

**BOARD OF THE METROPOLITAN SEWERAGE DISTRICT
SEPTEMBER 17, 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, September 17, 1997. Chairman Post presided with the following members present: Bryson, Casper, Joyner, Kelly, Pace, Selby, Slosman and Sobol. Those members absent were: Graham and Holcombe.

Others present were: W.H. Mull, General Manager, John S. Stevens, General Counsel, Gary McGill and Danny Bridges with McGill Associates, Inc., DeWayne Brown with Vaughn & Melton, Patti Beaver with CIBO, Larry Turner, Jim Fatland and Sondra Honeycutt, MSD.

2. Approval of Minutes of the August 20, 1997 Meeting:

Mr. Slosman recommended that misspelling of the word "recommends" on page one, paragraph four, Item 3.a. be corrected. With no further additions or corrections, Mr. Pace moved that the minutes of the August 20, 1997 meeting be approved as amended. Mr. Sobol seconded the motion. Voice vote was unanimous in favor of the motion.

3. Consolidated Motion Agenda:

a. Consideration of Selection - Engineer of Record:

Mr. Mull reported that the Planning Committee concurred with staff's recommendation to retain McGill Associates as Engineer of Record.

b. Consideration of Major Rehabilitation Consultant:

Mr. Mull reported that the Planning Committee recommends sending out RFP's and retaining a Major Rehabilitation Consultant to assist the District in developing a rehabilitation program.

c. Consideration of Standardized Method of Billing-Non-metered Accounts:

Mr. Mull reported that the Planning Committee recommends billing all non-metered accounts for an average usage of 6 ccf/month.

d. Consideration of Drug-free Workplace Policy:

Mr. Mull reported that this item is being referred back to the Personnel Committee.

e. Consideration of Employee Assistance Program:

Mr. Mull reported that the Personnel Committee recommends development of an Employee Assistance Program, with expenditures funded from the O&M Contingency Fund. In addition, that staff speak with Personnel Performance Systems, Inc. to determine if they offer counseling in Time Management and Supervisory Reasonable Suspicion Training and the cost thereof. He further reported that since the Personnel Committee meeting, staff has determined that the Reasonable Suspicion Training cost is included in the current fee proposed for the program, however, Time Management is not.

f. Consideration of 401-k Employer Contribution:

Mr. Mull reported that by a 3 to 1 vote, the Personnel Committee recommends the District contribute .5% to a 401-k program for all employees. Mr. Joyner voted against the recommendation.

As requested, Items b. and f. were pulled for further consideration. Mr. Slosman moved that the Board approve items a., c., and e. as presented. Mr. Pace seconded the motion. Roll call vote was as follows: 9 Ayes; 0 Nays.

Regarding Item b., (Major Rehabilitation Consultant) Mr. Mull reported that when sewer consolidation occurred, part of the overall program was rehabilitation of approximately 900 miles of collection sewers. He further reported that funds were set aside for rehabilitation of the collection system, however, the program did not begin during the first year, because the funds were utilized on major interceptors and other programs. He stated that because of EPA's Sewer System Overflow (SSO) Policy, the District needs to retain an experienced consultant to assist in Phase 1 development of a rehabilitation plan. He further stated that the Department of Environment, Health and Natural Resources (DEHNR) is enforcing its requirements on wastewater overflows and bypasses and strongly encourages the development and implementation of a comprehensive preventative maintenance system plan .

Mr. Kelly questioned whether the District's Engineer of Record has the expertise to do this work. Mr. McGill stated that in his opinion, McGill Associates and other local engineering firms cannot handle the scope of work involved in the development of such a plan, but feels it is very important how the District goes about setting up the program. Mr. Selby questioned whether strict enforcement of DEHNR water quality regulations is a recent development, or is a regulatory action that has never been seen. Mr. Mull reported that the DEHNR has fines and penalties in their current regulations for system overflows and bypasses, but fines are rarely levied. Instead, the State works to get the problem solved. Mr. Selby expressed a concern regarding the cost involved in the development of a program to meet these requirements. Following a brief discussion regarding the need for such a program, Mr. Casper moved that the Board approve the recommendation of the Planning Committee. Mr. Pace seconded the motion. Roll call vote was as follows: 9 Ayes; 0 Nays.

Regarding Item f. (401-k Employer Contribution), Mr. Joyner read his comments listing reasons why he voted against the issue. With no discussion, Mr. Sobol moved that the Board approve the recommendation of the Personnel Committee. Mr. Kelly seconded the motion. Roll call vote was as follows: 8 Ayes; 1 Nay (Mr. Joyner).

4. Consideration of Facility Fee Revisions:

Mr. Mull presented a faxed letter from the Home Builders Association of Greater Asheville (HBAGA) stating that they do not support a \$750.00 flat facility fee regardless of the square footage of a home. Instead, they requested that the Board consider a flat fee structure of \$600.00 for all new residential construction, which would meet the needs of both the homeowner and MSD. He reported that the Planning Committee recommends approval of the new facility fee revisions and to develop a plan to assist with affordable housing by reduction of fees to \$300.00; requiring government agencies to certify qualifications of

applicants. Mr. Selby stated that the Planning Committee spent considerable time discussing the issue, which was primarily driven by staff's attempt to streamline permitting costs and procedures. He further stated that he has a problem with lowering the facility fees for larger homes and raising the fee for smaller homes. A lengthy discussion followed regarding the Planning Committee's recommendation; the difference in the wastewater flow between a large and small residence, and the issue of affordable housing. With no further discussion, Mr. Slosman moved that the Board refer this issue back to the Planning Committee in order to reconsider the rate structure. Mr. Pace seconded the motion. Mr. Sobol requested that staff provide the Committee with information regarding the fiscal impact of the fees. It was further recommended that representatives of the Home Builders Association, Habitat for Humanity, and others be invited to attend this meeting. Voice vote was as follows: 8 Ayes; 1 Nay, (Mr. Casper).

5. Consideration of Compensation Charts for Brucemont Circle and Riceville Road:

Mr. Mull reported that the total Compensation budget for the Brucemont Circle and Riceville Road Rehabilitation Projects, including contingency, is \$6,600.00 and \$6,700.00 respectively. Following a brief discussion, Mr. Kelly moved that the Board approve staff's recommendation to approve the compensation charts as presented. Mr. Slosman seconded the motion. Roll call vote was as follows: 9 Ayes; 0 Nays.

6. Consideration of Approval of Trustee Agreements:

As a matter of information, Mr. Mull read the contents of the Trustee Agreement. He reported that following review, District Counsel recommends that the Board authorize the execution of the agreements by the District's authorized officers. With no discussion, Mr. Slosman moved that the Board approve the recommendation of Counsel. Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

7. Consideration of Surplus Property Disposal:

Mr. Mull presented a revised Surplus Property List for review. He reported that if the list is approved, the items will be auctioned off at the City of Asheville's annual auction October 11, 1997. He further reported that following review by the Vehicle & Equipment Review Committee and approval by the District's Consulting Engineer, the Committee recommends that the Board approve the list of surplus vehicles and equipment, and authorize staff to obtain an appraisal for the Vacuum Truck (VT-1) to determine the bid amount. He presented a letter from Jet-Vac Sanitary Services, Inc. stating that a fair market value for the Vac-Con Vacuum Truck is approximately \$70,000.00. Following a brief discussion, Mr. Slosman moved that the Board approve the recommendation of the Committee. Mr. Pace seconded the motion. Roll call vote was as follows: 9 Ayes; 0 Nays.

8. Committee Reports:

a. Planning Committee

Mr. Slosman reported that a discussion was held with Mr. Doug Spell, Assistant City Manager regarding his letter of August 20, requesting the status of Sewer Master Plan Projects listed in "Exhibit B" of the Consolidation Agreement. A discussion followed regarding the District's responsibility in complying to the Agreement.

Mr. Selby stated that there was reference made at the Planning Committee regarding the Engineer of Record looking into modification of the Cane Creek Water & Sewer District's (CCWSD) Sewage Disposal Agreement to include annexed areas. Mr. Mull stated that no official action by the Engineer of Record can be taken prior to the notification procedure. He explained that CCWSD currently has an allocation of 1.35mgd, but following modification of the agreement, allocations will come out of the 1.35mgd, otherwise, any new connection located outside the District must pay a capacity depletion fee. A lengthy discussion followed regarding what will happen when the 1.35mgd is used up; whether the capacity is determined by the plant or the interceptor, and the District's involvement with Henderson County planning on the use of MSD sewers. With no further discussion, Mr. Selby requested that the Planning Committee further review the Agreement for wording with regard to waiver of capacity depletion fees.

b. Personnel Committee

No further report

9. Unfinished Business:

With regard to the Right of Way Quarterly Reports, Mr. Sobol questioned whether on-going negotiations will delay sections of the Black Mountain project. Mr. Post reported that the last agreement was signed today.

10. Old Business:

None

11. New Business:

None

At 3:05 p.m., Mr. Slosman moved that the Board go into closed session to discuss a personnel matter. Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

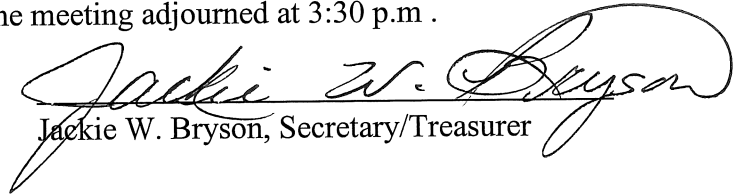
At 3:28 p.m., the regular meeting was reconvened.

Mr. Selby moved that the Board uphold the recommendation of the Hearing Committee to terminate Mr. Romero Wright. Mr. Kelly seconded the motion. Voice vote was as follows: 8 Ayes; 1 Nay (Mr. Pace)

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12. Adjournment:

With no further business, the meeting adjourned at 3:30 p.m .


Jackie W. Bryson, Secretary/Treasurer

The French Broad River
as an
American Heritage River

Whereas, President Clinton will designate 10 American Rivers as **American Heritage Rivers**, in 1997 in an effort to help communities along them revitalize their waterfronts and clean-up pollution; and

Whereas, the **American Heritage River Initiative** is not a regulatory program, rather it is a way for communities across America, and particularly those of us who live, work and play along the French Broad, to celebrate the integral role in our region's history the French Broad has had in providing opportunities for commerce, routes for exploration, inspiration for ideas and culture, means of recreation and source of drinking water both now and in the future; and

Whereas, the French Broad flows through the oldest mountains in the world, the Appalachians, and the Great Smoky Mountain range, and has the rare distinction of being one of the few rivers in the world to flow North; and

Whereas, the story, people, plants, history and events of the French Broad River watershed have been forever immortalized in the award winning book by Wilma Dykeman, **The French Broad**, which was published in 1955 and has never been out of print. It is currently being celebrated at the Library of Congress, as an integral part of the "*Rivers of America*" series; and

Whereas, the French Broad is this historic region's lifeline, tying together dispersed communities and linking diverse natural and manmade wonders. It is water source, play space, job creator, and major attraction, but above all a living symbol of our common destiny; and

Whereas, since time beyond measure, animal and human wayfarers have traveled this historic corridor: Cherokee canoes, rafts of Spanish explorers, settlers' wagons, drovers with their flocks of livestock, pioneering railroad lines, all followed the river's twisty channel. Even today, we take our cues from the river. I-40 follows the Swannanoa, and the extension of I-26 into Tennessee mirrors the French Broad's northward course; and

Whereas, the French Broad is where 25,000 years ago, as a great icecap formed over Labrador and pushed slowly out across North America, animal and plant life fled before its crushing destruction to our mountain region. Our forest are richer in variety of trees than the whole of Europe, for this is the area where Northern and Southern vegetation meet and mingle. While all of the northern United States was buried under ice, the trees and the plants once native to Canada made their last stand on the heights of the Southern Appalachians - these trees and shrubs and herbs have never deserted the mountain refuge they found in Western North Carolina and Eastern Tennessee; and

Whereas, Hernando DeSoto's island campsite on an ancient indian mound in the middle of the French Broad river, is buried under the Douglas Dam, the power source for Oak Ridge, where man unraveled one of the secrets of the universe and split the atom; and

Whereas, the Cherokee had special names for the river: *Tahkeyostee*, meaning "where they race," the tributaries were called the Chattering Children; and the river itself *Agiqua* or "Long Man;" and

Whereas, along the banks of the French Broad River the first school of Forestry was formed in the United States in 1898, at the **Biltmore Estate** under the guidance of Dr. Schenck following Gifford Pinchot's successful experiments on the Estate from 1892 to 1895; and

Whereas, the French Broad region has become internationally acclaimed for the quality and variety of its hand-made goods, crafts, art, culture, music, and dance; and

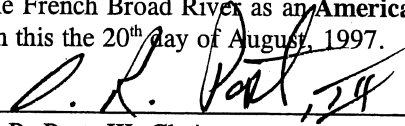
Whereas, the French Broad River could become an internationally acclaimed greenway with pedestrian paths, bikeways and wildlife corridors, that link historic sites, activity centers, and access points with docking facilities, launch points, picnic and camping sites and access to the All American Road known as the **Blue Ridge Parkway**; and

Whereas, the people and elected officials of the French Broad River watershed have formed a strategic alliance to share and protect the French Broad River as a destination where our children and grandchildren can live, work and play; and

Whereas, the Metropolitan Sewerage District Board of Buncombe County, North Carolina conditions its support of this Resolution on the understanding that any future use of the French Broad River take into account the continuing future need for adequate wastewater treatment facilities on the river including sites for additional wastewater treatment plants; and

Whereas, the Metropolitan Sewerage District of Buncombe County, North Carolina supports the designation of the French Broad River as an **American Heritage River** from Rosman in Transylvania County to Knoxville, Tennessee. This designation of the French Broad will provide resources in the form of programs, technical assistance, and better awareness and access to grants which will enable our communities and region to work together on behalf of a restored, revitalized river:

Now, Therefore, Be It Resolved, that the Metropolitan Sewerage District of Buncombe County, North Carolina does hereby endorse the designation of the French Broad River as an **American Heritage River** on this the 20th day of August, 1997.


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

ATTEST:


Jackie W. Bryson, Secretary/Treasurer