

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT

March 20, 1996

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, March 20, 1996. Chairman Post presided with the following members present: Bryson, Casper, Holcombe, Joyner, Kelly, Pace, Selby, Sobol and Wallace. Those members absent were Slosman.

Others present were: W. H. Mull, Engineer-Manager, Walter L. Currie, Attorney for the District, Gary McGill and Danny Bridges of McGill Associates, PA, Ed Byas of Hendon Engineering Associates, Stan Boyd, Sharon Walk and Sondra Honeycutt, MSD.

2. Approval of the Minutes of the February 21, 1996 meeting:

Mr. Joyner moved that the minutes of the February 21, 1996 meeting be approved as presented. Mr. Kelly seconded the motion. Voice vote was unanimous in favor of the motion.

Mr. Post announced the appointment of Mr. Chuck Cloninger as the non-voting liaison from the Asheville City Council to the District Board. As a result of a letter received on an employee grievance, Mr. Post appointed Ms. Bryson, Mr. Pace and Mr. Sobol to serve on a committee to address this issue if necessary.

3. Engineer-Manager's Report

CONSOLIDATED MOTION AGENDA

Planning Committee Items:

Mr. Mull reported that the following items were brought before the Finance Committee, February 29, 1996:

d.II.1. Consideration of Construction Contract Administration Engineering Agreement Amendment - Beaverdam Creek Interceptor Sewer Rehabilitation - McGill Associates:

The Committee recommended approval of the Change Order in the amount of \$22,811.14, with the contract amount amended to \$84,036.14.

d.II.2. Consideration of Construction Contract Administration Engineering Agreement Amendment - South French Broad Relief Interceptor - Hendon Engineering Associates:

The Committee recommended approval of the Change Order in the amount of \$47,100.00, with the contract amount amended to \$228,500.00.

d.II.3. Consideration of Construction Contract Change Order - North Swannanoa Interceptor Sewer Rehabilitation - Ruby Collins, Inc:

The Committee recommended amendment of the contract for the change order in the amount of \$315,321.20.

d.II.4. Consideration of Utility Audit of MSD Telephone and Electrical Billings - David B. Johnson - Johnson, Wilson & Peard, Inc.

The Committee recommended entering into a contract with Johnson, Wilson & Peard, contingent upon recommendation/concurrence by Walter Currie, (Attorney for the District) no earlier than April 1, 1996.

d.II.5. Consideration of Proposed Flooded Structure Remediation Policy:

The Committee recommended that this policy be adopted, with appropriate amendments, (per the District Attorney) including that a back-flow preventor be installed on the lines that have problems.

With regard to item d.II.5, Mr. Mull reported that this item has been pulled from the Consolidated Agenda for further consideration. Regarding Item d.II.4, Mr. Currie noted the following concerns on the one-page agreement from Johnson, Wilson & Peard, Inc.: (1) the agreement has no beginning or ending date, and (2) the firm has requested their fee even though savings to the District may result from in-house work. Mr. Mull recommended that this item be postponed until further consideration of the agreement is discussed between Mr. Johnson and staff.

Mr. Selby reported that the Planning Committee considered this issue, but there was a concern by staff that some areas of the audit could be implemented in-house, which would save the District money. However, the Committee felt that if staff was ever going to audit it's billings and save money, it would have done so by now. He further reported that in Mr. Johnson's presentation to the Committee, he stated that he was willing to do a utility audit of the District's telephone and electric billings which would result in a savings. The Committee agreed that it would not be fair for staff to observe their audit process and then the firm not participate in the savings, therefore, recommended entering into a contract with Johnson, Wilson & Peard contingent upon review and approval by the District Attorney. Mr. Pace reported that staff was given until April 1 to show a savings and after that time the District would contract with this firm. A lengthy discussion followed regarding recent changes in communication laws; whether the firm is entitled to a 50% compensation as a result of any savings or refunds; if the District has submitted requests for proposals, and whether the agreement is clear as to the services to be performed. With no further discussion, Mr. Kelly moved that the Board table this item until the April meeting. Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

Mr. Joyner moved that the Board adopt the recommendations of the Planning Committee with regard to items d.II.1,2,& 3. Mr. Pace seconded the motion. Roll call vote was as follows: 10 Ayes; 0 Nays.

Right-of-Way Committee Items:

Mr. Mull reported that the following item was brought before the Right-of-Way Committee January 31, 1996.

e.II.f. Consideration of Sewer Extensions, Procedures, Standards and Specifications for the Metropolitan Sewerage District Amendment of Right-of-Way Standards:

The Committee recommended approval of the Standards as revised.

With no discussion, Mr. Joyner moved that the Board adopt the recommendation of the Right-of-Way Committee. Ms. Bryson seconded the motion. Voice vote was unanimous in favor of the motion.

REGULAR AGENDA ITEMS:

g. Consideration of Developer Constructed Sewer Systems for Wilson Creek Subdivision/Habitat for Humanity, (formerly Caribou Heights) and Block V/Biltmore Park:

Mr. Mull presented maps showing the location of the sewer systems. He reported that although there are minor defects in documents for the Wilson Creek Project, staff did not feel the defects warranted re-recording and an update of the title, therefore, recommended acceptance of the developer constructed sewer system. With regard to the Block V, Biltmore Park, Mr. Mull stated that the system was under construction prior to formal adoption of the Standards and Specifications, but the developer has provided documents for transfer as indicated on the final engineering audit, therefore, staff recommends acceptance of the developer constructed sewer system. As a matter of clarification, Mr. Selby questioned whether Block V is located in Biltmore Park or Biltmore Forest. With no further discussion, Mr. Holcombe moved that the Board adopt the recommendations of staff. Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

4. Report of Committees

d. Planning Committee, February 29, 1996.

Mr. Selby reported that the Committee suggested pulling construction contract amendments from future agendas and that the Board consider forming another committee to handle these contracts.

e. Right-of-Way Committee, February 29, 1996 - Mr. Sobol

No further report.

5. Unfinished Business:

a. Review of Emissions Testing - Sewerage Sludge Incinerator - Black & Veatch:

Mr. Mull presented a memorandum from Stan Boyd, which simplifies wording in a report prepared by Black & Veatch regarding their interpretation of cancer risk associated with the emissions of Dioxins and Furans. Mr. Selby questioned the location of maximum concentration. Mr. Mull explained the circumstances for exposure and briefly reviewed recommendations by Black & Veatch regarding emission limits; the need for testing on an annual basis, and whether a health risk assessment should be performed. Ms. Wallace stated that if the District has any reason to believe that total emissions from the incinerator is significant, the District's decision to perform a health risk assessment should not be based on a vague idea that everything is okay. Mr. Mull stated that the District is regulated extensively on emissions from the incinerator; discharge from the plant, etc., and to his knowledge no health related information has been identified anywhere as a result of emissions from a wastewater treatment plant. Following a brief discussion regarding EPA testing and regulations, Ms. Wallace suggested that the District keep apprised of future government regulations on the emission of dioxins and furans, and that it was extremely important for the District to take seriously its responsibility to do everything possible to ensure the health and safety of not only present members of the District, but those in the future. Mr. Joyner suggested that a public release be prepared to show what the District is doing and what has been found as a result of recent testing. It was suggested that this information be published in conjunction with the City of Asheville's water billing.

b. Progress report on Development of Budgetary Impact and Options for the Disposal of Biosolids Product - McGill Associates.

Mr. Bridges stated that the purpose of the report is to provide additional information concerning available markets for the District's Nutri-Lime product on both an interim and long term basis. Following a detailed overview of the

options, Mr. Bridges reported that based on current information, the District can reduce its current stockpile of 18,000 tons of Nutri-Lime to approximately 9,000 tons, with commitments from the North Carolina Department of Transportation, participation by Southern States and other local distributors. In addition, there was a significant potential for a commitment from the Buncombe County Solid Waste Department for both interim and long term programs.

Mr. Bridges further reported that another alternative for sludge management was recently presented to the District, using dewatered sludge in the process of manufacturing aggregate for use in the concrete products industry. However, he stated that updates of current costs associated with incineration and alkaline stabilization are required in order to determine if this process is cost effective to the District. A lengthy discussion followed regarding the new process and whether Open Meeting laws would allow future discussions on this issue to be held in closed session. The Board agreed to take this issue to the Planning Committee for further consideration. In conclusion, Mr. Bridges briefly discussed several outstanding items that need to be finalized in order to provide the District with accurate numbers to determine a final operations plan for the processing alternatives currently available.

6. New Business:

a. Consideration of Settlement of Special Assessment Fees - Carson Creek Apartment Complex

Mr. Mull reported that in 1992, Carson Creek Apartments and Meridia entered into agreements with the District to rehabilitate a portion of the downstream sewer to serve the development. He further reported that because construction has been delayed, and the Carson Creek Limited Partnership is in the process of selling the property, they would like to close out their agreement with the MSD. Mr. Mull stated that the Planning Committee recommended allowing Carson Creek Limited Partnership to close out the agreement and pay the remaining estimated costs totaling \$77,867.13 for construction/engineering on the project. Mr. Kelly moved that the Board adopt the recommendation of the Planning Committee. Mr. Pace seconded the motion. Following a discussion regarding the developer's costs, and when the line will be constructed, roll call vote was as follows: 10 Ayes; 0 Nays.

At 3:44 p.m., Mr. Holcombe moved that the Board go into closed session to consider the condemnation of real property. Mr. Kelly seconded the motion. Voice vote was unanimous in favor of the motion.

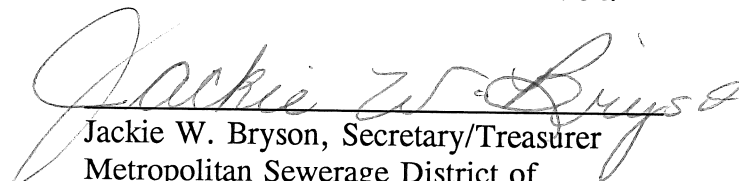
At 3:46 p.m., Mr. Kelly moved that the Board reconvene the regular meeting. Mr. Holcombe seconded the motion. Voice vote was unanimous in favor of the motion.

Mr. Kelly moved that the Board adopt the recommendations of the Right-of-Way Committee with regard to items 15.b.II.D&E as presented. Mr. Pace seconded the motion. Roll call vote was as follows: 9 Ayes; 0 Nays. Mr. Joyner was absent during the vote.

Mr. Post brought to the Board's attention the District's project status reports. Mr. Sobol questioned Hendon Engineering Associate's recommended change order for the North Swannanoa Interceptor Sewer project in the amount of \$656,338.56 as noted in the February 29, 1996 report. Mr. Mull reported that to date, this change order has not come before the Planning Committee. A brief discussion followed regarding the status reports and recommended change order.

8. Adjournment:

With no further business, Mr. Holcombe moved for adjournment at 3:50 p.m.
Mr. Pace 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

**RESOLUTION APPROVING THE ACQUISITION OF THE SEWERAGE SYSTEM
FACILITIES OF WILSON CREEK SUBDIVISION**

WHEREAS, the Metropolitan Sewerage District ("District") has been asked to acquire the sewerage system facilities constructed to serve the Wilson Creek Subdivision located off Caribou Road in Asheville, Buncombe County, and more particularly described on a plat entitled "Wilson Creek Subdivision", Easement Across the Property of Western North Carolina Habitat for Humanity, Inc., bearing an initial date of September 11, 1995, last revised December 12, 1995, prepared by Kenneth T. Mills, R.L.S. and recorded in the Office of the Register of Deeds for Buncombe County, in Plat Book 64, at Page 122;

WHEREAS, the District Board is bound by certain covenants in its Bond Order and cannot acquire additional sewerage system facilities unless such provisions are satisfied;

WHEREAS, the District Board has determined the Wilson Creek Subdivision sewerage system facilities are not subject to any lien or other encumbrance which is materially adverse;

WHEREAS, the District Board has determined the acquisition of the Wilson Creek Subdivision sewerage system and the responsibility to operate and maintain it will preserve and maintain the public health and welfare within the District;

WHEREAS, Asheville Area Habitat for Humanity, Inc. has tendered appropriate instruments transferring complete ownership of the system to the District and delegating to the District the responsibility for operation and maintenance;

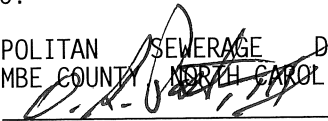
WHEREAS, the appropriate instruments prepared and executed by the Asheville Area Habitat for Humanity, Inc. have been duly recorded;

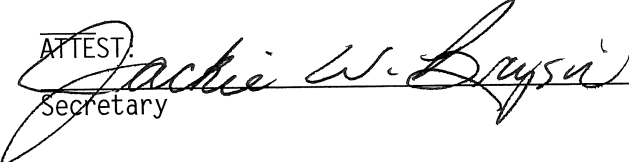
WHEREAS, the District has determined that it has reasonable access to and over related public rights of way and easements necessary to operate and maintain the system;

WHEREAS, the District Board has determined that adequate funding will be available for the acquisition and for the operation and maintenance of the system and that the District Board will have the authority to determine the need and priority for the operation and maintenance, improvement and reconstruction of the additional sewerage system facilities.

BE IT NOW HEREBY RESOLVED: The District Board of the Metropolitan Sewerage District hereby accepts the Wilson Creek Subdivision sewerage system together with all easements therefor, said sewerage system being more particularly described on a plat map entitled "Wilson Creek Subdivision", Easement Across the Property of Western North Carolina Habitat for Humanity, Inc., bearing an initial date of September 11, 1995 and last revised December 12, 1995, prepared by Kenneth T. Mills, R.L.S. and recorded in the Office of the Register of Deeds for Buncombe County, in Plat Book 64, at Page 122.

This the 20th day of March, 1996.

METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA
By: 
Chairman

ATTEST:

Secretary

**RESOLUTION APPROVING THE ACQUISITION OF THE SEWERAGE SYSTEM
FACILITIES OF BLOCK V, BILTMORE FOREST**

WHEREAS, the Metropolitan Sewerage District ("District") has been asked to acquire the sewerage system facilities constructed to serve Block V Subdivision located in Biltmore Forest in Asheville, North Carolina, Buncombe County, and more particularly described on a plat bearing an initial date of February 26, 1991 and last revised August 28, 1995 prepared by Webb A. Morgan & Associates, P.A. and recorded in the Office of the Register of Deeds for Buncombe County, in Plat Book 64, at Page 80;

WHEREAS, the District Board is bound by certain covenants in its Bond Order and cannot acquire additional sewerage system facilities unless such provisions are satisfied;

WHEREAS, the District Board has determined the Block V sewerage system facilities are not subject to any lien or other encumbrance which is materially adverse;

WHEREAS, the District Board has determined the acquisition of the Block V sewerage system and the responsibility to operate and maintain it will preserve and maintain the public health and welfare within the District;

WHEREAS, Biltmore Farms, Inc. has tendered appropriate instruments transferring complete ownership of the system to the District and delegating to the District the responsibility for operation and maintenance;


WHEREAS, the appropriate instruments have been prepared and executed by Biltmore Farms, Inc. and have been duly recorded;

WHEREAS, the District has determined that it has reasonable access to and over related public rights of way and easements necessary to operate and maintain the system;

WHEREAS, the District Board has determined that adequate funding will be available for the acquisition and for the operation and maintenance of the system and that the District Board will have the authority to determine the need and priority for the operation and maintenance, improvement and reconstruction of the additional sewerage system facilities.

BE IT NOW HEREBY RESOLVED: The District Board of the Metropolitan Sewerage District hereby accepts the Block V Subdivision sewerage system together with all easements therefor, said sewerage system being more particularly described on a plat map dated bearing an initial date of February 26, 1991, last revised August 28, 1995 and prepared by Webb A. Morgan & Associates, P.A. and recorded in Plat Book 64, at Page 80, Buncombe County Registry.

This the 20th day of March, 1996.

METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA
By: 

Chairman

ATTEST:


Secretary