

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT
July 21, 1992

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, July 21, 1992. Chairman Smith called the meeting to order at 2:05 p.m. with the following members present: Dent, Frizzell, Penny, Slosman, Smith and Wallace. Those members absent were: Bryson, Edwards, Ivey, Maas and Post.

Others present were: W. H. Mull, Engineer-Manager, John Stevens, General Counsel, Dean Huber, Bill Morris and Jim Brewer of Hendon Engineering Associates, Inc., Dr. James McDonald, Richard Biggs of Hutchison-Biggs & Associates, Bob Tinkler representing the League of Women Voters, Dorothy Jaynes, Oral Historian, Stan Boyd, Marc Fender and Angel Morris, MSD.

2. Minutes of the June 9, 1992 Board Meeting:

Following a request by Mr. Dent to change the wording regarding the completion date of Phase I Sanitary Sewer Line Improvements in the Town of Montreat on page two, paragraph 7 a.1, and a request by Mr. Slosman to correct the roll call vote on page two, paragraph 6, to read 7Ayes; 1 Nay, Mr. Dent moved that the minutes of the June 9, 1992 meeting be adopted as amended. Mr. Frizzell seconded. Voice vote was unanimous in favor of the motion.

3. Election of Officers: Chairman and Vice Chairman;

Chairman Smith called for nominations for Chairman and Vice Chairman for Fiscal year 1992-93. Carolyn Wallace moved that the Board reelect Chairman Frank Smith and Vice Chairman George Ivey. Mr. Slosman seconded. Voice vote was unanimous in favor of the motion.

4. Appointment of Secretary/Treasurer and Assistant Secretary/Treasurer;

Chairman Smith reappointed Jackie Bryson as Secretary/Treasurer and Wayne Edwards as Assistant Secretary/Treasurer.

5. Consideration of Request for Capacity Depletion Fee Waiver - Dr. McDonald;

Mr. Mull presented a summary of a request made by Dr. McDonald for waiver of capacity depletion fees associated with the development of a mobile home park, along with a sewer service application dated September 28, 1990. Mr. Mull stated that the Sewer System Consolidation met today to consider Dr. McDonald's request and the Committee voted to recommend that the Board should not grant a waiver of the capacity depletion fee. Dr. McDonald stated that when he purchased the property some six years ago (prior to takeover by the MSD) there were no restrictions and he went through the proper Buncombe County channels to tap into the sewer system. Dr. McDonald further stated that the application applied for on September 28, 1990 for 14 mobile homes to be connected to the sewer system, along with other personal property, were removed from his home during a break-in and he was not aware that the application was good for only one (1) year (he could have avoided \$600.00 (per pad) in capacity depletion fees for each mobile home pad connected prior to the cutoff date of October 1, 1991). Following a brief discussion as to whether both tap fees and capacity depletion fees were involved, Mr. Dent moved that the Board approve the recommendation of the Sewer System Consolidation Committee and deny Dr. McDonald's request for waiver of the capacity depletion fee. Ms. Wallace seconded. Voice vote was unanimous in favor of the motion.

6. Report of Engineer-Manager

a. Consideration of a Corporate Resolution Authorizing a Right-of-Way Bank Account:

Mr. Mull requested that the Board consider approval of a Corporate Resolution to open a Right-of-Way Bank Account which will enable the Engineer-Manager and Right-of-Way Coordinator, Angel Morris to sign checks for the procurement of rights-of-way in accordance with the schedule that the Right-of-Way Committee has developed. Mr. Mull stated that this has been done in the past with accounts set up for both the Hominy Creek and South Buncombe Interceptor Sewer projects. Following a brief discussion as to the dollar amount to be set aside for the account, Mr. Slosman moved that the Board approve adoption of the Corporate Resolution for a Right-of-Way Bank Account with a maximum account balance of \$5,000.00. Mr. Frizzell seconded. Roll call vote was as follows: 6 Ayes; 0 Nays

b. Status Report on Construction Projects:

1. Montreat CIP Phase I

Mr. Mull reported that 33% of Phase I Montreat CIP is complete with 95% of the contract time passed. Mr. Mull stated that work was stopped on Assembly Drive, June 6, 1992 at the request of the Town of Montreat and moved to areas in Phase II, due to heavy traffic during tourist season, and will move back to Assembly Drive in the fall. A discussion followed with regard to the reported total amount of pipe installed to date, compared to the amount reported in the minutes of June 9, 1992.

2. Phase IV Sludge Handling Facilities

Mr. Mull presented a status report on construction of Phase IV, Sludge Handling Facility, and reported that as of June 25, 1992, 80% of the contract is complete with 70% of the contract time passed. In addition, Mr. Mull stated that the electrical portion of the contract is 84% complete and 70% of the revised contract time passed; the HVAC portion of the contract is 85% complete with 70% of the contract time passed and the plumbing portion 78% complete with 79% of the contract time passed.

c. Consideration of Proposal for Engineering Services - Private Sewer Rehabilitation - Cordovan Street and Fair Oaks Road - William G. Lapsley & Associates;

a. Cordovan Street

Mr. Mull presented a proposal from William G. Lapsley & Associates for engineering services in the replacement of approximately 250 liner feet of 8-inch sanitary sewer line to replace an existing 4 inch sewer line for a fee of \$2,000.00. Mr. Mull stated that this proposal was presented to the Sewer System Consolidation Committee, July 13, 1992 and the Committee recommended approval of the contract. Mr. Dent moved that the Board adopt the recommendation of the Committee and approve the contract as presented. Mr. Penny seconded. Roll call vote was as follows: 6 Ayes; 0 Nays

b. Fair Oaks Road

Mr. Mull presented a proposal from William G. Lapsley & Associates for engineering services in the replacement of 1,100 liner feet of 8 inch sanitary sewer line to replace an existing 6 inch line for a fee of \$3,500.00. Mr. Mull reported that this was the first private rehab project originally on Buncombe County's CIP Plan, and the County requested that the MSD take the line over for rehabilitation in accordance with the Private Sewer Policy. Mr. Mull stated that this proposal was presented to the Sewer System Consolidation Committee July 13, 1992 and the Committee recommended approval of the contract. Mr. Penny moved that the Board adopt the recommendation of the Committee and approve the

contract as presented. Mr. Dent seconded. Roll call vote was as follows: 6 Ayes; 0 Nays

d. Consideration of Amendment to Engineering Services Contract - North Swannanoa Sewer Replacement, Phase II - Easement Plat - Hendon Engineering Assoc., Inc.

Mr. Mull presented a proposed Contract Amendment from Hendon Engineering Associates, Inc. to perform engineering services in connection with the latest Contract Amendment approved by the Board August 20, 1991 for the North Swannanoa Interceptor. Mr. Mull stated that the Amendment, as a part of miscellaneous services, is for performance of surveying and preparation of 196 easement parcels at a cost not to exceed \$134,000.00. Mr. Mull further reported that this proposed Amendment was presented to the Right-of-Way Committee July 8, 1992 and the Committee recommended approval. Mr. Frizzell moved that the Board adopt the recommendation of the Committee and approve the contract amendment as presented. Mr. Dent seconded. Roll call vote was as follows: 6 Ayes; 0 Nays.

e. Consideration of Amendment to Engineering Services Contract - Beaverdam Interceptor Sewer Replacement - Engineering Assistance during Easement Acquisition - Vaughn & Melton;

Mr. Mull presented a proposed Contract Amendment to Vaughn & Melton's Letter of Agreement dated November 1, 1991 to perform engineering assistance to the MSD during negotiations with property owners for easement acquisition for the Beaverdam Interceptor Sewer Replacement for a fee not to exceed \$4,300.00 (approximately 10% of the fees for design and easement preparation). Mr. Mull reported that the Amendment was presented to the Right-of-Way Committee July 8, 1992 and the Committee recommended approval. Following a brief discussion as to the differences in the wording of this contract and that of Hendon Engineering Associates, (not to exceed fee) and (not to exceed fee without prior approval of the District) Mr. Dent moved that the Board adopt the recommendation of the Right-of-Way Committee and approve the Contract Amendment as presented. Mr. Penny seconded. Roll call vote was as follows: 6 Ayes; 0 Nays

f. Consideration of Proposal for Archaeological Survey and Assessment of Impact of a Proposed Sewerline Corridor - Biltmore Estate - Hall & Baker Archaeological Consultants;

Mr. Mull presented a proposal from Hall & Baker Archaeological Consultants for an Archaeological Survey and Assessment of Impact of a Proposed Sewerline Corridor, Biltmore Estate for a total fee of \$2,126.00. Mr. Mull stated the proposal was presented to the Sewer System Consolidation Committee, July 13, 1992 and the Committee recommended approval. Mr. Penny moved that the Board adopt the recommendation of the Sewer System Consolidation Committee and approve the proposal as presented. Mr. Frizzell seconded. Roll call vote was as follows: 6 Ayes; 0 Nays

g. Report of Hydro Electric Plant Operations;

Mr. Mull presented an inspection report on the Craggy Dam Hydro Project and asked Mr. Jim Brewer of Hendon Engineering Associates to give a brief summary of the report. Mr. Brewer reported that other than some minor maintenance recommendations, which were reported to the MSD staff, the plant is in good shape operationally and in compliance as far as meeting the requirements of the Federal Energy Regulatory Commission (FERC). In addition to the inspection report, Mr. Brewer presented a Hydro Operational Summary and a 1993 Projected Electric Power Summary and stated that the District needs to take into account the amount of savings in power cost and debt service. Mr. Mull gave a brief review of the 1993 Projected Electric Power Summary and billing penalties and explained that when the Methane Generation System and incinerator is on-line, these systems should eliminate those penalties and give the district more power to sell to CP&L. Mr. Brewer reported that the District will be able to generate just about enough power to operate the incinerator and dewatering system using approximately

500KW and still realize a net savings of approximately \$100,000.00. Mr. Huber stated that approximately 90% of the District's cost are fixed for the next 20 years because of debt service and that the picture should improve as power cost go up. A brief discussion followed.

h. Consideration of Proposal for Interim Sludge Dewatering - Hendon Engineering Assoc;

Mr. Mull presented a proposal from Hendon Engineering Associates for procurement of services for Interim Sludge Dewatering. Mr. Mull stated that the project consists of receiving informal bids for 120 production hours for an estimated cost of \$45,000.00 and if the process is successful, additional proposals for an estimated cost of \$260,000.00 (100 days at 2,600 per day) may be solicited. Mr. Mull presented a memorandum from Marc Fender explaining the dewatering process and the funds available. Following a brief discussion with regard to the process to be used, Ms. Wallace moved that the Board approve the proposal as presented. Mr. Penny seconded. Roll call vote was as follows: 6 Ayes; 0 Nays

i. Report on Chemical Stabilization Facility;

Mr. Mull presented a memorandum from Stan Boyd stating that he attended the Woodfin Zoning Board meeting, July 13, 1992 to apply for a conditional use permit to construct and operate the Chemical Stabilization Facility and was advised that a public hearing would be scheduled for 7:00 p.m., August 10, 1992 at the Woodfin Town Hall for public input concerning the permit. A discussion followed regarding concerns of the Zoning Board in granting the permit and the need for preparation of answers to any questions that may be asked at the hearing. Ms. Wallace encouraged all members of the Board to attend the hearing.

7. Report of Officers

None

8. Report of Committees:

a. Plant Operations Committee - 7/7/92 - Mr. Dent

Mr. Dent reported that the Plant Operations Committee met July 7, 1992 to discuss whether or not the treatment plant was meeting the warranty specified in the Procurement Contract with Envirex for the RBC's and the microscreens. Mr. Dent stated that following a lengthy discussion, the Committee agreed to recommend that the District release Envirex from the requirement to maintain the surety bond. A brief discussion followed with regard to bonding costs. Mr. Mull reported that a letter was received from the bonding company stating that the bond will expire at the end of July and at that time the District will be required to sign off on the letter as to whether it is released, and if not released, the bond will have to be renewed. In addition to the release of the surety bond, Mr. Dent stated that the Committee agreed that the District request that the State amend its NPDES Permit to change the effluent limit from a total BOD number to a number for carbonaceous BOD. Mr. Dent further stated that in a letter from Hendon Engineering Associates, Inc., July 21, 1992 the average carbonaceous BOD is 19.3%, which is well within the requirements. There being no further discussion, Mr. Dent moved that the District release Envirex from the surety bond. Mr. Slosman seconded. Roll call vote was as follows: 6 Ayes; 0 Nays

b. Right-of-Way Committee - 6/4/92 - Carolyn Wallace

In the absence of Mr. Edwards, Ms. Wallace reported that the Right-of-Way Committee met July 8, 1992 to discuss the following issues.

a. North Swannanoa Sanitary Sewer Interceptor - Phase I Status

Ms. Wallace reported that of the parcels slated for condemnation, parcels

13, 36 and 53 have been previously approved by the Board.

b. NCDOT Bridge Replacement Plans and Relocation of 24" Water Line

Ms. Wallace reported that Hendon Engineering Associates recently discovered a 24" City of Asheville water line which will need to be relocated in order to construct the proposed North Swannanoa Sanitary Sewer Interceptor. Ms. Wallace stated that a meeting was held July 2, 1992 between Hendon Engineering, MSD and the City of Asheville Water Engineering Department to determine a route that would be acceptable to the City and would also work for the MSD. Ms. Wallace further stated that there is a problem in that the route will affect both the Dreamland Drive-In property and R. L. Coleman's property. Mr. Slosman reported that he, Angel Morris, Stan Boyd and Bill Conner met with Mr. Pless, owner of the Dreamland Drive-In, on July 6, 1992 and stated that Mr. Pless's attitude is more receptive, but his idea and the MSD's idea of money are miles apart and because of Mr. Pless's concerns with having to pay tax between his spaces and what he would actually be awarded, a possible tax deferral was pointed out. Ms. Wallace moved upon recommendation of the Right-of-Way Committee that if an agreement is not reached with Mr. Pless by August 15, 1992 that condemnation proceedings begin with negotiation to continue after that time. Mr. Slosman seconded. Roll call vote was as follows: 6 Ayes; 0 Nays. A brief discussion following with regard to whether or not Mr. Pless has done an appraisal.

c. **Sewer System Consolidation Committee - 7/13/92 - Mr. Dent**

Mr. Dent reported that the Sewer System Consolidation Committee met July 13, 1992 and in addition to the issues previously discussed in the Engineer-Managers report, the Committee reviewed a proposal from the Department of Transportation to prepare detour signage along the North Swannanoa Interceptor Sewer for an estimated cost of \$12,000.00. Mr. Dent further stated that the Committee considered waiting to see what the contractor would charge but following further discussion it was determined that the Department of Transportation could do a better job. Mr. Dent moved on the recommendation of the Committee that the Board approve the proposal as presented. Mr. Slosman seconded. Roll call vote was as follows: 2 Ayes; 2 Nays and 2 abstentions (Ms. Wallace and Mr. Smith). Following a brief discussion, and because of a split vote and the lack of sufficient information, Mr. Slosman moved to table the motion. Mr. Frizzell seconded. Voice vote was unanimous in favor of the motion.

Mr. Dent further reported that because the MSD was having frequent maintenance problems with the Nasty Branch Interceptor (Lyman Street to Depot Street), the committee agreed unanimously to recommend that the Board invite proposals for an outside contractor to TV monitor this section of the Nasty Branch line and to pump bypass the line during the monitoring and for staff to award a contract at a cost not to exceed \$20,000.00. Mr. Penny moved on the recommendation of the Committee that the Board approve awarding a contract as long as it does not exceed \$20,000.00. Mr. Dent seconded. Roll call vote was as follows: 6 Ayes; 0 Nays

9. Unfinished Business:

Mr. Stevens reported that he received word today that the North Carolina House of Representatives passed the bill modifying the MSD Act, allowing the inclusion of new areas into the MSD without adding a new member to the board to represent each new area.

10. New Business: Personnel & Rights-of-Way Matters

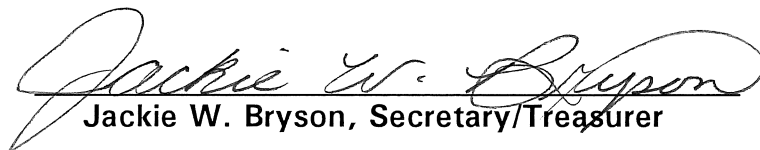
At 3:40 p.m. Mr. Slosman moved that the Board go into Executive Session to discuss Personnel and Rights-of-Way matters.

At 3:55 p.m., Mr. Dent moved that the Board reconvene the regular meeting. Mr. Frizell seconded. Voice vote was unanimous in favor of the motion.

11. Date of Next Regular Meeting: August 18, 1992

12. Adjournment:

There being no further business, Ms. Wallace moved that the meeting of the Board of the Metropolitan Sewerage District adjourn. Mr. Frizell seconded. Voice vote was unanimous in favor of the motion.


Jackie W. Bryson, Secretary/Treasurer