

MARCH 21, 1989

**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, March 21, 1989. Chairman Smith called the meeting to order at 2:10 p.m.

Chairman Smith and the following members were present: Aceto, Dent, Edwards, Ivey, Maas, McDonald, Pope, and Williams. Others present were: W.H. Mull, Engineer-Manager, John S. Stevens, General Counsel for the District, Dean Huber, Bob Holbrook, and Bill Morris of Hendon Engineering Associates, Harold Huff, City of Asheville Water, Sewer and Engineering Department, Paul Johnson with Asheville Citizen-Times, Leah Karpen with the League of Women Voters, Leni Sitnick, Claudine Cremer, Lynette James, WCQS Radio, Judy Williamson, WNC Alliance, Kim Carter, WWNC Radio, and Debra Price, representing the Council of Independent Business Owners, Inc.

**2. Minutes of February 21, 1989:**

Mr. Dent moved that the Board minutes of February 21, 1989 be adopted as written. Mr. Edwards seconded the motion, and voice vote carried unanimous in favor of the motion.

**3. REPORT OF ENGINEER-MANAGER:****a. Status of Phase III Plant Expansion Contracts:**

Mr. Mull reported the status of the Phase III Plant Expansion Contracts with the Board, and stated that the construction progress on Section III, General Work, has fallen behind the originally anticipated schedule. Republic Contracting Corporation advises that the project cannot be completed by the original date of completion of February 20, 1990. With no additional delays Republic now is scheduled to complete the project by May 1, 1990. Mr. Mull stated a time extension is being considered and will be issued shortly. The rest of the project is proceeding on schedule.

**b. FERC Compliance Order Issued to MSD on Hydroelectric Facility and Financial Information on Hydro Project from Hendon Engineering:**

Mr. Mull asked Mr. Stevens, General Counsel, to speak on this matter. Mr. Stevens reported that the Compliance Order is the formal directive from FERC to direct MSD to: 1) Comply with flows the U.S. Fish & Wildlife Service gave the District; 2) Mortality study (this has been done and submitted for approval); 3) Submit procedure for monitoring flow (this is being developed, and should be submitted within a week or two. General discussion followed. No action was taken on this matter.

**c. Carolina Power & Light Company Easement for Placement of Electric Line on MSD Property:**

Mr. Mull reviewed an easement document from CP&L for the placement of one electric line and one transformer on MSD property at the Carrier Bridge Pump Station. Mrs. Pope moved that the Board authorize the Chairman to sign this agreement for a new right of way to replace one electric line and one transformer at the Carrier Bridge Pump Station. Mr. Williams seconded the motion, and voice vote was unanimous in favor of the motion.

**d. Appointment of MSD Board Members:**

- a. Aceto - Reappointed by Town of Montreat - February 1989
- b. Maas - Appointed by Buncombe County - 01/19/89  
(Replaced Mr. Walter T. Batts)
- c. McDonald - Appointed by the City of Asheville - 01/19/89  
(Replaced Mr. Walter J. Boggs)

**e. Proposed Bulk Waste Treatment Service for Bent Creek and Mount Carmel Subdivisions with MSD:**

Mr. Mull reviewed a letter from Carolina Water Service, Inc., requesting bulk waste treatment service for their Bent Creek and Mount Carmel subdivisions. This was brought to the Board as information purposes only, and no action was taken.

**f. Telemetry Monitoring Point #21 @ Meadow Road - Norfolk Southern Lease Contract Encroachment Agreement:**

Mr. Mull presented a lease contract encroachment agreement from Norfolk Southern to the Board. The only way Norfolk Southern Railroad will consider allowing the District to utilize their land is with an annual lease contract at \$100.00 per year. Mr. Mull recommended that the Board authorize the District to enter into such a lease agreement and make payment to Norfolk Southern of \$100.00 per year. Mr. Williams so moved and Mr. Dent seconded the motion. Roll call vote was unanimous in favor of the motion.

**g. Henderson County Request for Additional Flow Allocation for Cane Creek Water and Sewer District (Project 927-WW):**

Mr. Mull reported that the Cane Creek Water & Sewer District is outside the boundaries of the District, and is served under a contract to provide sewer service to business and industry in the Cane Creek area. The original allocation was 550,000 gallons per day, maximum flow. Since that time, a significant number of new projects have been proposed for the Cane Creek area which would increase flow. Since the projects will be constructed in different phases, Cane Creek does not expect to exceed the 550,000 gallons per day, until after July 1, 1990, by which time the Treatment Plant Expansion should be complete, and the District would be able to handle the capacity. Mr. Stevens, General Counsel, prepared an Amendment to Sewage Disposal Agreement between Cane Creek Water and Sewer District of Henderson County and the MSD. The agreement is hereby amended as follows: Page 4, paragraph 4, lines 3 and 4, following the figures and words ".55 million gallons a day" and before the semicolon, insert the following: "until July 1, 1990, at which time the figure .55 million gallons a day is changed to 1.35 million gallons per day." Mr. Edwards moved that the Board authorize the above Amendment to Sewage Disposal Agreement, and Mrs. Pope seconded.

Dr. Maas expressed concern for a policy to be used as a basis for evaluating and prioritizing allocation requests. Dr. Maas stated over the next year he would give some thought to presenting to the Board criteria that might be used for, if not choosing between allocations, how much allocation MSD would accept from new requests. After general discussion Chairman Smith stated that since the District has excess capacity now and this is not a more pressing issue facing the Board, this should be put on the Agenda to be brought up about a year from now.

Voice vote was unanimous in favor of the motion.

**h. MSD Records Retention:**

Mr. Mull stated that the District utilized the assistance of the Department of Cultural Resources Division of Archives and History, Western Office, Records Management Analyst, in preparing the Records Retention Document for the District. The Document is being reviewed by General Counsel and will be presented to the Board next month for approval.

**i. Resolutions: Walter J. Boggs and Walter T. Batts for Service:**

Mr. Mull reviewed the resolutions for Walter J. Boggs and Walter T. Batts, former Board members, with the Board. Mr. Dent moved that the Resolutions for Walter J. Boggs and Walter T. Batts be adopted as written. Mrs. McDonald seconded the motion 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 the Sewer System Consolidation Committee met March 20, 1989, to consider the draft proposal for Sewer System Consolidation prepared by General Counsel, with the intent that a proposal be submitted to this Board for presentation to the Sewer Owners on March 30, 1989. It was the consensus of the Committee that the Board would be asked to declare its' intent to participate in a total consolidation plan which would bring all ownership of the entire sewer system within the boundaries of the District under MSD's control, and that MSD would also take some responsibility for system extensions, including annexed areas consistent with an extension program to be developed. The District's Consulting Engineers have developed a proposal for the Annexation and Extension Policy. General discussion followed. Mr. Aceto made a motion that the MSD Board declare to the meeting of Sewer System Owners March 30, 1989, its' intent to enter into an Agreement that all collector and interceptor sewer owners participate in total consolidation of the entire collector interceptor and treatment system within the District's boundaries, under MSD ownership and control, vesting in MSD all responsibility for maintenance, rehabilitation, and extensions in such a manner as not to inhibit the orderly growth of municipalities in the District, essentially as set forth in a draft agreement prepared by the Board's Counsel dated March 8, 1989. Mr. Ivey seconded and some discussion followed. Roll call vote was unanimous in favor of the motion.

**b. Plant Expansion Committee - Mr. Dent**

Mr. Dent stated that the Committee met on March 20, 1989, to review a letter from Hendon Engineering Associates, Inc., increasing Engineering Fees on Phases II and III of the Main Plant Expansion (currently under construction), and proposing fees for Phase IV, Sludge Handling Facilities. Phase IV estimates must be submitted in the form of an unsigned contract to the State and EPA for their review and approval, along with the grant application.

The Plant Expansion Committee recommends that the Board authorize Hendon Engineering's Contract Amendment of \$213,588.00 for Phases II & III, and accepting the proposed fees of \$826,181.00 for Phase IV, Sludge Handling Facilities. Mr. Dent so moved and Mr. Williams seconded. Roll call vote was unanimous in favor of the motion.

**6. Unfinished Business:**

**a. Report on Telemetry Flow Monitoring Point #27 Proposed Land Purchase:**

Mr. Mull stated he would mail a letter to Board members concerning this.

**7. New Business:**

None

**8. Date of Next Regular Meeting - April 18, 1989**

**9. Adjournment:**

There being no further business, the Board meeting was adjourned at 3:10 p.m. After the Board Meeting, N-Viro made a presentation on their Advanced Alkaline Stabilization Process to the Board.



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Secretary