

APRIL 17, 1990

1. Call to Order and Roll Call:

The regular meeting of the Metropolitan Sewerage District Board was held in the Boardroom of MSD's Administration Building at 2:00 p.m. on Tuesday, April 17, 1990. Chairman Smith called the meeting to order at 2:00 p.m. Chairman Smith and the following members were present: Aceto, Dent, Dyson, Edwards, Ivey, Maas, McDonald, Waddey and Williams. Others present were: W. H. Mull, Engineer-Manager, John S. Stevens, General Counsel, Walter Currie, Attorney for the District, Messrs Dean Huber, Bob Holbrook, Bill Morris and Dr. Lloyd Robinson of Hendon Engineering Associates, Inc., Debra Price of CIBO, David Aiton of Danie A. Johnson, AIA, Michele Jamar of Fisher Scientific, John Olsen, Attorney representing Fisher Scientific, Rick Conn of Perkin Elmer, and Dan Voorish with the Asheville-Citizen Times.

2. Minutes of March 20, 1990:

Mr. Dyson moved that the minutes of March 20, 1990, be adopted as written, and Mr. Waddey seconded. Voice vote was unanimous in favor of the motion.

3. Hendon Engineering Associates Annual Report - Dean Huber:

Mr. Huber stated that the District's Bond Order requires that each year an appropriate consultant prepare and file a report with the District, Trustee and Local Government Commission, on the District's sewerage system. At this time, Mr. Huber reviewed the report with the Board, and added that a supplemental report was added concerning sewer system consolidation with an estimated opinion of costs for these projects, and the other item concerns rates. Mr. Mull encouraged each Board member to read this supplemental report and advise of any changes which should be made.

4. Report of Engineer-Manager:**a. Status of Phase III Plant Expansion Contracts:**

Mr. Mull reported that the status reports are in each Board folder for information purposes. The District is still looking for a completion date in July, 1990.

b. Consideration of Resolution for Tentative Award of Bid for Project 703, Section 3E, Laboratory Equipment and Supplies;

Mr. Mull reviewed a letter from Hendon Engineering Associates, listing the chronology for these bids and recommending that the Bid be awarded to McDonald Enterprises, Inc., in the amount of \$492,036.00. At this time Mr. Currie reviewed his April 10, 1990 letter, regarding acceptability of the bids, and stated that one item was left out of his letter concerning the bid of Fisher Scientific Company, that being that Fisher Scientific, in addition to the problem with the bid bond, bid F.O.B. point of shipment rather than F.O.B. point of delivery, which is contrary to the specifications. A copy of Mr. Currie's letter is attached hereto and made a part of these minutes. Mr. Currie expressed the opinion that the bid of McDonald Enterprises, Inc., is the lowest acceptable responsive, responsible bid. Mr. Mull reviewed the bid tabulation sheet with the Board. On April 5, 1990, the District received the following bids: Fisher Scientific with a total base bid of \$465,565.30; McDonald Enterprises, Inc. with a total base bid of \$492,036.00; Laboratory Design & Equipment with a total base bid of \$484,762.00; Baxter Scientific with a total base bid of \$531,886.50; and Marsh-McBirney, Inc. with a total base bid of \$8,745.00 (bid only one section of specifications). Dr. Robinson pointed out that McDonald Enterprises bid responsively both times on this project. At this time, Chairman Smith recognized Mr. John Olsen, Attorney for Fisher Scientific, and Mrs. Michele Jamar of Fisher Scientific. Mr. Olsen reported to the Board that Fisher Scientific simply made a clerical error in its Bid Bond, and stated he received an amended bid bond from the bonding company today, and cures this defect. Mr. Olsen also noted that Fisher is willing to change the other technical defect mentioned, that being F.O.B. point of shipment, to F.O.B. point of delivery. Mr.

Olsen asked that the Board accept the bid of Fisher Scientific Company, allowing Fisher to correct these technical defects, or, if the Board wishes not to accept the bid, that the Board at least postpone its decision for one week. Lengthy discussion followed. Mr. Dyson moved that the Board adopt the resolution to accept the bid of McDonald Enterprises, Inc., in the amount of \$492,036.00, and tentatively award the contract to McDonald Enterprises. Mrs. McDonald seconded the motion. Roll call vote was as follows: 6 Yeas and 4 Nays (Aceto, Dent, Wadley and Smith). The Resolution is attached herewith and made a part of these Minutes.

c. Authorization to Advertise For Bids on Administration Building Expansion:

Mr. Mull reported that David Aiton with Danie Johnson Architects is present today with plans and specifications concerning expansion of the District's Administration Building, and noted the District is ready to advertise for bids on this project. There are a couple of changes as far as costs are concerned, those being approximately \$6,000 for new carpeting in the existing building, and approximately \$4,000.00 for re-roofing the existing building, bringing the approximate total of this project to \$250,000.00. Mr. Dent moved that the Board authorize advertisement for bids for the Administration Building Expansion, and Mr. Wadley seconded. Voice vote was unanimous in favor of the motion.

d. Consideration of Resolutions for Tentative Award of Bids for Phase IV - Sludge Handling:

Mr. Mull reviewed the bid tabulation sheet with the Board, and noted that these bids have been reviewed by the Attorney for the District and Hendon Engineering Associates. The District opened bids on March 29, 1990, for Project 703, Phase IV, Section 1, General Work, Section 1B, Heating Ventilating and Air Conditioning, and Section 1C, Plumbing. The following bids were received: Section 1, General Work -Crowder Construction Company bid \$20,930,000.00; Lee Construction Company bid \$18,818,900.00, and Republic Contracting Corporation bid \$20,823,000.00. One bid was received and opened for Section 1B, Heating, Ventilating and Air Conditioning from Standard Electric Company in the amount of \$120,000.00. One bid was received and opened for Section 1C, Plumbing, from Price Piping Company in the amount of \$27,600.00.

Mr. Mull reviewed a letter from Hendon Engineering Associates addressing the fact that there are significant cost overruns in these bids, and recommending that the Board authorize the Engineer-Manager to evaluate the potential deductions identified and proceed to award the project as modified, subject to final review and approval of the North Carolina Department of Environment, Health and Natural Resources, and the United States Environmental Protection Agency. A revised project budget for sludge dewatering and disposal for this project was also presented, along with a list of items which were required to be broken out in the bid tabulation and priced separately for various reasons. The Plant Expansion Committee reviewed this information yesterday. No decision was reached by the Committee. Mr. Mull stated the Board has a number of options, one being to award the contract to the lowest responsive responsible bidder, and have the District look at some possible deductions, a second would be to delete all bonding requirements for the job and rebid. Mr. Mull stated that Section 1A was not left out of the bid package, as bids for Section 1A, Electrical Equipment and Wiring, were received and opened on February 13, 1990, with Haynes Electric Construction Company being the lowest responsive, responsible bid, with a total base bid of \$1,878,000.00. Other bids received for Section 1A, Electrical Equipment and Wiring, on February 13, 1990, were King Electric, Inc., with a total base bid of \$2,343,488, Hayes and Lunsford Electrical Company, with a total base bid of \$1,982,362. Lengthy discussion followed.

Mr. Dent noted that the Plant Expansion Committee met yesterday to discuss this matter. Mr. Dent moved that the Board adopt the attached Resolution accepting the bid of Lee Construction Company in the amount of \$18,818,900.00,

for Section 1, General Work, and tentatively award contract to said bidder. Mr. Dyson seconded the motion. Lengthy discussion followed. Roll call vote was as follows: 9 yeas and 1 Nay (Dr. Maas).

Mr. Dent moved that the Board adopt the attached Resolution accepting the bid of Haynes Electric Construction Company in the amount of \$1,878,000.00, for Section 1A, Electrical Equipment and Wiring, and tentatively award contract to said bidder. Mr. Williams seconded the motion, and roll call vote was unanimous in favor of the motion.

Mr. Dent moved that the Board adopt the attached Resolution accepting the bid of Standard Electric Company in the amount of \$120,000.00, for Section 1B, Heating, Ventilating and Air Conditioning, and tentatively award contract to said bidder. Mr. Waddey seconded the motion, and roll call vote was unanimous in favor of the motion.

Mr. Dent moved that the Board adopt the attached Resolution accepting the bid of Price Piping Company, in the amount of \$27,600.00, for Section 1C, Plumbing, and tentatively award contract to said bidder. Dr. Maas seconded the motion, and roll call vote was unanimous in favor of the motion.

e. Information Regarding Asheville's Billing for Sewer Service Charges:

Mr. Mull reported that he received a phone call from the City of Asheville stating the City has a new computer system and requires advanced notice to reprogram, and the City would have to have the District's methodology for billing for sewer service charges for consolidation and treatment plant by Monday of this week. The City was told that this was impossible as it has not been decided how customers will be charged or how much, and the City agreed the bill could be left as is and correct this when the time comes.

5. Report of Officers: None.

6. Report of Committees:

b. Sewer Consolidation & Renovation Finance-Mr. Ivey:

Mr. Ivey reported that the Sewer Consolidation & Renovation Finance Committee met April 2, 1990, and the consensus of this Committee was that the funding requirements for the consolidation effort, by very nature of the type of project, was very uncertain. Mr. Ivey stated there were a number of great contributions and efforts which came out of this meeting on behalf of everyone. The final unanimous consensus of the Committee was that consolidation and renovation of the sewer system is such a massive undertaking the funding is momentous and required some outside counsel, advice, observation, and consulting to help the Community feel the monies are being spent in a way it is best needed. As a result, the attached Resolution is being brought to the Board today, stating that an independent financial consultant be retained as required, as needed, to help with the financing requirement aspects of the consolidation effort. Mr. Mull has talked with a couple of financial consultants who could possibly fill this need, those being Ernst and Young of Charlotte, and Deloitte, Haskins, Sells of Hickory, and Ernst and Young has been recommended. Mr. Mull stated that a list of items has been prepared for the financial consultant to look at, if the Board so chooses to employ one, as a minimum, and encouraged the Board to review this list of items and submit their input. Ernst and Young has given the District a cost of \$19,000.00 for what Ernst and Young understood the various tasks to be. Mr. Mull reviewed some background information from the proposal of Ernst and Young with the Board. The Committee simply asks the consultants to determine strictly how the District can best raise the monies to finance sewer system consolidation. Mr. Ivey moved that the District adopt the Resolution of the Sewer Consolidation and Renovation Finance Committee, to employ a consultant to determine how the District can best raise the monies to finance sewer system consolidation. Mr. Dent

seconded the motion. Further discussion followed. Voice vote was unanimous in favor of the motion.

At this time, the Board requested that General Counsel draft a Resolution of thanks to the Sewer Consolidation and Renovation Finance Committee, to be presented at the May Board meeting. Mr. Stevens stated he would do this.

Mr. Edwards moved that the Board authorize the Engineer-Manager to proceed with the interview and employing of Ernst and Young, at a price not to exceed \$19,000.00. Mr. Waddey seconded the motion. Further discussion followed. Roll call vote was as follows: 10 Yeas; 0 Nays

c. Capital Improvement Plan - Mr. Aceto:

Mr. Aceto reported that the Capital Improvement Plan (CIP) Committee met April 12, 1990, and presented the attached Resolution from the Capital Improvement Plan (CIP) Committee to the Board for adoption. The Resolution is requesting that the construction schedule which was adopted in the plan of consolidation be completed, to the extent possible, in 5 years.

Mr. Aceto stated the O & M Budgets supplied by the municipalities were also a subject of much discussion at the CIP Committee meeting, and the results of these budgets were a figure which was more than double for the upcoming Fiscal Year. Lengthy discussion followed. Mr. Aceto moved that the Board adopt the attached Resolution of the CIP Committee, as to the timing of the projects. Mr. Williams seconded, and voice vote was unanimous in favor of the motion.

a. Budget Committee - Mrs. Pope:

- 1) **Adoption of Proposed Preliminary Operations and Maintenance Budget for FY-1990-91:**
- 2) **Schedule Public Hearing on Preliminary Operations and Maintenance Budget for FY-1990-91:**

In the absence of Mrs. Pope, Mr. Mull presented the report of the Budget Committee. Mr. Mull reviewed the Preliminary Operations and Maintenance Budget with the Board. The Proposed Preliminary Budget Total for General Administration is \$704,618.00, Total for Plant Operations is \$1,871,491.00, Total for Collection System Operations is \$2,406,614, with a total bottom line budget amount of \$4,982,723. General discussion followed. Mr. Dyson moved that the Board adopt the Preliminary Operations and Maintenance Budget for FY-1990-91 of the Metropolitan Sewerage District, and adopt the attached Notice of Public Hearing, setting the date for a Public Hearing on the Preliminary Operations & Maintenance Budget for FY-1990-91 of the District for May 15, 1990, at 2:00 p.m. Roll call vote was unanimous in favor of the motion.

d. Plant Expansion Committee - Mr. Dent:

- 1) **Consideration of Modification to Engineering Services Contract, Phase II-III, For Services During Construction;**
- 2) **Consideration of Modification to Engineering Services Contract, Phase IV, Project #800, Due to Projects Not Overlapping;**

Mr. Dent reported that due to the fact the Plant Expansion Project did not overlap with the Sludge Handling Facility Project, Hendon Engineering Associates is requesting modification to its Engineering Services Contract for Phase II-III and Phase IV. Mr. Huber reviewed Hendon's request with the Board. Mr. Dent stated these modifications have been reviewed by the Plant Expansion Committee, and the Plant Expansion Committee recommends the Board accept the Modifications as presented. Mr. Dent moved that the Board accept modification of Engineering

Services Contract, Hendon Engineering Associates, for Phase II-III. Dr. Maas seconded the motion. Roll call vote was unanimous in favor of the motion.

Mr. Dent moved that the Board accept modification of Engineering Services Contract, Hendon Engineering Associates, for Phase IV. Dr. Maas seconded the motion, and roll call vote was unanimous in favor of the motion.

7. Unfinished Business:

a. Letter Concerning Modification of Consent Judgement, MSD Buncombe County Wastewater Treatment Plant Dated March 30, 1990:

Mr. Mull stated the District had a meeting with the State, and the primary reason for requesting an extension is to allow the District to continue operating the facilities while Envirex builds the intermediate clarifiers at the Plant. The District's request is currently being reviewed by the State and should receive an answer in the very near future concerning the extension.

Mr. Mull stated he has put together a list of consultants the District has utilized in the past, in the course of the sludge handling facilities which the District currently has under construction, and passed these around to the Board members for information purposes.

8. New Business: None.

9. Date of Next Regular Meeting - May 15, 1990

10. Adjournment:

There being no further business, the Board Meeting was adjourned at 4:25 p.m.



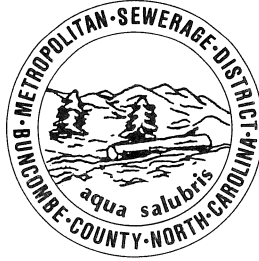
Charles M. Dent, Secretary

MSD Metropolitan Sewerage District of Buncombe County, North Carolina

W. H. Mull, P.E., Engineer-Manager
P.O. Box 8969, Asheville, N.C. 28814
Telephone: Area Code 704-254-9646

Telecopier (704) 254-3299


John S. Stevens, General Counsel



Frank S. Smith III, Chairman
M. Leon Williams, Vice-Chairman
Steven T. Aceto
Charles M. Dent
E. Charles Dyson
M. Wayne Edwards
George E. Ivey
Richard P. Maas
Diane K. McDonald
Jackie W. Pope
Marvin E. Waddey

I, Charles M. Dent, Secretary to the Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, do hereby certify that the attached is a true and correct copy of the Resolution to accept the bid of McDonald Enterprises, Inc., and award the contract to said bidder, pending and subject to the approval and grant of the North Carolina Department of Environment, Health & Natural Resources, and the United States Environmental Protection Agency.

WITNESS my hand and seal of said District this 17th day of April, 1990.



Charles M. Dent, Secretary
Board of the Metropolitan Sewerage
District of Buncombe County, North
Carolina

(SEAL)

RESOLUTION

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina, desires to expand and improve its sewerage system in the interest of the public health; and

WHEREAS, competitive bids were solicited on March 1, 1990, for Project 703, Laboratory Equipment and Supplies, for additions to the Wastewater Treatment Plant, and all bids were rejected; and

WHEREAS, competitive bids for Project 703, Laboratory Equipment and Supplies, were again solicited on April 5, 1990; and

WHEREAS, the following low bid received on April 5, 1990, has been reviewed by Hendon Engineering Associates, Inc., and found to be responsible;

McDonald Enterprises, Inc.
220 Jamil Road
Columbia, South Carolina 29210

Bid Amount: \$492,036.00

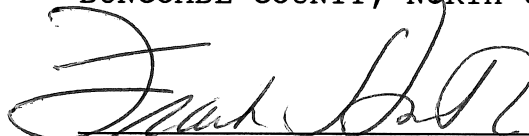
NOW, THEREFORE, BE IT RESOLVED BY METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA, TO ACCEPT THE BID OF MCDONALD ENTERPRISES, INC., AND AWARD THE CONTRACT TO SAID BIDDER PENDING AND SUBJECT TO THE APPROVAL AND GRANT OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; AND

BE IT FINALLY RESOLVED that Mr. W. H. Mull, Engineer-Manager of the Metropolitan Sewerage District of Buncombe County, North Carolina, is authorized to execute all contracts and documents relating to this Project on behalf of the Metropolitan Sewerage District of Buncombe County, North Carolina.

This Resolution shall be effective upon its adoption.

READ, APPROVED AND ADOPTED THIS 17TH DAY OF APRIL, 1990.

METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA



CHAIRMAN OF THE BOARD

ATTEST:

BY: 

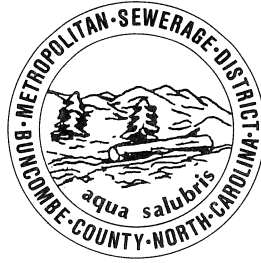
SECRETARY

MSD Metropolitan Sewerage District of Buncombe County, North Carolina

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Marvin E. Wadley

I, Charles M. Dent, Secretary to the Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, do hereby certify that the attached is a true and correct copy of the Resolution to accept the bid of Lee Construction Company and award the contract to said bidder, pending and subject to the approval and grant of the North Carolina Department of Environment, Health & Natural Resources, and the United States Environmental Protection Agency.

WITNESS my hand and seal of said District this 17th day of April, 1990.

Charles M. Dent, Secretary
Board of the Metropolitan Sewerage
District of Buncombe County, North
Carolina

(SEAL)

RESOLUTION

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina, desires to expand and improve its sewerage system in the interest of the public health; and

WHEREAS, competitive bids were solicited on February 13, 1990, for Project 703, Section 1, General Work, for additions to the Wastewater Treatment Plant, and only 1 bid was received; and

WHEREAS competitive bids for Project 703, Section 1, General Work, were again solicited on March 29, 1990, and three bids were received; and

WHEREAS, the following low bid received on March 29, 1990, has been reviewed by Hendon Engineering Associates, Inc., and found to be responsible;

Lee Construction Company
Post Office Box 240927
800 Culp Road
Charlotte, North Carolina 28224

Bid Amount: \$18,818,900.00

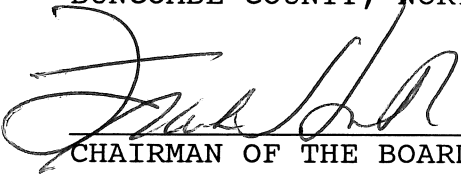
NOW, THEREFORE, BE IT RESOLVED BY METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA, TO ACCEPT THE BID OF LEE CONSTRUCTION COMPANY, AND AWARD THE CONTRACT TO SAID BIDDER PENDING AND SUBJECT TO THE APPROVAL AND GRANT OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; AND

BE IT FINALLY RESOLVED that Mr. W. H. Mull, Engineer-Manager of the Metropolitan Sewerage District of Buncombe County, North Carolina, is authorized to execute all contracts and documents relating to this Project on behalf of the Metropolitan Sewerage District of Buncombe County, North Carolina.

This Resolution shall be effective upon its adoption.

READ, APPROVED AND ADOPTED THIS 17TH DAY OF APRIL, 1990.

METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA



CHAIRMAN OF THE BOARD

ATTEST:

BY: 

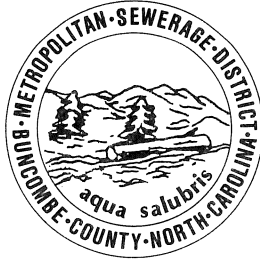
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Richard P. Maas
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Jackie W. Pope
Marvin E. Waddey

I, Charles M. Dent, Secretary to the Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, do hereby certify that the attached is a true and correct copy of the Resolution to accept the bid of Haynes Electric Construction Company, and award the contract to said bidder, pending and subject to the approval and grant of the North Carolina Department of Environment, Health & Natural Resources, and the United States Environmental Protection Agency.

WITNESS my hand and seal of said District this 17th day of April, 1990.

Charles M. Dent, Secretary
Board of the Metropolitan Sewerage
District of Buncombe County, North
Carolina

(SEAL)

RESOLUTION

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina, desires to expand and improve its sewerage system in the interest of the public health; and

WHEREAS, competitive bids were solicited on February 13, 1990, for Project 703, Section 1A, Electrical Equipment and Wiring, for additions to the Wastewater Treatment Plant, and three bids were received; and

WHEREAS, the following low bid received on February 13, 1990, has been reviewed by Hendon Engineering Associates, Inc., and found to be responsible;

Haynes Electric Construction Company
A Division of M. B. Haynes Corporation
Post Office Box 16589
Asheville, North Carolina 28816

Bid Amount: \$1,878,000.00

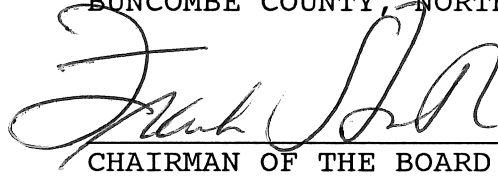
NOW, THEREFORE, BE IT RESOLVED BY METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA, TO ACCEPT THE BID OF HAYNES ELECTRIC CONSTRUCTION COMPANY, AND AWARD THE CONTRACT TO SAID BIDDER PENDING AND SUBJECT TO THE APPROVAL AND GRANT OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; AND

BE IT FINALLY RESOLVED that Mr. W. H. Mull, Engineer-Manager of the Metropolitan Sewerage District of Buncombe County, North Carolina, is authorized to execute all contracts and documents relating to this Project on behalf of the Metropolitan Sewerage District of Buncombe County, North Carolina.

This Resolution shall be effective upon its adoption.

READ, APPROVED AND ADOPTED THIS 17TH DAY OF APRIL, 1990.

METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA



CHAIRMAN OF THE BOARD

ATTEST:

BY: 

SECRETARY

MSD Metropolitan Sewerage District of Buncombe County, North Carolina

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I, Charles M. Dent, Secretary to the Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, do hereby certify that the attached is a true and correct copy of the Resolution to accept the bid of Standard Electric Company and award the contract to said bidder, pending and subject to the approval and grant of the North Carolina Department of Environment, Health & Natural Resources, and the United States Environmental Protection Agency.

WITNESS my hand and seal of said District this 17th day of April, 1990.

Charles M. Dent, Secretary
Board of the Metropolitan Sewerage
District of Buncombe County, North
Carolina

(SEAL)

RESOLUTION

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina, desires to expand and improve its sewerage system in the interest of the public health; and

WHEREAS, competitive bids were solicited on February 13, 1990, for Project 703, Section 1B, Heating, Ventilating and Air Conditioning, for additions to the Wastewater Treatment Plant, and only one bid was received; and

WHEREAS competitive bids for Project 703, Section 1B, Heating, Ventilating and Air Conditioning, were again solicited on March 29, 1990; and

WHEREAS, the following low bid received on March 29, 1990, has been reviewed by Hendon Engineering Associates, Inc., and found to be responsible;

Standard Electric Company
Suite 20, Station Square
Rocky Mount, North Carolina 27804

Bid Amount: \$120,000.00

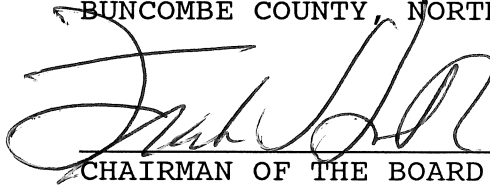
NOW, THEREFORE, BE IT RESOLVED BY METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA, TO ACCEPT THE BID OF STANDARD ELECTRIC COMPANY, AND AWARD THE CONTRACT TO SAID BIDDER PENDING AND SUBJECT TO THE APPROVAL AND GRANT OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; AND

BE IT FINALLY RESOLVED that Mr. W. H. Mull, Engineer-Manager of the Metropolitan Sewerage District of Buncombe County, North Carolina, is authorized to execute all contracts and documents relating to this Project on behalf of the Metropolitan Sewerage District of Buncombe County, North Carolina.

This Resolution shall be effective upon its adoption.

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METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA



CHAIRMAN OF THE BOARD

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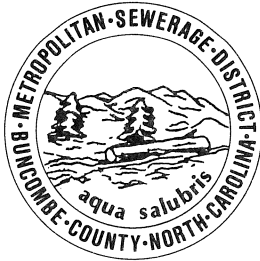
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WITNESS my hand and seal of said District this 17th day of April, 1990.

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(SEAL)

RESOLUTION

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina, desires to expand and improve its sewerage system in the interest of the public health; and

WHEREAS, competitive bids were solicited on February 13, 1990, for Project 703, Section 1C, Plumbing, for additions to the Wastewater Treatment Plant, and no bids were received; and

WHEREAS, competitive bids for Project 703, Section 1C, Plumbing, were again solicited on March 29, 1990; and

WHEREAS, the following low bid received on March 29, 1990, has been reviewed by Hendon Engineering Associates, Inc., and found to be responsible;

Price Piping Company
Box 5166
Asheville, North Carolina 28813

Bid Amount: \$27,600.00

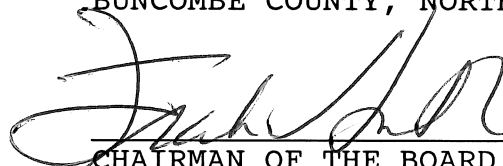
NOW, THEREFORE, BE IT RESOLVED BY METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA, TO ACCEPT THE BID OF PRICE PIPING COMPANY, AND AWARD THE CONTRACT TO SAID BIDDER PENDING AND SUBJECT TO THE APPROVAL AND GRANT OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; AND

BE IT FINALLY RESOLVED that Mr. W. H. Mull, Engineer-Manager of the Metropolitan Sewerage District of Buncombe County, North Carolina, is authorized to execute all contracts and documents relating to this Project on behalf of the Metropolitan Sewerage District of Buncombe County, North Carolina.

This Resolution shall be effective upon its adoption.

READ, APPROVED AND ADOPTED THIS 17TH DAY OF APRIL, 1990.

METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA



CHAIRMAN OF THE BOARD

ATTEST:

BY: 

SECRETARY

RESOLUTION

WHEREAS, the Sewer Consolidation & Renovation Finance Committee appointed by the Chairman of the Board of the Metropolitan Sewerage District of Buncombe County (MSD) has met and considered the financial needs of the MSD for the repair and rehabilitation of the collector sewer systems to be acquired from the City of Asheville, Buncombe County, the Town of Montreat, the Town of Biltmore Forest, the Town of Black Mountain, the Town of Weaverville, and the Woodfin Sanitary Water & Sewer District;

WHEREAS, the Sewer Consolidation & Renovation Finance Committee has also considered the financial needs of the MSD with respect to the operation and maintenance of the collector sewer systems to be acquired from the City of Asheville, Buncombe County, the Town of Montreat, the Town of Biltmore Forest, the Town of Black Mountain, the Town of Weaverville, and the Woodfin Sanitary Water & Sewer District;

WHEREAS, the Committee has considered several options to meet these financing needs including "pay-as-you-go," bond financing, and a combination of "pay-as-you-go" and bond financing;

WHEREAS, the Committee is concerned about the impact any of these options may have on the sewer use rate and on the community as a whole;

WHEREAS, the Committee thinks that it is in the interest of the community that the financial needs for the repair and rehabilitation of the collector sewer systems and the financial needs for the operation and maintenance of the collector sewer systems be considered by an independent financial consultant;

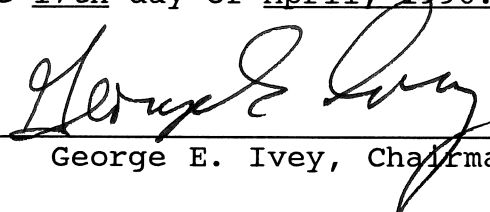
IT IS NOW HEREBY RESOLVED AS FOLLOWS:

1. The Sewer Consolidation & Renovation Finance Committee recommends that the Board of the MSD employ an independent financial consultant to consider the financial needs of the MSD for the repair and rehabilitation and operation and maintenance of the collector sewer systems.

2. The Sewer Consolidation & Renovation Finance Committee further recommends that the independent financial consultant review and present options for meeting the financial needs of the MSD including, but not limited to, "pay-as-you-go," and revenue and general obligation bonds and that the financial consultant identify advantages and disadvantages of each alternative and recommend the most financially feasible alternative.

3. The Sewer Consolidation & Renovation Finance Committee further recommends that the independent financial consultant consider other community capital requirements in its analysis and consider the present value of money in recommending the most financially feasible alternative.

Respectfully submitted, this the 17th day of April, 1990.



George E. Ivey, Chairman

RESOLUTION

The Capital Improvement Plan (CIP) Committee of the Metropolitan Sewerage District of Buncombe County, North Carolina, recommends the adoption by the District Board of the following Resolution:

RESOLVED that all sewer line projects identified in the District's Sewer System Evaluation Survey as being Priority One Projects be placed on an accelerated schedule for replacement and rehabilitation so that all such projects will, to the extent possible, be completed within five (5) years; and

RESOLVED, further, that the six year special request sewer line projects identified by sewer owners in various sewer consolidation agreements executed on the 21st day of November, 1989, which projects include some rehabilitation, some extensions occasioned by annexation, and some other extensions all be placed on an accelerated schedule for replacement and rehabilitation so that all such projects will, to the extent possible, be completed within five (5) years.



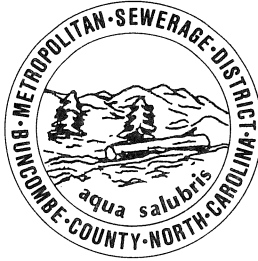
Steve Aceto, Chairman
Capital Improvement Plan
(CIP) Committee

MSD Metropolitan Sewerage District of Buncombe County, North Carolina

W. H. Mull, P.E., Engineer-Manager
P.O. Box 8969, Asheville, N.C. 28814
Telephone: Area Code 704-254-9646

Telecopier (704) 254-3299


John S. Stevens, General Counsel



Frank S. Smith III, Chairman
M. Leon Williams, Vice-Chairman
Steven T. Aceto
Charles M. Dent
E. Charles Dyson
M. Wayne Edwards
George E. Ivey
Richard P. Maas
Diane K. McDonald
Jackie W. Pope
Marvin E. Waddey

I, Charles M. Dent, Secretary to the Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, do hereby certify that the attached is a true and correct copy of the PRELIMINARY 1990-91 BUDGET adopted by the Board of the Metropolitan Sewerage District at its regular meeting held April 17, 1990.

Witness my hand and seal of said District this 17th day of April, 1990.


Secretary, Board of the
Metropolitan Sewerage
District of Buncombe
County, North Carolina

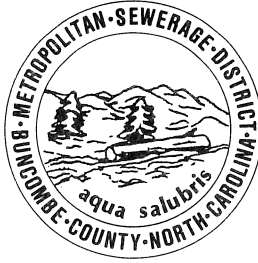
(SEAL)

MSD Metropolitan Sewerage District of Buncombe County, North Carolina

W. H. Mull, P.E., Engineer-Manager
P.O. Box 8969, Asheville, N.C. 28814
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Frank S. Smith III, Chairman
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NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

Notice is hereby given that the Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, will hold a public hearing at the Administration Building of the Metropolitan Sewerage District, located at 2225 Riverside Drive, Asheville, North Carolina, at 2:00 p.m., Tuesday, May 15, 1990, on the Budget of the District for the Fiscal Year beginning July 1, 1990, and ending June 30, 1991. The Budget has been submitted to the Governing Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, and is available for public inspection at the District's Administration Building.

Witness my hand this 17th day of April, 1990.

Frank S. Smith, III, Chairman
Board of the Metropolitan Sewerage
District of Buncombe County, North
Carolina

Approved as to Form:

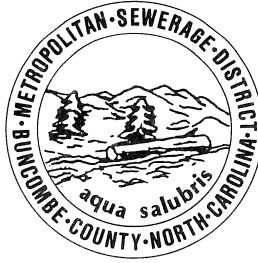
John S. Stevens, Attorney
April 17, 1990

MSD Metropolitan Sewerage District of Buncombe County, North Carolina

W. H. Mull, P.E., Engineer-Manager
P.O. Box 8969, Asheville, N.C. 28814
Telephone: Area Code 704-254-9646

Telecopier (704) 254-3299

John S. Stevens, General Counsel



Frank S. Smith III, Chairman
M. Leon Williams, Vice-Chairman
Steven T. Aceto
Charles M. Dent
E. Charles Dyson
M. Wayne Edwards
George E. Ivey
Richard P. Maas
Diane K. McDonald
Jackie W. Pope
Marvin E. Waddey

I, Charles M. Dent, Secretary to the Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, do hereby certify that the attached is a true and correct copy of the Resolution to accept the bid of Office Environments of Asheville, and award the contract to said bidder, pending and subject to the approval and grant of the North Carolina Department of Environment, Health & Natural Resources, and the United States Environmental Protection Agency.

WITNESS my hand and seal of said District this 20th day of March, 1990.

Charles M. Dent, Secretary, Board
of the Metropolitan Sewerage
District of Buncombe County, North
Carolina

(SEAL)

CAPITAL IMPROVEMENT PLAN (CIP) COMMITTEE

MARCH 7, 1990

Mr. Aceto, Chairman, called the meeting to order at 2:00 p.m. with the following present:

Steve Aceto, Chairman
Charles Anderson
Billy Clarke
Jon Creighton
Max Haner
Harold Huff
Lee Matthews
Bill Morris
Bill Mull
Stan Boyd
Pete Post
Swain Ballard
Al Richardson
Nelson Smith
Ann Cross (CIBO)

I. Approval of Minutes:

The Committee reviewed and approved the minutes of the February 14, 1990, CIP Committee Meeting.

II. Progress Report on Compilation of Data Necessary for Engineers to Prepare Report Reuqired for Bond Issue:

Mr. Bill Morris confirmed that he has in his possession complete basic data sheets concerning the projects listed in the consolidation agreements. Mr. Morris also reviewed the project funding schedule with the committee. Annexation area projects were also discussed.

III. Effect of Municipalities' Decision to Postpone Certain Projects:

An extended discussion was had regarding cash flow needs. In previous meetings of the CIP Committee, the municipalities informed Mr. Morris that a number of projects which otherwise would have required significant funding should be postponed into subsequent fiscal years. The result was to reduce the funding required for fiscal year 1989-90 from \$1.8 million down to \$419,000. This drop in up-front funding requirements greatly reduces the need for a bond issue. Bill Morris presented to the meeting exhibits showing the effects of a proposed one-time increase in rates to take effect July 1st, compared with gradual rate increases over a period of three (3) years. The representative residential rate assumed 6 CCF, representing 55% or fewer of the residential customers. Larger residential customers received as high as a 60% increase from the proposed level funding plan. Importantly, a primary factor in showing a more moderate increase for residential customers of 6 CCF or less depends on the City and County removing their \$4.08 per month charges. This offsets a significant part of the gain

required to achieve the level funding method. Mr. Morris informed the meeting that a decision would be forthcoming in the month following the meeting as to which funding method would be used.

IV. MSD Request for Information Necessary to Develop O&M Budget:

Mr. Mull stated to the meeting that MSD's budget-making process required input within the next 30 days regarding the operation and maintenance budget of each municipality. Mr. Mull requested that each entity submit their proposed O&M budget for the coming year to the District so the District can develop its O&M budget. Mr. Mull also requested of the municipalities that MSD receive very shortly the proposal of each municipality regarding how they are to be reimbursed for projects to be undertaken by them prior to physical transfer of the sewer system. He further stated it is anticipated that each entity will turn funds over to the District which have been collected but not expended for sewer system improvements or sewage collection system maintenance.

Mr. Clarke stated that all municipalities will contract with the MSD for operation and maintenance of the sewer systems for 1990-91. The District needs to see whether each municipality has budgeted construction funds to be spent this Fiscal Year, in order to develop the District's O&M budget.

V. Approval of Construction Schedule:

Mr. Morris then asked each entity represented if they had any problems with his schedule presented to the meeting concerning the construction projects. After discussion among the committee members, Buncombe County suggested one change to the schedule concerning construction of the Lees Creek interceptor.

VI. Impact Fees:

A question was raised concerning impact fees, and Mr. Mull stated that the Finance Committee and MSD Board will make a decision prior to July 1st regarding capacity depletion charges, impact fees, or connection fees for new connections to the system. Mr. Mull asked the Committee members for their ideas. Specifically, he asked whether the municipality's tap fees cover the cost of making the tap, and whether the municipalities propose to continue charging their tap fee. Mr. Mull suggested the municipalities continue to charge a tap fee and pay their crew for making the tap, assuming the tap fee represents recovery of cost only. MSD is willing that the District charge the tap fee and then reimburse each entity for making taps, but it was requested by Mr. Mull that the Committee clearly state that it was the desire of the municipalities to do so. Mr. Mull asked the municipalities to let the District know within the next couple of weeks whether or not they have tap fees and the amounts of those fees, including fees for connections to the sewer. He emphasized that the District needs the budgets from each municipality within a few weeks of this meeting.

VII. South Swannanoa Interceptor Moratorium:

Discussion was had regarding the South Swannanoa Interceptor Sewer and the moratorium placed there as a result of discharge into the stream. Mr. Aceto stated that the City's representatives had previously informed the CIP Committee that the South Swannanoa Interceptor project was to be moved into a subsequent year, and therefore the funding required for the project was not a part of the current fiscal year at the time the moratorium was imposed. Mr. Aceto suggested to Mr. Huff it would be necessary that the City of Asheville construct the improvements at its own expense and be reimbursed at a later date, to avoid forcing on the District a cash flow squeeze that would require a bond issue solely to pay for the Swannanoa Interceptor project.

VIII. Next CIP Meeting Will Discuss Reimbursement Schedule, O&M Budget Needs:

Mr. Aceto stated the CIP Committee will next meet again for the purpose of considering the impact of the consolidated O&M budget, and to discuss a reimbursement schedule. Mr. Clarke stated the next meeting would also be an appropriate time to negotiate a proposed contract for operation and maintenance for 1990/91. Mr. Mull asked each municipality to identify projects being initiated for construction within the 3-5 months, and to let the District know when and how the District is to reimburse each municipality for the projects; an important objective of negotiating a reimbursement schedule is to avoid having to issue bonds simply due to cash flow needs arising out of reimbursements.

IX. Request for Input on Funding Options:

The Committee then had general discussion regarding the pay-as-you-go option. No action was taken on this matter. Mr. Aceto stated this is still an option to be considered, and the input of the municipalities is actively sought by the MSD Board in making its decision. Mr. Aceto encouraged the representatives of the municipalities to make their opinions known to the CIP Committee and to the MSD Board.

There being no further business, the Committee scheduled their next meeting for April 12, 1990, at 2:00 p.m. in the MSD Boardroom.

Respectfully submitted,



Steven T. Aceto
Chairman, CIP Committee

RESOLUTION

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina, desires to expand and improve its sewerage system in the interest of the public health; and

WHEREAS, competitive bids were solicited on March 1, 1990, for Project 703, Administration Building Furniture, Section 3D, for additions to the Wastewater Treatment Plant, and four bids were received; and

WHEREAS, the following low bid received on March 1, 1990, has been reviewed by Hendon Engineering Associates, Inc., and found to be responsible;

Office Environments of Asheville
535 Merrimon Avenue
Asheville, North Carolina 28804

Bid Amount: \$15,942.68

NOW, THEREFORE, BE IT RESOLVED BY METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA, TO ACCEPT THE BID OF OFFICE ENVIRONMENTS OF ASHEVILLE, AND AWARD THE CONTRACT TO SAID BIDDER PENDING AND SUBJECT TO THE APPROVAL AND GRANT OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; AND

BE IT FINALLY RESOLVED that Mr. W. H. Mull, Engineer-Manager of the Metropolitan Sewerage District of Buncombe County, North Carolina, is authorized to execute all contracts and documents relating to this Project on behalf of the Metropolitan Sewerage District of Buncombe County, North Carolina.

This Resolution shall be effective upon its adoption.

READ, APPROVED AND ADOPTED THIS 20TH DAY OF MARCH, 1990.

METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA

M. Leon Williams
VICE-CHAIRMAN OF THE BOARD

ATTEST:

BY: 
SECRETARY

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

OPERATION AND MAINTENANCE FUND--STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

PRELIMINARY WORKING BUDGET FOR FY 90/91

=====

GENERAL ADMINISTRATION =====		1989-90 BUDGET	ACTUAL THROUGH 3/31/90	ESTIMATED 1989-90 EXPENDITURES	SURPLUS OR (DEFICIT)	RECOMMENDED 1990-91 BUDGET	INCREASE (DECREASE) FROM FY 89-90
		-----	-----	-----	-----	-----	-----
200	SALARIES.....	211,622	116,264	174,400 (1)	37,222	334,500 (11)	122,878
210	BILLING & COLLECTIONS.....	68,000	46,470	69,705	-1,705	72,000 (12)	4,000
220	TELEPHONE.....	6,000	3,957	6,000	0	9,000	3,000
230	TRAVEL & CONVENTION.....	6,000	3,988	6,000	0	8,500	2,500
240	OFFICE SUPPLIES.....	7,000	4,256	7,000	0	9,000	2,000
251	POWER & WATER.....	4,800	2,691	4,035	765	6,000	1,200
260	DIRECTORS' EXPENSES.....	10,000	6,680	10,020	-20	10,000	0
270	INSURANCE.....	110,000	109,972	129,000 (2)	-19,000	30,200 (13)	-79,800
	(HEALTH & LIFE.....20,075)						
	(WORKMANS COMP..... 600)						
	(VEHICLES.....2,900)						
	(BUILDING.....1,000)						
	(LIABILITY.....5,600)						
280	DUES & SUBSCRIPTIONS.....	1,650	1,200	1,800	-150	2,000	350
290	ACCOUNTING @ 1% OF PAYROLL..	9,036	4,829	7,244	1,792	6,574 (14)	-2,462
300	CONSULTING ENGINEERS.....	14,000	9,309	14,000	0	20,000 (15)	6,000
310	LEGAL FEES & EXPENSES.....	30,000	17,049	26,000	4,000	40,000 (16)	10,000
320	TRUSTEE FEES.....	18,000	7,638	11,500	6,500	18,000	0
330	AUDIT FEES.....	8,000	6,880	8,000	0	12,000	4,000
340	POSTAGE & PETTY CASH.....	3,000	2,145	3,300	-300	4,000	1,000
350	OFFICE EQUIPMENT REPAIRS....	1,000	785	1,200	-200	2,500	1,500
360	FICA TAXES @ 7.85%.....	64,608	32,308	55,688 (1)	8,920	26,258 (11)	-38,349
370	NC RETIREMENT @ 8.50%.....	76,083	42,841	61,574 (1)	14,509	28,433 (11)	-47,651
380	VEHICLE EXPENSE.....	6,100	4,064	6,100	0	6,400	300
390	CAPITAL OUTLAY (EQUIPMENT)..	5,000	4,996	5,000	0	25,700 (17)	20,700
400	CONTINGENCY.....	22,564	14,588	22,564	0	33,553	10,989
TOTAL GENERAL ADMINISTRATION		682,463	442,908	630,130	52,333	704,618	22,155

DISBURSEMENTS CONTINUED

PLANT OPERATIONS =====	1989-90 BUDGET -----	ACTUAL THROUGH 3/31/90 -----	ESTIMATED 1989-90 EXPENDITURES -----	SURPLUS OR (DEFICIT) -----	RECOMMENDED 1990-91 BUDGET -----	INCREASE (DECREASE) FROM FY 89-90 -----
500 SALARIES & WAGES.....	691,980	362,528	550,000 (2)	141,980	868,900 (18)	176,920
502 INSURANCE.....					188,000 (13)	188,000
(HEALTH & LIFE.....92,000)						0
(WORKMANS COMP.....14,500)						0
(VEHICLES.....11,500)						
(BLDG. & EQUIP.....70,000)						
504 FICA TAXES @ 7.15%.....					68,209	68,209
506 NC RETIREMENT @ 8.59%.....					73,857	73,857
510 CHEMICALS.....	60,000	64,981	83,000 (4)	-23,000	96,000 (4)	36,000
520 TELEPHONE.....	6,500	4,320	6,500	0	8,000	1,500
525 OFFICE SUPPLIES.....						
530 POWER & LIGHTS.....	362,000	115,503	168,000 (5)	194,000	200,000 (5)	-162,000
540 SMALL TOOLS & SUPPLIES.....	20,000	9,833	13,500	6,500	20,000	0
550 WATER & GARBAGE.....	8,000	10,627	16,000 (6)	-8,000	12,000	4,000
560 VEHICLE EXPENSE.....	8,000	11,722	13,600 (7)	-5,600	14,000	6,000
571 LABORATORY SUPPLIES.....	15,000	7,140	11,000	4,000	17,500	2,500
580 UNIFORM SERVICE.....	6,000	6,665	8,000 (8)	-2,000	10,500	4,500
591 SCHOOLS & CONFERENCES.....	3,000	1,059	1,600	1,400	3,000	0
600 MAINTENANCE BLDG. & GROUNDS.	30,000	21,856	32,000	-2,000	35,000	5,000
610 MAINTENANCE PIPELINE.....	10,000	2,787	4,100	5,900	10,000	0
620 MAINTENANCE EQUIPMENT.....	75,000	74,285	110,000 (9)	-35,000	75,000	0
630 CAPITAL OUTLAY--NEW.....	20,000	10,962	16,000	4,000	61,800 (19)	41,800
640 EQUIPMENT REPLACEMENT.....	65,000	17,607	55,500 (10)	9,500	77,700 (20)	12,700
650 CONTINGENCY.....	34,425	1,200	1,800	32,625	32,025	-2,400
TOTAL PLANT OPERATIONS	1,414,905	723,075	1,090,600	324,305	1,871,491	456,586