

METROPOLITAN SEWERAGE DISTRICT BOARD

November 19, 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, November 19, 1985.

Vice-Chairman Williams and the following Board members were present: Messrs. Batts, Boggs, Clark, Dyson, Ivey, Pope, and Smith. Also present were Attorney John S. Stevens and Consulting Engineers Dean Huber and Bill Morris.

Mr. Clark moved that the minutes of the October 15 meeting be approved as written, and Mr. Batts seconded the motion. Voice vote was unanimous in favor of the motion.

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

- a. Update on Treatment Plant Expansion: Mr. Mull told the Board that Powell has completed 26% of its work, Brevard Electric has completed 15% of its work, and Moser has not yet begun on HVAC. He also presented a letter from Hendon Engineers in which it was stated that Powell's original schedule was to have the project substantially complete by the end of September, 1986, five months ahead of the date of completion of the project; however, Powell is now two and one-half months behind in this accelerated schedule but is expected to approach the original schedule as the consulting engineers have seen much improvement in the construction progress within the past two or three months. This report was received as information by the Board.
- b. Update on Hydro project: Mr. Mull said that all Allis-Chalmers embedded parts are on the project and remaining parts are partially on site with remaining parts scheduled to be shipped in November and December. Cianbro has completed 88% of Section 1 of the project, Powell has completed 33% of Section 2, and Brevard Electric is on schedule with the general contractor. This report was received as information by the Board.
- c. Resolution regarding indemnification and (these two items were combined)
- g. Pollution Liability Insurance: Mr. Mull told the Board that Mr. Flippin is taking care of continued coverage for the District and that renewal date is January 15, 1986. In accordance with the Board's request (see Item c, minutes of October 15), Mr. Stevens had drawn up the following resolution:

RESOLUTION

WHEREAS, any person who at any time serves or has served as a member of the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, or has served as an officer, employee or agent of the Metropolitan Sewerage District of Buncombe County, North Carolina, shall have a right to be indemnified by the Metropolitan Sewerage District of Buncombe County, North Carolina, against (a) reasonable expenses, including but not limited to attorneys' fees, actually and necessarily incurred by him or her in connection with the defense of any threatened, pending, or completed action, suit or proceeding, in which he or she is made a party by reason of being or having been such member of the District Board, officer, employee, or agent and (b) reasonable payments made by him or her in satisfaction of any judgment, money decree, fine, penalty, or settlement for which he or she may become liable in any such action, suit, or proceeding, provided that the Metropolitan Sewerage District of Buncombe County, North Carolina, shall not pay all or part of a judgment, money decree, fine, penalty, or settlement unless notice of the claim or litigation is given to the District Board of the Metropolitan Sewerage District prior to the time that the claim is settled or civil judgment is entered.

BE IT RESOLVED that the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, shall take all such actions that may be necessary and appropriate to authorize the District Board to pay the indemnification required by this resolution, including without limitation, to the extent needed, making a good faith evaluation of the manner in which the claimant or indemnitee acted and of the reasonable amount of indemnity due to him or her.

Minutes
Page Two
November 19, 1985

BE IT FURTHER RESOLVED that any person who at any time after the adoption of this resolution serves in any of the aforesaid capacities for or on behalf of the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, shall be deemed to be dealing or to have done so in reliance upon, and in consideration for, the right of indemnification provided herein. Such rights shall inure to the benefit of the legal representatives of any such person and shall not be exclusive of any other rights to which such person may be entitled apart from the provision of this resolution, or any ordinance, agreement, vote of the Board, or otherwise.

READ, APPROVED, AND ADOPTED this 19th day of November, 1985.

/s/ M. L. Williams
Vice-Chairman of the Board
Metropolitan Sewerage District
of Buncombe County, North
Carolina

/s/ Roy W. Pope
Secretary

Mr. Smith moved that the Board adopt the foregoing resolution, and Mr. Dyson seconded the motion. Roll call vote was unanimous in favor of the motion.

- d. Resolution regarding MSD bonds offered for redemption: This item was postponed for one month to allow Mr. Stevens to investigate as to whether this annual resolution is now necessary.
- e. Mapping program joint venture and (these two items were combined)
- f. City's request for fund sharing, data base mapping: Mr. Mull told the Board that the mapping program joint venture as proposed by the City set forth an expanded program cost of \$440,315 plus hardcopy needs for the City, the County, the Asheville-Buncombe Water Authority, and the Metropolitan Sewerage District at \$67,716 each for a total expanded program cost of \$711,179. They also offered three options to pay for the program, those options being:

Option #1: County pays for expanded program and charges other agencies for hardcopy.

Option #2: City, County, ABWA, and MSD each pays \$59,264.92 a year for three years for a total cost to each of \$177,794.75.

Option #3: Equal cost share between the City and the County for expanded program with City tax to pay 36% (\$96,318.89) and with County tax to pay 64% (\$343,996.11) of the \$440,315. Under this option, the City, the County, the ABWA, and the MSD would pay \$67,716 each to bring the total cost to \$711,179 (\$67,716 x 4 plus \$440,315). It was the consensus of the Board for Mr. Mull to find out what the District would be getting for the money and asked Mr. Mull to get more information on the program and report back to the Board at the December 10 meeting.

- h. Blue Ridge Plating: Mr. Mull gave the Board a copy of a certified letter which was sent to Mr. Benfield on October 31 in which Blue Ridge Plating was prohibited from discharging any further wastewater into the sewerage system and was notified that he would receive reasonable notice of hearing before the District Board. He also gave the Board a copy of a letter dated November 12 from Mr. Benfield's attorney responding to Mr. Mull's letter and copies of affidavits regarding holding tank measurements signed by two MSD industrial monitoring employees. After discussion, Mr. Smith moved that the Board authorize the installation of two flow meters (one in the line above Blue Ridge Plating's discharge point and one in the line below Blue Ridge Plating's discharge point), with cost for the flow meters to be passed along to Blue Ridge. Mr. Pope seconded the motion, and roll call vote was unanimous in favor of the motion. Mr. Ivey requested that information be rechecked for accuracy on the affidavits and suggested that more adequate affidavits might be prepared to provide concise measurements.

Minutes
Page Three
November 19, 1985

- i. WPCF fund raising: Mr. Mull told the Board that the Water Pollution Control Federation's lease has expired on their present building in Washington, DC, and that the Lease is not being renewed; instead, the Federation will be constructing their own building in Virginia. In this regard, they are looking for donations to help with that building program. Mr. Mull told the Board that Mr. Dent had indicated his support for the District to contribute to this fund raising but was unable to attend today's meeting. In view of this, it was the consensus of the Board to postpone action on this item until December 10 in order for Mr. Dent to voice his opinion.

Mr. Mull said the MSD has been given the "Plant Safety Award" for the past year by the WPCF, one of the eighteen given nationwide.


Mr. Mull told the Board that he and the consulting engineers are going to Raleigh later today in order to meet tomorrow (November 20) with the State to review the District's funding and scheduling of Phases 2 and 3 of the plant expansion and Phase 4, which is sludge disposal. After that meeting, he said the District will address Mr. Ratcliff's letter regarding sludge disposal. After discussion, Mr. Boggs moved that Mr. Mull prepare a letter to Mr. Ratcliff stating the consulting engineers' recommendations on sludge codisposal and setting forth the Board's decision for the District to pay one-third of the projected cost of \$100,000 maximum for a feasibility study with the County to pay two-thirds of that cost. This percentage is to be used in planning for the cost of the feasibility study only and is not to be construed as applying to the cost of incineration facilities as the contribution of these costs would be evaluated in the feasibility study. Mr. Smith seconded the motion, and roll call vote was unanimous in favor of the motion.

Mr. Stevens presented an updated Statement of Principles for Buncombe County Sewer Consolidation, saying that Mayor McDevitt had met with the City and with the County, that both units of government unanimously agreed to support the document, and that they want a joint signing one week from today (November 26). He then synopsised the agreement, and it was agreed by the Board that some minor changes should be made in Paragraphs 9 and 14. Mr. Smith then moved that the Board adopt the Statement of Principles for Buncombe County Sewer Consolidation, that Mr. Stevens make the two changes that were discussed in Paragraphs 9 and 14, and that a revised copy of the document be sent to each Board member. Mr. Batts seconded the motion, and roll call vote was unanimous in favor of the motion.

Mr. Mull read from a letter from Hendon Engineering regarding RBC procurement documents. The documents and method of procurement are very similar to the hydro equipment procurement with two exceptions: Hendon Engineering will go through a paper prequalification process to prequalify the bidders, and the low bidder will be required to demonstrate by actual field testing their proposed equipment to show that their equipment will result in a treatment process compatible with the Phase 1 process and meet the objectives of the overall plant expansion project. If the low bidder for some reason fails to provide an adequate demonstration, then the next low bidder would be considered. This phase of the project needs to move forward as soon as possible, and it is recommended that the Board authorize advertisement of this procurement, subject to concurrence of the State and Mr. Stevens' office. Mr. Pope moved that the Board authorize the Engineer-Manager to advertise for bids subject to the District Attorney's approval, and Mr. Smith seconded the motion. Roll call vote was unanimous in favor of the motion.

Sayles Biltmore Bleacheries: Mr. Batts, an employee of Sayles', excused himself and retired from the meeting. The Board then resumed discussion from last month's meeting Sayles' letter regarding flow equalization. After discussion, it was the consensus of the Board to invite Sayles to come to the December 10 Board meeting to discuss their situation.

The next regular monthly meeting of the MSD Board is scheduled for December 10, 1985. There being no further business, the meeting was adjourned at 4:20 p.m.


Secretary