

**BOARD OF THE METROPOLITAN SEWERAGE DISTRICT**  
**MARCH 19, 1997**

**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., Wednesday, March 19, 1997. Chairman Post presided with the following members present: Bryson, Casper, Joyner, Holcombe, Kelly, Pace, Selby, Slosman and Sobol. Ms. Graham was absent.

Others present were: W.H. Mull, General Manager, John S. Stevens, General Counsel, Gerry Hardesty with the Haw Creek Community Association, Dick Rick with Taxpayers for Accountability in Government (TAG), Chuck Cloninger, Doug Spell and John Scaralia with the City of Asheville, Bill Morris of Hendon Engineering Associates, Inc., Con Dameron of William Langdon & Associates, Inc., Patti Beaver of CIBO, Jim Fatland, Larry Turner and Sondra Honeycutt, MSD.

**2. Approval of the Minutes of the February 1 and February 12, 1997 Meetings:**

Mr. Slosman moved that the Board approve the minutes of the February 1, and February 12, 1997 meetings as presented. Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

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

CONSOLIDATED MOTION AGENDA

**a. Consideration of Disposal of Surplus Property**

Mr. Mull reported that the Vehicle and Equipment Replacement Committee recommends that the Board approve the surplus property list and authorize the disposal of this property in accordance with N.C. General Statutes.

**b. Consideration of Haw Creek Greenway:**

Mr. Mull reported that the Right of Way Committee recommends that the District enter into an agreement with the City of Asheville for the Haw Creek Greenway Pilot Project. He further reported that the City will absorb all costs incurred to acquire additional rights of way, construct and maintain all improvements, and hold the District harmless from any liability, save acts for which the District is directly responsible. He stated that this is an excellent opportunity to join forces with the City of Asheville and the Haw Creek Homeowners Association toward completion of this project.

**c. Presentation of Organization Restructuring:**

Mr. Mull presented the following information reviewed by the Personnel Committee with regard to organization restructuring: position comparisons with other water and sewer districts; job classifications and proposed pay grades. He stated that reorganization is a continuing process, which improves efficiency; decision making; employee response time; communication, and response to public concerns.

**d. Consideration of Mileage Allowance for the Deputy General Manager of Operations:**

Mr. Mull reported that the Personnel Committee recommends approval of a monthly vehicle allowance for Mr. Turner in the amount of \$275.00.

**e. Consideration of New Maintenance Facility Contract Amendment:**

This item was pulled from the Consolidated Motion Agenda for further discussion.

**f. Consideration of Change Order for Holiday Inn Rehabilitation:**

Mr. Mull reported that the Construction Committee recommends that a budgeted contingency in the amount of \$46,000.00 be approved to fund change orders for the Holiday Inn Rehabilitation Project as authorized by the General Manager.

Mr. Holcombe questioned why item (c) is on the Consolidated Agenda since any decision on restructuring is at the purview of the General Manager. Mr. Mull suggested that this item be deferred to the Personnel Committee Report for additional discussion. With regard to item (b), Mr. Cloninger expressed his appreciation to the District for its involvement in the Haw Creek Greenway Pilot Project. Following a brief discussion regarding the project, Mr. Slosman moved that the Board approve the Consolidated Agenda with the deletion of items (c and e) for further discussion. Mr. Joyner seconded the motion. Roll call vote was as follows: 10 Ayes; 0 Nays.

**4. Consideration of Additional Fees for New Maintenance Facility:**

Mr. Mull reported that the Construction Committee met today to review the following Architectural fees, which were not included in the original scope of work for the new Maintenance Facility:

1. Additional survey required because of inadequate flood plane data at a cost of \$600.00.
2. Additional planning and preliminary design for the building trades staff at a cost of \$7,500.00.
3. Additional design for added fire suppression system at a cost of \$3,000.00
4. Additional design for added fuel dock and storage at a cost of \$2,000.00

Regarding item 3, Mr. Selby questioned why a fire suppression system was included in the design, since it is not a requirement of the building code. He suggested that the system be bid as an alternative, with a determination made on insurance premium savings. Following a discussion, Mr. Pace requested that staff look into the Committee who authorized the design and report their findings to the Board.

Mr. Casper questioned the costs involved in item 2. Mr. Post reported that the Architects were directed to add an additional 6,000 square feet to the Central Purchasing Warehouse for the Building Trades Department, but later directed to proceed back to the original program with Central Purchasing. As a result, the following additional costs totaling \$8,610.00 were incurred: site visits, programming; schematic design, design development and construction documents. Mr. Mull reported that since this portion of work will not be included in the bid document phase, the fee was reduced to \$7,500.00, and that Building Trades will remain at its current location until a future date.

Mr. Slosman questioned the costs involved in item 4. Mr. Dameron reported that the design cost for the fuel docks and storage, (not included in the original agreement) are for the civil engineer fee of \$1,500.00 and \$500.00 for coordination of this work.

With no further discussion, Mr. Pace moved that the Board authorize the General Manager to execute a contract amendment in the amount of \$13,100.00 for the additional fees as outlined. Mr. Slosman moved that the motion be amended to include the following: That the Board have an opportunity to review, and responsible staff approve in writing, any

amendments to future agreements before any work is done. Mr. Joyner seconded the motion. Roll call vote was as follows: 10 Ayes; 0 Nays.

**5. Distribution of Get Well Plan:**

As a matter of information, Mr. Mull presented a copy of the District's "Get Well Plan." He reported that the plan is the end result of the Employee Opinion Survey, to be distributed to all employees. In addition, he presented a time-line for his Goals and Objectives, which will be updated periodically. Mr. Kelly asked whether a public opinion survey is being done. Mr. Mull stated that the survey is part of the plan scheduled in the near future. A brief discussion followed regarding funding for the various aspects of the plan.

**6. Holiday Inn Rehabilitation Contract - Phase II:**

Mr. Mull reported that due to an emergency sewerline collapse under Emma Road, the District received a proposal from Fontenn Construction, Inc. to repair the line. He further reported that the proposal provides for labor, equipment, and materials for bursting approximately 500' of 15" clay pipe and installing the same length of 18" pipe in its place at a cost of \$148.00/LF, (\$74,000). He stated that following review of the proposal, the Construction Committee recommended approval. Mr. Turner stated that because the pipe is located under two (2) railroad trestles, which will require hand digging, he recommends that the contract be increased to include a contingency of 15% for unanticipated costs. With no further discussion, Mr. Holcombe moved that the Board declare this to be an emergency and that it approve the recommendation of staff and award the contract to Fontenn Construction, Inc. and that staff inform the State of the action of the Board. Mr. Pace seconded the motion. Roll call vote was as follows: 10 Ayes; 0 Nays.

**7. Council of Independent Business Owners (CIBO) Meeting:**

Mr. Mull presented a Resolution adopted by the General Membership of the Council of Independent Business Owners (CIBO) at a meeting held February 27, 1997. He reported that the Resolution addresses regional solutions to the need for additional future sewer infrastructure for Henderson, Madison and Buncombe Counties. Mr. Selby reported that CIBO's Infrastructure Committee looked at the non-sewered regions of North Buncombe and Madison counties, and in the process, found that no one in the community is looking toward a solution for those areas north of the District's treatment facility. He further reported that because CIBO Members have received several inquiries regarding sewers in these areas, the attached resolution was adopted. He stated that some dialogue has been held between Madison and Buncombe Counties, as well as other municipalities involved, and that no action is needed by the District until such a time that the counties act on the Resolution. A discussion followed regarding the current infrastructure in these areas; future development in the northern end of Buncombe County, and whether the District will be kept informed on reactions to the Resolution. With no further discussion, Mr. Joyner read his comments regarding CIBO as follows:

"I wish to comment on a matter that has increasingly caused me concern during the past several years of my service on the MSD Board. I do this with regret because I know it will meet with misunderstanding and perhaps antagonism. However, I feel called upon to make it as another onerous duty for me as an unpaid public servant.

The subject of my comments is CIBO, the Council of Independent Business Owners. My understanding is that CIBO is a secret organization who refuses to identify their membership. According to their newsletter the organization is dedicated to:

1. Educating business owners about the way local government works and its effect on business.
2. Providing a conduit for the flow of information between business and government.
3. Working to make the Asheville/Buncombe county area a better place in which to do business.
4. Encouraging business owners to serve on boards, commissions and run for elective office.

There is no mention of concern for the citizens, residents or the general welfare of the community. There is no expression of the organization's concern for fairness, ethics or morality.

This board now has perhaps five members who are also members of CIBO. It appears that all of the county representatives are members of CIBO. This is an disproportionate representation of business owners, whose efforts are dedicated to making our community a better place to do business, not a better place to live, work, or raise our children in a free and safe environment.

Based on the above, I am forced to question the motives behind CIBO's resolution which is directed more toward economic growth than to the general welfare of the people living in the French Board River basin. I have in the past supported the efforts to use the river basin as the most logical basis for considering the water and sewer problems of the area. I continue that support, but I do not support this resolution because all the emphasis is toward economic development rather than toward the health and general welfare of the populace."

#### **8. Committee Reports:**

##### **Right of Way Committee**

Mr. Selby reported that the majority of the Committee's discussion was regarding rights-of-way for the Haw Creek Pilot Project, which does not apply to other areas of the City. In other business, the Committee requested that staff prepare a status report on rights-of-way for CIP projects.

##### **Personnel Committee**

Mr. Sobol reported that the Personnel Committee discussed the reorganization structure presented by Mr. Turner. He stated that although these changes will help the District move in a new direction, management needs to continue to establish goals; incentives; opportunities; training, and to develop some way of measuring this progress. Mr. Sobol expressed a concern regarding the transfer of the Safety Officer position, (currently under Administration) to Operations. A discussion followed regarding the reason for this transfer.

Regarding the Employee Incentive Program, Mr. Sobol reported that the Committee encouraged staff to obtain information from other companies/municipalities on ways to reward employees monetarily for new and/or money-saving ideas. He stated that this program will increase morale and create an awareness of saving resources. He further reported that the Committee discussed an early retirement buy-out.

Mr. Casper reported that he received a letter from an employee requesting his help in resolving a grievance issue. He asked if this issue is being addressed. Mr. Mull stated that this situation is currently going through the grievance process. With regard to an upcoming hearing by another employee, Mr. Post reported that a Committee has been appointed, (Mr. Sobol, Mr. Joyner and Mr. Pace) to consider the grievance.

**9. Old Business:**

**a. Letter from Hendon Engineering Associates, Inc.:**

Mr. Post called for comments from the Board regarding the February 25 letter from Hendon Engineering Associates, Inc. requesting a follow-up meeting to address questions or concerns the Board may have on the sludge facilities or others matters relating to their firm. Following several comments regarding the letter and subsequent phone calls, Mr. Holcombe requested that the Board consider the District's "Engineering Consultant of Record" prior to July. In addition, Mr. Selby requested that staff provide a summary of services provided to the District by Hendon Engineering. Mr. Mull briefly reviewed consultant requirements and stated that this information will be presented at the April meeting. Mr. Post expressed his concern regarding the scheduled completion date of the Sewer Master Plan and requested that it be moved up. Mr. Sobol requested that during discussions on the Sewer Master Plan, that a listing of projects/costs, past and future, be provided.

Mr. Turner reported that in light of discussions on the selection of a Consulting Engineer, the American Public Works Association of Consulting Engineers Council of North Carolina had extended an invitation to attend a meeting April 8, 1997 in Charlotte. He stated that one of the agenda items is Client/Consultant Communication and Selection and encouraged those who are interested to attend.

**b. Proposed Legislation Letter:**

Mr. Mull presented a letter addressed to North Carolina Legislators regarding amendments to proposed legislation for the District. He referenced page two (2), paragraphs five and six (5 and 6) regarding concerns by the City of Asheville on extension of the District's boundaries. Mr. Mull reported that the City Manager advised that he will provide information regarding his concerns to the City Appointees and Chairman of the Board, and following review, a meeting will be scheduled with City Council Members to resolve these concerns. He further reported that Buncombe County expressed a concern regarding the assessment portion of the legislation, which was later deleted from the final draft of the letter.

With regard to the minutes of the February 1, 1997 Retreat, Mr. Selby asked when action on the following issues will be considered: estimated fees; survey of industries, and the value of new users on the system. Mr. Mull stated that these issues will be addressed in the coming year.

**10. New Business:**

**a. Consideration of Transportation Consultant, Inc. Proposal:**

Mr. Mull presented a proposal from Transportation Consultants, Inc. (TCI) to assist staff in review of the District's equipment fleet operations at a cost of \$8,250. Mr. Mull reported that because of an ADA claim; the proposed new Maintenance facility, and relocation of the Fleet Maintenance Section to System Services, staff recommends that the Board authorize the General Manager to enter into an agreement with TCI in accordance with the proposal as presented. He further reported that the proposal includes looking at contracting out various services, and/or consideration of utilizing the City/County Maintenance Facilities in lieu of using the District's facility. Mr. Holcombe moved that the Board approve the recommendation of staff. Mr. Pace seconded the motion. Mr. Kelly questioned the need for such a study since he felt the District has adequate staff to do the work in-house. Following a brief discussion, Mr. Sobol moved that the motion be

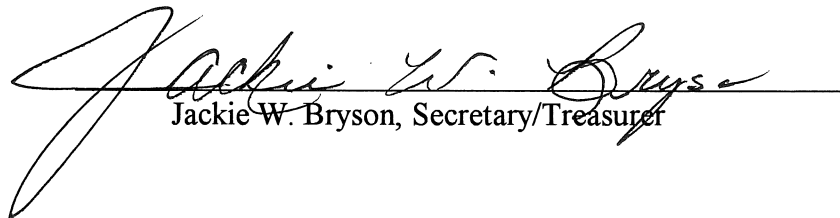
amended to include an evaluation of the need for fuel docks and storage at the new maintenance facility. Mr. Joyner seconded the motion. Roll call vote was as follows: 8 Ayes; 2 Nays (Mr. Casper and Mr. Selby).

At 3:40 p.m., Mr. Holcombe moved that the Board go into closed session to consider a proposed litigation and a personnel issue. Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

At 3:50 p.m. the Board returned to the regular session.

**11. Adjournment:**

With no further business Mr. Holcombe moved for adjournment at 3:51 p.m.. Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

  
Jackie W. Bryson, Secretary/Treasurer

## RESOLUTION

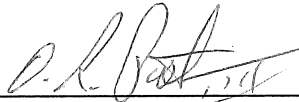
**WHEREAS,** It is the public policy of the State of North Carolina to procure architectural, engineering and surveying services in accordance with N.C. General Statute, 143-64.31; and

**WHEREAS,** G.S. 143-64.32 allows units of local government to exempt, in writing, proposed projects where professional fees are anticipated to be less than ten thousand dollars (\$10,000.00).

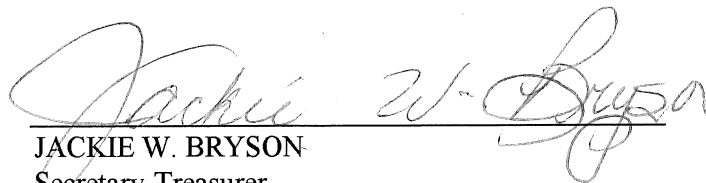
**NOW, THEREFORE, BE IT RESOLVED,** that the Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, does hereby authorize the Engineer Manager and the Deputy General Manager of Operations to exempt procurement of architectural, engineering and surveying services from the requirements of G.S. 143-64.31 when the estimated professional fees on a project are estimated to be less than ten thousand dollars (\$10,000.00); and does further authorize the Engineer Manager and the Deputy General Manager of Operations to negotiate and sign contracts for architectural, engineering and surveying services on particular projects when the estimated amount of professional fees is less than ten thousand dollars (\$10,000.00) and the funds to pay for the services have been budgeted. Contract award limits shall remain the same as set out in the Metropolitan Sewerage District of Buncombe County Purchasing Policy and Procedures Manual.

**BE IT FURTHER RESOLVED,** that the aggregate total of all contracts entered into as authorized by this resolution for each fiscal year shall not exceed \$150,00.00.

**THIS,** the 1st day of February, 1997.



O.R. POST, III Chairman  
Metropolitan Sewerage District of Buncombe County



JACKIE W. BRYSON  
Secretary-Treasurer