

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT

December 13, 1995

**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, December 13, 1995. Chairman Post presided with the following members present: Bryson, Casper, Holcombe, Joyner, Kelly, Pace, Selby, Slosman, Sobol and Wallace.

Others present were: W. H. Mull, Engineer-Manager, John S. Stevens, General Counsel, Patty Beaver of CIBO, Ed Byas of Hendon Engineering Associates, Inc., Ann Sutton, Stan Boyd, Jim Fatland, Tom Tarrant, Wayne Watkins, Pat Barrett and Sondra Honeycutt, MSD.

**2. Approval of the Minutes of the November 29, 1995 meeting:**

Ms. Bryson requested that the roll call vote regarding the selection of a Bank Depository, page five (5), 9.b., be changed to read that she abstained from voting. With no further additions or corrections, Mr. Selby moved that the Board approve the minutes as amended. Mr. Joyner seconded the motion. Voice vote was unanimous in favor of the motion. Mr. Pace was absent during the vote.

**3. Consideration of Construction Bids for Pisgah View Sewer Rehabilitation Project:**

Mr. Mull reported that the Pisgah View Sewer Rehabilitation Project, located in Buncombe County, is part of the District's Consolidation projects, with a projected budget for construction of \$475,000.00. He further reported that bids were received November 28, 1995 as follows: Ruby-Collins, Inc. with a total base bid of \$427,881.00; Terry Brothers Construction with a total base bid of \$475,551.00; Wheeler Construction with a total base bid of \$487,796.00; Buckeye Construction with a total base bid of \$514,969.50, and Hobson Construction with a total base bid of \$524,639.00. He stated that staff recommends that the contract be awarded to Ruby-Collins, Inc. in the amount of \$427,881.00, with a budgeted contingency of \$83,000.00, and that expenditure of the contingency be authorized by the Engineer-Manager. A discussion followed regarding the total estimated budgeted amount of the project; the percent of contingency, and a clarification of what is included in line item twenty (20), (Force Account-CIP Division of \$46,800.00). Mr. Watkins explained that the amount for line item 20 is for the cost of in-house consultation. With no further discussion, Mr. Slosman moved that the Board approve the recommendation of staff. Mr. Kelly seconded the motion. Roll call vote was as follows: 9 Ayes; 0 Nays. Mr. Pace was absent during the vote.

**4. Consideration of Equipment Bid Awards:**

Mr. Mull presented a memorandum from Tom Tarrant with recommendations for the award of bids for a Trailer, Backhoe and Dump Truck, which were approved in last year's budget. Mr. Mull presented the bids received December 12, 1995 as follows:

Trailer:

Farm Equipment Company of Asheville, Inc. with a total base bid of \$10,835.00; John Deere-Van Lott Inc. with a total base bid of \$12,200.00, and Jim Campen with a total base bid of \$11,539.12. Following review of the bids by Mr. Walter L. Currie, Attorney for the District, Purchasing Officer and Fleet Maintenance Supervisor, it was recommended that the bid be awarded to Farm Equipment Company of Asheville, Inc. in the amount of \$10,835.00.

Backhoe:

John-Deere-Van Lott, Inc. with a total base bid of \$100,445.00, and Carolina Tractor-Caterpillar with a total base bid of \$99,782.00. Following review of the bids by Mr. Walter L. Currie, Attorney for the District, Purchasing Officer, and Fleet

Maintenance Supervisor, it was recommended that the bid be awarded to Carolina Tractor-Caterpillar in the amount of \$99,782.00.

Dump Truck:

Carolina International Truck Service with a total base bid of \$81,900.00; White GMC Truck, with a total base bid of \$76,984.10; Matthews Ford, with a total base bid of \$79,333.00; Western Carolina Truck Center, Inc. with a total base bid of \$88,575.00 and Shealy Truck Center, with the following four (4) Options: Option one (1) with a total base bid of \$85,192.00; Option two (2) with a total base bid of \$79,727.00; Option three (3) with a total base bid of \$76,180.00, and Option four (4) with a total base bid of \$71,467.00. Mr. Mull stated that it was determined that Option four did not meet the specifications.

Mr. Mull reported that Option three of Shealy Truck Center in the amount of \$76,180.00 appeared to meet or exceed the minimum specifications. However, Legal Counsel recommended that the Board may want to consider this bid as unresponsive, since Shealy's disclaimer statement said that this truck is on their lot and is subject to sale at any time. He presented a faxed communication from Shealy Truck Center stating that Option three is firm until December 15, 1995. Mr. Stevens stated that in a conversation with Mr. Currie, Attorney for the District, he indicated that it was very difficult to make a comparison between Shealy Truck Center's Option three and the other bids, since it is not a firm quote. Also, Shealy Truck Center sent a subsequent fax stating that a factory rebate could be obtained provided Option three is accepted by the end of December, however, the Board cannot consider this rebate as a lowering of the bid of \$76,180.00. Following a brief discussion regarding the reason why the bid of Shealy Truck Center was unresponsive, Ms. Sutton stated that in all fairness to Shealy, there was a great deal of specifications to meet, and at no time was Shealy told they could only submit one option. Also, that an absolute bid form was not supplied. A discussion followed with regard to whether there is a history of repairs available between the different model trucks; if the Option three model is new, and a clarification from Counsel as to why Option three was considered unresponsive.

There being no further discussion, Mr. Slosman moved that the Board approve Shealy Truck Center's Option three bid of \$76,180.00 for the Dump Truck, and that staff be authorized to negotiate the \$1,000.00 discount from the bid amount. Mr. Joyner seconded the motion. Roll call vote was as follows: 11 Ayes; 0 Nays.

With regard to the bids for the Trailer and Backhoe, Mr. Holcombe moved that the Board adopt the recommendation of staff and accept the low bids of Farm Equipment Company of Asheville, Inc. in the amount of \$10,835.00 for the Trailer, and the low bid of Carolina Tractor in the amount of \$99,782.00 for the Backhoe for a total of \$110,617.00. Mr. Slosman seconded the motion. Roll call vote was as follows: 10 Ayes; 0 Nays; 1 Abstention (Ms. Bryson).

**5. Response from Legal Counsel on Pre-Audit Certificate**

Deferred to Closed Session

**6. Report of Personnel Committee - Mr. Sobol**

Mr. Sobol reported that the Personnel Committee met December 7, 1995 to discuss the job description for the Deputy General Manager for Operations, followed by a subcommittee meeting to finalize the document. He further reported that the Personnel Committee met today to approve the final document. Following review of the document by non-committee members, Mr. Sobol noted specific wording changes in the minutes of the Personnel Committee with regard to the section on "Responsibilities". Regarding the "General Manager" Section, Ms. Wallace questioned whether there was a need to amend the District's By-laws, giving the Board the final decision to hire/dismiss the

Deputy General Managers. Mr. Stevens read Article VII of the By-laws with regard to the authority of the Administrative Officer, "Engineer-Manager", and stated that since the By-laws are not specific as to his authority over department heads, he felt that the Board should adopt a clarifying amendment, which will address the hiring/dismissal of the Deputy General Managers. Mr. Stevens recommended that the Board announce the intention to amend the By-laws at today's meeting, with adoption at the January 17, 1996 meeting of the Board. Mr. Joyner asked whether the Personnel Policy Manual needs to be revised to show this change.

The Board announced that it would consider the adoption of an amendment to the By-laws to clarify the authority relationship between the department heads and Engineer-Manager at its January meeting.

With regard to the Job Description, Mr. Sobol addressed specific changes as recommended by the Personnel Committee. A lengthy discussion followed regarding the physical requirements of the position, and whether the stipulation that the applicant, "must be able to lift and/or carry weights up to 50 pounds" is discriminatory and would disqualify applicants who are disabled. With no further discussion, Ms. Wallace moved that the Personnel Committee inform the search firm that if there is an extraordinary circumstance where the best applicant for the position is not able to perform some of the qualifications, that the Personnel Committee have the option to amend the job description as needed. Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

Ms. Wallace moved that the Board approve the job description as amended. Mr. Selby seconded the motion. Voice vote was unanimous in favor of the motion.

Mr. Pace moved that the Board give the Personnel Committee the authority to review search firms at a cost not to exceed \$25,000.00, with a recommendation to the Board at its January 17, 1996 meeting. Mr. Selby seconded the motion. Mr. Kelly questioned why this position could not be advertised in trade publications, in lieu of spending \$25,000.00 for a search firm. A discussion followed as to the reasons for using a search firm, how many applicants are expected to apply; the cost of retaining a search firm, and the process for approval of the selection. With no further discussion, voice vote was as follows: 10 Ayes; 1 Nay, (Mr. Kelly).

Mr. Slosman moved that the Board approve up to \$500.00 for Griffith & Associates to develop a pay plan for this position. Mr. Pace seconded the motion. A brief discussion followed regarding the pay grade for this position, and the time frame for completion. With no further discussion, roll call vote was as follows: 11 Ayes; 0 Nays.

**7. Asheville-Buncombe County Visioning Report - Mr. Slosman**

Mr. Slosman reported that the District, along with other public entities, have been asked by the Asheville-Buncombe Visioning Steering Committee to endorse the Visioning Process concept, which deals with the following topics: education, economic growth, environment, quality of life, government and infrastructure. Mr. Slosman moved that the Board endorse the concept and goals of the Visioning Process. Mr. Selby seconded the motion. Ms. Wallace requested that the infrastructure segment of this document be sent to each Board Member for review prior to endorsement. Mr. Slosman agreed to send the entire document, with both the government and infrastructure segments underlined. Ms. Wallace suggested that a copy of the document be sent to staff, and that a copy of the Visioning goals be provided to the Board at its January meeting. At that time, the Board will discuss whether it wants to endorse the whole document or segments of it. With no further discussion, Mr. Slosman moved to table his previous motion.

**8. Other Business:**

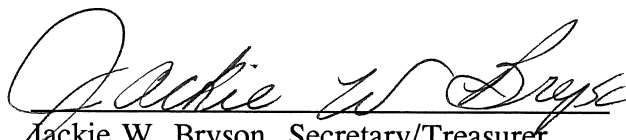
With regard to the Public Hearing on the Mills River water rating, Ms. Wallace moved that the Metropolitan Sewerage District Board of Directors recommend to the Environmental Management Commission a WS2 Classification for Mills River in order that rate payers have the highest quality drinking water possible. Mr. Sobol seconded the motion. A discussion followed regarding the different ratings; the location of the Mills River intake, and the District's role, if any. Mr. Holcombe briefly explained the difference in the ratings and what they mean to the citizens of Henderson County. With no further discussion, Mr. Kelly called for the question. Roll call vote was as follows: 4 Ayes; 7 Nays (Ms. Bryson, Mr. Casper, Mr. Kelly, Mr. Pace, Mr. Selby, Mr. Slosman and Mr. Post.

At 3:45 p.m., Mr. Holcombe moved that the Board go into closed session to consult with Counsel in order to preserve the Attorney/Client privilege. Mr. Sobol seconded the motion. Voice vote was unanimous in favor of the motion.

At 3:58 p.m. the regular meeting was reconvened.

**9. Adjournment:**

With no further business, the meeting was adjourned at 4:00 p.m.

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