

NOVEMBER 29, 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, November 29, 1988. Chairman Smith called the meeting to order at 2:00 p.m.

Chairman Smith and the following members were present: Aceto, Batts, Boggs, Dent, Dyson, Edwards, Ivey, Pope, Waddey and Williams. Others present were: W.H. Mull, Engineer-Manager, Bill Morris of Hendon Engineering Associates, John S. Stevens, General Counsel for the District, Alan Bolick of Mohnkern, Bolick & Company, P.A., Jim Stokoe representing the Land-Of-Sky Regional Council, Leah Karpen with the League of Women Voters, and Debra Price representing the Council of Independent Business Owners, Inc.

**2. Minutes of October 18, 1988:**

Mr. Boggs moved that the Board minutes of October 18, 1988 be adopted as written. Mr. Waddey seconded the motion, and voice vote was unanimous in favor of the motion.

**3. Audit Report for Fiscal Year 1987-88 - Alan Bolick:**

Mr. Mull turned the floor over to Alan Bolick, Auditor, to review the District's Financial Report for Fiscal Year 1987-88. Mr. Bolick reviewed the Audit Report with the Board. General discussion followed.

**4. 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 a letter was received from N-Viro dated November 9, 1988, and stated a response is being prepared to N-Viro's letter, copies of which will be sent to the Board members.

Mr. Boggs reported that the Sludge Committee did meet to discuss the N-Viro matter, and that there are no recommendations of any actions that should be taken. General discussion followed.

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

Mr. Mull reported a meeting was held in Raleigh with the U.S. Fish and Wildlife Service Representatives, Ms. Mike Gantt and Mr. Ries Collier, along with the District's fisheries biologists. Also present at this meeting were W. H. Mull, Bob Gurss, and Martin Gaynes. Mr. Mull presented a letter to the Board from Bob Gurss recommending strategies the District should take to mitigate the so called lost habitat in the river. Mr. Mull said he will attempt to meet with Ms. Gantt to try and resolve some of the problems encountered in this matter.

**d. Schedule of 1989 MSD Board Meetings:**

Mr. Mull presented a schedule of MSD Board meetings for 1989, and recommended the following changes to the schedule: Change March 21 to March 28; November 21 to November 28, and cancel the December Board meeting. Mr. Dent moved that the Board accept the 1989 MSD Board Meeting Schedule as amended. Mrs. Pope seconded the motion and voice vote was unanimous in favor of the motion. A copy of the 1989 MSD Board Meeting Schedule is attached herewith.

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

Mr. Mull reported that the hearing with Able Septic Tank Cleaning Service was not held as the matter was worked out among attorneys. The hearing panel was polled and agreed to the following: a fine of \$500, \$250 legal fees, 6 months suspension of license and 6 months probation. Mr. Clarke, MSD Attorney, is preparing a Consent Order for Able. Able will still be able to operate.

**f. Report on Renewal Rates Received from Blue Cross/Blue Shield for Employee's Health Insurance (Renewal Date 01/15/89):**

Mr. Mull reported that he met with Charlie Webb of Webb Insurance concerning renewal rates for Blue Cross/Blue Shield Health Insurance for MSD Employees. It was noted that an increase of 59% was being proposed from Blue Cross/Blue Shield for employee health insurance. On behalf of the Board, Mr. Mull has asked Webb Insurance to get proposals from other Insurance Companies. Mr. Mull requested that the Board authorize the Insurance Committee to be empowered to take action to enter into contract with one of the proposed companies in the event one of the proposals is satisfactory, and no higher than the current Blue Cross/Blue Shield proposal, due to the fact that the current health insurance renewal date is January 15, 1988, and this is prior to January 17 Board meeting. Mr. Waddey moved that the Board accept this proposal and Mr. Aceto seconded the motion. General discussion followed. Roll call vote was unanimous in favor of the motion.

**g. Advertisement for Chlorine Bids for 1989:**

Mr. Mull reported that the District has advertised for Chlorine Bids for 1989, and noted the bid opening date for this is December 1, 1988 at 11:00 a.m. Mr. Mull requested that the Board authorize the Budget Committee, at it's meeting in December, award the contract for chlorine bids to the lowest bidder, subject to review by General Counsel. After discussion, Mr. Dent moved that the Budget Committee be authorized to award chlorine bid contract to the lowest bidder, subject to review by General Counsel. Mr. Edwards seconded, and roll call vote was unanimous in favor of the motion.

**5. Report of Officers:**

None

**6. Report of Committees:**

**a. Sewer System Consolidation Committee - Mr. Aceto:**

Mr. Aceto reported that the Sewer System Consolidation Committee met on November 10, 1988, with City Officials, Mayor Bissette and Doug Bean, Denise Braine with the City/County Planning Committee, and Marvin Waddey representing the County. Mr. Aceto stated that a meeting will be held at the Land-of-Sky Regional Council on November 30, 1988, at 9:30 a.m. Mr. Aceto presented to the Board a Report on Sewer System Consolidation Committee Meeting, which is attached hereto and made a part of

these minutes, along with a Resolution supplied to him by the Council of Independent Business Owners, a newly formed concerned citizens group, and introduced Ms. Debra Price of the CIBO. The Resolution is attached hereto and made a part of these minutes.

**7. Unfinished Business:**

None.

**8. New Business:**

Mr. Mull reviewed a letter from the State Department of Natural Resources and Community Development, Division of Environmental Management, concerning underground storage tanks. The District has a 1,000 gallon underground storage tank and a 500 gallon diesel fuel tank at the Treatment Plant. New State regulations require that the District pay \$30.00 per year for each currently operating commercial underground storage tank of 3,500 gallons or less capacity. A call came in this morning from the Insurance Advisory Committee that the District must provide, according to EPA regulations, a \$100,000 liability policy to cover the underground storage tanks and provide some sort of monitoring of the groundwater around the tank. This will cost the District approximately \$1,700 per year for the insurance policy, if this is necessary. The District is looking into several options: 1) Empty the tanks and fill up with sand and abandon the gas pumps; 2) Raise tanks out of the ground, and/or buy new tanks. The District is currently looking at the costs associated with raising the tanks out of the ground. This is something which has a January 1 deadline, and Mr. Mull requested that the Board authorize the Plant Expansion Committee to be able to meet and make a decision as to what should be done. Chairman Smith turned this over to the Plant Expansion Committee, and requested a recommendation be brought before the Board at the January meeting.

**9. Date of Next Regular Meeting - January 17, 1989**

**10. Adjournment:**

There being no further business, the Board meeting was adjourned at 3:10 p.m.

  
\_\_\_\_\_  
Secretary

REPORT TO MSD BOARD  
SEWER SYSTEM CONSOLIDATION COMMITTEE MEETING  
NOVEMBER 10, 1988

The Sewer System Consolidation Committee met with representatives of the City and County on November 10, 1988, at 10:00 a.m., in the M.S.D. Board Room. A list of those attending is attached to this report.

The draft Sewer Consolidation Agreement dated October 31, 1988, prepared by Board's counsel, was presented to the meeting.

Mayor Bisette related three basic concerns of the City, expressing the opinion that all three must be addressed in the consolidation documents as a condition to participation by the City in consolidation.

1. The City's consultants have concluded that rehabilitation costs, if shared evenly system-wide, would fall disproportionately upon the City's residents. However, the Mayor acknowledged the necessity that the City must bear some disproportionate burden due to the availability of resources.

The Mayor favored the concept presented in MSD's draft proposal that a district-wide extension/upgrade fund should be collected by MSD. He requested the proposal be pursued further.

2. The City wants to preserve its present sewer maintenance crews intact under its control.

3. A future question of MSD Board representation arises. The Mayor expressed the concern that the City's influence may diminish on the MSD Board as more municipal entities demand representation, in the manner of the Town of Montreat.

Mr. Morris reported to the meeting, in response to the Mayor's first concern regarding disproportionate rehabilitation costs, that he consulted with the Institute of Government (IOG) in regard to the effects of consolidation on the City's annexation plans. Mr. Morris states IOG's position is that if the City turns over its sewer system to another entity, sewer extensions would not thereafter be part of the bundle of services required to be provided to annexed areas, since the City would, at that point, no longer be providing sewer collection services to its own residents.

Mr. Morris also reported to the meeting that based on the presently available data, the differential between rehabilitation costs in the City versus County is \$30.00 per year per user in favor of County residents. If the City's present and proposed annexation plans are taken into account, the differential falls to \$11.00 per user. For example, with respect to the Swannanoa Interceptor, ten million dollars in rehabilitation costs can be

attributed to sections of the line lying in the County and five million to sections lying in the City. If the City's annexation plans are taken into account, one million dollars of that cost is shifted to the sections lying in the City.

County representatives pointed out they are not now in a position to give a detailed response to the City's comments or to the Board's proposal due to the fact they were unable to consult with the new County Board of Commissioners prior to the meeting.

Mr. Bissette then proposed that the City provide, prior to the November 30th meeting of sewer system owners, a summary of its present position and a discussion draft of specific proposals relating to consolidation issues. County representatives agreed they would make an effort to do the same, subject to the limitations of familiarizing new Board members.

A tentative date for the next meeting of the City and MSD Sewer System Consolidation Committee, to further consider the draft proposal, was set for November 18, 1988.

No further business came before the meeting.

Respectfully submitted,



Steven T. Aceto  
Chairman

RESOLUTION

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

WHEREAS, the COUNCIL OF INDEPENDENT BUSINESS OWNERS is an organization made up of the owners of approximately one hundred thirty (130) businesses in the greater Asheville area, and;

WHEREAS, the COUNCIL OF INDEPENDENT BUSINESS OWNERS is concerned that the sewage system in Buncombe County be properly maintained and managed.

BE IT RESOLVED that the COUNCIL OF INDEPENDENT BUSINESS OWNERS urges the Buncombe County Commission, the City Council of the City of Asheville, and the governing bodies of all municipalities in Buncombe County to immediately take all steps necessary to conclude consolidation of the sewer system in Buncombe County and to effect the prompt turnover of the sewage system to the Metropolitan Sewage District.

BE IT FURTHER RESOLVED that the President of the organization is directed to provide a copy of this Resolution to each of the governing bodies of the municipalities located in Buncombe County and to the County Commission of the County of Buncombe.

THIS the 19<sup>th</sup> day of November, 1988.

COUNCIL OF INDEPENDENT BUSINESS OWNERS

BY:

Albert J. Smay  
Secretary

**SCHEDULE OF ANNUAL AND REGULAR MEETING DATES**

**OF THE**

**METROPOLITAN SEWERAGE DISTRICT BOARD**

Meetings are held in the Boardroom of Metropolitan Sewerage District's Administration Building, N.C. Highway 251 North at Woodfin, N.C.

**1989**

January 17	2:00 p.m.
February 21	2:00 p.m.
March 28	2:00 p.m.
April 18	2:00 p.m.
May 16	2:00 p.m.
June 20	2:00 p.m.
July 18	2:00 p.m.
August 15	2:00 p.m.
September 19	2:00 p.m.
October 17	2:00 p.m.
November 28	2:00 p.m.



SECRETARY/TREASURER