

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT

November 10, 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 Thursday, November 10, 1994. Chairman Post presided with the following members present Bryson, Casper, Dent, Joyner, Kelly, Selby, Slosman, Sobol and Wallace. Those Members absent were: Holcombe.

Others Present were: W. H. Mull, Engineer-Manager, John S. Stevens, General Counsel, Danny Bridges and Gary McGill of McGill Associates, P.A., Bob Holbrook of Hendon Engineering Associates, Inc., Clarke Morrison of the Asheville Citizen-Times, Patty Beaver of CIBO, Bob Tinkler representing the League of Women Voters, Jim Fatland, Stan Boyd, Ann Sutton, Bob Ensley, Linda Mazingo, Wayne Watkins, Randy Hintz, Sharon Walk and Sondra Honeycutt, MSD.

**2. Approval of the Minutes of the October 12, 1994 meeting;**

Mr. Dent moved that the Minutes of the October 12, 1994 meeting be approved as presented. Mr. Kelly seconded the motion. Voice vote was unanimous in favor of the motion.

**3. Engineer-Manager's Report**

Consolidated Motion Agenda

Mr. Mull presented a Consolidated Motion Agenda and reported that the following items were brought before the Planning and Right of Way Committees' on October 27, 1994. The items and recommendations are as follows:

**a. Consideration of Change Order - Street/Sidewalk Contract #10 - City of Asheville.**

The Planning Committee recommended that the Board accept staff's recommendation that work continue under Contract 10 with overruns in the amount of approximately \$72,000.00 to be taken out of a future City Street/Sidewalk Sewer Rehabilitation project which has not yet been bid.

**b. Biltmore Forest Rehab Project - Consideration of Contract Amendment/Engineering Assistance:**

The Right of Way Committee recommended amendment of the current contract from the previous ceiling of \$50,000.00 to \$60,000.00.

**c. Sweeten Creek Industrial Park - Consideration of Compensation Chart/Field Negotiation Limits:**

The Right of Way Committee recommended approval of the chart, establishing a total compensation budget in the amount of \$14,000.00 for the project.

**d. North Swannanoa Interceptor Phase I - Consideration of Angel Craven to Represent the District in Mediation for Condemnations.**

The Right of Way Committee recommended Angel Banks Craven to represent the District for mediation of the Buchanan and Dreamland Drive-In Theater condemnations with full authority to negotiate and recommend settlement.

e. **Beaverdam Interceptor - Consideration of Settlement-Beaver Creek Partnership:**

The Right of Way Committee recommended the following: 1.) Beaver Creek Partnership, (owners of lots 1 and 8) and Bruce/Mary Ann Minkin, (owners of lot 2) be presented with information surrounding the recorded plat and informed that the District is entitled to use the permanent easement shown without compensation; 2.) That the District extend an offer of \$400.00, \$450.00 and \$30.00, respectively for the temporary easement as based on the appraisal; 3.) Condemnation of the temporary easement needed if the offer is refused, and 4.) Require that the developer re-record the plat to differentiate between the public and private sewers on same.

f. **Carson Creek Apartments - Consideration of Condemnation:**

The Right of Way Committee recommended obtaining appraisals for both parcels; offer of damages calculated and condemnation if offer not accepted.

With regard to Item a., Mr. Selby questioned the split on the City of Asheville's Street & Sidewalk Sewer Rehabilitation projects; if there is a proposed list of projects, and whether the City understands the impact of costs overruns. Mr. Mull explained that during discussion on sewer consolidation, the City listed a number of street and sidewalk paving projects in conjunction with cost estimates for sewer rehabilitation, and as costs overruns came in, these amounts were taken from the total budget. Mr. Mull stated that although the District is spending more than it originally agreed to, the City is aware of the costs. With no further discussion, Mr. Casper moved that the Board adopt the Consolidated Motion as presented. Mr. Joyner seconded the motion. Roll call vote was as follows: 10 Ayes; 0 Nays.

Mr. Post reported that at the request of the Chairman of the Finance Committee, discussion on the Audit Report will be deferred to a called meeting of the Committee scheduled for November 29, 1994 at 1:30 p.m. Mr. Post urged all members of the Board to attend.

**REGULAR AGENDA ITEMS**

**Planning Committee Items:**

a. Consideration of Bids - Hilton Inn Golf Course Sewer Rehabilitation (Mulberry Hill Mobile Home Park):

Mr. Mull reported that bids were received October 4, 1994 for the construction of sewerline improvements on the Hilton Inn Golf Course and Mulberry Hill Mobile Home Park. The bid tabulation was as follows: NEO Corporation with a total base bid of \$79,900.00 and Hobson Construction Company with a total base bid of \$70,150.00. Mr. Mull further reported that the project was estimated to cost \$40,000.00, and because the low bid came in at \$70,150.00, the Committee recommended rejection of the bids, and evaluating whether the work can be done by the District. Mr. Boyd requested that action on this item be postponed until the next meeting of the Board in order to further evaluate the possibility of negotiations to reduce the cost of the project, and the possibility of some of the work being performed by the District.

b. Consideration of Sewer Use Ordinance:

Mr. Mull reported that a revised Sewer Use Ordinance was presented to the Planning Committee and the Board in June, 1994 and circulated to other governing bodies within the District's service area for comments. Mr. Mull further reported that

following receipt of comments, which were addressed, the Planning Committee recommended that the Sewer Use Ordinance be adopted as revised. Following a brief history as to the purpose of the Ordinance and the reason for revision, Mr. Selby moved that the Board adopt the recommendation of the Planning Committee. Mr. Dent seconded the motion. Voice vote was unanimous in favor of the motion.

c. Selection of Architect for New Engineering Division Building:

Mr. Mull reported that on the recommendation of Municipal Advisors, Inc. and previous instructions by the Board that additional office space be constructed, the following firms were interviewed by Jim Fatland, Ann Sutton and Stan Boyd: Camille Alberice, ENG/6A, William Langdon & Associates, SpacePlan, Top Flight Architectural Services and Vaughn & Melton. Mr. Mull further reported that following review of the qualifications presented, the Planning Committee recommended that the Board accept staff's recommendation as follows: That staff be authorized to enter into negotiations with William Langdon & Associates to develop a proposal for Architectural Services to construct a new building, and that the proposed contract be brought back to the Planning Committee and Board for approval. Following a brief discussion regarding the sites proposed and the size of the building, Ms. Wallace moved that the Board adopt the recommendation of the Planning Committee. Mr. Joyner seconded the motion. Voice vote was unanimous in favor of the motion.

d. Report on Earl Capps Hollow Sewer - Woodfin CIP:

Mr. Mull reported that because of contaminated soil conditions across the Young Bus Line Property, Buckeye Construction Company, Inc. has stopped work on the project. In addition, since a reasonable cost could not be negotiated through the current contract, it appears that the best alternative would be to close out the contract with Buckeye Construction and solicit bids for the remainder of the work. Mr. Mull further reported that based on a meeting with the North Carolina Department of Environment Health and Natural Resource (NCDEHNR), Water Quality Section, the District has no other alternative than to construct the project and remediate the contaminated soil. Mr. Mull stated that following a discussion on no-dig technology and the eligibility of Superfund monies to assist, the Planning Committee recommended that the Contract with Buckeye Construction Company be closed out and that after further staff investigations as to a proper budget; that a budget be adopted; plans and specifications to complete all required work be developed and bids solicited for construction. Also, that the Engineer-Manager contact Ultraliner Corporation in Alabama and acquire information on no-dig technology for the Earl Capps Hollow, the Satterfield and Biltmore Estate projects. Mr. Mull further stated that since that time, representatives from the Ultraliner Corporation have visited the site with Stan Boyd and have quoted an estimated cost of \$40.00 per foot to complete the project. As a result, staff recommends that the contract with Buckeye Construction Company not be closed out, but approached through a change order, or that bids from other firms similar to Ultraliner be considered, consistent with North Carolina Bid Laws, and that no action be taken until the next scheduled meeting of the Board. A brief discussion followed regarding details on right-of-way; length and size of the line; the availability of references from others that have used Ultraliner Corporation and similar companies, and if the project is complete upstream from the contaminated area.

e. Consideration of Standards for Private Collection Sewers and Related Matters:

Mr. Mull reported that as a result of the Board's decision to allow the Hills of Avery's Creek to construct sewers to State standards, staff was asked to address the following issues: 1.) Private systems meeting "MSD" standards. 2.) Public not being fully enlightened on when to follow MSD standards and 3.) Interim procedures. Mr. Mull further reported that the Planning Committee discussed the five items individually

as presented in a draft motion by Mr. Selby's with both a roll call and straw vote on each item. As a result, the Planning Committee made the following recommendations on those items presented:

- Item #1      **All out of District projects meet the same standards as those projects built within the District, or the MSD won't accept their discharge.**
- Item #2      **Private systems may be built to MSD Private System Standards on single owner parcels.**
- Item #3      **Those lines crossing another parties' property in order to serve a project must be built to meet MSD Public System Standards.**
- Item #4      **That the District's Attorney evaluate and bring options to the Board at its next meeting.**
- Item #5      **That this item would be evaluated for any options by the Planning Committee.**

Mr. Selby stated that he drafted the motion with the intention of addressing all of the concerns while proposing a way to solve a number of problems. Mr. Selby further stated that as the Board attempts to gain an understanding on where it stands, that the general public know that while the District is deliberating this issue it will attempt to obtain adequate input from the public before a formal policy is adopted. Ms. Wallace stated that this was a complex issue with technical and economic ramifications, both now and in the future, and that although a public hearing could be held with developer input, the Board may not come up with any more information then it has now.

Mr. Selby stated that it was not his intention to create a public hearing, but to allow for adequate dissemination of the policy before it is voted on. In addition, he felt that the public has not been adequately informed about the significant financial impact of the policy and should be given an opportunity to comment. Mr. Slosman stated that the District understands what the problem is and that public input has been given to a certain extent, but that public education of what the District is doing is more important, and that the real issue is whether 6" lines located outside the District are built to MSD or State Standards.

Following comments from those members who attended the Planning Committee meeting, Mr. Kelly moved that the Board adopt Item #1 as presented. Mr. Slosman seconded the motion. Voice vote was unanimous in favor of the motion.

Mr. Mull reported that a substantial amount of discussion was held with regard to Item #2, (6" lines with cleanouts versus 8" lines with manholes for one owner property) and that the amended motion addressed 6" private systems that meet MSD Standards. In addition, while the vote on this motion was not unanimous, it also centered around whether the District would allow 6" lines at all since the District does not have a finalized legal methodology to insure that a private 6" line will be maintained. Mr. Mull gave a brief report on a survey conducted by staff of fourteen (14) cities, and one (1) sewer district in North Carolina, and one (1) sewer district in South Carolina on their respective policies concerning private versus public systems. Mr. Mull further stated that for future growth, the District's maintenance staff prefers 8" sewers with manholes because of problems with extensions; ease of inspection; depth of pipe; bedding, etc., and a legal system of tracking private lines that are subdivided or later taken in through annexation. Following a brief discussion on title searches, Mr. Stevens stated that tracking would be difficult but could be accomplished by stating that before the MSD agrees to accept sewerage from a 6" line the single or private developer would be required to encumber its property by saying that it is understood this is a 6"

line, but if the property or any part of the property is sold in parcels, the agreement by the MSD to accept the sewerage ends unless the line is reconstructed to 8" standards so that a title examiner would pick that up. A brief discussion followed on how far back a title is researched.

Mr. Selby stated that the one element missing from the conversation is that when a private system owner puts in a sewer system that meets State requirements, and as long as the system remains a one owner system, the District would never be required to maintain that system. In addition, If the property is ever subdivided or becomes a public system, then it must meet District Standards through a written agreement. A lengthy discussion followed with scenarios presented by several Board Members in dispute of Mr. Selby's statement. Mr. Selby questioned the viability of the District's attempt at requiring standards that are more stringent than State standards when it is evident there will always be private property owners. A lengthy discussion followed regarding the two issues involved, (6" lines built to State Standards versus 6" lines built to MSD Standards, and 6" lines with cleanouts versus 8" lines with manholes) and the costs involved; whether the District allows 6" lines in subdivisions, and if they do, who is responsible to maintain them.

With regard to Item #3, Mr. Mull reported that those lines crossing another parties' property in order to serve a project must be 8" lines built to MSD Public System Standards. A lengthy discussion followed regarding the difference between Private and Public Standards; the costs involved now and in the future, along with public's perception of these costs.

Ms. Wallace stated that she agrees with the technical expertise of staff regarding maintenance problems as to the costs now and in the future. She further stated that the District's basic responsibility is to the rate payer, and that the District will inherit a lot of systems that will not be brought up to MSD standards before they are inherited. If this should happen, the District will not be paying 1994 prices, but up to 40 years down the road prices to fix those systems the District will inherit that were not built to MSD Standards in the first place. Therefore, if the District agrees to a lesser standard, there is a likelihood that the District will have to pay for it through future rate payers. In addition, that when there are problems with these systems, the public will hold MSD responsible as communicated in its Mission Statement.

In review of the information provided by staff regarding cleanouts, Mr. Sobol questioned if there was a reason why a 6" instead of 4" cleanouts can be used and discussed problems encountered by staff when making repairs and cleaning lines. Mr. Sobol further stated that he felt that 6" lines with proper cleanouts, bedding, inspection, and proper record keeping will last as long as 8" lines. In reference to the cost difference between a 6" line with cleanouts and an 8" line with manholes, Mr. Casper referenced a letter from Hendon Engineering, Inc. on a proposal in Weaverville, which showed a clear cost increase difference of approximately 16%, or \$800.00 per home. With no further discussion, this matter was deferred to the next meeting of the Planning Committee.

f. Consideration of Waiver of Out-of-District Construction Standards Inside Mobile Home Park Property - Locust Grove Mobile Home Park:

Mr. Post reported that the Planning Committee reviewed a request for Waiver of Out-of-District Construction Standards for the proposed Locust Grove Mobile Home Park to be constructed with 6" pipe with cleanouts. Mr. Post further reported that the Committee recommended that this item be considered after a decision was made on Construction Standards for Private Collection Sewers and related matters at today's meeting. However, since Mr. Motley's project has been delayed for three months, Mr. Post requested that the Board waive the standards. Mr. Slosman moved that the Locust

Grove Mobile Home Park be permitted to build 6" sewer lines to MSD Private Sewer Standards provided that the Park is a one owner project not to be subdivided. Mr. Sobol seconded the motion. Mr. Joyner pointed out that the Board agreed that all out of District projects must meet the same standards as those project within the District or the MSD will not accept the discharge. In addition, he questioned how the Board will handle those property owners who were required to meet MSD Standards and put in 8" lines. Mr. Mull reported that the line in question was part of a rehabilitation project crossing the Hilton Inn Golf Course and was partially funded by the MSD based on a formula for participation in the rehabilitation of sewer lines. Mr. Casper suggested that in order to avoid further delays that the Board direct Mr. Motley to build an 8" line until a clear policy on private versus public sewer standards is adopted. Following a lengthy discussion regarding the formula used and the District's current policy on extensions, Mr. Slosman moved that the Board table the motion. Mr. Sobol seconded the motion. Voice vote was unanimous in favor of the motion.

#### **Right of Way Committee Items:**

a. Consideration of Alternate Alignment - Satterfield - Biltmore Forest Sewer Rehabilitation Project:

Mr. Mull reported that although the alternate alignment proposed by Dr. Satterfield will reduce the number of trees lost from 26 to 18, it will require the installation of two additional manholes and approximately 15 feet of additional pipe. However, the reduction in the number of trees to be removed would offset the additional cost. Mr. Mull further reported that the alignment on the adjoining property is the most significant consideration in that if recorded documentation for the existing easement is the same on the adjoining property, the ruling in the Satterfield case would provide rights to the permanent easement, but that a temporary construction easement would need to be negotiated. Mr. Mull stated that following review, the Right-of-Way Committee recommended that the re-alignment proposed by Dr. Satterfield would only be agreed to if the easement required on the adjoining property can be obtained with no compensation. In addition, that staff will make an initial attempt to obtain the easement and if refused, full responsibility will rest on Dr. Satterfield to obtain the agreement in order for MSD to finalize the work related to the re-alignment, and if the easement across the adjoining property cannot be obtained at no compensation, MSD will proceed with the original alignment. With no discussion, Mr. Dent moved that the Board adopt the recommendation of the Right-of-Way Committee. Mr. Slosman seconded the motion. Voice vote was unanimous in favor of the motion.

#### **4. Consideration of Vehicle Bids:**

Mr. Fatland reported that following review on the condition and maintenance records of all District equipment and vehicles, it was apparent that five (5) vehicles should be eliminated from the fleet. As a result, the following bids were received November 7, 1994 for nine (9) vehicles: Anderson Nissian with total base bid of \$58,942.92 for (3) Utility Vehicles and \$15,659.00 for (1) Sedan; Matthews Ford with a total base bid of \$62,076.00 for (3) 3/4 Ton Trucks, \$19,056.00 for (1) 1/2 Ton Truck, \$30,955.00 for (1) 1 Ton Truck, and \$14,604.00 for (1) Sedan; Parkway Chevrolet with a total base bid of \$62,550.00 for (3) 3/4 Ton Trucks, \$57,765.00 for (3) Utility Vehicles, \$18,524.00 for (1) 1/2 Ton Truck, \$23,522.00 for (1) 1 Ton Truck and \$12,777.00 for (1) Sedan. Mr. Fatland further reported that because the bids bonds of Anderson Nissian and Parkway Chevrolet were insufficient, staff recommends that the bid of Matthews Ford for three (3) 3/4 Ton Trucks be approved with readvertisement of bids for the remaining six (6) vehicles. Following a brief discussion regarding the need for four-wheel drive vehicles; what the vehicles will be used for, and whether the bids received were quoted from municipal police purchase prices, it was the consensus of the Board to defer action on this issue until the December meeting of the Board. Mr.

Casper requested that staff provide information on how long the District has owned the vehicles; the mileage, and an explanation of why they need to be replaced.

**5. Report of Officers**  
None

**6. Report of Committees:**

- a. Planning Committee - None
- b. Right of Way Committee:

Mr. Selby reported that because of time constraints, Ms. Wallace resigned from the Right-of-Way Committee and requested that she be appointed to the Personnel Committee instead. Mr. Post expressed his appreciation to Ms. Wallace for her service and appointed her to serve on the Personnel Committee. In addition, Mr. Post appointed Mr. Sobol to serve on the Right of Way Committee.

**7. Unfinished Business:**

- a. Report on Analysis of Testing (Incinerator) - Bob Holbrook

Mr. Holbrook reported that tests reports on Air Pollution Emissions conducted in August have been received and that testing was performed under the following average operating conditions: Sludge Feed Rate of 42.8 tons per day; Sludge Feed Solids at 26.3%; Sludge Source-Undigested; Volatiles at 58.1% and Heat Content at 11,300 BTU per pounds of Volatile Solids (VS). In addition, tests showed that levels of particulate discharge, (Mercury and Beryllium) were in compliance with State standards. Other requirements were based on a Risk Specific Concentration (RSC) of Arsenic, Cadmium, Chromium, Nickel and 10% of the (RSC) for Lead, without any allowance for dispersion. Mr. Holbrook further stated that the (RSC) is an ambient concentration such that the risk of a highly exposed individual (24 hours a day for 70 years) has a 1 in a 1,000 chance of contracting cancer from emissions. Mr. Holbrook reported that the amount of ash, (if the incinerator is run at the design capacity) would discharge 4.2 pounds of Chromium and 0.46 pounds of Cadmium per year and that in summary, test verify that the incinerator meets and exceeds both specification requirements and EPA and State Air Pollution regulations. Also, the Specification Compliance Test Report from Enviroquip, which was done concurrently, is scheduled to be received with a few days.

Mr. Holbrook further reported that the steam boiler and steam turbine are currently being tested, which is the last piece of equipment to be tested before the overall incineration system is accepted, with the exception of the ultra press performance test. With regard to public concern over the emission of dioxins, Mr. Holbrook stated that under EPA regulations the District is not required to monitor dioxins and that there is no feasible manner that dioxins can be discharged from a fluidized bed incinerator, since sludge is injected directly into a bed that is operating at 1,900 to 2,000 degrees fahrenheit, which basically volatilizes the organics. A lengthy discussion followed regarding the possibility of dioxins forming during incinerator cool down; sludge additives; the type of fuel that is used; if sludge will be taken from the lagoon and burned; how ash is disposed of; the amount of retainage being held, and whether consideration has been given to replacing the ultra press with a centrifuge system.

- b. Report on Analysis of Testing (Biosolids) - Danny Bridges:

Mr. Bridges presented five (5) tables which reflect an analysis of MSD's biosolids product, (agriculture analysis, physical and microbial analysis, metal analysis and summaries for additional testing of nutrients and metals). As a result, the biosolids

product qualifies for an Exceptional Quality Sludge (EQS) as defined by EPA 503 regulations and showed that the calcium carbonate equivalency or "liming" effect is very significant especially for agricultural application. With regard to Table 3, Mr. Sobol questioned why the levels of Cadmium during July and August were higher. Mr. Bridges reported that before plant improvements were completed reports conducted on metals were 2 to 4 times higher than they are now, but could not answer why Cadmium level were higher on those dates, but that they would be closely monitored. Mr. Casper asked whether the incinerator numbers for metals was better than the numbers for alkaline stabilization; which facility produces more cadmium and if a report can be produced comparing the differences. Mr. Holbrook stated that Cadmium put into the incinerator is 20 milligrams per kilograms, and of that amount, 99.3% was ash and 7% went up the stack. Mr. Bridges stated that until a decision is made on how the ash will be disposed of, a determination would be difficult to make, and that as a matter of information, commercial agricultural fertilizer is typically made up of 13-15 kilograms of cadmium, with the same metals that are found in the District's biosolids product.

With regard to kiln dust testing, Mr. Bridges reported that the first sample contained 50% lime kiln dust and 50% cement kiln dust, with the second sample, 10% quick lime and 90% cement kiln dust. Mr. Bridges suggested that it may be beneficial to show a breakdown of components individually, (sludge, lime, and cement kiln dust) in relation to the final product. Mr. Sobol requested that this information be made available to the Board for review. Mr. Bridges further reported that baseline samples for the demonstration site located adjacent to the alkaline biosolids facility have been taken, and will be applied at agronomic rates onto the test sites within the next two weeks. Mr. Bridges presented information on the nutrient value of the District's product compared to that of commercial fertilizer and stated that because initial test show that the product contains 2.5% Nitrogen, 1% Phosphorous and 0.6% Potassium, it's primary function would be used as a liming alternative, but that the product does contain some nutrient value. A discussion followed with regard to the difference in costs for agricultural lime compared to the cost the District is paying for its lime kiln dust; the cost to distribute the product, and EPA restrictions on use of the product.

**8. Old Business:**

a. Report on Meeting with City of Asheville Regarding Back Sewer Charges:

Mr. Stevens reported that he previously sent a letter to the Board summarizing that the City of Asheville agreed to pay back sewer service charges from July 1, 1993 through June 30, 1994, and then to date. He further reported that the City has asked for a mutual release. He confirmed in a letter to the City Attorney what had been proposed to the MSD. Therefore, the Board must decide if it wants to give the City a release for the sewer service charges that might be recoverable for a period of time prior to July 1, 1993. Mr. Stevens stated that staff was instructed to look at City records to confirm that the City's representation of what is owed is correct. Mr. Mull reported that in recent communications, the City Manager was informed that the District has not received the necessary records to back up what the City bases its dollar figure on, which was significantly lower than the District's estimates. However, at the request of the City, staff did send information regarding the District's most favorable rate, which is the domestic rate being charged to the City. Mr. Slosman reported that discussions also included whether the City's calculations included water and sewer service to the airport and schools. Mr. Post stated that the calculated payment does not include airport and schools. A lengthy discussion followed with regard to whether the District should accept the City's proposal; if the calculations are accurate, and the issue of the \$776,823.99 due the City for work done for the District under the City's Street and Sidewalk Project. With no further discussion, Mr. Kelly suggested that this issue be deferred to the December 21 meeting of the Board until staff has had an opportunity to review if and how much the District would owe the other municipalities if it accepted the City's



proposal, and has the chance to further review the City's calculations. MSD staff is to contact the airport and City schools regarding the charge.

b. Description of a Proposed Regional Water and Sewer Authority:

Mr. Mull presented a letter from Mr. Holcombe regarding the District's continued participation in the Regional Water & Sewer Authority Work Group. Mr. Post reported that the Engineer-Manager, at the direction of the Board, relayed to the Work Group that the District would continue to participate as far as on-going discussions with Hendersonville and Henderson County, but that it was the Board's feeling that the MSD was not ready at this point to discuss any type of merger or joint wastewater regional authority. Mr. Mull reported that the group refined the points they referred to as "The Characteristics of a Regional Authority" in order that the various Boards would have an opportunity to comment on whether they apply to a Regional Authority. Mr. Mull further reported that a meeting has been scheduled for November 17 to review those comments and to decide on whether to proceed with the formation of an Authority, and if they agreed to proceed, a meeting would be held with attorney's, and consultants to draft an agreement. Following a discussion on the intent implied, and if other political bodies are interested in continuing with this concept, it was the consensus of the Board, that discussion on this matter would continue at the December meeting.

9. **New Business:**

a. Refund Policy for Sewer Service Charges:

Mr. Post reported that he has been advised by MSD Counsel that there is a two year statute of limitation on claims against the District. Mr. Post further reported that the law states the District must grant her a refund for a two year period and because the City of Asheville is being pressured to respond, Mr. Holcombe had requested that the Board direct staff to remit the full balance. Mr. Post stated that in his opinion the District would be setting policy by agreeing to a full refund, therefore, suggested that this matter be referred to the Planning Committee with a recommendation to the Board at its December meeting. A discussion followed regarding the total amount owed and the District's current policy on refunds.

10. **Date of Next Regular Meeting:**

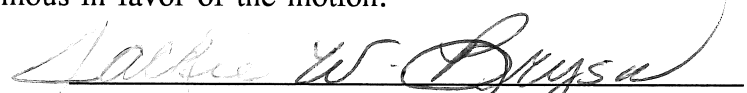
a. Consider rescheduling meeting date from December 21 to December 14, 1994:

With regard to rescheduling the December meeting date from the 21st to the 14th, the Board agreed that the meeting be held as scheduled.

In answer to a question regarding attendance requirements for Members of the Board, Mr. Stevens reported that there is no requirements in the By-laws. However, the Statutes state that Board Members take an oath to faithfully perform the responsibility of office and secondly, that a member can be removed for cause by the governing body that appointed him or her.

11. **Adjournment:**

At 6:20 p.m. Mr. Casper moved for adjournment. Mr. Slosman 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