

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT

October 12, 1994

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 Wednesday, October 12, 1994. Chairman Post presided with the following members present: Bryson, Casper, Slosman, Selby and Wallace. Those Members absent were: Dent, Holcombe, Joyner, Kelly and Sobol.

Others Present were: W. H. Mull, Engineer-Manager, John S. Stevens, General Counsel, Danny Bridges and Gary McGill of McGill Associates, P.A., Jim Erwin and Doyle Freeman of Henderson County, Ed Byas of Hendon Engineering Associates, Inc., Karen Cragnolin of RiverLink, Linda Mazingo, and Sondra Honeycutt, MSD.

2. Approval of the Minutes of the September 21, 1994 meeting;

Ms. Wallace moved that the Minutes of the September 21, 1994 meeting be approved as presented. Mr. Selby seconded the motion. Voice vote was unanimous in favor of the motion.

3. Audit Report:

Mr. Post presented a copy of the District's Annual Audit Report ending June 30, 1994. Mr. Post requested that the Board review the report for discussion at the November meeting.

4. Engineer-Manager's Report

Consolidated Motion

Mr. Mull presented a Consolidated Motion Agenda and reported that the following items were brought before the Planning and Right of Way Committees' on September 29, 1994 and October 4, 1994 respectively. The items and recommendations are as follows:

a. Private Sewer Rehabilitation Project - Woodside Hills

The Planning Committee recommended that the project be funded at a recommended budget of \$140,000.00.

b. North Swannanoa Interceptor Sewer:

1. Phase II, Section 3

The Right of Way Committee recommended approval of the compensation chart in the amount of \$71,000.00.

2. Phase II, Section 1

The Committee recommended approval of a revised compensation chart, (1994 tax value) in the amount of \$11,143.00.

3. Phase II, Section 2

The Committee recommended approval of revised compensation chart (1994 tax value) in the amount of \$25,482.00.

4. Phase II, Section 1

The Committee recommended denial of bridge encroachment request.

Mr. Post questioned the Committee's recommendation on Item 4.b.4. Mr. Mull reported that one of the owners, whose property borders the river, has future plans to build a bridge across the river in order to access his property, which requires an open encroachment. Mr. Mull further reported that although the District cannot accommodate the request, it will be happy to work with the owner on a bridge site if the owner can show the District approximately where the bridge will be constructed.

With regard to Item 4.a, (Consideration of Private Sewer Rehabilitation Project - Woodside Hills) a brief discussion followed as to who prepared the preliminary engineer report, and whether this project is included in the C.I.P. Budget. Mr. Mull stated that the report was prepared by the District's engineering staff and that because approximately \$200,000.00 was set aside for Other Projects in FY 94-95 and FY 95-96, (\$400,000.00 total budget) Phase I and II of the Woodside Hills project will be taken from those budgets.

With no further discussion, Mr. Slosman moved that the Board adopt the Consolidated Motion as presented. Ms. Bryson seconded the motion. Roll call vote was as follows: 6 Ayes; 0 Nays.

Planning Committee Items:

a. Consideration of Bids for Construction of Beaverdam Creek Interceptor:

Mr. Mull reported that bids received September 20, 1994 for rehabilitation of the Beaverdam Creek Interceptor Sewer came in under the revised budgeted amount, but over the original budgeted amount for this project. Mr. Mull presented the revised project data sheet showing the total C.I.P. budget of \$1,699,000.00, which included \$120,000.00 for engineering; \$10,000.00 for geotechnical; \$147,000.00 for easement; \$1,303,000.00 for construction and \$119,000.00 for contingency. Mr. Mull further reported that since the low bid came in at \$1,303,000.00, (130% of the bid price) an additional \$200,000.00 was needed to do the project. As a result, staff recommended the following:

1. \$200,000.00 of the FY 94-95 budget for the North Swannanoa Interceptor Sewer be transferred to the Beaverdam Creek Interceptor Sewer Rehabilitation Project.
2. Award the construction contract to Wheeler Construction in the amount of \$1,303,000.00.
3. Authorize the Engineer-Manager to execute all documents necessary for the construction of the project.
4. Approve change orders up to \$50,000.00 except that any single change order amount in excess of \$50,000.00 would require further Board approval.

Mr. Mull presented supplementary information showing the total budgeted expenditures for the North Swannanoa Interceptor Sewer, Phase II for FY 94-95 of \$825,000.00, less the total estimated amount to be expended of \$625,000.00, leaving \$200,000.00 in available funds to be transferred to the Beaverdam Creek Interceptor Sewer project. A discussion followed as to when McGill Associate's P.A. prepared the final budget; whether Wheeler Construction Company has completed the Montreat and North Beaverdam Interceptor Sewer projects, and how soon after approval of the bid

would the District give a "Notice to Proceed". Mr. Bridges reported that McGill Associate's, P.A. prepared the final budget following the pre-bid conference and expressed its concern to Wheeler Construction Company about the time frame in completing these projects. Wheeler Construction indicated that it would take approximately three weeks to complete the Montreat project, with completion of the North Beaverdam project to follow. With regard to the "Notice to Proceed", Mr. Mull stated that although the District is committed to start construction during the first week in November, the "Notice to Proceed" can be delayed for a couple of weeks. A lengthy discussion followed regarding the percent of retainage; whether the District can increase the percent amount, and if the District can disqualify the bid of Wheeler Construction Company until the Montreat and North Beaverdam Interceptor Sewer projects are complete. Mr. Stevens stated that he felt that if the Board wants to reject Wheeler then all bids would need to be rejected and re-advertised. Regarding the retainage, Mr. Bridges stated that an additional 20% retainage, (above the usual 10%) has been added to the contract for the Beaverdam Creek Interceptor project to protect against delays in cleanup. Mr. Post stated that the Board should not only relay a strong message to the contractor about delays in cleanup, but a message of support be given to the District's inspectors and McGill Associates, P.A. for its efforts.

Mr. Casper questioned how the \$222,000.00 contingency was reduced to \$119,000.00. Mr. Bridges stated that the contingency was reduced from ten percent (10%) to approximately eight percent (8%). Mr. Mull stated that there is still a \$222,000.00 contingency, but to date, fifty-four percent (54%) of the contingency line item and one hundred and thirty percent (130%) of the construction line item has been spent. A brief discussion followed regarding the number of remaining easements to be obtained on this project.

Mr. Slosman moved that the Board award the contract to Wheeler Construction Company subject to satisfactory assurance by Wheeler to the Engineer-Manager at the pre-construction conference of Wheeler's ability and commitment to meet all of its construction obligations, including post construction cleanup under the construction documents for this project. Mr. Casper seconded the motion. Roll call vote was as follows: 6 Ayes; 0 Nays.

Right of Way Committee Items:

a. Consideration of Alternate Route, Biltmore Forest Sewer Rehabilitation - Satterfield Property:

Mr. Selby reported that following the Committee's site visitation of the alternate route proposed by Dr. Satterfield, the Right of Way Committee recommended that staff prepare preliminary cost information to be presented at its next meeting.

b. Consideration of Restoration Landscaping, Beaverdam Creek Interceptor - Bayer Property:

Mr. Mull reported that the Right-of-Way Committee made the following recommendation: approval of appraisals for the Bayer and Mascari properties to be used as a basis for offers in order to adhere to the current project schedule with a construction start date of November 1, 1994, and to proceed immediately with same. Mr. McGill reported that since the Right-of-Way Committee meeting, the Bayers have agreed to sign the easement, based on the provisions discussed. Mr. Selby clarified the Committee's recommendation and reported that it agreed that the most equitable way to continue negotiations was to obtain appraisals for the other properties on which to base offers, and that the estimate prepared by Alexander Towe indicates a total cost in the amount of \$6,465.00 each. Following a brief discussion on the compensation chart, Mr. Selby

moved that the Board approve the appraisals for the Bayer and Mascari properties in an amount not to exceed \$6,500.00 each. Ms. Wallace seconded the motion. Roll call vote was as follows: 5 Ayes; 0 Nays and 1 Abstention (Mr. Slosman).

c. Consideration of Compensation, Sweeten Creek Interceptor Project - Tucker Property:

Deferred to Closed Session

5. Report on Status of Biosolids Distribution and Marketing Program - Mr. Bridges

Mr. Bridges of McGill Associates, P.A. reported that preliminary testing on the biosolids product is complete with results pending on further testing, and that contact has been made with the following potential users, all of which have produced positive results: local farms; U.S. Forest Service and Research Station, Western North Carolina Horticulture Center, Agriculture Extension Service, Warren Wilson College; VanWingerton Greenhouses and others. Mr. Bridges further reported that a meeting has been scheduled with Southern States to discuss the preliminary testing results, and that Dr. Bob Rubin of N.C. State University, Marc Fender and McGill Associates, P.A. will meet to assimilate the product analysis into a format which can be used to initiate contact with additional potential users. In addition, contact has been made with the Division of Environmental Management to make sure there are no further considerations, and to inform them of recently selected demonstration sites, (one on District property and two off District property). Mr. Bridges stated that the two primary concerns are looking at the project from a beneficial use, and to look at all the components of the final product for any detrimental components such as metal, which recent tests indicate are well within EPA limits. A discussion followed regarding the Department of Transportation's interest in the product and when an analysis will be available for Board review. Mr. Bridges further stated that the analysis will be available before the November meeting of the Board.

6. Report of Officers
None

7. Report of Committees:

Planning Committee - None
Right of Way Committee - None

8. Unfinished Business:

Mr. Mull reported that the NCAWWA/WPCA Conference will be held November 13 - 16, 1994 at the Grove Park Inn, and briefly went over the various technical sessions to be held.

Regarding the status of the incinerator, Mr. Mull reported that a meeting is scheduled for October 14 to discuss the incinerator; ultra press; contract completion, and the amount of money being held until the contract is complete. However, since the results of the analysis has not been received, the meeting may be postponed, but a status report will be available at the November meeting of the Board.

Mr. Selby questioned whether the City of Asheville has responded to the District's request regarding back sewer charges. Mr. Mull reported that at the request of the City of Asheville, the District provided information regarding the amount owed, but to date no response has been received. Mr. Selby questioned what the Board's next

step should be. Mr. Stevens suggested that staff draft a letter to the City stating that the District provided the necessary requested information, and that the Board is eagerly awaiting a response. Following a brief discussion, the Board agreed that the correspondence from Mr. Mull be address to the current City Manager with a copy to the incoming City Manager and Members of the District Board.

With regard to the November meeting of the Board, Mr. Mull stated that because several members will be absent, requested that the meeting scheduled for November 9, be rescheduled for November 10, 1994.

Mr. Casper asked when the District's first quarterly review of operating expenses and overtime analysis will be available to the Board. Mr. Mull reported that Mr. Fatland will present these reports at the November meeting.

9. Old Business:

Mr. Selby questioned the status of private systems meeting public standards. Mr. Mull reported that a draft motion has been prepared, along with supporting information, which will be presented at the next meeting of the Planning Committee. Ms. Wallace requested that the meeting notice stress the importance of attendance by each member of the Board.

10. New Business - Presentation by Karen Cragolin, Director of RiverLink

Ms. Cragolin gave a brief presentation on the history of RiverLink, (a public/private partnership that is looking at economic revitalization and environmental enhancement of the French Broad River). In addition, Ms. Cragolin reported on the following: progress and dedication of the new French Broad River Park; potential uses of the Asheville Cotton Mill; future construction of a canoe and kayak practice course, and RiverLink as a regional organization. Ms. Cragolin requested that since the District's pump station, (located at the park) is very visible, that the Board consider approval of a possible plan to landscape around the building. Also, as the District acquires easements for sewer lines, that it consider the possibility of legislation that will allow language to be added to easement contracts for the purpose of developing greenways in these areas, (walking paths with special grasses, shrubs, etc.). A brief discussion followed as to whether the District can add such language to its easement contracts and other possible uses of areas along the river. Mr. Stevens stated that the District lacks statutory authority to add wording to its contracts, however, the Legislature could give the District that authority. With no further discussion, the Board expressed its appreciation to Ms. Cragolin for her presentation.


At 4:00 p.m., Mr. Selby moved that the Board moved into a Closed Session to give instructions to the Engineer-Manager about the Board's position on the price and other material terms of a contract, or proposed contract for the acquisition of real property, (rights of way) as follows: Tucker Property, Sweeten Creek Interceptor Sewer Project. Ms. Wallace seconded the motion. Voice vote was unanimous in favor of the motion.

At 4:25 p.m., Mr. Slosman moved that the Board reconvene the regular meeting. Mr. Casper seconded the motion. Voice vote was unanimous in favor of the motion.

Mr. Selby moved that the Board adopt the recommendation of the Right-of-Way Committee as follows: Pending confirmation of compliance with zoning density restriction for the parcel, the Right-of-Way Committee recommended a counter offer in the amount of \$9,500.00 up to a maximum of \$11,000.00 to settle the easement. Ms. Wallace seconded the motion. Roll call vote was as follows: 6 Ayes; 0 Nays.

11. Adjournment:

At 4:30 p.m., Mr. Slosman moved for adjournment. Ms. Bryson seconded the motion. Voice vote was unanimous in favor of the motion.



Jackie W. Bryson, Secretary/Treasurer
Metropolitan Sewerage District of
Buncombe County, North Carolina