitation of the sewer system; (4) that the local governments retain control of the extension of the sewerage system; (5) that rehabilitation of the system be generally based on the ten-year Metropolitan Wastewater Management Plan; (6) that there be provisions for termination of the agreement; (7) that title to all current sewerage systems, including easements and rights-of-way, be transferred to MSD at no cost; (8) that title to all related sewer maintenance equipment be transferred to MSD at a negotiated price; and (9) that provisions be made concerning the employment of existing sewerage system personnel. Included in Mayor McDevitt's review of these nine items was the City's request that MSD increase its sewer service charges by 8.7% and that the revenue generated by this increase be turned over to the participating local government units to be used for sewer system extensions or other purposes. After the presentation, it was the consensus of the Board that a committee be appointed to evaluate and to formally consider the proposal by the City and County.

Mr. W. H. Mull, Engineer-Manager, reported on the following:

- a. Update on Treatment Plant Expansion: Mr. Mull told the Board that the general contractor, Powell Construction Company, who has a projected completion date of March 7, 1987, has completed 17.8% of their work; however, very little work was accomplished during July due to dismissal of the concrete subcontractor. Brevard Electric, who has the electrical contract and who also has a projected completion date of March 7, 1987, has completed 11.6% of their work, having been delayed by the general contractor. Moser, Inc., who has a projected completion date of April 12, 1987, has not begun work on HVAC as the general contractor has not progressed to the point where Moser can begin. This report was received as information by the Board.
- b. Update on Hydro project: Mr. Mull told the Board that Cianbro, the contractor for Section 1 (intake structure and flume wall construction), has completed 40% of their work; scheduled completion date is May 1, 1986. The contractor is behind their own schedule but has begun to make good progress in the last month; they are ahead of actual construction schedule. Powell Construction Company, contractor for Section 2 (powerhouse construction and generator installation), has completed 5.9% of their work, with scheduled completion date of July 13, 1986. Clearing and grubbing is mostly complete, and the contractor is removing silt from the powerhouse and flume area. Brevard Electric, Section 2A (Electrical) contractor, has completed 3.9% of their work and has a completion date of July 13, 1986. This report was received as information by the Board.

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- c. Request re quitclaim deed to Lawrence and Ernest Mills: Mr. Mull told the Board there exists a triangular gap of land between MSD land and Mills land, based on a new survey of the Mills property. Mr. Stevens said Mills is not claiming they own any of MSD's land nor does it appear that MSD has a claim on any of Mills' land. It simply means that the respective surveys and line show a gap between the two, and Mills would like to have the MSD quitclaim its interest in this gap to them. Mr. Stevens said he saw no justification for this, other than the fact that the land does appear to be, for the most part, on their side of the fence although not completely. The Board took no action on Mills' request.
- d. Policy regarding adjustments on sewer service charges: Mr. Mull gave the Board a memorandum from Betty Hyatt, supervisor of customer services for the Asheville Water Department. The memorandum stated that current procedure is to adjust 50% of the excess water and sewer charges above a normal billing on a sixty-day period only for commode leaks, underground leaks, or filling swimming pools. (Adjustments are made on only the sewer portion on the amount of water it takes to fill a pool.) Mrs. Hyatt said it was her opinion that adjustments should be given only on the water portion of the bill for commode leaks since all the water still goes back into the sewer system; however, the adjustments for underground leaks should have all the sewer charges above normal consumption taken off since none of that portion of water goes back into the system. It was the concensus of the Board that Mr. Mull advise the Water Department that the District is in agreement with Mrs. Hyatt's suggestions.
- e. Rock blasted into final clarifiers: Mr. Mull told the Board that rock has been blown by blasting operations into the final clarifiers on two occasions resulting in the clarifiers having to be drained and cleared of the rocks. Powell Construction Company has reimbursed the District for all manhours spent clearing the tanks; however, Powell has been informed that there might be additional charges if the State regulatory agency imposes a fine on the District if plant effluent quality was such to create a violation of stream standards. This report was received as information by the Board.
- f. Violation of Sewer Use Regulations: Mr. Mull told the Board that Sayles Biltmore Bleacheries had accidentally discharged caustics which caused the plant effluent to be out of compliance July 10, 11, and 12 for BOD and TSS. He said Sayles has been advised that if the violations experienced in the plant discharge results in costs being incurred by the District for any fine or penalty imposed by the State or Federal government that Sayles might be required to reimburse the District for said costs and expenses. This report was received as information by the Board.
- g. Vehicle accident involving plant operator: Mr. Mull told the Board that the accident resulted from the vehicle's hydroplaning, going off the road into the yard of a residence, and striking a stack of cross ties. The small amount of damage to the yard and a bush was repaired by MSD employees, and the owner is satisfied and has no claim against MSD. The truck, a 1981 Chevrolet with over 120,000 miles and estimated to be worth less than \$1,000 prior to the accident (estimate by MSD), had to be removed by a wrecker and is probably a total loss. A highway patrolman investigated, said the accident occurred due to the truck's hydroplaning, and issued no tickets. The operator was unhurt. The District is waiting for an insurance appraisal but will need to replace the vehicle. This report was received as information by the Board.

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- h. Supplemental Retirement Plan [State 401(k)] for MSD employees: Mr. Stevens told the Board that this is a supplementary plan to the one under which all MSD employees participate (Local Governmental Employees' Retirement System) which would allow MSD employees to voluntarily enroll and presented a draft resolution which MSD could adopt in order to participate in the Supplemental Retirement Income Plan of North Carolina to be administered by Branch Banking & Trust Company (BB&T) of Wilson, North Carolina. Mr. Dent moved that the Board adopt the resolution authorizing participation in the plan by those employees choosing to do so following a presentation by BB&T to MSD employees, and Mr. Batts seconded the motion. Roll call vote was unanimous in favor of the motion. The resolution is attached hereto and thereby made a part of these minutes.

Mr. Mull and Mr. Stevens presented the Fair Labor Standards Act on overtime which became applicable to state and local government employees April 15, 1985. After discussion, the Board requested that Mr. Mull compile information for the next Board meeting relative to wages paid, hours worked, leave time taken, etc., for which the District might be liable.

The next regular monthly meeting of the MSD Board is scheduled for September 17.

There being no further business, the meeting was adjourned at 4:05 p.m.


Secretary