

OCTOBER 18, 1988

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 p.m. on Tuesday, October 18, 1988. Vice-Chairman Williams called the meeting to order at 2:00 p.m.

Vice Chairman Williams and the following members were present: Aceto, Batts, Boggs, Dent, Edwards, Ivey, Pope, and Waddey. Others present were: W.H. Mull, Engineer-Manager, Bill Morris of Hendon Engineering Associates, John S. Stevens, General Counsel for the District, Jim Stokoe representing the Land-Of-Sky Regional Council, and Leah Karpen and Lois Fuller with the League of Women Voters.

2. Minutes of September 20, 1988:

Mr. Dent moved that the Board minutes of August 16, 1988 be adopted as written. Mrs. Pope seconded the motion, and voice vote was unanimous in favor of the motion.

3. REPORT OF ENGINEER-MANAGER:

a. Status of Phase III Plant Expansion Contracts:

Mr. Mull reported that Phase III of the Main Plant Expansion is proceeding on schedule and no major problems are being encountered at this time.

b. Status of Proposed Sludge Disposal Facilities (Phase IV, Plant Expansion):

Mr. Mull reported that the District has received no word from the EPA to date concerning EPA's final decision on the sludge disposal facilities. Mr. Mull stated he has written the EPA expressing the Board's concern over the grant funds, and since a response has not been received to date, will write the EPA again and reiterate what was stated in the last letter.

c. Report of Interim Sludge Handling Expenses:

Mr. Mull reviewed a list of additional costs associated with the Sludge Disposal Facility incurred as a result of delays and approval of Phase IV Facility. They are as follows:

October 1986 - October 1988

Engineering Costs	\$ 197,997.59
Legal	\$ 7,157.10
Additional Administration	\$ 9,766.82
Sludge Reservoir & Repairs	<u>\$ 195,549.82</u>

Total: \$ 410,471.53

Estimated increase in construction costs of Phase IV Facility using ENR Construction Cost Index:

Estimated Increase: \$ 800,000.00

\$1,210,471.53

After general discussion, Mr. Boggs requested that these expenses be made a part of these minutes.

d. Results of Bid Opening for Van-Type Vehicle:

Mr. Mull reviewed the Bid Tabulation Sheet for the bid opening of October 11, 1988, for one van-type vehicle, and the apparent low bidder is Carolina Truck and Body Company with a total base bid of \$11,975.00.

e. Report on Meeting With U.S. Fish and Wildlife Service Regarding Hydro Plant Operation;

Mr. Mull reported a meeting was held with September 27, 1988, with the U.S. Fish and Wildlife Service representatives, and no agreement was reached on the issues at hand. Mr. Mull reviewed a letter from the U.S. Fish and Wildlife Service dated October 5, 1988. The U.S. Fish and Wildlife Service is proposing a further meeting be held prior to November 15, 1988, at which the Service and the Commission could discuss the minimum flow and design of a turbine mortality study with the Metropolitan Sewerage District's environmental consultants. The U.S. Fish and Wildlife Service is also imposing a minimum flow of 460 cfs for the months July through January, and 860 cfs for the months February through June, in the bypassed main channel between the dam and tailrace confluence. After lengthy discussion, it was the consensus of the Board that a meeting should be held with the District's fisheries biologists before the November 15th meeting with the U.S. Fish and Wildlife, and a meeting should be held with the District's fisheries biologists after the November 15th meeting.

f. Report on Billings for Previously Non-Billed Sewer Service Charges;

Mr. Mull reviewed several letters concerning unpaid sewer service charges with the Board.

g. Report of Second Violation - Able Septic Tank Cleaning Service;

Mr. Mull reviewed a Report to the Board of the Metropolitan Sewerage District referencing the second violation by Able Septic Tank Service, from William Clarke, Attorney for the District. This Report is attached hereto and made a part of these minutes. Mr. Dent moved that there be a show cause hearing for Able Septic Tank Service on November 9, 1988, at 3:00 p.m. in the Boardroom of the Metropolitan Sewerage District, as to its violations alleged by the District, and that Able be notified of a hearing before a three member Committee of the Board, the Committee to be selected by the Chairman, and that enforcement actions being considered are a civil fine as permitted by the Ordinance, and recovery of all MSD expenses as permitted by the Ordinance. Mr. Wadley seconded the motion and roll call vote was unanimous in favor of the motion.

h. AWWA/WPCF Conference - November 13 thru 16, 1988;

Mr. Mull reported the AWWA/WPCF State Conference will be held in Durham, November 13 thru 16, 1988, and requested permission from the Board to authorize any Board members and appropriate staff members to attend. Mr. Edwards moved that the Board authorize attendance of Board members and appropriate staff members to the AWWA/WPCF Conference. Mr. Wadley seconded and roll call vote was unanimous in favor of the motion.

4. Report of Officers:

None

5. Report of Committees:

a. Sewer System Consolidation Committee - Mr. Aceto:

Mr. Aceto reported that the Committee met on October 13th to consider the draft of the proposed Consolidation Transfer Agreement prepared by General Counsel. The consensus of the Committee was that in order to fully and fairly respond to the concerns expressed by the City some months ago, there would be 3 additional provisions to the Consolidation Transfer Agreement. These provisions were discussed at length by the Board.

Mr. Aceto moved that the District shall include in its proposal to collector system owners for system consolidation that (1) In regard to systemwide master planning, the District shall adhere to the provisions of the 201 Facilities Plan as updated from time-to-time, (2) In regard to the City's assumption of maintenance, to make no proposal whatsoever, and (3) In regard to upgrade and extensions to provide that the MSD collect a dedicated fund for that purpose in accordance with the draft submitted September 27, 1988 by the Board's General Counsel. The draft of September 27 shall be modified consistent with this resolution and the same be presented to the City and County initially, then to system owners. Discussion followed. Mr. Aceto amended his motion as follows: The District shall include in its proposal to collector system owners for system consolidation that 1) In regard to systemwide master planning, the District shall adhere to the provisions of the 201 Facilities Plan as updated from time-to-time; 2) In regard to the City's assumption of maintenance responsibilities, the Board has considered the City's proposal to assume all maintenance responsibilities systemwide, and propose instead that the District assume all such maintenance responsibilities, and 3) In regard to upgrade and extensions, to provide that the MSD collect a dedicated fund for that purpose in accordance with the draft submitted September 27, 1988, prepared by the Board's General Counsel. The draft of September 27th shall be modified consistent with this Resolution and the same be presented to the City and County initially, then to system owners. General discussion followed. Mr. Boggs moved that the motion be tabled. The motion failed from lack of a second. Mr. Aceto's amended motion was reinstated. Mr. Waddey seconded, and voice vote was as follows:

Ayes - 7
Nayes - 1

6. Unfinished Business:

Mr. Mull reviewed data sheets with the Board on comparisons of industries in Buncombe County and their sewer service charges, along with the domestic and industrial sewer service charges, industrial waste monitoring costs, outside rates, etc. for different cities in North Carolina with the Board. General discussion followed. A survey which was conducted by the City of Greensboro "Comparative Water & Sewer Charges for North Carolina Cities" was also reviewed with the Board.

7. New Business:

None.

8. Date of Next Regular Meeting - November 29, 1988

9. Adjournment:

There being no further business, the Board meeting was adjourned at 4:35 p.m.



Secretary