

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT

May 3, 1996

**1. Call to Order and Roll Call:**

A special meeting of the Board of the Metropolitan Sewerage District was held in the Boardroom of MSD's Administration Building at 1:30 P.M., on Friday, May 3, 1996. Chairman Post presided with the following members present: Bryson, Casper, Holcombe, Joyner, Kelly, Pace, Selby, Slosman and Wallace. Mr. Sobol was absent.

Others present were: W. H. Mull, Engineer-Manager, Billy Clarke, Attorney for the District, and Sondra Honeycutt, MSD.

Mr. Mull presented an ad regarding the District's Nutri-Lime product, which will be made available free of charge to anyone who wishes to haul it away. He reported that the ad will run in the newspaper and on TV for four consecutive weekends, and asked the Board for their input as to possible changes. Ms. Wallace stated that the ad should say "available for a limited time only".

**2. Consideration of Acquisition of Real Property:**

At 1:40 p.m. Mr. Holcombe moved that the Board go into closed session to consider the acquisition of real property. Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

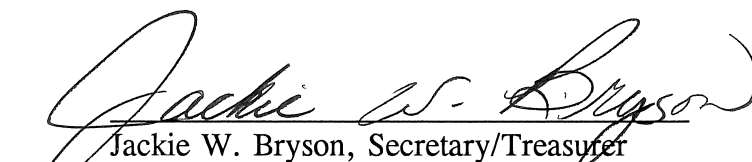
At 2:10 p.m., Mr. Slosman moved that the Board reconvene the regular meeting. Mr. Pace seconded the motion. Voice vote unanimous in favor of the motion.

Mr. Kelly moved that Mr. Slosman be excused from voting. Mr. Holcombe seconded the motion. Voice vote was unanimous in favor of the motion.

Mr. Joyner moved that the Board authorize Mr. Slosman to proceed with negotiations for the purchase of real property as directed by the Board with the provision that Mr. Post be present during the negotiations. Mr. Holcombe seconded the motion. Roll call vote was as follows: 8 Ayes; 1 Nay, (Mr. Selby); 1 Abstention, (Mr. Slosman).

**3. Adjournment:**

With no further business, Mr. Holcombe moved for adjournment at 2:15 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

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT

May 8, 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, May 8, 1996. Chairman Post presided with the following members present: Holcombe, Joyner, Kelly, Pace, Selby, Slosman, and Sobol. Those members absent were: Ms. Bryson, Mr. Casper and Ms. Wallace.

Others present were: W. H. Mull, Engineer-Manager, John S. Stevens, General Counsel, Danny Bridges of McGill Associates, PA, Larry New and Mike Calhoun of Vaughn & Melton, Ed Byas of Hendon Engineering Associates, Inc., Angie Chandler with the Asheville Chamber of Commerce, Mr. Crowder, Mr. Craig Justice, Attorney representing Mr. Crowder, Clark Morrison with the Asheville Citizen-Times, Ann Sutton, Jim Fatland, Stan Boyd, Marc Fender, Bob Ensley, Wayne Watkins, Sharon Walk and Sondra Honeycutt, MSD.

**2. Approval of the Minutes of the April 17 and May 3, 1996 meetings:**

Mr. Joyner questioned the statement in paragraph f., page four (4) that Mr. Slosman requested that the issue be tabled until the May meeting. Mr. Slosman stated that in his absence, Mr. Selby made the motion. With no further discussion, Mr. Slosman moved that the minutes of the April 17 meeting be approved. Mr. Joyner seconded the motion. Voice vote was unanimous in favor of the motion. Mr. Joyner moved that the minutes of the May 3, 1996 meeting be approved as presented. Mr. Kelly seconded the motion. Voice vote was unanimous in favor of the motion.

**3. Annual Inspection Report - Hendon Engineering Associates, Inc.**

No discussion was held regarding this report.

**4. Consideration of Preliminary Budget Resolutions for Fiscal Year 1996-97:**

Mr. Mull presented the following preliminary budget resolutions: O&M Budget in the amount of \$9,827,029; General and Construction III Fund Budget in the amount of \$18,418,915; Fleet Replacement Fund Budget in the amount of \$358,000, and Wastewater Treatment Plant Replacement Fund Budget in the amount of \$200,000.

Regarding the O&M Budget, Mr. Mull presented a revised budget with a decrease of \$54,341.00 resulting from reductions in the cost of living and merit pay plans. He stated that staff has addressed recommendations made regarding these pay plans and the freezing of Capital Equipment New funds until the MIS Hardware/Software Analyst has been hired. He presented and briefly reviewed two (2) resolutions in support of these recommendations and stated that the revised preliminary budget reflects a 2.85% increase over the previous years and that prior to revisions, the budget showed a 3.44% increase. Mr. Kelly stated that since the cost of living pay plan is a long term issue it should be considered separately and that the Board should adopt the Preliminary 1996-97 O&M Budget as recommended by the Finance Committee.

**a. O&M Budget**

Mr. Kelly moved that the Board adopt the Preliminary Operations & Maintenance Budget for 1996-97 in the amount of \$9,827,029.00, with the understanding that it will be further considered by the Finance Committee. Mr. Holcombe seconded the motion. Roll call vote was as follows: 8 Ayes; 0 Nays.

**b. General, and Construction III Fund Budgets**

Mr. Holcombe moved that the Board adopt the Preliminary General, and Construction III Fund Budgets for 1996-97 totaling \$18,418,915.00. Mr. Pace

seconded the motion. Roll call vote was as follows: 8 Ayes; 0 Nays.

**c. Fleet Replacement Fund Budget**

Mr. Slosman moved that the Board adopt the Fleet Replacement Fund Budget for 1996-97 in the amount of \$358,000.00. Mr. Sobol seconded the motion. Roll call vote was as follows: 8 Ayes; 0 Nays.

**d. Wastewater Treatment Plant Replacement Fund Budget**

Mr. Joyner moved that the Board adopt the Wastewater Treatment Plant Budget for 1996-97 in the amount of \$200,000.00. Mr. Pace seconded the motion. Following a brief discussion regarding the amount generated annually from facility fees, roll call vote was as follows: 8 Ayes; 0 Nays.

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

CONSOLIDATED MOTION AGENDA

**Personnel Committee Item:**

Mr. Mull reported that the following items were brought before the Personnel Committee, April 18, 1996.

**b.1. 1996-97 Organizational Staffing Plan:**

The Committee recommended approval of the following new positions: Personnel Analyst; Secretary/Data Entry Clerk; MIS Hardware/Software Analyst; Three (3) Apprentice Painters; Two (2) Preventative Maintenance Mechanics - I & II; Industrial Waste Inspector, and Secretary/Receptionist. In addition, the Committee recommended deletion of the following nine (9) positions: Assistant Operator; four (4) Solids Operators; two (2) Instrumentation Technicians, and two (2) Equipment Operators.

**b.2. Griffith Associates Pay Grade Recommendations:**

The Committee recommended approval of proposed pay grade adjustments for Fiscal Year 1996-97 as submitted by Griffith & Associates.

**b.3. Deputy General Manager - Pay Adjustment:**

The Committee recommended that the Deputy General Manager of Administration position be moved to a pay grade 49, with a 5% pay increase retroactive to the date that he was promoted.

**b.4. Employee Benefit Survey:**

The Committee recommended approval of staff's recommendation of maintaining the present level of benefits for MSD employees.

**b.5. Employee Holiday Schedule:**

The Committee recommended approval of allowing management to select mandatory holidays and listing optional holidays not to exceed a total of eleven (11), with the floating holiday option to be included with the Employee Opinion Survey.

**b.6. Employee Incentive Plan Proposal:**

The Committee recommended approval of staff developing an Employee Incentive Program. In addition, management will develop the criteria for this program and bring back to the Personnel Committee for further refinement and/or approval.

**b.7. Other:**

The Committee recommended that legal counsel investigate and take the necessary steps in removing from the District's Bond Order the "Engineer" requirement from the General Manager's title in conjunction with the selection of a new Trustee.

Mr. Kelly questions whether items b.2 and b.4 should be deleted from the consolidated agenda in light of the fact that the Finance and other Committees will reconsider the budget. Mr. Mull reported that item b.4. is for the approval of benefits only and does not affect the budget. With regard to item b.2., Mr. Holcombe reported that this item addresses bringing certain positions up to market (from minimum to maximum pay grades). At the request of Mr. Stevens, item b.7 was removed from the consolidated agenda for clarification. With no further discussion, Mr. Holcombe moved that the Board adopt the recommendations of the Personnel Committee with regard to items b.1, b.2, b.3, b.4, b.5, and b.6. Mr. Sobol seconded the motion. Roll call vote was as follows: 8 Ayes; 0 Nays.

Regarding item b.7 (Other), Mr. Stevens reported that this recommendation has been made because the District may be in the position of requesting a vote of the bond holders in order to change it's Trustee. The District would be going to the bond holders anyway, it made sense to investigate and take the necessary steps in removing the "Engineer" requirement from the General Manager's title in the Bond Order. However, in a recent conversation with Bond Counsel, there is the likelihood the District will not be going to the bond holders. As a result, the Bond Order can be amended the next time the District has a bond refunding. Mr. Stevens explained that because the Bond Order states that only a North Carolina bank may serve as Trustee of the District's bonds, the New York Bank is going to designate a local North Carolina Bank as it's nominal agent to satisfy this requirement. However, recognizing the sensitivity of the various units of government, one of which may be the District, they may be given the opportunity to name their own Trustee. Mr. Stevens further stated that since the District has decided to go with a different bank for it's other work, then it might consider asking that bank to do this work as well.

**Planning Committee Items:**

Mr. Mull reported that the following item was brought before the Planning Committee, April 25, 1996:

**d.II.3 Consideration of Request for Relocation of Sewer Line - John & Catherine Campbell Property - Black Mountain:**

The Committee recommended that the Campbell's request for earlier relocation of the sewerline be denied.

Mr. Mull presented a map showing the location of the existing 8" sewerline crossing the Campbell's property. He reported that because the elevations of manholes and both replacement sewers is not known, it was felt that it would not be feasible to abandon the existing 8" sewer by constructing two manholes and approximately 159.98 feet of pipe across the edge of their property. Mr. Sobol stated that although Mrs. Campbell is aware the District does not have the funds to replace the line, the Board needs to keep this in mind for future consideration. With no further discussion, Mr.

Mr. Slosman moved that the Board adopt the recommendation of the Planning Committee. Mr. Joyner seconded the motion. Following a brief discussion regarding the depth of the line and the possibility of replacing only a portion of the line, voice vote was as follows: 6 Ayes; 2 Nays, (Mr. Sobol and Mr. Holcombe).

**Right of Way Committee Items:**

Mr. Mull reported that the following items were brought before the Right of Way Committee, April 25, 1996:

**e.II.d. US 74 - Consideration of Contract Amendment - Engineering Assistance during Easement Acquisition - Vaughn & Melton:**

The Committee recommended approval of the contract amendment, increasing the original amount of \$7,000.00 to \$12,000.00.

**e.II.E. Sulphur Springs - Consideration of Contract Amendment - Engineering Assistance during Easement Acquisition - Vaughn & Melton:**

The Committee recommended approval of the contract amendment, increasing the original amount of \$12,000.00 to \$17,000.00.

Mr. Holcombe moved that the Board adopt the recommendations of the Right-of-Way Committee. Mr. Selby seconded the motion. Roll call vote was as follows: 8 Ayes; 0 Nays.

**Construction Committee Item:**

**g.II.1 Consideration of Construction Contract Change Order - North Swannanoa Interceptor, Phase I - Ruby Collins.**

The Committee recommended that Change Order #5 in the amount of \$657,263.80 be approved contingent upon receiving a favorable legal opinion from the District's attorney prior to the meeting of the Board. Additionally, that \$50,000.00 be funded for warranty work, which may be associated with this project, with any expenditures reported back to the Board. The Committee does not recommend approval of Change Order #6 at this time.

With no discussion, Mr. Holcombe moved that the Board adopt the recommendation of the Construction Committee. Mr. Joyner seconded the motion. Roll call vote was as follows: 8 Ayes; 0 Nays.

**REGULAR AGENDA ITEMS:**

**d. Planning Committee Items:**

**II.2. Consideration of Amendment to Sewer Service Policy - Flooded Buildings.**

Mr. Mull presented information regarding a proposed Amendment to the Sewer Service Policy and reported that the District continues to have calls on routine blockages/backups of sewer lines due to flood waters with clean-up costs estimated at approximately \$50,000.00 per year. He further reported that the Committee recommended that the Sewer Service Policy be amended to include the policy for flooded buildings, and that information concerning the amount of insurance premiums paid for flooding be presented for further discussions concerning insurance self-funding. He stated that Mr. Fatland is investigating whether there will be any costs savings to the District as a result of self-funding. With no further discussion, Mr. Slosman moved that the Board adopt the recommendation of the Planning Committee. Mr. Sobol seconded the motion.

Voice vote was unanimous in favor of the motion.

**II.5. Consideration of Waiver of Facility Fee - Olfa Crowder - Craig Justice, Attorney:**

Mr. Justice reported that Mr. Crowder, who owns property in the former Enka-Candler Water & Sewer District, entered into an agreement with them in the 1980's in order to allow them to cross his property with a sewer line. He further reported that in exchange for that agreement, Mr. Crowder believed that he would not be charged a fee when he decided to connect, but when he approached the MSD for connection, he was told that he had to pay a capacity depletion fee. As a result, he is asking for a waiver of that fee based on, if not the intent of the agreement, certainly the spirit of the agreement. Mr. Justice, his Attorney, stated that Mr. Crowder honestly believed that when he gave up his property, he would not be charged anything no matter how it was labeled, and that it is unfortunate that Mr. Crowder did not hook up prior to 1991 when the fee became policy, since he stands to lose a substantial amount of money.

Mr. Post gave an example of a similar situation in Montreat and assured Mr. Crowder that this is not a individual issue within the County. Mr. Pace stated that because he has the same agreement as Mr. Crowder, he questioned whether he should abstain from voting since he could possibly have a conflict of interest. Mr. Slosman stated that he requested that Mr. Pace abstain from voting at the Planning Committee and moved that he abstain from voting today, because he felt it would be a conflict of interest. Mr. Selby questioned whether the District, as it negotiates to obtains rights-of-way, clearly delineates the difference between the fees, (tap fees, capacity depletion fees, and facility fees). He stated that the intent of the District and the Enka-Candler Water & Sewer District was to obtain rights-of-way at the lowest cost to the rate payers, and if Mr. Crowder asked for four taps at no cost, the District has an obligation to honor the spirit of intent of that agreement. Mr. Joyner stated that in his opinion, the current staff and engineers hired to deal with rights-of-way are not being deceptive in their negotiations. Mr. Stevens stated that the District is dealing with documents it inherited from another District, and if the specific issue is, should people be told during negotiations that they are going to get a free tap fee, it should be made clear that this does not mean other fees are free.

A lengthy discussion followed with regard to the intent of the Agreement; the meter size in question; whether Mr. Crowder received a copy of the policy change; if the District is setting a precedent by granting a waiver of the facility fee, and how many tap fees have been granted by the MSD since 1990. Following statements by Mr. Holcombe and Mr. Sobol in support of Mr. Crowder's request, Mr. Slosman moved that the Board deny Mr. Crowder's request for waiver of facility fees. Mr. Joyner seconded the motion. With regard to Mr. Pace abstaining from voting, Mr. Kelly seconded Mr. Slosman's motion. Voice vote was as follows: 6 Ayes; 1 Nay, (Mr. Holcombe).

Regarding Mr. Slosman's motion to deny Mr. Crowder's request for waiver of the facility fee, roll call vote was as follows: 4 Ayes; 3 Nays, (Mr. Holcombe, Mr. Selby and Mr. Sobol).

**Blue Ribbon Committee Item:**

**f.1. Consideration of Resolution Regarding Participation in Sewer Extensions:**

Mr. Post reported that Mr. Casper, Chairman of the Blue Ribbon Committee, has expressed a concern regarding one of the recommended changes in the Sewer Extension Resolution, and because of his absence, and that of Ms.

Bryson and Ms. Wallace from today's meeting, he requested that this issue be postponed until the next meeting of the Board.

**h. Letter from Black & Veatch Regarding Risk Assessment on Incinerator:**

As a matter of information, Mr. Mull presented a letter from Black & Veatch clarifying their recommendations of February 9, 1996 regarding the emission of dioxins and furans.

**i. Update on Potential Utilization of Landfill Gas:**

Mr. Mull reported that the company that has a contract to recover gas from the Buncombe County landfill is anxious for the District to sign a commitment to buy this gas, which is based on a BTU value, at one-half the cost of natural gas that it now purchases. He further reported that there are a number of details to consider and that a report will be forthcoming. A discussion followed regarding what the District will do with the gas, and when it's contract with CP&L expires.

**6. Report of Committees**

**a. Finance Committee - Mr. Casper**

No further report.

**b. Personnel Committee - Mr. Sobol**

Mr. Sobol reported that during the next month the District will conduct interviews for the position of Deputy General Manager of Operations.

**d. Planning Committee - Mr. Slosman**

Mr. Mull reported that rehabilitation of the Lake Julian Pump Station II project was pulled from the CIP list for the coming year and was looked at because of the high cost of constructing a pump station that currently serves one home. He presented a copy of the following three (3) alternatives and costs estimates for replacement: (1.) Replacing the existing pump station with an 8" gravity sewer at a total estimated cost of \$84,750.00; (2.) Replacing the existing pump station with a large pump station at a total estimated cost of \$84,600.00, and (3.) Replacing the existing pump station with a small grinder pump station at a total estimated cost of \$50,400.00. He further reported that staff is preparing to talk to the property owner about the possibility of installing a septic system in lieu of the aforementioned alternatives, which would require an amendment to the District's Sewer Use Ordinance. He stated that because the property is zoned commercial, there is the potential for additional development. A brief discussion followed regarding the total costs of the project in the CIP.

In other business, Mr. Joyner stated that at the County Commission meeting there was a mention of changing the boundaries to include some sewers that are outside the District and questioned when this issue will be discussed by the Planning Committee. Mr. Mull reported that this is a result of the Little Flat Creek Subdivision and the area between Little Flat Creek and Weaverville, which the District has discussed. He further reported that in looking at this area, the County wanted to include other areas where sewers were outside the District's boundaries. He stated that the District's GIS personnel are in the process of preparing a map showing where these areas are located.

e. **Right-of-Way Committee, Mr. Selby**

No further report.

g. **Construction Committee, Mr. Holcombe**

Mr. Holcombe reported that the District's legal counsel has been asked to provide a written legal opinion on construction change orders.

7. **Unfinished Business:**

a. **Progress Update on Disposal of Current Inventory of Biosolids Product - McGill Associates:**

Mr. Bridges gave a brief update on operating/inflation costs for both the Incineration and Alkaline Stabilization processes, and alternatives for disposal of the Nutri-Lime product. He presented and briefly reviewed updated figures on the annual cost of processing sludge, which include debt service, replacement costs, and a twenty (20) year Cash Flow Analysis for Incineration and Alkaline Stabilization. A lengthy discussion followed regarding the total amount of dry tons produced annually; whether fixed costs are based on the total amount of monies spent, including EPA money; 20-year Maintenance costs; Net Present Value estimates; alternative fuels, and if other users of fluidized bed equipment have been contacted regarding their costs and equipment longevity.

Mr. Mull reported that the Planning Committee will consider a proposal to evaluate alternative fuels that have a potential to reduce Incinerator costs, including gas from the landfill. He further reported that staff has been talking to the Enviroquip representative regarding a side contract to evaluate four (4) waste product fuels, which could save the District some money. Mr. Slosman stated that the figure the District needs to work with is the Annual Operating & Maintenance costs. Mr. Mull stated that although annual maintenance has not been very expensive, there are pieces of equipment that would be costly to replace. In addition, that maintenance records from other facilities can be obtained.

Mr. Selby questioned when a policy decision will be made on what the District will do with its sludge. Mr. Mull stated that as soon as better Operation & Maintenance costs are obtained, a recommendation can be made. A brief discussion followed regarding the warranty on the Incinerator.

8. **Old Business:**

Mr. Selby asked for an update on Buncombe County's plans to pump leachate from the new Solid Waste Management facility to the MSD, and whether this will be a sewerline. Mr. Mull reported that there is a possibility this will be a gravity forced sewer main with intermediate pump stations along the way.

9. **New Business:**

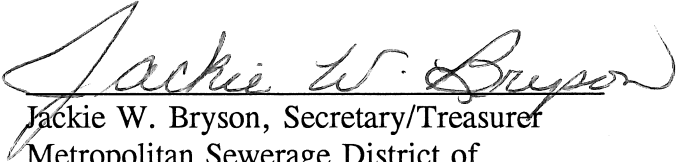
At 4:00 p.m., Mr. Slosman moved that the Board go into closed session to consider the acquisition of real property and employee qualifications. Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

At 4:58 p.m., the Board reconvened the regular meeting.



**10. Adjournment:**

With no further business, Mr. Holcombe moved for adjournment at 4:59 p.m.  
Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

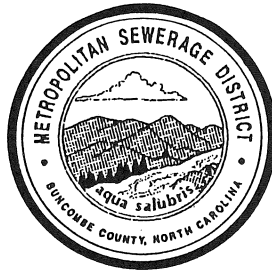
  
Jackie W. Bryson, Secretary/Treasurer  
Metropolitan Sewerage District of  
Buncombe County, North Carolina

# MSD Metropolitan Sewerage District of Buncombe County, North Carolina

W. H. Mull, P.E., Engineer-Manager  
P.O. Box 8969, Asheville, N.C. 28814  
Telephone: Area Code 704-254-9646

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John S. Stevens, General Counsel



O. R. Post, Chairman  
E. Benson Slosman, Vice-Chairman  
Jackie W. Bryson  
Larry Casper  
Michael L. Holcombe  
Joe Joyner  
E. Glenn Kelly  
Ben Pace  
Bob Selby  
C. Michael Sobol  
Carolyn R. Wallace

## RESOLUTION OF THE METROPOLITAN SEWERAGE DISTRICT

### BOARD OF BUNCOMBE COUNTY, NORTH CAROLINA

BE IT RESOLVED that the Metropolitan Sewerage District Board of Buncombe County North Carolina, hereby acknowledges receipt on May 8, 1996, to its Members from the Engineer-Manager the Preliminary Operation and Maintenance Budget for the Fiscal Year 1996-97, totaling \$9,827,029.00 of which the estimated monthly Budget is equal to one-twelfth (1/12) of the total Budget and hereby sets the date for a public hearing on said Budget to be held at 2:00 p.m., June 12, 1996, in the Boardroom of the MSD Administration Building located at N.C. Highway 251 North at Woodfin, North Carolina. This Preliminary Operation and Maintenance Budget shall remain available for public inspection in the office of the District until such time as the Budget is adopted by the Board.

This 8th day of May, 1996.

O.R. POST, III, CHAIRMAN  
Metropolitan Sewerage District Board  
of Buncombe County, North Carolina

ATTEST:

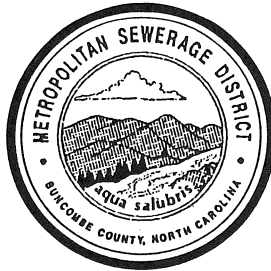
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## RESOLUTION OF THE METROPOLITAN SEWERAGE DISTRICT

### BOARD OF BUNCOMBE COUNTY, NORTH CAROLINA

BE IT RESOLVED that the Metropolitan Sewerage District Board of Buncombe County, North Carolina, hereby acknowledges receipt on May 8, 1996, to its Members from the Engineer-Manager the Preliminary General and Construction III Fund Budgets for the Fiscal Year 1996-97, totaling \$18,418,915.00 and hereby sets the date for a public hearing on said Budgets to be held at 2:00 p.m., June 12, 1996, in the Boardroom of the MSD Administration Building located at N.C. Highway 251 North at Woodfin, North Carolina. These Preliminary General and Construction III Fund Budgets shall remain available for public inspection in the office of the District until such time as the Budgets are adopted by the Board.

This 8th day of May, 1996.

O.R. POST, III, CHAIRMAN  
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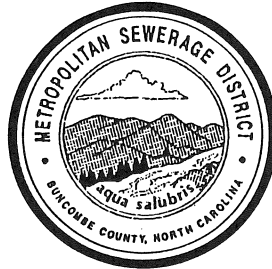
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## RESOLUTION OF THE METROPOLITAN SEWERAGE DISTRICT

### BOARD OF BUNCOMBE COUNTY, NORTH CAROLINA

BE IT RESOLVED that the Metropolitan Sewerage District Board of Buncombe County, North Carolina, hereby acknowledges receipt on May 8, 1996, to its Members from the Engineer-Manager the Preliminary Fleet Replacement Fund Budget for the Fiscal Year 1996-97, totaling \$358,000.00 and hereby sets the date for a public hearing on said Budget to be held at 2:00 p.m., June 12, 1996, in the Boardroom of the MSD Administration Building located at N.C. Highway 251 North at Woodfin, North Carolina. This Preliminary Fleet Replacement Fund Budget shall remain available for public inspection in the office of the District until such time as the Budget is adopted by the Board.

This 8th day of May, 1996.

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O.R. POST, III, CHAIRMAN  
Metropolitan Sewerage District Board  
of Buncombe County, North Carolina

ATTEST:

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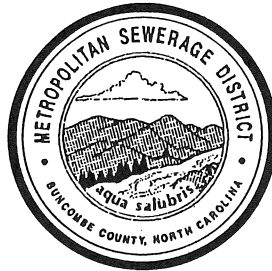
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## RESOLUTION OF THE METROPOLITAN SEWERAGE DISTRICT

### BOARD OF BUNCOMBE COUNTY, NORTH CAROLINA

BE IT RESOLVED that the Metropolitan Sewerage District Board of Buncombe County, North Carolina, hereby acknowledges receipt on May 8, 1996, to its Members from the Engineer-Manager the Preliminary Wastewater Treatment Plant Replacement Fund Budget for the Fiscal Year 1996-97, totaling \$200,000.00 and hereby sets the date for a public hearing on said Budget to be held at 2:00 p.m., June 12, 1996, in the Boardroom of the MSD Administration Building located at N.C. Highway 251 North at Woodfin, North Carolina. This Preliminary Wastewater Treatment Plant Replacement Fund Budget shall remain available for public inspection in the office of the District until such time as the Budget is adopted by the Board.

This 8th day of May, 1996.

O.R. POST, III, CHAIRMAN  
Metropolitan Sewerage District Board  
of Buncombe County, North Carolina

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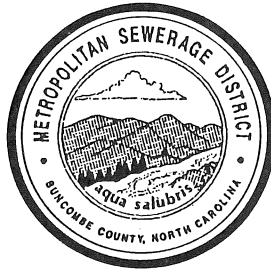
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## NOTICE OF PUBLIC HEARING

### NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

Notice is hereby given that the Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, will hold a public hearing at the Administration Building of the Metropolitan Sewerage District, located at 2225 Riverside Drive, Asheville, North Carolina at 2:00 p.m., Wednesday, June 12, 1996 on the Budgets of the District for the Fiscal Year beginning July 1, 1996, and ending June 30, 1997. The Budgets have been submitted to the Governing Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, and is available for public inspection at the District's Administration Building.

Witness my hand this 8th day of May, 1996.

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O.R. Post, III, Chairman  
Board of the Metropolitan Sewerage District  
of Buncombe County, North Carolina

Approved as to Form:

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John S. Stevens, Attorney  
May 8, 1996

# MSD SEWER SERVICE POLICY

## 1. CALL MSD FIRST

When a resident has sewer problems, the resident should first contact the MSD. MSD will check the main sewer. If there is a cleanout at ground level, MSD will also inspect the cleanout to determine if the stoppage is in the service sewer or in the building sewer. MSD will clear the stoppage if it is in the MSD part of the system. Otherwise, MSD will notify the resident that the stoppage is not in the MSD part of the system.

## 2. PROPERTY OWNER'S RESPONSIBILITY

The owner of the property is responsible for keeping the sewer clean between the building and the cleanout, if there is one. If there is no cleanout at ground level, the owner is also responsible for keeping the sewer line clean to the MSD Sewer line. Locating the building sewer, and its connection to the service sewer is also the owner's responsibility. The MSD recommends that the owner employ a licensed plumbing or sewer contractor (the Contractor) to clear any stoppage in the building sewer.

## 3. DEFECTIVE SERVICE LINE

If the Contractor is unable to clear a stoppage due to a defect in the service sewer, MSD will repair it. If there is no cleanout to grade, the Contractor must first expose the end of the building sewer at a point in the public right-of-way of the line. MSD cannot perform work on private property except within a public easement for a sewer line.

## 4. DISTRICT WILL INSTALL CLEANOUT

If the Contractor was able to clear a stoppage in a sewer, but, because there was no cleanout to grade, had to excavate the end of the sewer, MSD will install a cleanout to facilitate clearing future stoppages, provided the Contractor contacts MSD before closing excavation. If the MSD installs a cleanout, MSD will assume maintenance of the service line between the cleanout and the MSD Sewer line.

## 5. FLOODED BUILDINGS

If a building is flooded with sewage as a result of a rain event or a blockage in the MSD Sewage System, the property owner should notify the MSD. A Collection System Division Supervisor will respond and take all reasonable steps to stop the flooding and clear the blockage. When the blockage is cleared or the rain event passes, the MSD supervisor will request permission, in writing, from the owner or occupant of the building to enter the premises for the purpose of pumping out standing water, applying disinfectant and taking photographs to document the damage. MSD personnel cannot enter private property to pump out standing water, apply disinfectant or photograph the premises without permission from the property owner.

Upon receiving written permission from the owner or occupant, the MSD will pump out standing water and apply disinfectant. The supervisor will notify the owner or occupant of the procedure for making a claim against the MSD's insurance company and will contact a subcontractor to clean the area. The cleaning subcontractor will respond within twelve (12) hours. The occupant or owner of the building will need to make the building available to the cleaning subcontractor. If the cleaning service does not satisfactorily clean the flooded area, the owner or occupant should notify the District.

The Metropolitan Sewerage District of Buncombe County will only address flooding in buildings which results directly from problems with the MSD Sewer System. Private systems, systems with more than one building connected to a four inch service line or plumbing problems in the owner's portion of the service line are not the responsibility of the Metropolitan Sewerage District.

Adopted this \_\_\_\_\_ day of May, 1996.

METROPOLITAN SEWERAGE DISTRICT  
OF BUNCOMBE COUNTY, N.C.

ATTEST:

  
Secretary

  
Chairman

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT

May 29, 1996

**1. Call to Order and Roll Call:**

A special meeting of the Board of the Metropolitan Sewerage District was held in the Boardroom of MSD's Administration Building at 12:30 P.M., on Wednesday, May 29, 1996. Chairman Post called the meeting to order at 12:40 p.m. with the following members present: Bryson, Casper, Holcombe, Joyner, Kelly, Pace, Selby, Slosman, Sobol and Wallace.

Others present were: W. H. Mull, Engineer-Manager, Billy Clarke, Attorney for the District, and Sharon Walk, MSD.

**2. Consideration of Qualifications for the Position of Deputy General Manager of Operations:**

At 12:45 p.m., Mr. Holcombe moved that the Board go into closed session to discuss qualifications of position. Mr. Joyner seconded the motion. Voice vote was unanimous in favor of the motion.

At 1:35 p.m., the regular meeting was reconvened.

Mr. Slosman moved that the Board offer Mr. Wayne St. John the position of Deputy General Manager of Operations, and if Mr. St. John is not available to accept the position, then offer the position to Mr. Larry Turner. Ms. Wallace amended the motion to be contingent upon a background check, and contingent upon a visit from Mr. St. John and his family to the area and concurrence from them. Mr. Pace seconded the motion. Roll call vote was as follows: 10 Ayes; 1 Nay (Ms. Bryson).

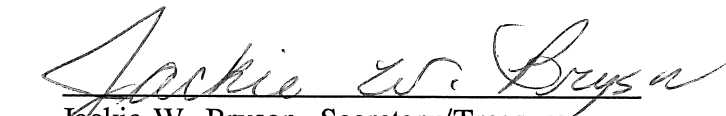
**3. Consideration of Acquisition of Real Property:**

At 1:42 p.m., Ms. Wallace moved that the Board go into closed session to discuss the possible acquisition of real property. Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

At 2:46 p.m., Mr. Pace moved that the Board reconvene the regular meeting. Mr. Slosman seconded the motion. Voice vote was unanimous in favor of the motion.

**4. Adjournment:**

With no further business, the meeting adjourned at 2:47 p.m.

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