

**BOARD OF THE METROPOLITAN SEWERAGE DISTRICT
JUNE 18, 1991**

1. Call to Order and Roll Call:

The regular monthly meeting of the Board of the Metropolitan Sewerage District was held in the Boardroom of MSD's Administration Building at 2:00 p.m. on Tuesday, June 18, 1991. Chairman Smith called the meeting to order at 2:00 p.m. with the following members present: Aceto, Bryson, Edwards, Ivey, Maas, Penny, Smith, Waddey, Wallace and Williams.

Others present were: W. H. Mull, Engineer-Manager, John S. Stevens, General Counsel, Dean Huber, Bob Holbrook and Bill Morris of Hendon Engineering Associates, Inc., Gary Davis with McGill Associates, John F. Schultheis with Nimmo & Co., Chemtronics PRP's, Max Haner with N.C. DEM, Edward Saffran with Envirex, John Blackmon with Heyward, Inc., Bob Tinkler representing the League of Women Voters, Bob Ensley, Stan Boyd and Ann LaVeck, MSD.

2. Minutes of the May 6, May 16 and May 21, 1991 Board Meetings:

Mr. Williams moved that the minutes of the May 6, May 16 and May 21, 1991 meetings be adopted as written. Mr. Waddey seconded. Voice vote was unanimous in favor of the motion.

3. Report of Engineer-Manager:

a. Receipt of Letter of Allocation from DEM:

Mr. Mull presented an Allocation Letter dated June 6, 1991 from the State of North Carolina, Department of Environment, Health and Natural Resources giving MSD the authorization to accept additional wastewater flows into its collection system, based on the results of the May, 1991 monitoring report. Mr. Mull also presented a partial monitoring report for the current month, through June 17, 1991, showing BOD's at an average of 30mg per liter (below the limit of 45 mg/l) and suspended solids at an average of 46.4 (below the limit of 60 mg/l).

b. Status of Phase III & IV Main Plant Expansion Contracts:

Mr. Mull reported there is little change in the status of Phase III & IV Main Plant Expansion Contracts since the last report.

c. Amendment to Engineering Services Contract, ENG/6A, Black Mountain CIP:

Mr. Mull presented an Amendment to the Engineering Services Contract of Eng/Six Associates regarding the Black Mountain Capital Improvement projects. Mr. Mull reported that the project indicates an increase in scope of approximately 4990 linear feet of sewer line to be rehabilitated as a result of inaccurate mapping and extensive deficiencies in the system not originally anticipated. Mr. Mull stated that the lump sum fee for Preliminary Engineering, Final Design Documents and Bidding or Negotiating Phase should be increased by \$10,400.00 for the 3,190 linear feet of additional sewer line, bringing the fee for this phase of work to a total of \$27,900.00. Mr. Mull further stated that the not-to-exceed for Construction Administration and Post Construction Services should be increased by \$7,850.00, which brings the not-to-exceed amount to \$27,750.00. Mr. Aceto reported that the additional engineering costs are a result of project swapping within the CIP, but would not affect the overall project budget. Mr. Aceto moved on behalf of the Sewer System Consolidation Committee that the Board approve the Amendment to the Contract by Eng/Six Associates for an increase project amount of \$18,250.00. Mr. Edwards seconded. Roll call vote was as follows: 10 Ayes; 0 Nays.

d. Amendment to Engineering Services Contract, McGill Associates, Biltmore Forest CIP:

Mr. Mull presented an Amendment to McGill Associate's Engineering Services Contract for Biltmore Forest Capital Improvement projects. Mr. Mull reported that preliminary engineering previously done on Ram Branch, Rauol Branch and Brown Branch collection line segments involves approximately 22,260 lineal feet of eight (8) inch gravity sewer lines. Mr. Mull stated that the proposed fees for sewer inspection is a maximum not to exceed fee of \$47,302.00, which is calculated based on \$1.25 per foot for light cleaning and TV inspection of accessible sewer lines; \$2.00 per foot for light cleaning and crawler TV inspection and \$3.00 per foot for heavy line cleaning. Mr. Mull further stated that the final design and construction documents will be performed for a lump sum of \$71,810.00 and a proposed maximum not to exceed fee for Construction Administration and Post Construction Services of \$54,540.00. A lengthy discussion followed on the cost per foot of cleaning and TV inspection and how Hendon Engineering Associates arrived at its cost per foot on the Montford project. Mr. Aceto stated that the Sewer System Consolidation Committee has worked very hard to establish a base cost per foot but agreed that a charge of \$1.10 per foot for light cleaning and inspection and \$2.00 per foot for heavy cleaning and inspection was appropriate. Mr. Boyd stated that the \$1.25 per foot proposed by McGill & Associates includes engineering analysis of the video tapes and that the actual cost of cleaning and TV inspection was \$1.10 per foot. Mr. Aceto moved that the Board accept McGill Associate's Amendment to its Engineering Services Contract. Ms. Wallace seconded. Roll call vote was as follows: 10 Ayes; 0 Nays.

e. Amendment to Engineering Services Contract, Hendon Engineering, Street/Sidewalk:

Mr. Mull presented a letter from Hendon Engineering Associates, Inc. requesting approval of an Amendment to its contract for Engineering Services for the Asheville Street and Sidewalk Sewer Rehabilitation. Mr. Mull reported that as of May 31, 1991, engineering services, including surveying, TV and cleaning, amounts to approximately \$276,000.00, excluding cost chargeable to the Montford Area Project. Mr. Mull further reported that in order to complete the project up to the August 1, 1991 bid date, Hendon Engineering Associates, Inc. has requested an additional \$11,000.00 for TV and cleaning, \$4,000.00 for surveying and \$60,000.00 for engineering design and drafting, which brings the project budget estimate to \$351,000.00. Mr. Mull stated that in order to allow for contingencies, Hendon Engineering Associates, Inc. has recommended that the budget ceiling be increased from \$300,000.00 to \$360,000.00 since it has performed approximately \$23,000.00 of heavy line cleaning and \$46,000.00 of crawler camera work on inaccessible lines, which were not anticipated in the original budget. In addition, Mr. Mull stated that as of May 31, 1991 125,500 linear feet of line has been TV inspected, excluding the 10,000 feet in the Montford area and it is estimated that at least another 10,000 feet of line will be TV inspected before work is complete. Mr. Aceto stated that this amendment was discussed at the Sewer Consolidation Committee meeting, June 10, 1991 and the committee felt that this increase was justified due to surprises underground and the increase of additional linear feet not originally specified. Following a brief discussion on anticipated contingency costs, Mr. Waddey moved that the Board approve the Amendment to the Engineering Services Contract by Hendon Engineering Associates. Ms. Wallace seconded. Roll call vote was as follows: 10 Ayes; 0 Nays.

f. Appraisals for North Swannanoa Sewer Replacement:

Mr. Mull presented a memo prepared by Angel Morris of the MSD regarding appraisals for right-of-way acquisitions and requesting Board authorization to approve a proposal by Duckworth, Jacobs, Naeger, Swicegood and Thrash to prepare a land value analysis report on four to five parcels of land of MSD's

choosing along the North Swannanoa Sewer. Mr. Mull stated that these appraisals would be used as a basis for making easement offers and that the report would include Identification of parcels; discussion of neighborhood; description of land; acknowledgement of nearby improvements; valuation discussion using sales comparable and applicable exhibits at a cost of approximately \$2,500.00 to \$3,000.00. Following a brief summary by Mr. Stevens, regarding MSD's fiduciary obligation in determining the best firm to do the work and negotiation of a reasonable price, Mr. Aceto moved that the Board accept the proposal of Duckworth, Jacobs, Naeger, Swicegood and Thrash at a cost range between \$2,500.00 and \$3,000.00. Mr. Edwards seconded. Roll call vote was as follows: 10 Ayes; 0 Nays

g. Status of Montford Area Sewer Rehabilitation:

Mr. Mull reported that approximately 60% of the work along Cumberland Avenue, Starnes Avenue and Elizabeth Street is complete with the exception of replacement of sewer and manholes on Cumberland Avenue, west of West Chestnut Street. Mr. Mull stated that 73% of the contract time has elapsed and because of additional work not indicated in the bid quantities the contractor will request a time extension. Mr. Mull further stated that completion of this project is expected by June 27, 1991.

h. Award of Construction Contract for Improvements at Maintenance Facility Site:

Mr. Mull presented the following Bid Tabulation prepared by Southeastern Architects, Engineers, Planners, Inc. for Phase I, Additions and Alterations to the exterior of the Maintenance Facility located at 81 Thompson Street: Terry Brothers Construction Company, Inc. with a total base bid of \$75,975.00; Goodwater, Inc. with a total base bid of \$88,939.00 and Buncombe Construction Company, Inc. (Apparent Low Bidder) with a total base bid of \$65,000.00. In addition, Mr. Mull presented a letter from Walter L. Currie, MSD Attorney stating that in review of the bids received on June 13, 1991 that the bids, bid bonds, and powers of attorney for the above listed firms are in acceptable form. Mr. Currie further stated that there is no minority business enterprise policy form submitted by Goodwater and the forms submitted by Terry Brothers and Buncombe Construction are MBE Form 1 and indicate none of the work will be subcontracted to minority business enterprises and that MSD should make sure that the minority business enterprise policy is a part of the contract when awarded. Mr. Mull stated that the minority business enterprise policy is a part of the contract and recommended that the contract be awarded to Buncombe Construction Company, Inc. (Apparent Low Bidder) for a total base bid of \$65,000.00. Mr. Waddey moved that the Board award the contract to Buncombe Construction Company, Inc. Dr. Maas seconded. Roll call vote was as follows: 10 Ayes; 0 Nays

i. Equipment and Vehicles for Collection System Maintenance:

1. Award of bid for 6" High Capacity Pump:

Mr. Mull presented a letter from Mr. Walter L. Currie, MSD Attorney regarding his review of bids for the above mentioned equipment. Mr. Currie noted minor deviations from the specifications in the bids of Prime Equipment and Dixie Industrial Supply, Inc. and stated that it should be determined if the deviations from the technical specifications are material and, if they are, recommended rejection. Mr. Currie further stated that the bid of Emory L. Wilson & Associates, Inc., is, in my opinion, qualified by attaching terms and conditions contrary to those advertised for procurement. One of those conditions expressly states that taxes are additional and will be paid by the customer, notwithstanding Wilson's May 23 letter to the contrary.

Further conditions provide that shipment is FOB place of manufacture and under the terms of the North Carolina Uniform Commercial Code, that term means that title passes to MSD upon delivery to the carrier and MSD's procurement terms clearly provide that the equipment remains the property of the manufacturer until delivery to and acceptance by MSD and therefore Mr. Currie recommended rejection of the bid. Mr. Currie further stated that the bid of Ace Equipment Company, Inc. did not include sales tax in its bid as required by procurement specifications and in his opinion, the bid should be rejected. Mr. Mull stated that since MSD did not receive any satisfactory bids he recommended rejection of all bids and readvertisement. Chairman Smith suggested that bids of this nature (not requiring Board approval) be excluded from future Board agendas.

2. Additional Backhoe/Loader:

Mr. Mull presented a proposal from Carolina Tractor for a Caterpillar 416 Loader-Backhoe (presently being rented by the City of Asheville) offering to apply the rent paid in the amount of \$6,900.00 to the purchase price of the backhoe. Mr. Mull stated that this backhoe was under consideration for purchase but since this is a rental, not a lease-purchase agreement, the MSD will be required to go out for bid on this equipment.

3. Additional Equipment:

Mr. Mull presented the following list of equipment from the City and County requiring Board authorization to advertise for bid: One (1) Bobcat for Yard w/ Bucket & Forks at an estimated cost of \$20,000.00; One (1) Flatbed Dump Truck at an estimated cost of \$30,933.97; One (1) One Ton - 4WD Truck at an estimated cost of \$17,000.00; One (1) Cat Backhoe (416) at an estimated cost of \$28,415.00. In addition, Mr. Mull stated that the One (1) One Ton - 4WD Mechanics Truck w/utility bed, which was included in the 91/92 budget, has a bid opening date of June 24, 1991 and will require Board approval prior to placing an order on June 26, 1991. Mr. Mull further stated that a complete list of items to be purchased from the City and County and those items not to be purchased will be made available to the Board for review. Mr. Edwards moved that the Board approve authorization to advertise for bid on the above listed items. Mr. Williams seconded. Voice vote was unanimous in favor of the motion.

4. Materials Offered by the City of Asheville:

Mr. Mull presented an inventory list of supplies to be purchased from the City of Asheville. Mr. Mull stated that along with the unit cost, quantity, unit code and total price, the listing showed a plus 25% cost. Following a brief discussion, Dr. Maas moved that the MSD should not purchase anything above a price offered on the open market for the same materials. Ms. Bryson seconded. Voice vote was unanimous in favor of the motion. Mr. Penny abstained.

j. Safety Manual:

Mr. Mull presented a preliminary draft of a Safety Manual prepared by Ann LaVeck, Superintendent of Collection Systems, with the help of Hendon Engineering Associates, Inc. and stated that after review by Billy Clarke, MSD Attorney that Mr. Clarke recommends that the Board adopt this manual as its preliminary Safety Manual with substantial

modifications to be made within the next month. Mr. Mull requested that the Board review the manual and offer any comments prior to July 1st in order that the manual can be presented to the Board in final form at its next regular meeting. In addition, Mr. Mull reported that an addendum regarding safety violation should be added to the Personnel Policy Manual and presented to the Board at the next meeting. Regarding new personnel, Mr. Aceto reported that two proposals have been presented by the City of Asheville Fire Department and Buncombe County Emergency Management Agency regarding arrangements for trench rescue, confined space rescue and hazardous material response training at no cost to the MSD and should be developed by July 1, 1991. Mr. Wadley moved that the Board adopt the Preliminary Safety Manual as presented with future changes to be made. Mr. Penny seconded. Voice vote was unanimous in favor of the motion.

5. Report of Officers

a. Appointment of Right-of-Way Committee:

At the request of the Engineer-Manager, Chairman Smith reactivated the Right-of-Way Committee and appointed the following members to serve: Mr. Edwards, Chairman, Ms. McDonald and Ms. Wallace. Chairman Smith stated that the duties of this committee will be to evaluate proposals for payment for rights-of-way.

6. Report of Committees:

a. Sewer System Consolidation - Mr. Aceto

Mr. Aceto reported that two municipalities, the Town of Montreat and the Town of Black Mountain have expressed an interest in extending its maintenance contracts with MSD. Mr. Aceto stated that the Town of Montreat's request for extension has previously approved by the Board and that the Town of Black Mountain is requesting a six month extension of its contract. Mr. Aceto reported that the committee felt that the MSD needed to accept responsibility and that the Town of Black Mountain has agreed to take a secondary responsibility whereby if the MSD is not able to respond within an adequate period of time, it will respond and bill the MSD for work done. Mr. Aceto stated that the committee discussed in length the amount of time it should take to respond to a call and determined that an hour maximum was adequate for any point in the system. Mr. Aceto moved on behalf of the committee that the Board respectfully decline the offer by the Town of Black Mountain for the extension of the maintenance contract for the Town of Black Mountain for a period of six months and that the District be prepared to reimburse the Town of Black Mountain in those instances in which District crews are unable to do work and the work is done on request by the Town of Black Mountain. Mr. Wadley seconded. Voice vote was unanimous in favor of the motion.

b. Sludge Committee - Mr. Edwards

Mr. Edwards reported that the committee met June 3, 1991 with Dr. Rubin of North Carolina State University and Bob Holbrook of Hendon Engineering Associates to discuss uses of MSD's lime stabilization sludge and to discuss the results of tests run by Dr. Rubin. Mr. Edwards stated that a contract is being drawn between MSD, and North Carolina State University for consulting services to be performed by Dr. Rubin. Dr. Maas reported that in testing MSD's sludge with different amounts of lime and cement kiln dust that Dr. Rubin tried to come up with data as to whether the sludge would meet reduction requirements of pathogens (PFRP). In addition, Dr. Maas stated that the other main issue was the metal content of the sludge and whether it will pass as a "clean" sludge. Mr. Edwards stated that Hendon Engineering Associates are preparing plans for the

utilization of lime kiln dust for stabilization and should be complete in July. Mr. Edwards further stated that it was suggested that a field trip be arranged to visit both a kiln dust and incinerator installation for those Board members interested. Following a discussion regarding processes for meeting PFRP requirements, and the proposed field trip, Dr. Maas moved that the Board approve expenses for members to visit two sludge facilities over a two day period. Mr. Waddey seconded. Voice vote was unanimous in favor of the motion.

c. Personnel Committee - Mr. Ivey

Mr. Ivey reported that the Personnel committee met June 17, 1991 to consider the following three items in relation to employees transferring to the MSD from the City and County: expansion of MSD's present pay plan; dental insurance and salary reviews and when they should be done. Mr. Ivey stated the preliminary pay plan was created using a form provided by the City, but that in doing this plan it was found that the classifications used by the City did not fit employees transferring to the MSD and existing MSD employees. Mr. Penny expressed his concern regarding lack of a pay plan and discussed the classification of City employees, which was done by a professional organization two years ago. Mr. Penny stated that in order to do a proper pay plan it should be done by an organization with no connection to the parties involved. A lengthy discussion followed regarding job classifications, pay increases, comparable benefits and the possibility of hiring an outside firm to develop a workable pay plan for all involved. Mr. Ivey stated that following review of the pay plan, prepared by Mr. Mull, the committee agreed that the plan was not one that the District would propose to be accepted at this time. In addition, the plan would automatically increase the budget by approximately \$50,000.00. Following discussion, the Board agreed that all new employees should be given some time to become acclimated and at that time the District would engage a consultant to prepare a pay plan to be presented to the Board in November. Mr. Waddey moved that the Board approve a request for proposal (RFP) process to engage a consultant to prepare a pay plan. Dr. Maas seconded. Voice vote was unanimous in favor of the motion.

6. **Unfinished Business:**

a. Presentation by Envirex & Hendon (Treatment Process)

Mr. Bob Holbrook of Hendon Engineering Associates, Inc. reported that during the time of the Judicial Order of Consent (JOC) violations the Plant Expansion Committee requested a meeting with a representative of Envirex to explain to the Board where the MSD stood with regard to the installation of intermediate clarifiers and process guarantees on the treatment plant. Mr. Holbrook discussed reasons for the JOC violations and demonstrated the differences between the old and new secondary microscreen grid media. Mr. Holbrook stated that rather than getting into a situation of having the Board make a legal claim on performance warranties and performance bonds (that were included in the bid to this project), Envirex wanted to provide additional equipment necessary to meet the JOC limits. Mr. Holbrook further stated that an agreement to provide additional equipment was reached about a year ago with plans submitted and approved by the State at no cost to the District with completion expected by August 15, 1991. Mr. Holbrook stated that if the process does not work by August 15, and if by the first of October, the MSD is not meeting the NPDES permit, the MSD will have the right to require Envirex to provide additional equipment or financial means to meet the limits guaranteed in the original contract. A discussion followed regarding the performance and capacity of the intermediate clarifiers. Mr. Holbrook then introduced Mr. Edward Saffran, President of Envirex. Mr. Saffran gave a brief history on the relationship between Envirex and the MSD since 1983 and problems encountered to date. Mr. Saffran stated that the status today is that the interim testing during the last couple of years as Envirex nears completion of the RBC's phase of the project, has caused great concern by all

parties. Mr. Saffran further stated that testing led Envirex to the conclusion that the secondary microscreens, as designed, would not pass the peak flow and still meet the process warranty, therefore, concluded that after extensive analysis that the most reliable method of correcting the situation was to add additional process to the intermediate clarifiers. Mr. Saffran concluded by saying that although Envirex has changed ownership two times since the beginning of its partnership with the MSD they will continue to honor its contractual relationship and obligations to the District. Mr. Saffran said, "history has shown we've been here and we intend to finish the job." He added, "We entered into a contract with you and we have honored it and will continue to honor it. We are and continue to be partners. We will honor our contract obligations."

b. Chemtronics Ground Water Remediation Permit:

Mr. Mull stated that at the May 21, 1991 Board meeting a draft of the Groundwater Remediation Permit, prepared by MSD staff, was presented to the Board for review and comment and that Chemtronics is present today to ask for approval of the permit. Mr. Schultheis, representing Chemtronics stated that the EPA has approved the final design for the remediation of the Chemtronics site and would require MSD approval of the permit before going out for bid for construction. Dr. Maas stated that in principal it was in the best interest of the community to allow Chemtronics to take its treated effluent and discharge it into the MSD system instead of into Bee Tree Creek or the Swannanoa River, and would also generate additional income for the MSD. Dr. Maas stated that his one concern was that there be sufficient frequency of monitoring in the permit to be sure there is no disruption to MSD's biological system or cause the MSD to emit dangerous levels of contaminants at the other end of the System. Following a lengthy discussion regarding the frequency of monitoring by Chemtronics and the cost involved, the Board agreed that an addendum to the permit be added to include at least two years of monthly monitoring with renegotiation of monitoring frequency to follow after the two year period.

c. Sewerage Charges:


Chairman Smith stated that Ms. Nanny Daniel has contacted the MSD to request a hearing before the Board to protest rates charged for sewerage maintenance. Chairman Smith further stated that in lieu of appearing before the Board that each member take the time to call Ms. Daniel to discuss her concerns.

7. **New Business**

9. **Date of Next Regular Meeting: July 16, 1991**

10. **Adjournment:**

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


Jackie W. Bryson, Secretary/Treasurer

RESOLUTION
FOR THE
METROPOLITAN SEWERAGE DISTRICT BOARD

WHEREAS, the District Board of the Metropolitan Sewerage District has been contacted by the Director of Planning of Buncombe County to review the problems of Lee's Ridge/Mt. Carmel Subdivision and to inquire about the District's purchasing the collector sewer system in the Lee's Ridge/Mt. Carmel Subdivision from Carolina Water Services, Inc.;

WHEREAS, the collector sewer system in Lee's Ridge/Mt. Carmel Subdivision lies outside the boundaries of the Metropolitan Sewerage District;

WHEREAS, the District presently owns no collector sewer systems outside the boundaries of the Metropolitan Sewerage District;

WHEREAS, the District has never purchased a collector sewer system from a political subdivision or any other entity in Buncombe County;

WHEREAS, MSD staff are working with Carolina Water Service in an effort to resolve the problems raised in a Resolution of the Buncombe County Board of Commissioners dated May 7, 1991 and addressed to the District Board;

NOW, THEREFORE, BE IT RESOLVED by the District Board of the Metropolitan Sewerage District of Buncombe County as follows:

1. That the District hereby declines to purchase the collector sewer system in the Lee's Ridge/Mt. Carmel Subdivision from Carolina Water Services, Inc.

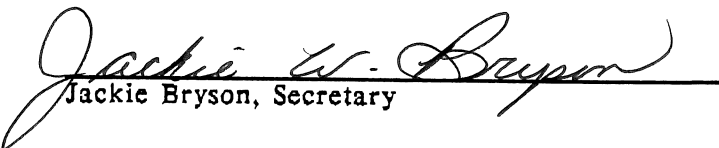
Adopted this 21 day of May, 1991.

DISTRICT BOARD OF THE METROPOLITAN
SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NC

By: 

Frank Smith, Chairman

ATTEST:


Jackie Bryson, Secretary