

**BOARD OF THE METROPOLITAN SEWERAGE DISTRICT**  
**March 23, 1993**

**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, March 23, 1993. Vice Chairman Ivey presided with the following members present: Casper, Dent, Frizzell, Joyner, Penny, Post, Selby, Slosman and Wallace. Those members absent were: Bryson

Others present were: W. H. Mull, Engineer-Manager, John Stevens, General Counsel, Bill Morris of Hendon Engineering Associates, Inc., Richard Hart with Ledford Engineering, Jim Erwin and Doyle Freeman with Henderson County, Bob Tinkler representing the League of Women Voters, Ann Sutton, Stan Boyd, Angel Craven and Dale Traister MSD.

**2. Minutes of the February 16, 1993 Board Meeting:**

Following a brief discussion as to the reasons for continuing with the long version of the minutes as opposed to the condensed version, Mr. Penny moved to continue with the longer form of minutes. Mr. Joyner seconded the motion. Voice vote was unanimous in favor of the motion.

Mr. Joyner moved that the minutes of the February 16, 1993 meeting be adopted as written. Mr. Frizzell seconded the motion. Voice vote was unanimous in favor of the motion.

**3. Introduction of New Board Member:**

Mr. Ivey introduced and welcomed Mr. Larry Casper, representing the City of Asheville, replacing Mr. Frank Smith.

**4. Approval of Resolution for Frank Smith:**

Mr. Ivey presented a Resolution expressing the Board's appreciation to Mr. Frank Smith, III that comment on his contributions and work to the Board and the District. Mr. Penny moved that the Board approve the Resolution as presented. Mr. Dent seconded the motion. Voice vote was unanimous in favor of the motion.

**5. Election of Chairman and Appointment of Assistant Secretary/Treasurer:**

Mr. Penny nominated Mr. George Ivey to fill the remaining term of Chairman, expiring June 30, 1993. Mr. Dent seconded the nomination. There being no further nominations, voice vote was unanimous in favor of the nomination.

Ms. Wallace nominated Mr. Pete Post to fill the remaining term of Vice Chairman, expiring June 30, 1993. Mr. Penny seconded the nomination. There being no further nominations, Mr. Dent moved that the Board approve the nomination by acclamation. Mr. Slosman seconded the motion. Voice vote was unanimous in favor of the motion.

At the request of Mr. Joyner, Mr. Mull explained the duties of the Secretary/Treasurer and Assistant Secretary/Treasurer. The appointment of Assistant Secretary/Treasurer was deferred until the next regular meeting of the Board.

**6. Report of Engineer-Manager;**

**a. Status Report on Construction Projects;**

**1. Montreat CIP Phase I**

Mr. Mull reported that 100% of the Montreat CIP Phase I project is complete with the exception of a change order having to do with the replacement of backfill materials.

2. Sweeten Creek Interceptor Sewer

Mr. Mull reported that Hendon Engineering Associates, Inc. is currently in the easement plat preparation and easement acquisition phase of the project which is expected to be complete in April, 1994 and that environmental assessment and agency permitting is in progress.

3. North Swannanoa Sanitary Sewer Interceptor

Mr. Mull reported that design of the North Swannanoa Sanitary Sewer Interceptor, Phase I is near completion and that the NCDOT has agreed to participate in the cost increases due to avoiding the proposed McDowell Street and Haw Creek bridge projects. Mr. Mull further reported that Norfolk-Southern is reviewing the request for change in alignment at McDowell Street, which has been cleared by the engineering department, and the U.S. Army Corps of Engineers' has informed Hendon Engineering Associates, Inc. that a wider cofferdam at river crossings is not a problem and that the time of work in the trout stream should be March 1 - November 15, not November 15 - March 1. In addition, Plan/Profile Surveying are complete on Phase II, Sections 1, 2 and 3 and plans/specifications on Phase II, Section 1, 99% complete with easement plats 85% complete. The environmental assessments on Phase II, Sections 1, is 60% complete and Sections 2 and 3, 95% complete. Mr. Mull stated that bid advertisement of Phase II sections are expected as follows: Section 1 - November, 1994; Section 2 - December, 1996; Section 3 - January, 1998.

4. Beaverdam Interceptor Improvements

Mr. Mull reported that design and easement acquisition on the Beaverdam Interceptor by Vaughn & Melton is complete and that the project has been advertised for construction bids with an opening scheduled for April 7, 1993.

5. Asheville Streets and Sidewalk Sewer Rehabilitation

Mr. Mull reported that Contract 9 - Section II of the Asheville Street/Sidewalk Sewer Rehabilitation project is complete with Contract 11, 80% complete and Contract 6, 58% complete.

6. Phase IV Sludge Handling Facilities

Mr. Mull reported that as of March 11, 1993, 98% of Phase IV, Sludge Handling Facility, Section I - General Contract is complete including testing of the belt filter presses and other components. Mr. Mull further reported that 95% of Section 1A - Electrical is complete; 95% of Section IB - HVAC is complete and 80% of Section IC - Plumbing is complete.

Mr. Mull reported that in today's issue of the Wall Street Journal OSHA and the EPA have declared in recent tests that sand was found to be a carcinogen. Mr. Mull further reported that because the MSD will be using sand in its incineration and alkaline stabilization processes the District will keep the Board informed of any further information on this matter.

Mr. Casper questioned regular reporting of cost overruns in the CIP construction budget and suggested that as projects proceed that a report be provided to Board members each month in order to keep them informed. Following a lengthy discussion, Mr. Penny stated that a report addressing the budgeted amount, award amount and actual year to date amount spent on each project be provided to members of the Board each month.

**b. Consideration of Contract for Archeological Site Mitigation - North Swannanoa, Phase I (Hall & Baker);**

Mr. Mull presented a proposal from Hall & Baker Archaeological Consultants for archeological site mitigation - North Swannanoa, Phase I dated March 12, 1993. Mr. Mull reported that the proposal was presented to the Right-of-Way Committee March 22, 1993 and the Committee recommended approval of the proposal at a cost ceiling not to exceed \$75,000.00. Following a brief discussion regarding the mitigation process, the number of sites involved and the number of days to complete the project, Mr. Joyner moved to adopt the recommendation of the Right-of-Way Committee. Mr. Post seconded the motion. Roll call vote was as follows: 10 Ayes; 0 Nays.

**c. Consideration of Construction Contract Change Order, Asheville Street/Sidewalk Sewer Rehabilitation Contract 11, Forest View Drive and Fenner Avenue;**

Mr. Mull presented two Contract Change Orders from Hendon Engineering Associates, Inc. to Contract 11 of Asheville's Street/Sidewalk Sewer Rehabilitation project. Mr. Mull reported that the Change Order proposals were presented to the Sewer System Committee March 1, 1993 and are as follows:

Forest View Drive

Mr. Mull reported that because Forest View Drive (part of the Woodfin CIP, Earl Capps Hollow Sewer line project) is located within the City of Asheville, staff has recommended that this line be pulled from the Woodfin CIP project and coordinate construction of this line with the Asheville Street/Sidewalk project prior to paving of Forest View Drive at an estimated cost of \$48,334.03. Mr. Mull further reported that following review of the proposal, the Sewer System Consolidation Committee recommended approval of the Change Order.

Mr. Dent moved to adopt the recommendation of the Sewer System Consolidation Committee. Ms. Wallace seconded the motion. Roll call vote was as follows: 10 Ayes; 0 Nays.

Fenner Avenue

Mr. Mull reported that the Fenner Avenue line is inaccessible and cannot be TV inspected. Mr. Boyd presented a map showing the location of the line and stated that because the existing sewer is very old and not on a continuous slope the additional cost involved in the construction of this line is estimated at \$36,505.71. Mr. Mull further reported that following review of the proposal, the Sewer System Consolidation Committee recommended approval of the Change Order.

Mr. Post moved to adopt the recommendation of the Sewer System Consolidation Committee. Mr. Slosman seconded the motion. Roll call vote was as follows: 10 Ayes; 0 Nays.

**d. Consideration of Construction Contract Change Order, Asheville Street/Sidewalk Sewer Rehabilitation Contract 6;**

Mr. Mull presented a Change Order on Contract 6 of Asheville's Street/Sidewalk project to cover items which were not expected to have been encountered by the contractor. Mr. Mull reported that the Change Order was presented to the Sewer System Consolidation Committee, March 1, 1993 and the Committee recommended approval of the Change Order in the amount of \$12,290.20. Following a brief discussion, Mr. Penny moved to adopt the recommendation of the Sewer System Consolidation Committee. Mr. Frizsell seconded the motion. Roll call vote was as follows: 10 Ayes; 0 Nays.

e. Consideration of Educational Assistance for MSD Employees;

Mr. Mull presented a memo from Marc Fender which addressed the policies of other governmental bodies concerning educational assistance for employees. Mr. Mull reported that since the MSD does not have a policy for additional education and training, Marc Fender has requested that the Board consider such a policy as two MSD employees have expressed an interest in obtaining Associates Degrees in areas related to their current job functions. Mr. Mull stated that the memo was not intended to be the final document but if approved the outline it would be put in final form for insertion in the Personnel Policy Manual and submitted to the Board for approval. A lengthy discussion followed regarding the cost to implement such a policy, and when the policy should take effect. Ms. Wallace moved that staff be directed to form a policy regarding employee educational assistance to be submitted to the Personnel Committee for approval and in turn presented to the Board for adoption. In addition, the policy will include an endorsement on behalf of the Board to employees and approval of an annual amount via the Budget line item vote. Mr. Frizzell seconded the motion. A brief discussion followed regarding an amendment of the motion to cover those employees who are now enrolled in school. The Board agreed that those students now enrolled would be considered in an amendment of the policy by the Personnel Committee. There being no further discussion, roll call vote was as follows: 10 Ayes; 0 Nays.

7. Report of Officers:

None

8. Report of Committees:

a. Sewer System Consolidation Committee - March 1, 1993 - Mr. Dent

Mr. Dent reported that the Sewer System Consolidation Committee met March 1, 1993 to review those items previously discussed in the Engineer-Manager's Report and following a brief review of the minutes, Mr. Selby requested that a copy of the minutes of all the Committees of the Board be made available to members prior to the regular monthly meeting of the Board.

b. Right-of-Way Committee - March 5, 1993 and March 22, 1993 - Mr. Dent

Mr. Dent reported that the Right-of-Way Committee met March 5, 1993 and March 22, 1993 to discuss the following items:

1. Earl Capps Hollow Sewer Improvements:

a. Consideration of Contract Change for Engineering Assistance Easement Acquisition - McGill Associates, Inc.;

Mr. Dent reported that the February invoice from McGill Associates for engineering assistance during easement acquisition has exceeded the estimated maximum fee of \$1,695.00 by \$2,987.59. The Committee agreed that because an accurate estimation of time involved in engineering assistance during easement negotiations is impossible up front, that contract amendments should be prepared as projects are finished. Ms. Craven stated that this work was based on 10% of the design fee, as with all of the projects, however, because of additional unanticipated work, the 10% design fee allowing for a maximum not-to-exceed cost of \$1,695.00 resulted in cost overruns. Following a brief discussion as to the amounts that need to be budgeted for various projects and when contract amendments should be prepared, Mr. Post moved that the Board approve a maximum not to exceed cap of \$7,000.00 for engineering services overruns. Mr. Penny seconded the motion. Roll call vote was as follows: 9 Ayes; 1 Nay.

**2. Sweeten Creek Interceptor:**

**a. Consideration of Contract Amendment to Include 40 Additional Parcels for Surveys and Easement Plats - Wilson Creek Manhole Rehabilitation - Hendon Engineering Associates, Inc.**

Mr. Dent reported that at the request of the Right-of-Way Committee, Hendon Engineering Associates, Inc. prepared a Contract Amendment to include 40 additional parcels for surveys and easement plats for the Wilson Creek Manhole Rehabilitation portion of the project. Mr. Dent further reported that the original ceiling for surveys and easement plats is \$50,000.00 and that the contract amendment would increase the ceiling to \$78,650.00. Mr. Dent stated that following review of the Contract Amendment the Right-of-Way Committee recommended approval. Mr. Morris of Hendon Engineering Associates, Inc. presented a map of the project and reported that the original contract called for 70 surveys and easement plats but in order to maintain existing lines and to do manhole rehabilitation work, an additional 40 parcels require surveys and easement plats to cover the entire project. A lengthy discussion followed on the additional cost, the legalities involved in obtaining rights-of-way, and creating a policy to address these issues. The Board agreed that the project should be put on hold until the policy issue is resolved. Ms. Wallace moved that a special meeting of the Right-of-Way Committee be held to discuss policy issues for various projects with options and recommendations to be presented to the Board at its next regular meeting. Mr. Post seconded the motion. Voice vote was unanimous in favor of the motion.

**c. Special Out of District Policy Committee - March 10, 1993 - Mr. Penny**

Mr. Penny reported that a Special Out of District Policy Committee met March 10, 1993 to consider the applicability of the District's construction standards to sewer systems outside the District's boundaries. Mr. Penny further reported that the Committee discussed in length the matter of a request by Mr. Tissot that the District reconsider its position and allow them to build a 6 inch sewer line with manholes to serve a proposed apartment complex. Mr. Penny stated that the Committee recommended that the Board allow the Tissots' to construct a 6 inch sewer line with manholes; that the District enter into an agreement to treat waste and that the agreement include language that the District would have no responsibility for the maintenance of the six inch line. In addition, the agreement would include language stating the District would not take over the line or allow additional connections to the line unless it were brought up to District standards of an 8 inch sewer line. Mr. Richard Hart of Ledford Engineering stated that Mr. Tissot is willing to accept a contractual agreement, attaching a Sewer Maintenance Agreement to his deed as a permanent record and that the line would be entirely private; not subject to turn over to the District. Mr. Hart further stated that in exchange, Mr. Tissot would like to have the option of attaching any future development to the line within property boundaries only. Following review of the revised cost estimates and because maps of the property boundary were not provided, Mr. Penny moved that the Board reject the project with a 6 inch line and require Mr. Tissot to conform to the 8 inch standard. Following a lengthy discussion regarding MSD's Out of District Policy Standards, Mr. Slosman seconded the motion. Voice vote was unanimous in favor of the motion.

**d. Personnel Committee - Mr. Penny**

Mr. Penny reported that request for proposals for an organizational study have been mailed to several firms, six of which are local firms, with a return date set for April 5, 1993. Mr. Penny further reported that following review of the proposals by the Personnel Committee, a recommendation will be submitted to the Board for approval.

**9. Unfinished Business:**

Mr. Penny stated that because of conflicting schedules, he request that the Board to consider meeting on the third Wednesday of each month instead of the third Tuesday. Following a brief discussion as to whether the By-laws would need to be amended to reflect this change, Mr. Penny moved that the Board meet on the third Wednesday in April and at that time consider changing the annual meeting schedule to the third Wednesday of each month thereafter. Mr. Joyner seconded the motion. Mr. Penny suggested that staff prepare a press release notifying the public of the change in meeting dates. There being no further discussion, voice vote was unanimous in favor of the motion.

**10 . New Business:**

Mr. Joyner addressed the Board concerning his view of the public's perception of the MSD and its policies. A lengthy discussion followed regarding the need to educate the public on the purpose of the MSD; improving its image through the creation of a Public Relations Committee and the matter of whether the MSD should provide lunch for Board members and others when noon meetings are scheduled. The Board agreed that the MSD would provide lunch for staff, when they are required to work during that time and for no others.

Mr. Mull presented a letter addressed to Ann Sutton from the Western North Carolina Habitat for Humanity expressing appreciation for the use of the Maintenance Facility's parking lots for an auction held March 6, 1993.

Mr. Penny expressed his appreciation to the MSD staff during the recent snow storm in helping to scrape city streets.

At 4:32 p.m. the Board went into Executive Session to consider Rights-of-Way matters.

At 4:50 p.m. the Board reconvened the regular meeting and the following actions were taken:

**Clontz Parcel:**

Mr. Penny moved that the Board approve relocation of the sewer line between the properties with the permission of Mr. Clontz and if this is not agreeable, proceed with condemnation. Mr. Post seconded the motion. Roll call vote was as follows: 8 Ayes; 0 Nays.

**Orangeburg Pipe Parcel:**

Mr. Post moved that the Board approve compensation to Orangeburg Pipe Company in the amount of \$200.00 for moving their inventory off the Right-of-Way while work is being done and if the contractor exceeds seven clear working days, compensation Orangeburg Pipe Company \$200.00 per day. Mr. Dent seconded the motion. Roll call vote was as follows: 8 Ayes; 0 Nays.

**Roberts Parcel:**

Ms. Wallace moved that the Board approve compensation to Mr. Roberts in the amount of \$3,000.00 for paving the drive and parking lot. Mr. Penny seconded the motion. Roll call vote was as follows: 8 Ayes; 0 Nays.

**Mulliniks Parcel:**

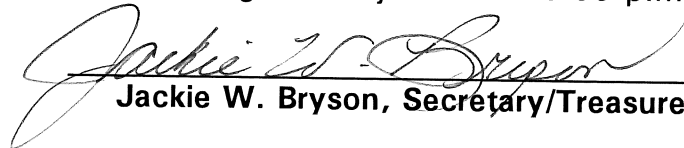
Mr. Post moved that the Board approve condemnation of the Mulliniks property if he refuses to grant a right-of-way. Mr. Dent seconded the motion. Roll call vote was as follows: 8 Ayes; 0 Nays.

Mr. Mull reported that during the snow storm three transformers from CP&L's main substation, which serves the plant, failed resulting in no power to the plant for approximately 60 hours. In addition, there was no water to the plant or administration building due to a frozen line. This incident was reported to the State for review.

11. Date of Next Regular Meeting: **Wednesday, April 21, 1993**

12. Adjournment:

There being no further business the meeting was adjourned at 5:00 p.m.

  
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**Jackie W. Bryson, Secretary/Treasurer**