

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT
September 21, 2022

1. Call to Order and Roll Call:

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the Boardroom of MSD's Administration Building at 2:00 pm, Wednesday, September 21, 2022. Chairman Vehaun presided with the following members present: Bryson, Dearth, Lapsley, Pennington, Pressley, Watts, Whitesides and Wisler. Ashley, Franklin, Kelly, Manheimer and Pelly were absent.

Others present were William Clarke, General Counsel; Joe Martin, Woodfin Sanitary Water & Sewer District; Alan Wheeler, Builder; Kevin Hackett, Builder, Barry Bialik, Builder and Tom Hartye, Hunter Carson, Scott Powell, Angel Banks, Kevin Johnson, Mike Stamey, Ken Stines, Pam Thomas, Spencer Nay and Pam Nolan, MSD.

2. Inquiry as to Conflict of Interest:

Mr. VeHaun asked if there were any conflicts of interest with the agenda items. No conflicts were reported.

3. Approval of Minutes of the July 20, 2022 Board Meeting:

Mr. VeHaun asked if there were any changes to the Minutes of the July 20, 2022 Board Meeting. Mr. Whitesides moved for approval of the minutes as presented. Mr. Watts seconded the motion. Voice vote in favor of the motion was unanimous.

4. Discussion and Adjustment of Agenda: None.

5. Introduction of Guests: Mr. VeHaun welcomed Barry Bialik, Kevin Hackett and Alan Wheeler.

6. Informal Discussion and Public Comment:

Barry Bialik stated that he is a local contractor who builds compact cottages and affordable housing, is Chair of Asheville Affordable Housing Advisory Committee and owns the Thirsty Monk. He first wanted to discuss rate changes that happened in July. He read the minutes of past meetings, and it was discussed, not as a rate change, but there were some wording adjustments that make it a very significant rate change. As a volume home builder with twenty-five active permits with the City of Asheville, in the past there was a standard fee called a road cut fee of approximately \$2,300. When contractors budget for a tap they know what the facility fees, tap fees, and road cut fees will be. What happened in July is that the wording changed to say that if there is a tap that needs to be put in the street or could be complicated, instead of having a standard road cut fee, an engineer's estimate is created. He stated that he is on the Government of Affairs Committee for the Homebuilders Association, an active builder, and Chair the Affordable Housing Committee, and didn't hear anything about this change. The most recent sewer availability application he submitted was standard, a house on Charlotte Street, with the tap going in the street. For this one single house the tap fee came in at \$15,000. The breakdown came in as the standard facility fee of \$2,836. Instead of what's expected as the road cut fee, accompanying it was an estimate of what everything

Minutes

September 21, 2022

Page Two

would be which totaled \$12,000 plus the facility fee. One single house is \$15,000 for sewer which is not anything they would've known to budget. Another recent one he would have expected to be a standard \$6,000 in the past with the road cut fee, came in at \$7,800. Mr. Bialik stated that he would call this a significant fee hike, but when he read the minutes, he didn't see it discussed as a fee hike. He saw it discussed as a minor wording change that instead of a road cut fee, MSD now reserves the right to say these taps need to be done by a contractor or they will prepare an engineer's estimate. He stated that he wanted to bring this to the Board's attention and see what can be done to open up this discussion because this is a significant change, approximately 10% of his construction budget. He added that anyone he had mentioned this to, from the Home Builder's Association to large and small contractors, no one seems aware so he stated he didn't think it was publicly noted in a way that such a change should have been.

Mr. Bialik stated that for his second discussion he would put on his Affordable Housing Advisory hat. They have a sub task force called "build" and at each meeting they invite a different discipline to attend. Kevin Johnson has attended one of these meetings. This task force identifies all of the things that make housing construction more expensive. One of the big things that came up in their conversations is that MSD, by Charter, is not allowed to extend their own sewer lines. He stated that they were shocked to hear that and asked around and clarified that it is not a State Law. Hendersonville can extend their own lines. MSD's Charter disallows itself from extending its own lines. This means that everything is on private developers to prepare, perform engineering, and take on expenses. He stated that he understands there is some cost sharing that can happen but in places that he has lived, from the Seattle area, zoning and sewer districts worked hand in hand. They would prepare zoning studies to determine what is the smallest amount they could run sewer lines to match with the zoning. He used the Emma area as an example. There is an affordable housing crisis. Emma has land available but the biggest reason it is not developed is because there are no sewer lines there. He stated that he would propose looking to the Charter because he believes it is outdated. He also proposed looking to see what others are doing and see how MSD could look at changing what they are doing. He stated that through the Affordable Housing Budget they would continue on the path with pushing for this Charter change. The City is contracting a new missing middle housing study and he knows that is one of the biggest things that they have identified to be reviewed. He stated that he knows they will continue to push for the Board to consider that Charter and to look at this major rate hike as he doesn't know if it was properly noted as a rate hike.

Mr. Hartye responded to Mr. Bialik's first item of discussion. There is a Planning & Development Status Report included in each month's Board package. This report shows activity going on in Planning & Development. There are approximately 4,500 services and units being installed by developers in active projects throughout the District, both residential and commercial and a little industrial. Then there are a small amount of scattered service connections, which is what he believes Mr. Bialik is talking about. These connections are primarily in Asheville that are in or adjacent to existing neighborhoods, existing mains for empty lots, failed services, or adding new units to existing lots that already have houses due to increased zoning density. There are 2 types of these services. There are the "same side service" which are in the back easement or front yard that are shorter and just involve digging dirt to install and are

fairly easy. The fee for MSD crews to make the typical “same side” connection has not changed at all. It is a flat \$1,300 fee. We can still do all of these since it does not involve pulling off a whole full-fledged crew or involving a subcontractor. On the other side, there are the more complicated and involved ones that involve pavement cuts or boring underneath pavement and would involve pulling crews off of our main focus which is to rehabilitate and replace the system. This was in the previous policy and is still the same. MSD has always reserved the right to require any new services to be completed by the developer or contractor. MSD would get involved in these connections based upon our labor and time availability. In the last few years, both supply chain issues and labor issues have diminished MSD’s involvement in complex service connections for new development. MSD does not want to pull crews off of rehabilitation jobs, which is our main focus, to do work for a new development. We still do so to some extent and will notify the developer up front of how much and roughly how long it will be if developer is not in a hurry. MSD has an engineering inspector that goes out to review each connection to both advise how it is to be constructed and give an estimate of how much it might cost, and this is done free of charge. In reviewing these more complex connections with staff it became obvious that the costs to MSD for a long side service requiring pavement disturbance or boring were much higher than what was being charged (\$3,600 vs. current avg. \$6,525). These costs are also highly variable dependent on particular field conditions, anywhere from \$3,300 to \$15,774. With the rising costs, it became evident that our existing customers were subsidizing these more complex new development services. We changed the wording so that these more involved services were all at cost and we would do the up-front work of providing an estimate. MSD has always held that you can take it to a contractor. Now the service we are providing is an engineering estimate that tells you what it will cost, and you can wait for MSD provide the connection if we have the availability of crews or you can take the estimate to a contractor to see if you can negotiate a price. This was part of the fee/rate schedule and budget that was public noticed in mid-May on the website just like the increase to everyone’s sewer service charge. MSD honored any service requests that were made prior to July 1. After that point, when developers call in to inquire about sewer service to a property our Planning and Development Personnel let them know that we have to send an inspector out to investigate to determine how to connect and how much it would cost. They are then provided an estimate.

Mr. Hartye then responded to Mr. Bialik’s second item of discussion. As far as the Charter is concerned, he stated that approximately 20 years ago, Billy Clarke, himself and the then Chair of the Planning Committee, Steve Aceto, met with Martin Nesbitt and other Legislatures to discuss the ability to “special assess”. Special Assessment means that when you extend out into a new area, you put in whatever the infrastructure is, and you can assess those people (new customers) a proportionate share based on acreage, units, etc., of that cost. Then you don’t put that on the shoulders of the existing customers. MSD’s goal was to try to eliminate package plants, failing septic systems and that sort of thing to clean up streams. Although Mr. Nesbitt kind of agreed with what we were saying, he was concerned about MSD running sewer lines up “into the hollars” and trying to condemn land for development that wasn’t wanted. In about 2005, the death knell of this was the “Kelo vs. New London” case. The Supreme Court sided with the town to condemn one private owner for another private owner. This sent a backlash across the United

States, including here. We were actually trying to give up our tax status at that time if they would give us special assessment ability. MSD wanted this ability. In the next 10 years, he, Staff and Mr. Clarke and the Planning Committee went through a whole series of new contributions and partnerships with developers. There are new policies like 10- year up front revenues for failing septic systems, Affordable Housing Fee rebates of over 75%, Affordable Housing participation in their lines going to their developments up to \$50,000, and Revenue Sharing for any developer at 50% for 10 years. Another program is Developer to Developer reimbursement. If a Developer runs a line going to his development and another developer takes advantage of that line within the first 10 years, MSD will reimburse the original developer a proportionate share of what the new developer is going to use that line for. The MSD Master Plan is a big program that was just discussed in the last Right of Way Committee Meeting. Master Plan lines are laid out through our District in areas that are not yet served, in a logical way so that we ascertain and use gravity wherever we can. When a developer comes in and they want to develop a property, use to be a long time ago they would push and push and get a small pump station to get to MSD's system any way possible. That created a lot of problems. Now we are trying to apply some logic to the expansion of the system so when a developer comes in and they are in a basin and all they need for their development is an 8-inch gravity line and our Master Plan shows that to serve that particular basin they will ultimately need a 12-inch, we will require them to install the 12-inch and we will reimburse them for that 12-inch increased cost. In addition, right now our policy states that we will obtain rights of way and perform the engineering. There is a lot of participation in that type of thing. All of this is born out of the fact that we could not get a special assessment. At the last Right of Way Committee meeting there was discussion regarding the MSD Reimbursement Program and he stated that Ms. Banks could speak further on this issue. Mr. Hartye also suggested that if Mr. Bialik wanted to continue with that conversation, he should attend the next Right of Way Committee Meeting.

7. Report of General Manager:

Mr. Hartye reported that MSD received a letter from the Town of Mars Hill regarding the aid that MSD provided in their time of need. Thanks to Ken Stines and his Staff.

Mr. Hartye reported that MSD received the GFOA's Certificate of Achievement for Excellence in Financial Reporting for the FY 2021 CAFR. Thanks to Jody Germaine and Scott Powell.

Mr. Hartye reported that the next regular Board Meeting will be held on October 19th at 2 pm. The September Right of Way Committee Meeting has been cancelled. The next Right of Way Committee meeting will be held on October 26th at 9 am. He suggested that Mr. Bialik note the date for the Right of Way Committee Meeting.

8. Report of Committees:

a. Right of Way Committee – August 24, 2022

Ms. Banks reported that at the Right of Way Committee she and Hunter Carson presented for information purposes only, a very thorough and interesting discussion on current developer driven extension projects and the District's Policy for the extension of public sewers. There were discussions regarding the nature of timing impacts, staffing impacts, cost impacts and the possibility of litigation involved through condemnation action. This was brought to the Right of Way Committee first specifically because that Committee of this Board looks at, reviews, and advises on issues related to real estate, condemnations, and property acquisitions. Staff wanted to go over this conversation with them first and Staff is here today to answer any questions, come back to you with any information you may wish to see in light of the fact that this body, the full Board, may wish to look at the current extension policy and discuss it further, review it, keep it the same, or tweak it. The Minutes from that meeting are included in this Board package and she and Mr. Carson are here to answer any questions. She also stated if the Board would like to put some things together for Staff to review, they could then plan future discussions. Mr. Hartye added this issue may well involve the Planning Committee too. They just want this Board to be aware that these programs are available, and a lot of these programs are not taken advantage of. We don't have that many take advantage of the Revenue Sharing Program. The one that we do get a lot of participation in is the Affordable Housing. This may be a Planning Committee conversation as well. Mr. Pennington wasn't available for the previous conversation, but he feels there should be a Planning Committee conversation with Mr. Pennington included. Candler is a good example, when he mentioned before, the reason MSD was trying to get the special assessment early on was to do the same type of project that Candler presents right now. Eliminating three package plants and all of these failing septic tanks out there and cleaning up Hominy Creek, this would be a perfect situation for that. We will be looking to Mr. Pennington for guidance as far as Buncombe County Planning and how they relate. Mr. Pennington added that he thought that was a great point and it speaks a lot to some of the concerns Mr. Bialik brought up. The County will definitely be looking at infrastructure from wastewater but also from the potable water side as well. If we don't address it now, we are going to run out of options for land which is our scarcest resource. He stated that he also thinks it has an environmental benefit, Hominy Creek is impaired, and it flows into the French Broad River, so it has a multi-factor effect of doing a couple of different things. There will be more to come, they are in the Goals, Policies and Objectives phase and he will have a lot more to share. Mr. Dearth stated that whichever way you go in terms of prospective construction, there is no point in doing anything without it being on track, whatever the track is, with the various water systems. Mr. Hartye stated that, in general terms, water is a lot easier and cheaper to run because you can run it three feet under the ground, pretty much anywhere. Sewer has to be run on a grade so that we are always the limiting factor. A lot of times you will already have water. As is the case with Weaverville, you may not have or project enough water. Mr. Dearth stated that it is not only do you not have enough, but the policy states that we don't do prospective construction. That's not to say that's not the absolute right answer in all cases but whatever we're doing with water has to be in track with what you're doing with sewer. Mr. Hartye stated that MSD tries to coordinate

with the various member agencies and update our plan according to what you all are doing. Mr. Clarke stated that, from a policy perspective, when MSD took over all of the sewer lines in the 1990's, they were in a state of disrepair, so MSD has focused for a long time on fixing the existing system. That takes a long time and probably will take another 50-100 years. MSD's charter does not prohibit it from extending sewer lines. MSD has made a policy decision to fix the existing system and by fixing the existing system, has enabled a lot of development to occur with developers extending the sewer system. He stated that he realizes there are areas within the City of Asheville that, for whatever reason, do not have public sewer but that is another issue. Mr. VeHaun asked if there was any further discussion. There was none.

9. Consolidated Motion Agenda:

a. Consideration of Bids – Toxaway Street Rehabilitation

Mr. Hartye reported that this project is located in the Kenilworth area and consists of approximately 2,480 LF of 8-inch HDPE primarily installed via pipe bursting. The existing clay lines are undersized and in poor condition with multiple structural defects and heavy root intrusion which has resulted in major infiltration and inflow. The project was advertised and two bids were received on August 25th. The project was therefore readvertised, according to statutes, and two bids were again received on September 2, 2022 in the following amounts: Portland Utilities Construction Company in the amount of \$1,112,136.40; and Terry Brothers Construction Company in the amount of \$620,627.00. The apparent low bidder is Terry Brothers Construction Company in the amount of \$620,627.00. Terry Brothers has extensive experience with District rehabilitation projects and continue to provide excellent workmanship. The FY22-23 Construction Budget for this project is \$985,000.00.00. The bid amount is significantly lower than budgeted due to a design change from dig and replace to pipe bursting which reduced the need for asphalt restoration. Staff recommends award of this contract to Terry Brothers Construction Company in the amount of \$620,687.00, subject to review and approval by District Counsel.

b. Consideration of Sole Source Procurement: Influent Pump Impeller Purchase:

Mr. Hartye reported that the plant has three large influent pumps (each rated at 35 mgd) that lift wastewater received at the plant to the head of the treatment process. These pumps are very critical. Staff recently observed a significant reduction in pumping capacity of Influent Pump No. 2 and upon inspection discovered a hole in the impeller. The impeller was temporarily repaired but is in need of replacement. Given the criticality of these pumps, the purchase of two impellers is recommended; one to replace the failed impeller in Pump No. 2 and a second as a spare, particularly due to the long lead times faced. Given the unique nature of these pumps, a primary overriding concern is that each pump must be standardized with identical performance. Morris Pump is the original pump manufacturer and only manufacturer of the replacement impellers. Accordingly, a sole source purchase is required. The cost for the two pump impellers is

\$154,720.00, with a production and delivery time of 22 weeks. MSD personnel will be utilized for pump impeller replacement after delivery of the units. The FY22-23 budget for this project is \$160,000.00. Staff recommends that the District sole source procure two (2) Morris Pump Model 125MF-2AB impellers in the amount of \$154,720.00 and recommends this sole source due to the fact that standardization, performance, and compatibility with the existing pump is a primary overriding concern.

c. Consideration to Construct without Easement or Condemnation – Elk Mountain Place:

Mr. Hartye reported that the Right of Way Committee recommended authority to proceed with construction without an easement or condemnation at this time.

d. Consideration of Developer Constructed Sewer Systems – Brown Avenue; Padgettown Phase 2; Reserve at Gashes Creek; 20 Winding Road; Amarn-Clayton Road; Fields Jaguar; Olivette Phase 1B; Sycamore Cove Subdivision:

Mr. Hartye reported that the Brown Avenue project is located in the Town of Woodfin and included extending approximately 58 linear feet of 8-inch public gravity sewer to serve 3 homes in this residential development.

Mr. Hartye reported that the Padgettown Phase 2 project is located off Avena Road in the Town of Black Mountain and included extending approximately 1,189 linear feet of 8-inch public gravity sewer to serve the 36 homes in this phase of this residential development.

Mr. Hartye reported that the Reserve at Gashes Creek project is located along Charlotte Highway in Buncombe County and included relocating 525 linear feet of 12-inch public gravity sewer, abandoning approximately 485 linear feet of 8-inch public gravity sewer and extending approximately 1,495 linear feet of 8-inch public gravity sewer to serve 190 apartments and amenities for this residential apartment complex.

Mr. Hartye reported that the 20 Winding Road project is located between East Street and Winding Road in the City of Asheville and included extending approximately 222 linear feet of 8-inch public gravity sewer to serve 5 homes in this residential development.

Mr. Hartye reported that the Amarn-Clayton Road project is located off of Clayton Road in Buncombe County and included extending approximately 1,360 linear feet of 8-inch public gravity sewer to serve 20 homes in this residential development.

Mr. Hartye reported that the Fields Jaguar project is located off Long Shoals Road in Buncombe County and included relocating approximately 316 linear feet of 8-

inch public gravity sewer along with abandoning approximately 300 linear feet of public sewer to accommodate this commercial development.

Mr. Hartye reported that the Olivette Phase 1B project is located off River Run along the French Broad River in Buncombe County and included extending approximately 940 linear feet of 8-inch public gravity sewer to serve 11 homes in this residential development.

Mr. Hartye reported that the Sycamore Cove US 74A in Buncombe County and included extending approximately 1.080 linear feet of 8-inch public gravity sewer to serve 26 homes in this residential development.

Staff recommends acceptance of the aforementioned developer constructed sewer systems. All MSD requirements have been met.

e. Cash Commitment Investment Report – Month ended July, 2022:

Mr. Powell reported that Page 46 presents the makeup of the District's Investment Portfolio. Page 47 presents the MSD Investment Manager's report as of the month of July. The weighted average maturity of the investment portfolio is 70 days and the yield to maturity is 1.76%. Page 50 presents the District's Variable Debt Service Report. The 2008A Series Bond is performing at budgeted expectations. As of the end of August, the issues have saved the District rate payers approximately \$7.2 million in debt service.

f. Fourth Quarter Budget to Actual Review – FY2022:

Mr. Powell reported that Page 53 presents how the District has performed in relation to the Budget. Domestic and Industrial Revenue are above budgeted expectations. Staff believes Domestic User Fee variance will end up around 104% when June accounts receivable data is received from its Member Agencies in September. Facility and Tap Fees are above budgeted expectations. This is due to the District receiving an additional \$3.2 Million from various developments. Interest and miscellaneous income are above budgeted expectations. O&M expenditures are at 90.6% of budget. This amount may vary slightly from audited numbers due to final accruals. Bond principal and interest and other long-term obligations are at budgeted expectations. Capital Project Expenditures are at approximately 82% of budget. This reflects delays in three projects, Christian Creek being one of those due to Norfolk Southern right of way issues. All unexpended funds relocated to capital projects have been re-budgeted in the FY2023 Budget.

g. Reimbursement Resolution for Bond Projects:

Mr. Powell reported that to be in compliance with IRS Regulations concerning tax exempt financing, all expenditures made with non-MSD bond funds and to be reimbursed from MSD bond funds must be properly identified and authorized. The proposed reimbursement resolution identifies major projects intended to be solely or substantially financed by bonds anticipated to be issued in FY2025. Board approval is required to obtain the tax exemption of interest paid on MSD

bonds by authorizing reimbursement from bond proceeds of the expenditures for the attached project listing.

With no further discussion, Mr. VeHaun called for a motion to approve the Consolidated Motion Agenda. Ms. Wisler moved, Mr. Watts seconded the motion. Roll call vote was as follows: 9 ayes; 0 Nays.

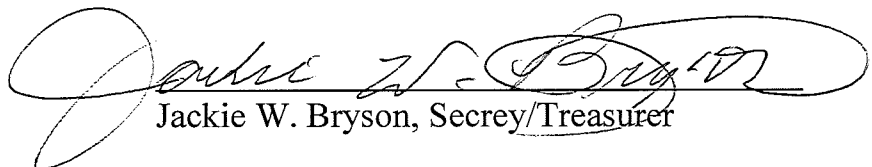
10. Old Business:

Mr. VeHaun called for a motion to go into closed session to discuss the pending litigation of Nowak vs. MSD. Ms. Wisler moved, Mr. Pelly seconded the motion. Roll call vote was as follows: 9 ayes; 0 Nays.

11. New Business: None.

12. Adjournment:

With no further business, Mr. VeHaun called for adjournment at 3:10 pm.


Jackie W. Bryson, Secrey/Treasurer



Metropolitan Sewerage District

Regular Board Meeting

September 21, 2022, 2 pm

	Agenda Item	Presenter
	Call to Order and Roll Call	VeHaun
	01. Inquiry as to Conflict of Interest	VeHaun
	02. Approval of Minutes of the July 20, 2022 Board Meeting	VeHaun
	03. Discussion and Adjustment of Agenda	VeHaun
	04. Introduction of Guests	VeHaun
	05. Informal Discussion and Public Comment	VeHaun
	06. Report of General Manager	Hartye
	07. Report of Committees	
	a. Right of Way Committee – August 24, 2022	Kelly
	08. Consolidated Motion Agenda	Hartye
	a. Consideration of Bids – Aurora Drive	Hartye
	b. Consideration of Sole Source Procurement: Influent Pump Impeller Purchase	Hartye
	c. Consideration to Construct without Easement or Condemnation – Elk Mountain Place	Hartye
	d. Consideration of Developer Constructed Sewer Systems – Brown Avenue; Padgettown Phase 2; Reserve at Gashes Creek; 20 Winding Road; Amarn-Clayton Road; Fields Jaguar; Olivette Ph. 1B; Sycamore Cove Subdivision	Hartye
	e. Cash Commitment/Investment Report-Month ended July, 2022	Powell
	f. Fourth Quarter Budget to Actual Review - FY2022	Powell
	g. Reimbursement Resolution for Bond Projects	Powell
	09. Old Business	VeHaun
	10. New Business:	VeHaun
	11. Adjournment: (Next Meeting 9/21/22)	VeHaun
	STATUS REPORTS	

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT
July 20, 2022

1. Call to Order and Roll Call:

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the Boardroom of MSD's Administration Building at 2:00 pm, Wednesday, July 20, 2022. Chairman Vebaun presided with the following members present: Ashley, Bryson, Dearth, Franklin, Kelly, Lapsley, Pelly, Pennington, Pressley, Watts, Whitesides and Wisler. Manheimer was absent.

Others present were William Clarke, General Counsel; Forrest Westall with McGill Associates; Patty Beaver with CIBO; Erin McCombs with American Rivers; Mark Hunt, Citizen; Tom Hartye, Hunter Carson, Mike Stamey, Ken Stines, Pam Thomas, Roger Edwards, Chad Ledford, Alan Taylor, Spencer Nay and Pam Nolan, MSD.

2. Election of Officers:

Mr. VeHaun called for nominations for Chair of the MSD Board. Mr. Kelly nominated Mr. VeHaun as Chair. Mr. Watts seconded the nomination. With no further nominations Mr. Kelly called for a motion that nominations be closed and that, by acclamation, Mr. VeHaun be elected as Chair of the MSD Board for 2022-2023. Mr. Pelly moved and Mr. Whitesides seconded the motion. Voice vote in favor of the motion was unanimous.

Mr. VeHaun called for nominations for Vice Chair of the MSD Board. Ms. Bryson nominated Mr. Kelly. Mr. VeHaun seconded the nomination. Mr. VeHaun called for further nominations. With no further nominations, Mr. VeHaun called for a motion that nominations be closed and that, by acclamation, Mr. Kelly be elected as Vice Chair of the MSD Board for 2022-2023. Mr. Whitesides made the motion. Mr. Watts seconded the motion. Voice vote in favor of the motion was unanimous.

Mr. VeHaun nominated Ms. Bryson for re-appointment as Secretary/Treasurer of the MSD Board for 2022-2023. Mr. Pressley made the motion. Mr. Whitesides seconded. Voice vote in favor of Ms. Bryson's re-appointment was unanimous.

3. Inquiry as to Conflict of Interest:

Mr. VeHaun asked if there were any conflicts of interest with the agenda items. No conflicts were reported.

4. Approval of Minutes of the June 15, 2022 Board Meeting:

Mr. VeHaun asked if there were any changes to the Minutes of the June 15, 2022 Board Meeting. Mr. Kelly moved for approval of the minutes as presented. Mr. Pelly seconded the motion. Voice vote in favor of the motion was unanimous.

5. Discussion and Adjustment of Agenda: None.

6. Introduction of Guests: Mr. VeHaun welcomed Patty Beaver with CIBO, Forrest Westall with McGill Associates, Erin McCombs with American Rivers and Mark Hunt who was in attendance for the American Rivers discussion.

7. **Informal Discussion and Public Comment:** None.

8. **Report of General Manager:**

Mr. Hartye reported that attached are two Answer Man articles from last month regarding MSD. There has been a lot of interest in the wastewater industry operation in Buncombe County lately. In response to that interest, he stated that he felt it would be a good time to have a presentation about the pretreatment program. The Pretreatment Program regulates commercial and industrial customers. Mr. Hartye reported that Roger Edwards, MSD's Director of Wastewater Treatment and Chad Ledford, Manager of MSD's Pretreatment Program will give a brief presentation regarding MSD's Pretreatment Program.

Mr. Edwards reported that he will be covering the Federal Pretreatment Program Framework. The Federal Water Pollution Control Act (FWPCA) amendments of 1972 are commonly known as the Clean Water Act (CWA). CWA established the authority for the National Pollutant Discharge Elimination System (NPDES) Program for Water Reclamation Facilities and industrial discharges. All NPDES permits are point source discharges to surface waters in the United States. The EPA developed the regulations limiting pollutants discharge to all surface waters. The EPA recognized early on that the NPDES program would not fully cover the intent of the CWA so additional controls and mechanisms would be necessary. That's when they established the National Industrial Pretreatment Program, regulating the discharge of industrial waste to collection systems and water reclamation facilities. These discharges are considered indirect discharges because they do not go to surface waters of the United States. The General Pretreatment Regulations are found in 40 CFR Part 403 and went into effect in January of 1981. The Pretreatment Program is the only EPA environmental program to authorize local governments to directly implement and enforce Federal Regulations. The Pretreatment Program prevents introduction of pollutants in a harmful volume or concentration to the collection system which could cause pass through interference with the treatment of the wastewater or interfere with disposal of biosolids. These regulations also protect the collection system workers, the environment, the capability of the wastewater facility to treat the wastewater and the public health. There are specific prohibitions included, the first being fire and explosion hazards. You cannot discharge flammable liquids such as gasoline and kerosene, to a collection system. You cannot discharge corrosive material to the collection system if the pH is less than 5.0 standard units. Any solid or viscous material that could cause obstruction or interfere with the flow in the collection system or the wastewater treatment plant itself are prohibited. Flows in concentrations that could cause interference are prohibited. Heat, which is typically not thought of as a pollutant, can be damaging to the biological activity at the wastewater treatment plant so it is controlled through these regulations. Oils, whether petroleum or animal based, that could pass through the treatment process, are prohibited. Pollutants that can create toxic gases, fumes or vapors are prohibited. Trucked or hauled waste cannot be discharged unless there is a specific designated point to be discharged into the collection system. Legal authority comes through MSD's Sewer Use Ordinance (SUO) which was updated in 2020. This enables MSD to require that Industrial Users comply with all applicable standards and gives us the ability to deny the contribution of pollutants that do not meet applicable requirements. It allows MSD

to issue the Industrial Users Permits that must be complied with. It requires that MSD and the entities perform monitoring activities. MSD is required to take enforcement action for any non-compliance. This can be in the form of administrative orders, consent orders, and monetary civil penalties. MSD is required to honor any confidential information at any of the industries and is required to keep that information separate from general files. MSD does that by keeping the information in a locked file cabinet. MSD has Categorical Industrial Users (CIU's). It doesn't matter how much they discharge to the system, they are required to have a permit under Federal Regulations just by the nature of that business. Examples of CIU's would be pharmaceuticals, metal finishing, molding/casting, and electroplating. There is another category which is Significant Industrial Users (SIU's). These are based on MSD's discretion and the regulation. If they have an average discharge greater than 25,000 gpd of process wastewater, contribute 5% or more of the WRF's average, whether hydraulic flow or organic capacity; or if they have a reasonable potential to adversely impact the WRF operation or violate pretreatment standards or requirements. MSD's requirements under the federal framework are that we must conduct a minimum of annual inspections and sample all regulated pollutants. Categorical Industrial Users and Significant Industrial Users have to perform self-monitoring and sampling and report to MSD on a monthly basis. MSD is required to maintain a compliance monitoring database and issue notices of violation (NOV's) to any of the entities or industrial users that do not comply with regulations. This is done through MSD's Enforcement Response Plan. MSD is also required to develop, enforce, and update local limits as required due to regulatory changes, treatment facility compliance history and capacity. MSD is also required to do annual reporting and monitoring. The long-term monitoring program is a quarterly sampling that has to be done in order to develop the Headworks Analysis. The Headworks Analysis is a report that has to be sent into the Division of Water Resources on a five-year basis indicating that we are not overloading the wastewater treatment plant with pollutants, and we have a safety factor left so that we can accept industry that may want to relocate to the area. MSD also has to do a pretreatment annual report which is all correspondence looking at compliance with all related industry. We are required to report the Industrial Waste Survey every five years. To conduct that survey, we look at all industries within our service area and make sure that we can identify them if they have a permit and that we are sampling them for the appropriate pollutants.

Mr. Ledford reported on MSD's Pretreatment Program. MSD has a Fats, Oils and Grease Program with a Grease Program Inspector. MSD also has an Industrial Pretreatment Program with an Industrial Pretreatment Coordinator. We also handle the Fermented Beverage Manufacturer Regulation. MSD also has the WRF Process Laboratory with a Pretreatment Laboratory Specialist. We also handle the long-term reports that Mr. Edwards mentioned above and help with the MSD Odor and Corrosion Control Program. Currently in the Industrial Pretreatment Program there are fifteen categorical industries regulated, seven significant industrial users and forty locally regulated industrial users. MSD also has multiple categorical industries that are zero discharge and those are permitted and inspected as well. These facilities are inspected to ensure compliance with EPA and NCDWR regulation. Mr. Ledford stated that we review and approve industrial pretreatment equipment, give authorization to construct, send an annual report to NCDWR and issue NOV's and assess civil penalties in accordance with SUO and ERP. The fermented beverage

manufacturers have been a very large, growing section of the program, which is now up to 120 brewing locations. Mr. Ledford reported that in the 2020 SUO, we created some streamlined regulations, working with the Asheville Brewing Association to make sure there were positive regulations for the area. We currently permit and inspect based on the facility size and report review. The Fats, Oil and Grease Program is another growing section of the program. There are currently 1,700 food service establishments regulated. We focus on education and outreach, and send out pamphlets for schools, apartments, and other organizations. Inspections are performed daily in this program. We also work with Planning and Development to review any new food service establishments, oil change facilities, oil water separators or any commercial facility that could impact collections or treatment. We issue NOV's and civil penalties in accordance with SUO and ERP. The process at the WRF Laboratory includes performing daily analysis for indication of operational conditions. We analyze the biological growth on the RBC's to make sure the growth patterns are favorable. We maintain and calibrate various lab and operational equipment. We perform program specific sampling for pretreatment and the WRF. The Long-Term Monitoring is performed quarterly, sometimes more depending on the results. The Priority Pollutant Analysis is performed three times per permit cycle. We also sample for contaminants of emerging concern. Long term projects include the Headworks Analysis. With the Headworks Analysis we use the Long-Term Monitoring data over five years to calculate WRF loading and allowable allocations for industry. We identify pollutants of concern for future WRF upgrades and changes. The Industrial Waste Survey is performed every five years using Planning and Development, Chamber of Commerce, and a Manufacturer's Registry. Planning and Development here at MSD has been crucial to the Pretreatment Program and we work closely with them. For the Odor and Corrosion Control Program there are three different monitored dosing stations located strategically throughout the MSD system, along with scheduling chemical deliveries, using air monitors to collect data, and adjusting chemical dosage based on the monitoring data to reduce odor and corrosion. We work closely with System Services to determine how effective the program is functioning. Moving forward our Staff will continue compliance with all Federal and State pretreatment regulations and analytical requirements, continue to improve community outreach and education and continue working closely with the public and the County Health Department. Mr. Hartye asked if they had ever had to fine someone. Mr. Edwards and Mr. Ledford stated yes. Mr. Hartye stated that the industries do work well and report well. Mr. Edwards stated that they do have a very good compliance record for the industries, and very seldom do they have to advertise an industry name in the paper, which is required if they are not in compliance for a period of time. Mr. Clarke asked how many industrial users, including the CIU's, there are. Mr. Edwards stated there are about 22 with significant and categorical and 40 industrial users that they feel could have a negative impact on the plant. They are permitted as well. Mr. Clarke asked if they also accept waste from septage hauling. Mr. Edwards stated that is correct. Typically, on a monthly average, they are getting close to 1 million gallons of trucked in waste from the area every month. This can be problematic sometimes, as you would be surprised what can come out of a septic tank, so you have to keep a close eye on the bar screens. Even though there are permits for all of the septage hauling trucks and they express to them that if they have a bad load they need to call and let Staff know ahead of time. They can actually blind over the bar screens and cause MSD to have a reportable incident. Staff tries to keep everybody well educated and informed. Mr. Hartye added that he couldn't

understate the grease program as well, with 1,700 establishments, and having to keep track of the grease interceptors and grease traps. He stated that Alan Taylor does a great job inspecting those and keeping people on task. Businesses put the grease traps in initially and then forget about them and that can cause backups in the system if there is a slug of grease cooling off. They don't realize that if it goes down their drain and makes it out of the system and cools off it's going to clog up the system. Mr. Pennington stated that Buncombe County is seeing a lot more requests for campgrounds and they have a requirement that they have to put in a dump station which is important to highlight because sometimes they use chemicals in rv's that have no place in the septic system. Mr. Pennington asked what MSD does with the chemicals, especially the blue ones like you see in porta johns. Mr. Edwards stated that due to the volume that MSD is treating it doesn't really negatively impact the waste stream so it can be handled through the plant and treated. If they were to dump into a smaller facility it could have an impact where it could possibly kill off biological growth which is actually what treats the wastewater. Mr. Pennington stated that he sees some of the septic pumpers with an MSD Permit on the side of their truck and asked if that is a requirement. Mr. Edwards stated yes, that is a requirement. It helps track them if there are issues. There are active cameras at the stations and with the MSD permit number on the side of the truck, Staff can go back and see what is going on. Mr. Stines added that there is a huge difference in the collection system if there is a grease trap failure, in no time it will stop up several thousand feet of line downstream of that business and create overflows which is a nightmare to clean and get the grease out of the pipes once that occurs. He stated they do a fantastic job when they find an issue by addressing those businesses and it has made a world of difference over the last few years with overflows. Mr. Hartye added that's even with all of the new restaurants coming in. Mr. Westall asked Mr. Edwards about the issues they had with the breweries early on and if that is now pretty much behind us. Mr. Edwards stated he believed so and that there was recently one brewery that obtained a Significant Industrial User category based on their flow. MSD has a great working relationship with the breweries, and everything is going smoothly with the fermented beverage manufacturers. Mr. Ledford added that they can now use those SUO Guidelines to regulate and it is much more streamlined, based on their size. Mr. Hartye stated that Staff puts together best management practices for them as well so they can guide the smaller "ma and pa" ones as to whether there are good practices around their plant. Mr. Westall stated that he ran the pretreatment program in 1981 and has a long history with pretreatment and MSD has always been a model in terms of managing the sewer collection system and running their pretreatment program and that's no different today, it is an excellent program. He stated that this made his job in the regional office easier when he was in Raleigh. The Pretreatment Program is extremely important to the water quality of North Carolina, it is hard to underemphasize the importance of controlling these sources before they go through the wastewater treatment plant. Not only to protect the plant but passing through into the streams.

Mr. Hartye reported that MSD operates a hydroelectric facility that is 2,880 KW. This facility basically saves our customers \$300,00 to \$500,000 annually and with the power costs from Duke Energy, which is roughly half of what is needed for the plant. MSD's plant is a high energy plant by nature of how it was built and it's

design. This hydroelectric facility reduces our carbon footprint for the treatment plant by roughly half. A couple of weeks back MSD and the Town of Woodfin were approached by American Rivers representatives with the interest in removing the Craggy Hydroelectric Dam, or at least conducting a study to see if it would be feasible. They have \$800 Million from the Infrastructure Investment and Jobs Act dedicated for dam removal across the US. They have some other funding for the study itself so they will be funding the study themselves. They would like MSD to participate by providing information for the study and to consider the findings when completed. Mr. Hartye stated that he, Mr. Clarke, and Mr. VeHaun met with them and are bringing the Board up to speed that we are getting involved in that effort. This is expected to take approximately 6 months. Mr. Clarke stated that it is a very interesting concept, and this is just a study. Bond funds were used for the hydro renovation, and it is part of the MSD sewer system so before anything like that is done you would have to get approval of the Bond Counsel and Engineer of Record that getting rid of the dam would not result in any adverse economic impact on the system. Mr. Westall also added that the dam was there long before MSD built the plant, and the hydroelectric facility came along after. Mr. Clarke stated that was correct. Mr. Hartye stated that there were two more dams in Marshall as well. Mr. Hartye stated that he will keep this Board advised.

Mr. Hartye reported that MSD received a call from Ron Butler at 84 French Willow Drive to let us know how happy he was with the service he received from John Gosnell, Pete Cole, and Ray Lunsford. He stated that they were very professional and helped him solve a problem that he had been working on for 6-8 months.

Mr. Hartye reported that the next regular Board Meeting will be held on August 17th at 2 pm. The July Right of Way Committee Meeting has been cancelled. The next Right of Way Committee meeting will be held on August 24th at 9 am.

9. Report of Committees:

a. Personnel Committee – July 19, 2022

Ms. Bryson reported that the Personnel Committee met on July 19, 2022 and discussed Mr. Hartye's Goals and Objectives along with consideration of his contract renewal. Staff's recommendation to Personnel Committee was to continue Mr. Hartye's contract for 4 years, and to increase his salary by 7% COLA and 1% Merit. Personnel Committee recommendation to this Board was unanimous.

Mr. VeHaun called for a motion to approve the Personnel Committee recommendations. Mr. Ashley moved. Mr. Pennington seconded the motion. Roll call vote was as follows: 13 ayes, 0 nays.

10. Consolidated Motion Agenda:

a. Consideration of Bids – Toxaway Street Rehabilitation

Mr. Hartye reported that this project is located in West Asheville between Hazel Mill Road and Westwood place and is comprised of 722 LF of 8-inch SDR26 Heavy Wall PVC. This pipe was specifically specified for this project due to the long lead times and unusually high prices for ductile iron pipe. The project was formally advertised on June 30, 2022, and three bids were received as follows: Thomas Construction Company in the amount of \$549,125.00; TP Howard's Plumbing Co., Inc. in the amount of \$330,000.00; and Terry Brothers Construction Company in the amount of \$318,890.00. The apparent low bidder is Terry Brothers Construction Company in the amount of \$318,890.00. Terry Brothers has extensive experience with MSD and it has all been favorable. The FY22-23 Construction Budget for this project is \$409,000.00.00. Staff recommends award of this contract to Terry Brothers Construction Company in the amount of \$318,890.00, subject to review and approval by District Counsel.

b. Consideration of Developer Constructed Sewer Systems – Ambler's Chase; 828 North; Northridge Commons Retail; The Holston; Starnes Cove Subdivision; Guest Off-Site Sewer Extension:

Mr. Hartye reported that the Ambler's Chase project is located off Reems Creek Road and included extending approximately 1,200 linear feet of 8-inch public gravity sewer to serve the 21 homes in this residential development.

Mr. Hartye reported that the 828 North project is located off Garrison Branch Road in the Town of Weaverville and included extending approximately 1,080 linear feet of 8-inch public gravity sewer to serve the 224 apartments in this residential development.

Mr. Hartye reported that the Northridge Commons Retail project is located in the Town of Weaverville and included extending approximately 790 linear feet of 8-inch public gravity sewer to serve retail space in this commercial development.

Mr. Hartye reported that The Holston project is located along Monticello Road in the Town of Weaverville and included extending approximately 36 linear feet of 8-inch public gravity sewer to serve 240 apartments in this residential development.

Mr. Hartye reported that the Starnes Cove Subdivision project is located in Buncombe County and included extending approximately 310 linear feet of 8-inch public gravity sewer to serve 14 homes in this residential development.

Mr. Hartye reported that the Guest Off-Site Sewer Extension project is located along Gage Drive in Buncombe County and included extending approximately 195 linear feet of 8-inch public gravity sewer to serve this 16 unit commercial/residential development.

Staff recommends acceptance of the aforementioned developer constructed sewer systems. All MSD requirements have been met.

c. Cash Commitment Investment Report – Month ended May 2022:

Mr. Hartye reported that the average rate of return for all investments was 0.366%. Total Cash & Investments was \$82,661,215.00. With obligations, this number is brought down to \$45,369,462.00. Year to date monthly expenses and cash receipts are at budgeted expectations.

With no further discussion, Mr. VeHaun called for a motion to approve the Consolidated Motion Agenda. Ms. Wisler moved, Mr. Pelly seconded the motion. Roll call vote was as follows: 13 ayes; 0 Nays.

11. Old Business: None.

12. New Business: None.

13. Adjournment:

With no further business, Mr. VeHaun called for adjournment at 2:40 pm.

Jackie W. Bryson, Secrey/Treasurer



MEMORANDUM

TO: MSD Board
FROM: Thomas E. Hartye, P.E., General Manager
DATE: September 15, 2022
SUBJECT: Report from the General Manager

- Nowack Trial Discussion

MSD crews were set up on a sewer manhole performing routine cleaning of the sewer system on October 14, 2016. MSD employees had deployed safety measures around their truck that included traffic cones, an arrow board, and flashing strobe lights about the vehicle for the 15 minutes while they were cleaning the sewer line. These measures were deployed pursuant to current MUTCD standards that govern this type of utility operation. Ms. Nowak was traveling at 25 miles per hour over the posted speed limit and there was a very, very unfortunate fatal accident.

A lawsuit for wrongful death was filed by the family back in 2019, a mediation was held but reached no agreement. The trial began August 22nd and was just completed Friday September 2nd and given to the jury. After a little over 2 hours the jury returned with a verdict showing both sides at fault. There was no award to the plaintiff.

Billy and I will brief the Board at the meeting.

- Kudos

- MSD received the attached letter from the Town of Mars Hill regarding the aid that MSD provided in their time of need.
- MSD received the GFOA's Certificate of Achievement for Excellence in Financial Reporting for the FY 2021 CAFR. Thanks to Jody Germaine and Scott Powell.

- Board/Committee Meetings/Events

The next Regular Board Meeting will be held on October 19th at 2 pm. The Sept. ROW Committee has been cancelled. The next Right of Way Committee meeting will be held on October 26th at 9am.

**RIGHT OF WAY
COMMITTEE RECOMMENDATIONS
AND MINUTES
August 24, 2022**

I. Call To Order

The regular monthly meeting of the Right of Way Committee was held in the Boardroom of the William H. Mull Building and called to order at 9:00 a.m. on Wednesday, August 24, 2022. The following Right of Way Committee members were present: Glenn Kelly, Matt Ashley, Jackie Bryson, Esther Manheimer and Al Whitesides. Pelly and Pennington were absent.

Others present: Jerry VeHaun, Board Chairman, William Clarke, MSD Counsel; Angel Banks, Hunter Carson and Wesley Banner, MSD.

II. Inquiry as to Conflict of Interest

Mr. Kelly inquired if anyone had a conflict of interest with Agenda items. There were none.

III. Consideration to Construct Without an Easement or Condemnation – Elk Mountain Place GSR, Project No. 2010094

Property Owner: Geraldine Buckner, Pin 9730-44-7741

Subject parcel is improved with a boarded up vacant home on an overgrown lot located on Elk Mountain Road in Woodfin. Property taxes are paid only through 2020. The existing sewer line is being replaced in the same trench along the rear corner of the property. Numerous doorhangers and a certified letter have been sent over the past two months and the owners have not responded. Staff will negotiate with the owners if contact is made.

It is unclear if the owners agree with the standard compensation offer of \$752.

Staff is requesting authority to proceed with construction without an easement or condemnation action at this time. If owners or heirs do come forth, staff will negotiate or condemn if necessary for taking at that time.

Contacts: 5

STAFF RECOMMENDATION: Authority to proceed with construction without an easement or condemnation at this time.

Ms. Banks explained the location and situation with the above parcel. Mr. Banner added that he had reached out to Mr. VeHaun to see if he might have any knowledge of this homeowner. Mr. VeHaun referred Mr. Banner to another residence but Mr. Banner wasn't able to make contact

anyone at that location. Since that time, Mr. Banner has checked the Buncombe County Tax Records and the tax card has been updated with new names and mailing addresses. He will be forwarding this project information to those addresses. Mr. Ashley asked if the taxes have been shown as paid on the new tax card. Mr. Banner stated that they have been paid through 2021. There were no further questions.

Mr. Kelly made the motion to accept Staff's recommendation. Mr. Ashley seconded the motion. Voice vote was unanimous.

COMMITTEE RECOMMENDATION: Authority to proceed with construction without an easement or condemnation at this time.

**IV. Ragsdale Creek Interceptor Sewer Extensions
English Drive Subdivision, Project. No. 2021216
Mission Campus, Project. No. 2020127**

Background: See attached maps of two proposed developments in the Ragsdale Creek basin of Candler. A 12-inch sewer line extension is proposed to serve the English Drive Subdivision and Mission Campus (no affiliation with Mission Hospital). The two projects are anticipated to generate approximately 6,900gpd and 26,290gpd, respectively at full buildout.

The English Drive Subdivision project can be served by existing gravity lines adjacent to the proposed development; however, MSD required the developer to grow the system in an orderly manner by extending the Ragsdale Creek Interceptor via the master plan alignment. The proposed alignment includes approximately 995 linear feet of 12-inch sewer to serve the development.

The 12-inch master plan line allows the developer, Terra Dominus I LLC to utilize MSD's Reimbursement Program (part of the *Policy and Procedures for the Extension of Sewer Service*), sharing costs to extend a new gravity line along Ragsdale Creek. Per the policy, the developer may recover the differential costs between the minimum size pipe necessary for the development and the larger size required by the District for other (upstream) users. The program also requires MSD to provide design and right of way acquisition services. Ross Farm is the only landowner affected by the English Drive Subdivision extension for which MSD would cost share with the developer and provide design and right of way acquisition services.

The Mission Campus project requires the installation of approximately 3,850 linear feet of 12-inch master plan sewer line (beyond the English Drive Subdivision), plus acquisition of approximately sixteen (16) easements. Additional 8-inch sewer line is required to serve the property; however, the Reimbursement Program does not include lines less than 12-inch. The developer, Peter Radchishin, has proposed to fund the design and construction in its entirety if the District will acquire rights of way.

The Reimbursement Program (including design and ROW acquisition services) was utilized in 2008 for the Reems Creek Master Plan Interceptor project, and the West French Broad Master Plan Interceptor project in 2012.

Ms. Banks explained the location and situation involving the English Drive Subdivision Project and the Mission Campus Project. Ms. Manheimer asked if the developer for the Mission Campus Project, Peter Radchishin, was proposing to cover the cost of design, construction, and easement compensation. Ms. Banks stated just the cost of design and construction.

Mr. Carson reported that the Collection System Master Plan shows the location, alignment, and size of all of these future gravity extensions. The English Drive and Mission Campus projects both are along Ragsdale Creek. The Master Plan has identified a 12" line that would be necessary to ultimately serve that basin. MSD looks at full build out and future expansion of the Ragsdale Creek basin. Each of these developments could be served by an 8" pipe but we are looking at the future and have identified the need for a 12" line. Item A in our Policy for Extension of Sewer Service identifies "Capacity Reimbursement", requiring MSD to compensate for the difference between construction of an 8" and 12" pipeline. Item E in our Policy pertains to projects when the Master Plan line is 12" or greater. When that is the case (and is the case for these Ragsdale Creek projects) MSD is on the hook for not only designing the project but also acquiring rights of way. This becomes a pretty big deal as it requires MSD Staff which is currently light. We have been down an Engineer for over a year now. That does sometimes require the need for consultants, whether it be for design or right of way, so there is a cost there. There is also a cost for surveying for the design, time and cost for any permits that may be necessary for the design of the interceptor line, and easement compensation. MSD is buying these easements on behalf of this developer for the extension of the interceptor and any legal fees that might be involved, including condemnation. Mr. Ashley asked why the policy was originally written like that and why the thinking is different now. Mr. Carson stated that he did not know the history of the policy and that it had been that way since he has been with the District. Mr. Clarke stated that private developers cannot acquire easements, it has to be MSD. The thinking was that the line is going to benefit MSD and the developer is paying most of the cost so MSD should design the way they want. Master Plan lines serve a public purpose. That's why MSD is on the hook for design and right of way. Mr. Carson stated that Staff isn't trying to persuade anything different but wanted to bring the Policy to everyone's attention because this is happening more and more. MSD has used this reimbursement policy three times over the course of about fourteen years and in just nine months there have been four of these inquiries. Two of them have fallen by the wayside but it seems that these two are going to happen. Development is occurring further out in the county and larger parcels that are currently unsewered are going to require some of these master plan lines to serve them. There is a caveat here. MSD's obligation to reimburse for the capacity and to do right of way acquisition and design is all subject to available funding. We can proceed with the projects that we feel are worthwhile if we do have available funding. Mr. Clarke stated that MSD does not typically extend sewer lines. This is a way for MSD to participate in the extension of sewer lines and facilitate the orderly development of the system. These developments are good examples.

MSD doesn't want an 8" line built up Ragsdale Creek when a 12" line is what really makes sense. MSD is willing to bite the bullet and participate to some extent if the line is the right size.

Mr. Carson presented a map of the English Drive Project and explained that the developer is proposing 23 single-family residential units with a flow rate of about 6,900 gpd. The design of this project has been subcontracted out to High Country Engineering due to MSD being short on staff. There will be a 20' easement approximately 1,000 LF required across the Ross Farm property. For this project alone there is approximately \$180,000.00 budgeted, with approximately \$150,000.00 going to capacity upgrades from 8" to 12" pipe. The remaining \$30,000.00 has been budgeted for easement compensation.

Mr. Carson then presented a map of the Mission Campus and explained that the project contains approximately 70 acres and is much further up in the Ragsdale Creek basin. The proposed 12" portion of the extension is close to 4,000 LF and follows Ragsdale Creek. The proposed 8" portion is approximately 2,000 LF. The developer has committed verbally to fund both the design and construction and to date has not asked to participate in the reimbursement program if MSD will acquire rights of way. He is aware of the program so that could change at some point. As Ms. Banks pointed out, there are approximately 16 easements, with \$300,000.00 currently budgeted for the right of way acquisition. Mr. Ashley asked if there was any idea what the design and construction cost was going to be. Mr. Kelly added that he would like to know also how much the developer was going to spend. Mr. Carson stated that he could put those numbers together for them, but a rough estimate would be about \$1.3 Million for construction and \$50,000.00 for design. This development will contain a school, daycare, worship center, group home, and some short-term rentals. At build out, it would be approximately 26,000 gpd. While MSD will be on the hook for approximately \$300,000.00 for right of way compensation, we do look at the bigger picture of the payback period to MSD and what we would be getting so it would equate to about \$5,200.00 per month in sewer bills at build out capacity, which is about a 5-year payback window. That does assume that the developer is going to construct the entire project. If that were to change it would change the whole dynamic of the payback period. Ms. Manheimer asked if these projects were in the County. Mr. Carson stated yes. Mr. Kelly asked if this was some kind of religious affiliation. Mr. Carson stated yes.

Mr. Carson stated again that MSD just wanted to bring this to the attention of the Committee since we are seeing it more frequently and in the event that we get into an area that is opposed to development we might have more and more condemnations on behalf of these developments and want everyone to be aware that this is our current policy. Ms. Manheimer asked if there was no discretion, they just go through the policy and check all the boxes they get approved. Mr. Clarke stated it still has to be approved and you have to make sure you have enough money. Ms. Manheimer asked on what grounds would you be able to deny. Mr. Clarke stated if there wasn't enough money, or if the payback wasn't good enough. When MSD entered into an agreement with the developer for the West French Broad, they had to meet milestones. Typically, this is MSD's Policy and if there is enough money and they meet the requirements, we will approve it. Mr. Clarke

asked if Staff was just advising this Committee and not asking for their approval for anything. Ms. Banks stated that this was for information only at this time.

Ms. Banks stated that she wanted to discuss impacts on right of way and engineering staff. These projects come up whenever they come up. They aren't planned or scheduled. Each fiscal year there is a very defined, budgeted and scheduled acquisition program based on CIP Projects that have come to fruition through the process of maintaining them over the years until they get to the point that they have to be replaced. Right of Way Staff bases our timing and budgetary allotment on these CIP Projects. When developer driven projects are approved it creates a situation where Staff either has to push back timelines on CIP Projects or have to hire consultants at additional costs to do acquisition and negotiation for us. Not only is that an additional cost, but it is also an additional time burden because you do not ever hire a consultant that is going to go out and do the job the way Right of Way Staff would so there is some training along the way, which takes even more of Staff's time. Same is true with designing a project. Mr. Carson mentioned the frequency of these reimbursement projects had been low but as we are seeing development increase, particularly in rural areas, we are seeing more frequent requests for these programs. Ms. Banks noted the larger question looming is whether or not MSD wishes to use our powers of condemnation in situations where business entities, i.e., developers, benefit from litigation that we institute against individual landowners. The way this reimbursement policy is currently written puts that possibility squarely in MSD's lap. That is the looming question in terms of Staff bringing this Policy to the Committee's attention, making you aware that we have used it in the past, we have had condemnations in the past, and we have two brand new projects here in the same fiscal year that are coming to fruition. We could face this issue on either or both of these current projects. Particularly in the case of the smaller English Drive Project. If Ross Farms, the landowner, will not negotiate, we could be in a position where we would be condemning one landowner for the benefit of a developer building out a 23-parcel subdivision in a rural area where no one wants development. There is an existing MSD line on the Ross Farm property. Disdain for growth and development is very long held in this area. MSD had to condemn that alignment in 1981 with a different property owner. People live in rural areas for many reasons but one of the big reasons is that they don't want development. Ms. Manheimer asked if we do have discretion. Ms. Banks stated yes. Mr. Clarke stated you do have discretion for financial reasons, and he stated that he thinks it has to be for public purpose. He stated that he thinks what Ms. Banks is suggesting is condemning one property owner to serve a 23-unit subdivision a public purpose? Mr. Clarke stated that you could still argue that it is because it is a line MSD will still own. Ms. Manheimer asked how that was any different from any other situation because every line crosses some property to serve another property. Mr. Clarke stated that it is an issue that could be raised. There was some concern on the West French Broad Project when MSD was condemning the Asheville Firefighters for Biltmore Farms. Ms. Manheimer stated that was a problem with extensions in general, but people build all the time, tapping into existing lines and taking advantage of the fact that the infrastructure is already there. Mr. Clarke stated that he did not think it was going to be a huge issue but he knows the Ross Farms owner and he could raise the issue. He stated that there is a pretty big DR Horton Development next to Ross Farms that is probably 50 homes. Mr. Carson stated that is what has soured the Ross Farms owner. Mr. Ashley stated that he could

understand that easily, there are other places in the County that will have the same issue. Mr. Ashley asked how you define for “public purpose,” and how do we, as a Board, move forward with determining what the protocol will be. He stated that he thinks it is extremely important for all of the reasons that have been noted here, and there may be a difference of opinion within the Board as to whether it is for public purpose or simply benefitting someone who is developing. Ms. Manheimer asked if there was any guidance in the law as to what “public purpose” means. Mr. Clarke stated yes, and this is clearly within the law. Ms. Manheimer stated that the County is currently working on their comprehensive plan for the County, and you are going to come out with recommendations that say let’s drive infill more into urban areas and you might be changing your review process for projects like this. It is more coordinating with the County to make sure their policies are lined up so the County Commissioners are reviewing these projects to determine if they should happen at all. That’s where the public comes in and says they don’t want it or do want it. That’s usually where that is supposed to happen. Mr. Clarke stated that there may be people opposed to development but there are also people who are interested in development in these areas. Mr. Kelly asked how MSD protects itself if we get the right of way and the developer decides not to do it, if we have \$20,000.00 in rights of way and the project collapses? What kind of assurance do we get from the developer, financial or otherwise, that they are able to complete the project. Mr. Clarke stated that MSD has never done one like this so we would have to think about it, but we have a written contract with the developer before we start the work. We have not done one where the developer will be doing all of this stuff. Mr. Kelly asked if we could consider a bond. Mr. Clarke stated we could but typically what happens is the developer pays for the construction and we reimburse them a portion. Mr. Kelly asked what would happen if MSD gets all of the rights of way and the developer says they are not going to do the project, do you give the rights of way back. Mr. Clarke stated that you could but it would be very complicated. Ms. Banks stated that MSD would hold onto those rights of way because eventually a line would be placed there. Mr. Clarke stated that, given the nature of the project, he would want a bond or something. Ms. Banks stated that these are all great discussion items and that is what Staff wanted to happen, we wanted to bring this to this Committee first because this Committee is the one that deals with right of way, land transfers, and condemnations. We wanted to have this information spread out amongst you first. The Board may or may not, as a complete entity, want to take on discussions about this policy, may not want to change it or may want to tweak it a little. This is for information only and a conversation for your benefit and you can come back to Staff with any directive that you like. Mr. Banner added that this project is about 1 – 1 ½ miles outside of the City Limits which ends on Monte Vista Road at I-40 and this is on the other side of I-40.

STAFF RECOMMENDATION: For information only. No action required.

There being no further business, the meeting adjourned at 9:39 am.

Metropolitan Sewerage District of Buncombe County

BOARD ACTION ITEM

BOARD MEETING DATE: September 21, 2022

SUBMITTED BY: Tom Hartye, P.E. – General Manager

PREPARED BY: Hunter Carson, P.E. – Director of Engineering
Darin Prosser, P.E. – Project Manager

SUBJECT: Consideration of Bids: Aurora Drive Sanitary Sewer Rehabilitation Project, MSD Project No. 2017145

BACKGROUND: The Aurora Drive project is in the Kenilworth area of Asheville off of Kenilworth Road. This project runs along Aurora Drive and through residential properties before ending at Springdale Road. The project is approximately 2,480 LF of 8-inch HDPE installed primarily via pipe bursting.

The existing lines are 6-inch clay that are undersized and in poor condition with multiple structure defects and heavy root intrusion. These issues have resulted in major infiltration and inflow. This project has a pipe rating of 53.

The project was advertised, and two bids were received on August 25, 2022. The project was therefore re-advertised (per NCGS formal bidding requirements) and two bids were again received on September 2, 2022 in the following amounts:

<u>Contractor</u>	<u>Bid</u>
1) Portland Utilities Construction Co.	\$1,112,136.40
2) Terry Brother Construction Co.	\$620,627.00

The apparent low bidder is Terry Brothers Construction Company with a bid amount of \$620,627.00. Terry Brothers Construction Company has extensive experience with District rehabilitation projects and continues to provide excellent workmanship.

FISCAL IMPACT: The FY 22-23 construction budget for this project is \$985,000.00. The bid amount is significantly lower than the budgeted amount due to a design change from dig and replace to pipe bursting. This change reduced the need for asphalt restoration.

STAFF RECOMMENDATION: Staff recommends award of this contract to Terry Brothers Construction Company, contingent upon review and approval by District Counsel.

METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA

**Aurora Drive Sewer Rehabilitation
Project No. 2017145**

**BID TABULATION
September 2, 2022**

BIDDER	Bid Bond	MBE Form	Bid Forms (Proposal)	Total Bid Amount
Portland Utilities Construction Co. Portland, TN	5%	1	Yes	\$1,112,136.40
Terry Brothers Construction Company Leicester, NC	5%	1	Yes	\$620,627.00

APPARENT LOW BIDDER

Darin Prosser, P.E.
Project Engineer
Metropolitan Sewerage District of
Buncombe County, North Carolina



This is to certify that the bids tabulated herein were publicly opened and read aloud at 10:00 AM on the 2nd day of September, 2022, in the W.H. Mull Building at the Metropolitan Sewerage District of Buncombe County, Asheville, North Carolina, and that said bids were accompanied by acceptable bidders bonds in the amount of 5% of the bid.

**Metropolitan Sewerage District of Buncombe County, North Carolina
CAPITAL IMPROVEMENT PROGRAM**

BUDGET DATA SHEET - FY 2022 - 2023

PROJECT: Aurora Drive	LOCATION: Asheville
TYPE: General Sewer Rehab.	PIPE RATING: 53
PROJECT NO.: 2017145	TOTAL LF: 2,700
PROJECT BUDGET: \$1,096,500.00	PROJECT ORIGIN: Line Condition

DESCRIPTION	ESTIMATED PROJECT COST	TOTAL EXPENDS THRU 12/31/21	EST. COST JAN - JUNE 2022	BUDGET FY 22-23
55310 - PRELIM. ENGINEERING				
55320 - SURVEY - DESIGN	\$10,000.00	\$4,640.00	\$5,360.00	
55330 - DESIGN				
55340 - PERMITS				
55350 - SPECIAL STUDIES				
55360 - EASEMENT PLATS	\$4,000.00	\$2,450.00	\$1,550.00	
55370 - LEGAL FEES	\$10,000.00	\$2,231.00	\$3,800.00	\$3,969.00
55380 - ACQUISITION SERVICES				
55390 - COMPENSATION	\$60,000.00	\$11,627.00	\$28,373.00	\$20,000.00
55400 - APPRAISAL	\$3,500.00		\$3,500.00	
55410 - CONDEMNATION	\$15,000.00		\$7,500.00	\$7,500.00
55420 - CONSTRUCTION	\$985,000.00			\$985,000.00
55430 - CONST. CONTRACT ADM.				
55440 - TESTING	\$2,000.00			\$2,000.00
55450 - SURVEY - ASBUILT	\$7,000.00			\$7,000.00
TOTAL AMOUNT	\$1,096,500.00	\$20,948.00	\$50,083.00	\$1,025,469.00

ENGINEER: MSD	DP	ESTIMATED BUDGETS - FY 24 - 32	
R.O.W. ACQUISITION: MSD	# PLATS: [6]	FY 23-24	\$0.00
CONTRACTOR:		FY 24-25	\$0.00
CONSTRUCTION ADM: MSD		FY 25-26	\$0.00
INSPECTION: MSD		FY 26-27	\$0.00
		FY 27-28	\$0.00
		FY 28-29	\$0.00
PROJECT DESCRIPTION: This project runs along Aurora Drive in the Kenilworth area of Asheville. The project begins on Aurora Drive, runs through several properties, and ends on Springdale Rd. The existing 6-inch clay pipes have structural defects, heavy root intrusion, and deteriorating manholes. All of these problems contribute to I/I issues.		FY 29-30	\$0.00
		FY 30-31	\$0.00
		FY 31-32	\$0.00

SPECIAL PROJECT NOTES:



**Aurora Drive
Project No. 2017145**

NOT TO SCALE



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA

Budget Map

Metropolitan Sewerage District of Buncombe County

BOARD ACTION ITEM

BOARD MEETING DATE: September 21, 2022

SUBMITTED BY: Tom Hartye, P.E. – General Manager

PREPARED BY: Hunter Carson, P.E. – Director of Engineering

SUBJECT: Influent Pump Impeller Purchase, MSD Project Number 2022177

BACKGROUND: The plant has three large influent pumps (each rated at 35mgd) that lift wastewater received at the plant to the head of the treatment process. Without these pumps, the collection system would back up resulting in major SSOs.

The influent pumps are relatively new following a staggered replacement plan that was executed between FY13 and FY17. The pumps have performed well with little maintenance; however, normal wear has occurred. Due to the abrasive nature of the wastewater (grit), components such as seals, wear rings, and impellers wear slowly and result in lower pumping efficiency and pumping rate. Staff recently observed a significant reduction in pumping capacity of Influent Pump No. 2 and upon inspection discovered a hole in the impeller. The impeller was temporarily patched but is in need of replacement. Given the criticality of these pumps, the purchase of two impellers is recommended; one to replace the failed impeller in Pump No. 2, and a second as a spare.

Given the unique nature of these pumps, a primary overriding concern is that each pump must be standardized with identical performance. Morris Pump is the original pump manufacturer and only manufacturer of the replacement impellers. Accordingly, a sole-source purchase is required.

The cost for two pump impellers is \$154,720.00, with a production & delivery time of approximately 22 weeks. MSD personnel will be utilized for pump impeller replacement after delivery of the units.

Please refer to the attached documentation for further information.

FISCAL IMPACT: The FY22-23 available budget for this project is \$160,000.00.

STAFF RECOMMENDATION: Staff recommends that the District sole-source procure two (2) Morris Pump Model 125MF-2AB impellers in the amount of \$154,720.00.

Staff recommends this sole-source due to the fact that standardization, performance, and compatibility with the existing pump is a primary overriding concern.

Shaun Armistead, PE
Phone
Fax:
Email: shauna@msdbc.org



Sales Quotation

Bill To

Metropolitan Sewerage District of Buncombe County
2028 Riverside Drive

Asheville NC 28804
USA

Ship to

French Broad River WWTP/Asheville, NC
2010 Riverside Drive

Asheville NC 28804
USA

Information

Quotation Number 10506r1
Sales Quote Amt. 154,720.00
Customer Code C10868
Document Date 09/06/22
Valid Until **09/26/22**

Item / Part #	Material/Description	Delivery	Qty	Unit Price	Ext. Amount
TBD	KIT, IMP/WR,RH,4V,125MF-2AB,CI/450BHN (OLD P/N 99185986)	22 Weeks, ARO	2	\$ 77,360.00	\$ 154,720.00

Prices are valid for a period of 30 days, after which time they are subject to review.

Sub Total \$ 154,720.00

Freight will be FOB factory, prepaid and added to invoice. Terms are Net 30 days. Heyward Services' standard Terms and Conditions apply. A purchase order or signed quote must be received before an order can be entered. Credit Card orders: Visa, Mastercard, or Discover require quote to be signed and faxed to (704) 583-2900.

We appreciate the opportunity to be of assistance. If the above quotation results in an order, please address it to:

Total Amount \$

Heyward Services
2101-A Cambridge Beltway Drive
Charlotte, NC 28273

Contact us if we can be of further assistance. Thank you for partnering with Heyward!

Baker, Kathryn
kbaker@heyward.net

Heyward Services

Signature _____ Date _____

HEYWARD SERVICES STANDARD TERMS AND CONDITIONS OF SALE

1. **Purchase Agreement.** Purchaser agrees to purchase the Products and Services from Heyward in accordance with this Agreement and with these terms and conditions. The Purchase Price does not include videotaping services, safety equipment, or installation or unloading of the Products.

2. **Payment.**

a. Standard payment terms are 100% net 30 days. If Purchaser defaults in making any required payments, Purchaser shall also be liable for interest that will accrue beginning on the date which the payment was due, and continuing until paid in full, at a rate equal to the lesser of (i) one and one-half percent (1.5%) per month; or (ii) the maximum allowed by law. Purchaser shall pay all invoices in full as and when due and such invoices are not subject to any set-offs or adjustments. If any invoice or payment is not paid when due, then Heyward may take any of the following actions: suspend performance; terminate the contract for default; require Purchaser to pay the full contract price; and take any other actions or pursue any other remedies under applicable law.

b. All purchase orders received are subject to credit approval of Heyward. Heyward reserves the right to suspend or delay shipments of Products or performance of Services if in Heyward's opinion, there is sufficient reason to suspect potential payment default. In such a case, in addition to any other remedies herein or by law provided, cash payment or satisfactory security from Purchaser may be required before shipment of Products or completion of Services. Heyward's acceptance of less than full payment shall not be a waiver of any of its rights.

c. Under no circumstances will Heyward accept any backcharges from the contractor or owner, unless Heyward agrees to pay that backcharge in writing.

3. **Warranties.**

a. **Products.** Heyward makes no warranty with respect to Products and all Products are sold "AS IS" and without warranty from Heyward, except as provided on **Exhibit C** attached to the Agreement. However, Heyward shall, to the extent assignable, assign any warranty it receives from the manufacturer relating to the Products to Purchaser.

b. **Services.** Heyward makes no warranty with respect to the Services. The Services are provided for the Purchaser's convenience only and Purchaser shall not rely on the Services.

c. HEYWARD DISCLAIMS ALL EXPRESS AND IMPLIED WARRANTIES OF ANY TYPE, WHETHER OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, AS TO THE PRODUCTS OR SERVICES. This limited warranty is non-transferable. Employees are not authorized to offer different or additional warranties or remedies, and descriptions, representations and other information or claims made by employees are not binding on Heyward unless in writing and signed by an officer of Heyward.

4. **Services.** If Heyward provides a field representative ("**Heyward Representative**"), the Heyward Representative shall perform the Services in an advisory capacity. The Heyward Representative will not superintend or supervise personnel supplied by the Purchaser or train them in their respective crafts in connection with the performance of their work. Neither Heyward nor the Heyward Representative shall be responsible for any acts, omissions, or workmanship of employees, contractors, subcontractors, or agents of the Purchaser. If Purchaser is required to, or wishes to, video tape Heyward personnel for O&M training purposes Heyward requires completion of the [Video Agreement Form](#), available online. The Heyward personnel shall read this agreement at the start of any taped event.

Purchaser's Responsibility. Purchaser shall furnish at his own expense and responsibility, all cranes, rigging, tools, facilities and equipment, material and repair or replacement parts, together with sufficient skilled and common labor and foreman, supervisors, and interpreters for the efficient performance of all work. Purchaser shall further designate a person in Purchaser's organization to represent Purchaser at the site in all contacts and dealings with the Heyward Representative. The Purchaser's representative shall be responsible for coordinating the work and shall be in charge of labor, supplies, tools, and facilities to be furnished by the Purchaser. Purchaser's representative shall inspect and shall be authorized to accept any Products delivered and all details of the Services as they are completed.

5. **Shipment.** All deliveries of Products are EXW (Incoterms). Any Services shall be performed at the location the parties agree to in writing. All delivery dates for Products or Services are Heyward's estimate only and time shall not be deemed of

the essence with regards to the delivery of Products or completion of Services. Heyward shall not be liable to Purchaser for any delay in performance or delivery. All risk of loss of Products shall pass to Purchaser when Heyward delivers the Products to the carrier for delivery to Purchaser. Delivery and performance are conditional on Heyward's timely receipt of documents necessary for the completion of the order and any required down payments or periodic payments. Partial deliveries are permissible. Products held for the Purchaser or stored for the Purchaser shall be at the risk and expense of the Purchaser.

6. **Force Majeure.** The performance of either party pursuant to this Agreement shall be excused to the extent the performance is delayed or prevented by reason of an event of Force Majeure. A Force Majeure event is an event that (a) adversely and directly affects, prevents or delays either party (including such party's subcontractors or vendors) in the performance of its obligations in accordance with the terms of this Agreement; (b) is beyond the reasonable control of the affected party; and (c) is not the result of the affected party's willful misconduct, negligent act or omission, unlawful conduct, or breach of this Agreement. Force Majeure includes but is not restricted to acts of God, acts or failures of governmental authorities, fire, epidemics and pandemics (including, without limitation, COVID-19), quarantine restrictions, riots, strikes, civil insurrections, freight embargoes, unusually severe weather, and natural disasters (including, without limitation, floods, earthquakes, tornadoes, and hurricanes). If a party claims there is an event of Force Majeure, such affected party shall notify the other party of the nature and cause of the event in writing within five (5) business days after the affected party becomes aware, or should have become aware with the exercise of reasonable diligence, of the Force Majeure event. Regardless of the cause, each party shall use all commercially reasonable efforts to remove or mitigate the impact of the event delaying or preventing performance. Provided there is no concurrent cause to the delayed or prevented performance for which the affected party is responsible, the date of delivery or time for performance under the Agreement shall be equitably adjusted by a period of time reasonably necessary to overcome the effect of the Force Majeure event. If any Force Majeure event or combination of Force Majeure events delays or prevents the affected party's performance for a time period greater than one hundred and eighty (180) calendar days in the aggregate, either party shall have the right to terminate this Agreement.

7. **Heyward's Liability.** IN NO EVENT SHALL HEYWARD'S LIABILITY, WHETHER IN CONTRACT, TORT, STRICT LIABILITY OR OTHERWISE, EVER EXCEED THE PURCHASE PRICE OF THE PRODUCT OR SERVICE OR PART OF THE PRODUCT OR SERVICE AT ISSUE. HEYWARD SHALL NOT BE LIABLE FOR ANY CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE OR SPECIAL DAMAGES, INCLUDING LOST PROFITS, OR COSTS INCURRED IN DISMANTLING OR MOVING OTHER EQUIPMENT OR BUILDING OBSTACLES TO ALLOW FOR THE REMOVAL OF NON-CONFORMING PRODUCT OR PARTS OF THE PRODUCT, WHETHER ARISING FROM THE SALE OF PRODUCTS, INSTALLATION OR SETUP OF PRODUCTS, ANY TRAINING, ANY DEFECT IN THE PRODUCTS OR SERVICES, ANY NON-CONFORMITY WITH WARRANTIES, ANY USE OR INABILITY TO USE THE PRODUCTS OR OTHERWISE. These Terms contain Purchaser's sole and exclusive remedies relating to the Agreement, a breach of the Agreement, these Terms, a breach of these Terms, the Products or the Services, regardless of the theory of recovery.

8. **Returned Goods.** Heyward will not accept Products for return unless prior written permission of Heyward has been obtained.

9. **Security Agreement.** Purchaser grants Heyward a continuing purchase money security interest in all Products sold or delivered to it and to the proceeds of those Products (collectively, the "**Collateral**") to secure the full payment of the purchase price of the Products and all other obligations of Purchaser. Purchaser authorizes Heyward to file all financing statements, continuation statements and other documents necessary or desirable to establish, perfect, maintain, preserve and enforce Heyward's security interest in the Collateral.

10. **Confidentiality.** Purchaser shall not disclose to any person any confidential or proprietary information ("**Confidential Information**") that Heyward provides to Purchaser unless the disclosure is agreed to in writing by Heyward or the Confidential Information is otherwise generally available to the public, unless such Confidential Information was (i) improperly disclosed by Purchaser or (ii) disclosed by a third party contrary to any applicable restriction on disclosure. No license of intellectual property rights in the Products is granted or implied by these Terms.

11. **Termination.** Without limiting Heyward's other rights and remedies available under applicable law, Heyward may suspend performance and delivery, or terminate performance and delivery, if Purchaser:

a. makes an assignment for the benefit of creditors, or a receiver, trustee in bankruptcy or similar officer is appointed to take charge of all or part of Purchaser's property;

b. becomes insolvent or files for bankruptcy or has a bankruptcy proceeding filed against it; or

c. fails to perform or observe any of its obligations to Heyward under the Agreement, these Terms or under other existing or future contracts between Heyward and Purchaser or otherwise, including payment of any purchase price, fees or charges when due.

12. **Indemnity.** Purchaser shall indemnify and hold Heyward harmless from and against all damages, liabilities, claims or expenses (including reasonable attorneys' fees) arising out of or relating to: (a) improper selection, application, installation, use or incorporation of the Products or Services; (b) Products damaged during or after delivery; (c) damage caused by normal wear and tear; (d) use under circumstances exceeding specifications or limitations or uses which were not foreseeable to Heyward based upon Purchaser's disclosures related to the Agreement; (e) abuse or accident; (f) unauthorized repair or alteration; (g) improper storage or maintenance; (h) damage caused by natural calamities; or (i) claims of infringement of any patent, trademark, copyright or other third party interest arising out of Heyward's compliance with any of Purchaser's instructions, recommendations, specifications or limitations. At Heyward's request, Purchaser shall defend Heyward at Purchaser's expense, with counsel acceptable to Heyward, against any such claim made against Heyward.

13. **Choice of Law, Venue and Consent to Jurisdiction.** North Carolina law, excluding its conflict of laws principles, applies to any dispute or claim relating to the Products or Services. Except with respect to any action instituted by Heyward for equitable or comparable relief, including an action for temporary or permanent injunctive relief, or for an action instituted by Heyward for recovery of possession of the Products, including replevin, claim and delivery, attachment, the North Carolina State Courts and the United States District Court for the Western District of North Carolina shall constitute the exclusive forums for the adjudication of all disputes arising out of or relating to the Agreement, these Terms, any dispute under the Agreement or these Terms, or to the Products and Services.

14. **Errors.** Heyward reserves the right to correct clerical or stenographic errors or omissions.

15. **Severability.** In the event any of the provisions of the Agreement or these Terms are held to be invalid by any court of competent jurisdiction, such provision(s) shall be deemed to be severable and the Agreement and these Terms shall then be construed and enforced in accordance with the remaining provisions.



**Influent Pump Impeller Replacement
Project No. 2022177**

NOT TO SCALE



METROPOLITAN SEWERAGE DISTRICT
of
BUNCOMBE COUNTY, NORTH CAROLINA

Budget Map

Metropolitan Sewerage District of Buncombe County

Board Action Item - Right-of-Way Committee

COMMITTEE MEETING DATE: 8/24/2022

BOARD MEETING DATE: 9/21/2022

SUBMITTED BY: Tom Hartye, PE, General Manager
PREPARED BY: Angel Banks, Right of Way Manager
Wesley Banner, Right of Way Agent
REVIEWED BY: Hunter Carson, PE, Director of Engineering

**SUBJECT: Consideration to Construct Without an Easement or Condemnation –
Elk Mountain Place GSR, MSD Project Number 2010094**

Property Owner: Geraldine Buckner, Pin 9730-44-7741

Subject parcel is improved with a boarded up vacant home on an overgrown lot located on Elk Mountain Road in Woodfin. Property taxes are paid only through 2020. The existing sewer line is being replaced in the same trench along the rear corner of the property. Numerous doorhangers and a certified letter have been sent over the past two months and the owners have not responded. Staff will negotiate with the owners if contact is made.

It is unclear if the owners agree with the standard compensation offer of \$752.

Staff is requesting authority to proceed with construction without an easement or condemnation action at this time. If owners or heirs do come forth, staff will negotiate or condemn if necessary for taking at that time.

Contacts: 5

STAFF RECOMMENDATION: Authority to proceed with construction without an easement or condemnation at this time.

Ms. Banks explained the location and situation with the above parcel. Mr. Banner added that he had reached out to Mr. VeHaun to see if he might have any knowledge of this homeowner. Mr. VeHaun referred Mr. Banner to another residence but Mr. Banner wasn't able to make contact anyone at that location. Since that time, Mr. Banner has checked the Buncombe County Tax Records and the tax card has been updated with new names and mailing addresses. He will be forwarding this project information to those addresses. Mr. Ashley asked if the taxes have been shown as paid on the new tax card. Mr. Banner stated that they have been paid through 2021. There were no further questions.

Mr. Kelly made the motion to accept Staff's recommendation. Mr. Ashley seconded the motion. Voice vote was unanimous.

COMMITTEE RECOMMENDATION: Authority to proceed with construction without an easement or condemnation at this time.

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: September 21, 2022

SUBMITTED BY: Tom Hartye, P.E. - General Manager

REVIEWED BY: Hunter Carson, P.E. - Engineering Director

PREPARED BY: Kevin Johnson, P.E. - Planning and Development Manager

SUBJECT: Acceptance of Developer Constructed Sewer System for the Brown Avenue Sewer Extension, MSD Project No. 2018267

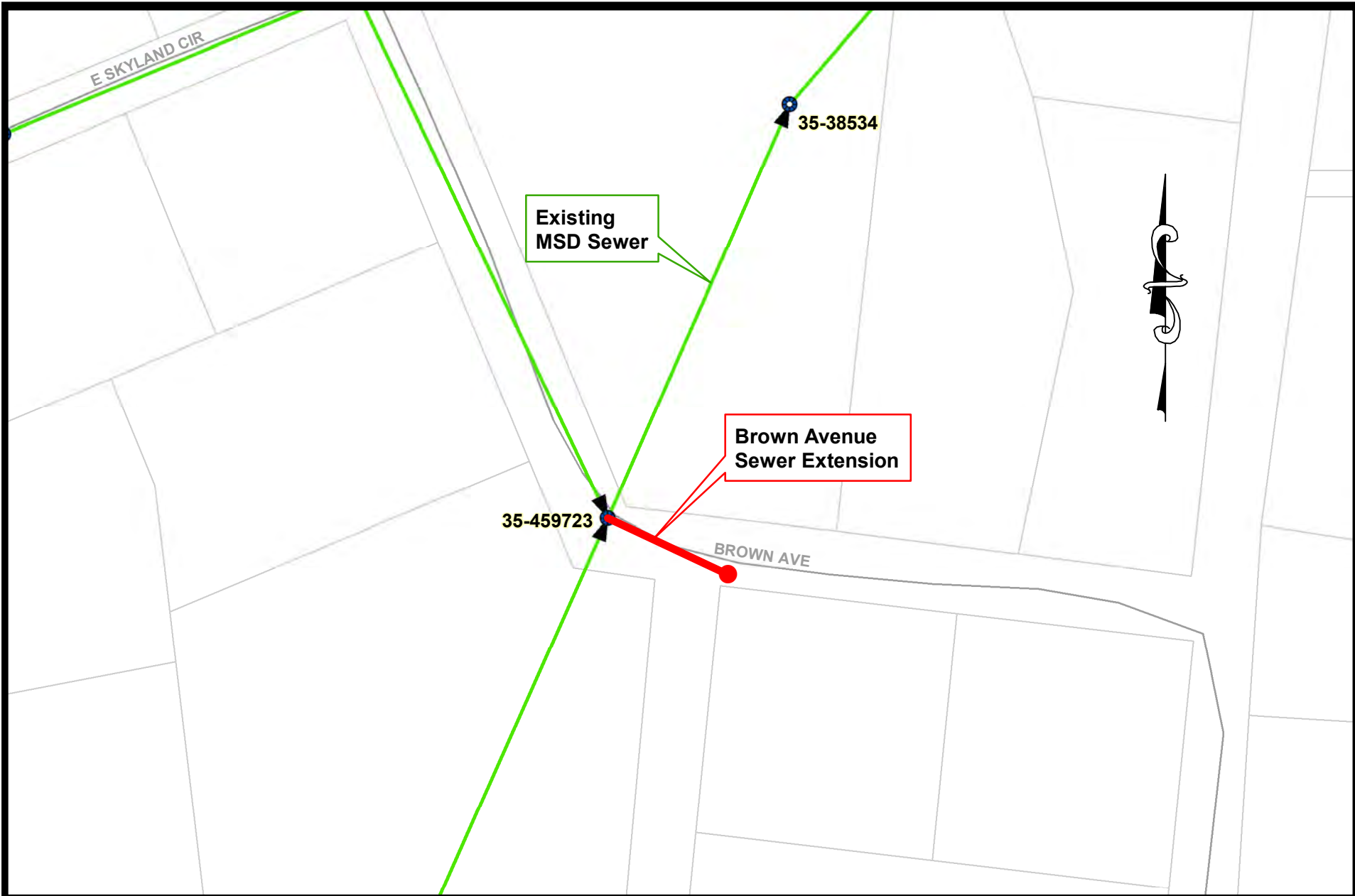
BACKGROUND: This project is located inside the District boundary along Brown Avenue in the Town of Woodfin. The developer of the project is Brian Ferree of Ferree Construction Inc.

The project included extending approximately 58 linear feet of 8-inch public gravity sewer to the Single-Family Residential Development.

A wastewater allocation was issued in the amount of 1,100 GPD for the three (3) homes in the residential development. The estimated cost of the sewer construction is \$18,425.00.

All MSD requirements have been met.

STAFF RECOMMENDATION: Staff recommends acceptance of this developer constructed sewer system.



MSD
Engineering Division

**Brown Avenue Sewer Extension
MSD Project # 2018267**

Metropolitan Sewerage District of Buncombe County

09/08/2022

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: September 21, 2022

SUBMITTED BY: Tom Hartye, P.E. - General Manager

REVIEWED BY: Hunter Carson, P.E. - Engineering Director

PREPARED BY: Kevin Johnson, P.E. - Planning and Development Manager

SUBJECT: Acceptance of Developer Constructed Sewer System for the Padgettown Subdivision Phase 2 Sewer Extension, MSD Project No. 2019085

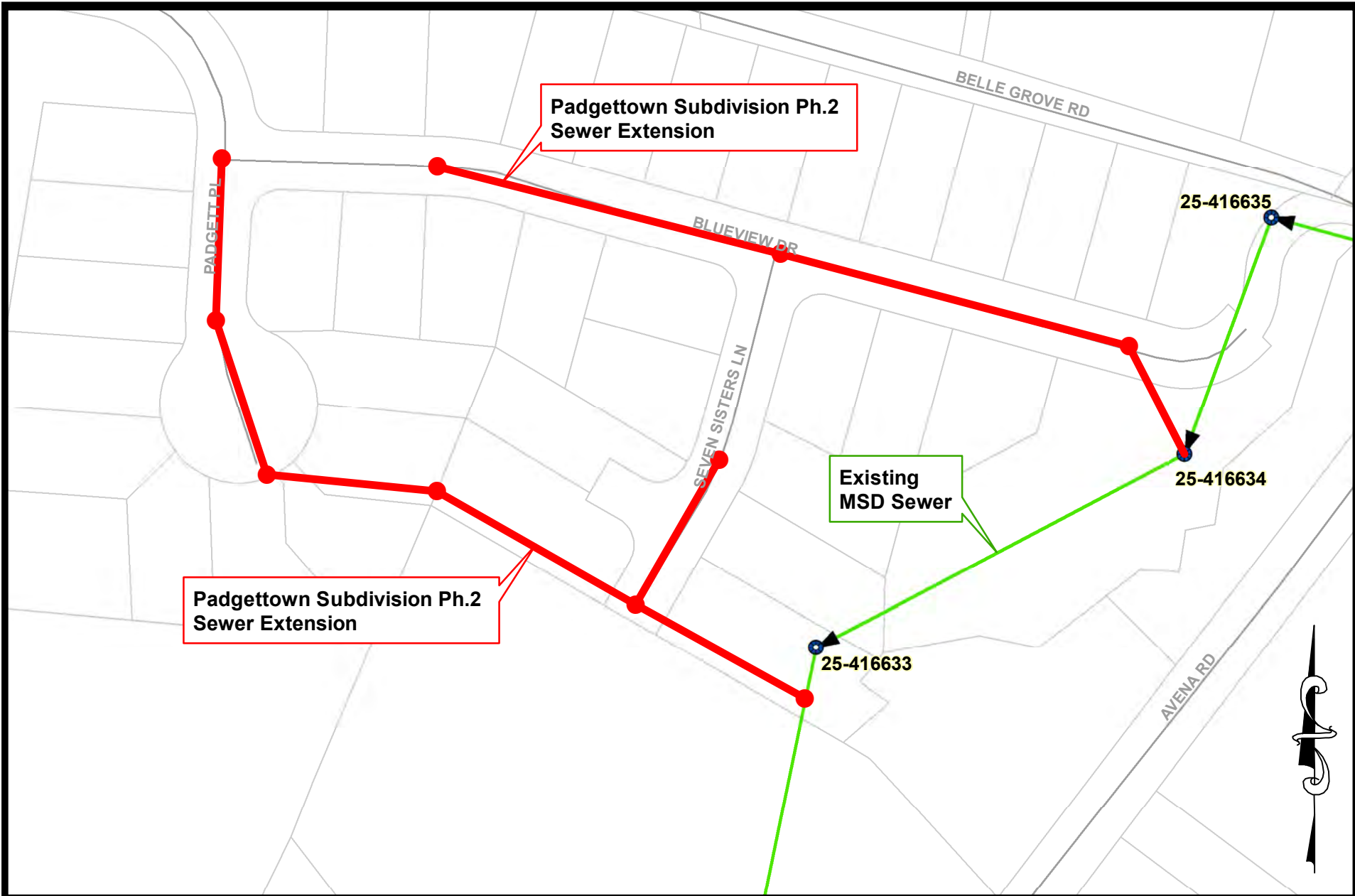
BACKGROUND: This project is located inside the District boundary off Avena Road in the Town of Black Mountain. The developer of the project is David Roover of BP Black Mountain 1, LLC.

The project included extending approximately 1,189 linear feet of 8-inch public gravity sewer to the Single-Family Residential Development.

A wastewater allocation was issued in the amount of 10,800 GPD for the thirty-six (36) homes in this phase of the residential development. The estimated cost of the sewer construction is \$202,000.00.

All MSD requirements have been met.

STAFF RECOMMENDATION: Staff recommends acceptance of this developer constructed sewer system.



MSD
Engineering Division

**Padgettown Subdivision Ph.2 Sewer Extension
MSD Project # 2019085**

Metropolitan Sewerage District of Buncombe County

09/08/2022

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: September 21, 2022

SUBMITTED BY: Tom Hartye, P.E. - General Manager

REVIEWED BY: Hunter Carson, P.E. – Engineering Director

PREPARED BY: Kevin Johnson, P.E. - Planning and Development Manager

SUBJECT: Acceptance of Developer Constructed Sewer System for the Reserve at Gashes Creek Apartments Sewer Extension/Relocation, MSD Project No. 2018208

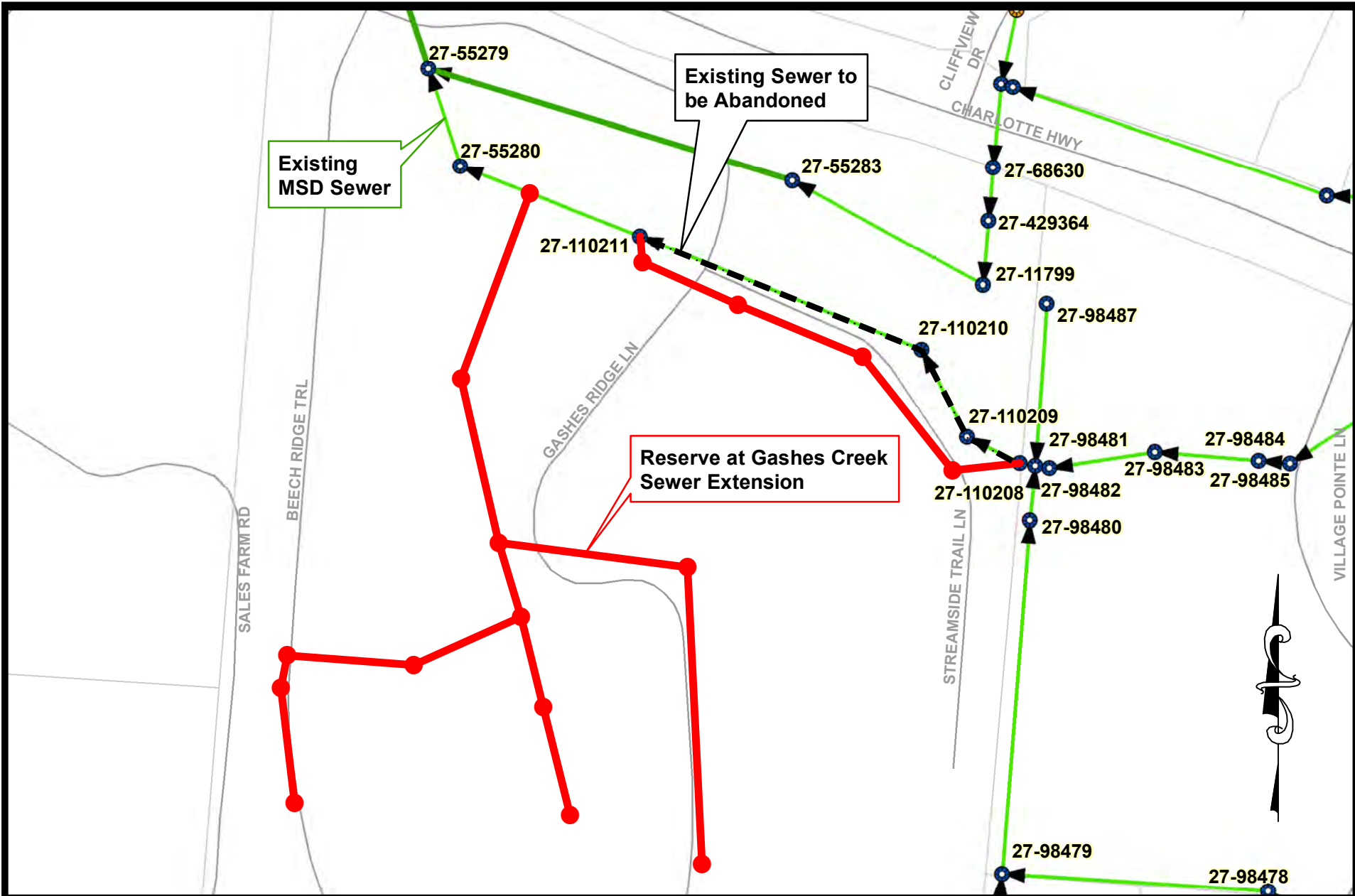
BACKGROUND: This project is located inside the District boundary along Charlotte Highway (US 74-A) in Buncombe County. The developer of the project is Gary Hall of MACP Asheville Hall, LLC.

The project included relocating approximately 525 linear feet of 12-inch public gravity sewer along with abandoning approximately 485 linear feet of 8-inch public sewer and extending the public sewer with approximately 1,495 linear feet of new 8-inch public gravity sewer to accommodate and serve the Residential Apartment Complex. The total amount of new sewer is approximately 2,020 linear feet.

A wastewater allocation was issued in the amount of 38,200 GPD for the 190 apartments and amenities for this Residential Development. The estimated cost of the sewer construction is \$214,000.00.

All MSD requirements have been met.

STAFF RECOMMENDATION: Staff recommends acceptance of this developer constructed sewer system.



MSD
Engineering Division

**Reserve at Gashes Creek Sewer Extension
MSD Project # 2018208**

Metropolitan Sewerage District of Buncombe County

09/08/2022

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: September 21, 2022

SUBMITTED BY: Tom Hartye, P.E. - General Manager

REVIEWED BY: Hunter Carson, P.E. - Engineering Director

PREPARED BY: Kevin Johnson, P.E. - Planning and Development Manager

SUBJECT: Acceptance of Developer Constructed Sewer System for the 20 Winding Road Sewer Extension, MSD Project No. 2021106

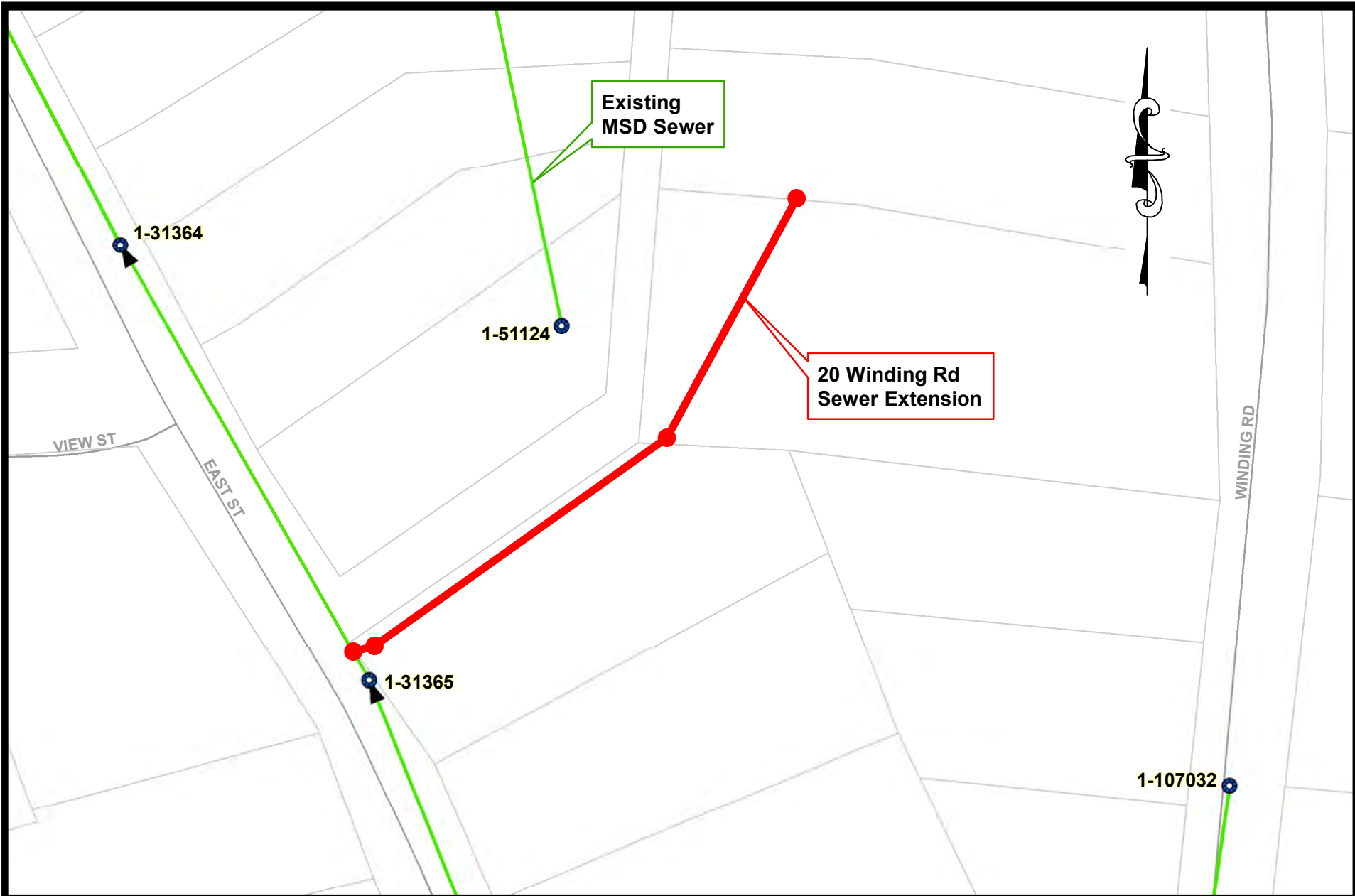
BACKGROUND: This project is located inside the District boundary between East Street and Winding Road in the City of Asheville. The developer of the project is Peter Campbell of BILT OZONE QOZB, LLC.

The project included extending approximately 222 linear feet of 8-inch public gravity sewer to the Single-Family Residential Development.

A wastewater allocation was issued in the amount of 2,000 GPD for the five (5) homes and associated detached Accessory Dwelling Units (ADU) for the residential development. The estimated cost of the sewer construction is \$50,000.00.

All MSD requirements have been met.

STAFF RECOMMENDATION: Staff recommends acceptance of this developer constructed sewer system.



MSD
Engineering Division

**20 Winding Rd Sewer Extension
MSD Project # 2021106**

Metropolitan Sewerage District of Buncombe County

09/08/2022

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: September 21, 2022

SUBMITTED BY: Tom Hartye, P.E. - General Manager

REVIEWED BY: Hunter Carson, P.E. - Engineering Director

PREPARED BY: Kevin Johnson, P.E. - Planning and Development Manager

SUBJECT: Acceptance of Developer Constructed Sewer System for the Amarnx – Clayton Road Sewer Extension, MSD Project No. 2020075

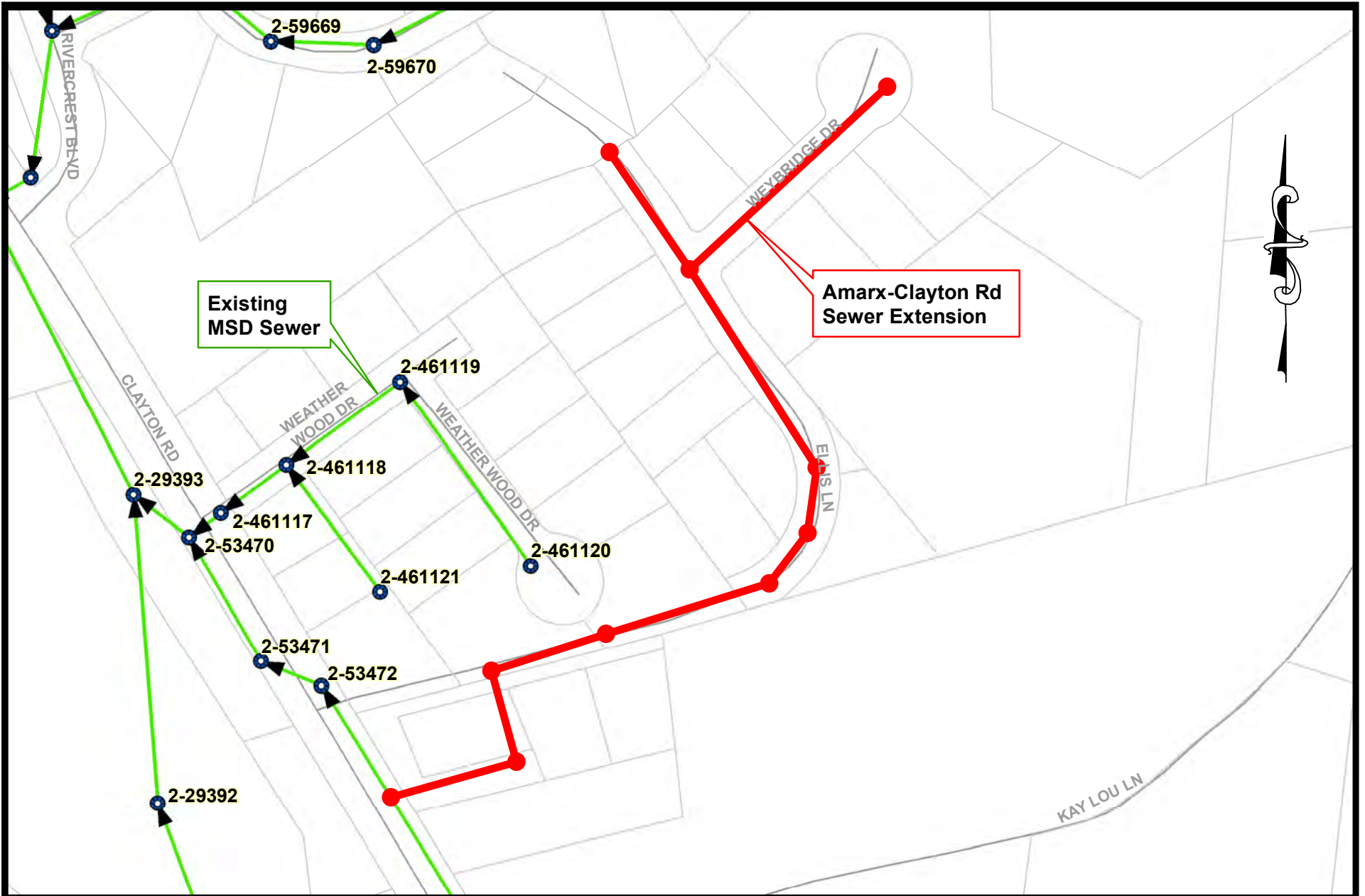
BACKGROUND: This project is located inside the District boundary off Clayton Road in Buncombe County. The developer of the project is Kyle Gilliland of Amarnx Construction.

The project included extending approximately 1,360 linear feet of 8-inch public gravity sewer to the Single-Family Residential Development.

A wastewater allocation was issued in the amount of 6,000 GPD for the twenty (20) homes in the residential development. The estimated cost of the sewer construction is \$298,000.00.

All MSD requirements have been met.

STAFF RECOMMENDATION: Staff recommends acceptance of this developer constructed sewer system.



MSD
Engineering Division

**Amarx-Clayton Rd Sewer Extension
MSD Project # 2020075**

Metropolitan Sewerage District of Buncombe County

08/04/2022

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: September 21, 2022

SUBMITTED BY: Tom Hartye, P.E. - General Manager

REVIEWED BY: Hunter Carson, P.E. – Engineering Director

PREPARED BY: Kevin Johnson, P.E. - Planning and Development Manager

SUBJECT: Acceptance of Developer Constructed Sewer System for the Fields Jaguar Sewer Relocation, MSD Project No. 2019169

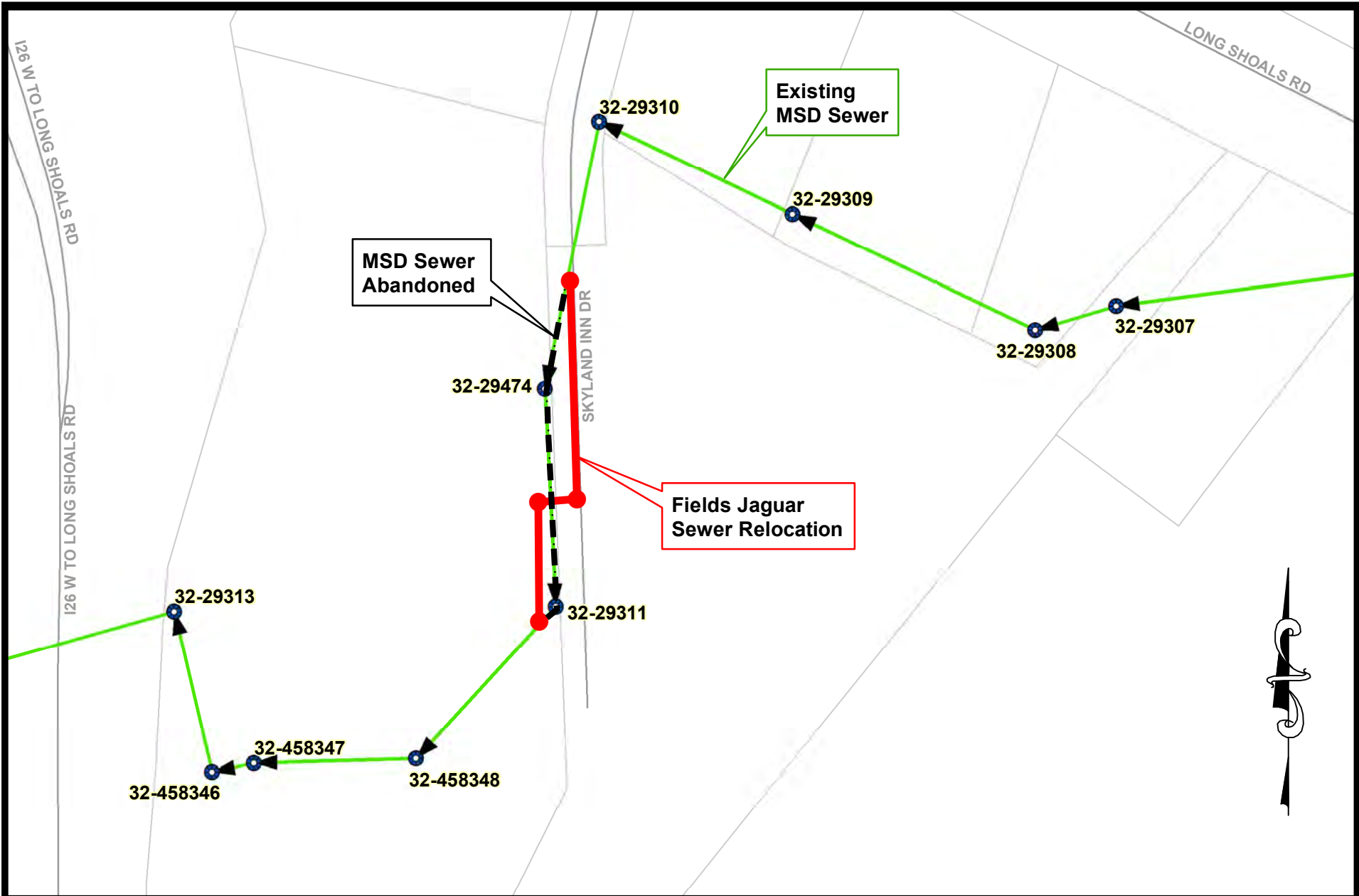
BACKGROUND: This project is located inside the District boundary off Long Shoals Road in Buncombe County. The developer of the project is Shermin Pelinski of Lib Ash, LLC.

The project included relocating approximately 316 linear feet of 8-inch public gravity sewer along with abandoning approximately 300 linear feet of public sewer to accommodate the Commercial Development.

A wastewater allocation was issued in the amount of 3,500 GPD for the Commercial Development. The estimated cost of the sewer construction is \$101,000.00.

All MSD requirements have been met.

STAFF RECOMMENDATION: Staff recommends acceptance of this developer constructed sewer system.



MSD
Engineering Division

**Fields Jaguar Sewer Relocation
MSD Project # 2019169**

Metropolitan Sewerage District of Buncombe County

08/04/2022

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: September 21, 2022

SUBMITTED BY: Tom Hartye, P.E. - General Manager

REVIEWED BY: Hunter Carson, P.E. - Engineering Director

PREPARED BY: Kevin Johnson, P.E. - Planning and Development Manager

SUBJECT: Acceptance of Developer Constructed Sewer System for the Olivette Phase 1B Sewer Extension, MSD Project No. 2020153

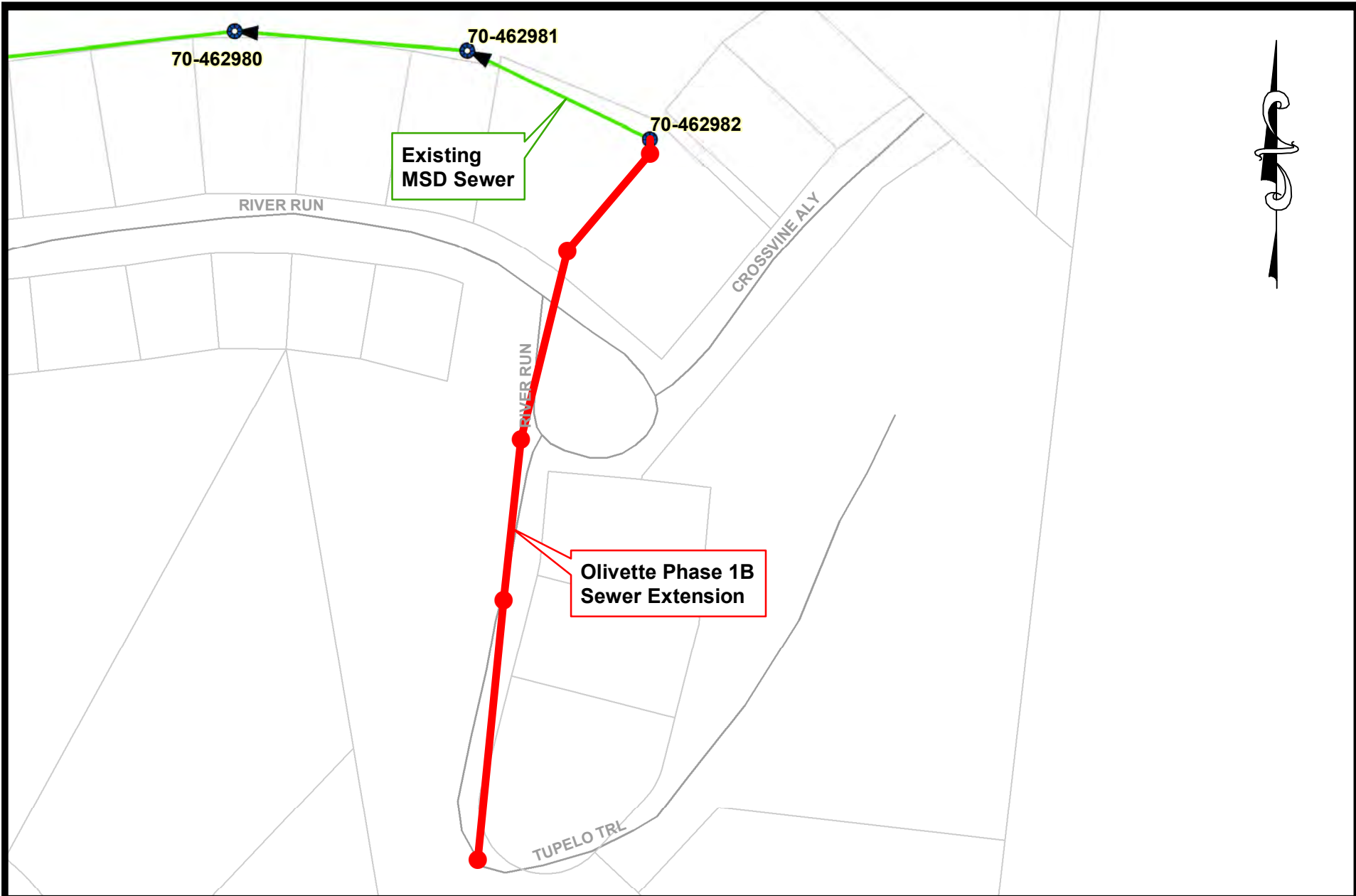
BACKGROUND: This project is located inside the District boundary off River Run along the French Broad River in Buncombe County. The developer of the project is Scott Austin of Olivette Development, LLC.

The project included extending approximately 940 linear feet of 8-inch public gravity sewer to the Single-Family Residential Development.

A wastewater allocation was issued in the amount of 3,300 GPD for the eleven (11) homes in this phase of the residential development. The estimated cost of the sewer construction is \$94,777.00.

All MSD requirements have been met.

STAFF RECOMMENDATION: Staff recommends acceptance of this developer constructed sewer system.



MSD
Engineering Division

Olivette Phase 1B Sewer Extension MSD Project # 2020153

Metropolitan Sewerage District of Buncombe County

08/04/2022

Metropolitan Sewerage District of Buncombe County

Board Action Item

BOARD MEETING DATE: September 21, 2022

SUBMITTED BY: Tom Hartye, P.E. - General Manager

REVIEWED BY: Hunter Carson, P.E. - Engineering Director

PREPARED BY: Kevin Johnson, P.E. - Planning and Development Manager

SUBJECT: Acceptance of Developer Constructed Sewer System for the Sycamore Cove Subdivision Sewer Extension, MSD Project No. 2019158

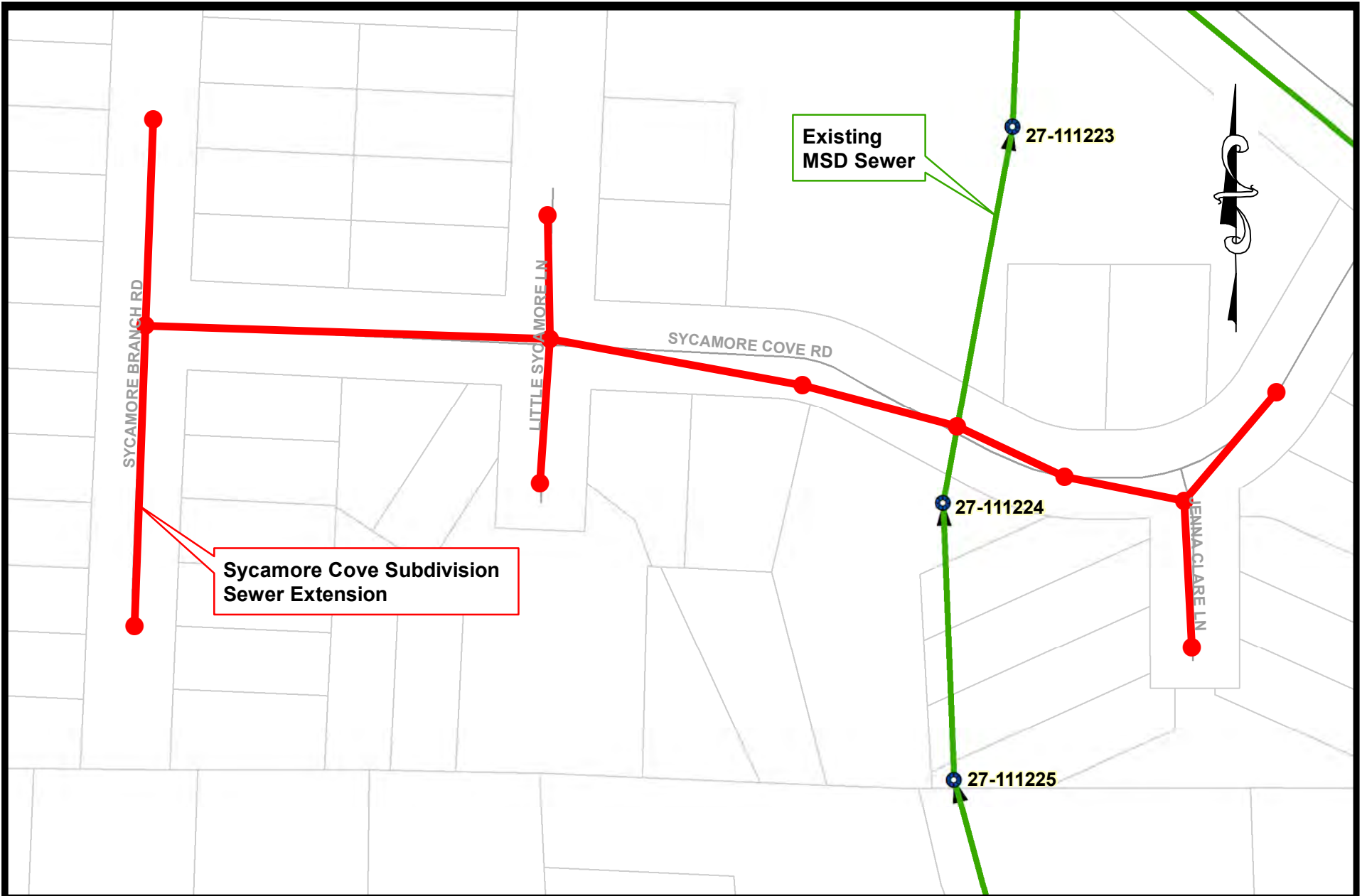
BACKGROUND: This project is located inside the District boundary off US 74A in Buncombe County. The developer of the project is David Day of LCV Ventures, LLC.

The project included extending approximately 1,080 linear feet of 8-inch public gravity sewer to the Single-Family Residential Development.

A wastewater allocation was issued in the amount of 7,800 GPD for the twenty-six (26) homes in the residential development. The estimated cost of the sewer construction is \$180,000.00.

All MSD requirements have been met.

STAFF RECOMMENDATION: Staff recommends acceptance of this developer constructed sewer system.



Existing
MSD Sewer

Sycamore Cove Subdivision
Sewer Extension



MSD
Engineering Division

**Sycamore Cove Subdivision Sewer Extension
MSD Project # 2019158**

Metropolitan Sewerage District of Buncombe County

08/04/2022

Metropolitan Sewerage District of Buncombe County

BOARD INFORMATIONAL ITEM

Meeting Date: September 21, 2022
 Submitted By: Thomas E. Hartye, PE., General Manager
 Prepared By: W. Scott Powell, CLGFO, Director of Finance
 Cheryl Rice, Accounting Manager
 Subject: Cash Commitment/Investment Report-Month Ended July 31, 2022

Background

Each month, staff presents to the Board an investment report for all monies in bank accounts and specific investment instruments. The total investments as of July 31, 2022 were \$80,287,941. The detailed listing of accounts is available upon request. The average rate of return for all investments is 0.366%. These investments comply with North Carolina General Statutes, Board written investment policies, and the District's Bond Order.

The attached investment report represents cash and cash equivalents as of July 31, 2022 do not reflect contractual commitments or encumbrances against said funds. Shown below are the total investments as of July 31, 2022 reduced by contractual commitments, bond funds, and District reserve funds. The balance available for future capital outlay is \$45,369,462.

Total Cash & Investments as of 07/31/2022		76,092,331
Less:		
Budgeted Commitments (Required to pay remaining FY23 budgeted expenditures from unrestricted cash)		
Construction Funds	(28,628,018)	
Operations & Maintenance Fund	<u>(19,415,685)</u>	
		(48,043,703)
Bond Restricted Funds		
Bond Service (Funds held by trustee):		
Funds in Principal & Interest Accounts	(46,412)	
FY23 Principal & Interest Due	<u>(8,847,726)</u>	
		(8,894,138)
District Reserve Funds		
Fleet Replacement	(1,123,574)	
Pump Replacement	(188,313)	
WWTP Replacement	(343,570)	
Maintenance Reserve	<u>(1,029,705)</u>	
		(2,685,162)
District Insurance Funds		
General Liability	(53,050)	
Worker's Compensation	(428,050)	
Post-Retirement Benefit	(2,430,072)	
Self-Funded Employee Medical	<u>(1,896,341)</u>	
		<u>(4,807,513)</u>
Designated for Capital Outlay		<u>11,661,815</u>

Meeting Date: September 21, 2022

Subject: Cash Commitment/Investment Report-Month Ended July 31, 2022

Page 2

Staff Recommendation

None - Information Only.

Action Taken

Motion by:

to

Approve

Disapprove

Second by:

Table

Send to Committee

Other:

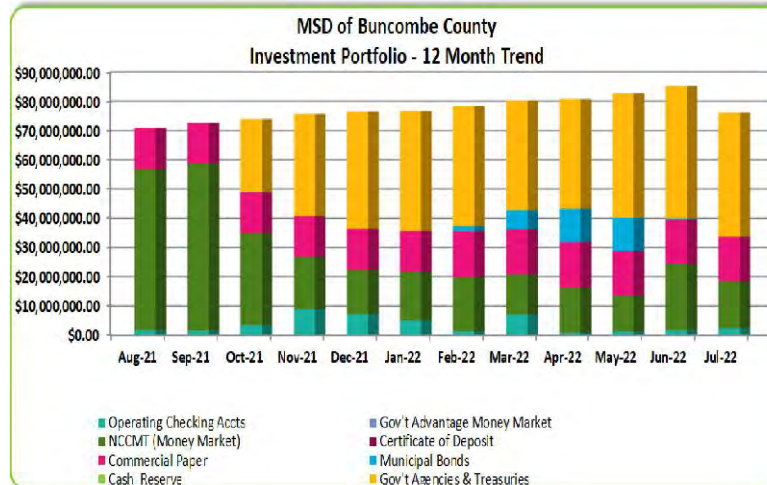
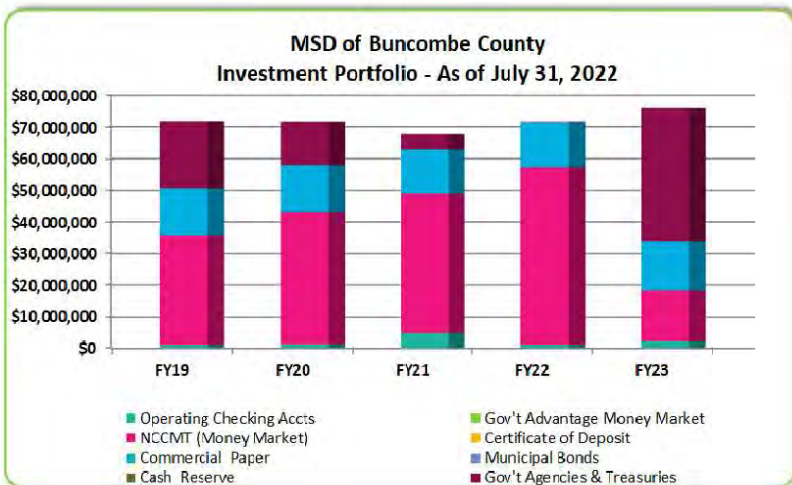
Follow-up required:

Person responsible:

Deadline:

	Operating Checking Accounts	Gov't Advantage Money Market	NCCMT (Money Market)	Certificate of Deposit	Commercial Paper	Municipal Bonds	Cash Reserve	Gov't Agencies & Treasuries	Total
Held with Bond Trustee	\$ -		\$ 46,412			\$ -	\$ -		\$ 46,412
Held by MSD	2,249,188	46,697	16,128,893	-	15,286,657	-		42,334,484	76,045,919
	\$ 2,249,188	\$ 46,697	\$ 16,175,305	\$ -	\$ 15,286,657	\$ -	\$ -	\$ 42,334,484	\$ 76,092,331

Investment Policy Asset Allocation	Maximum Percent	Actual Percent	
U.S. Government Treasuries, Agencies and Instrumentalities	100%	56.13%	No significant changes in the investment portfolio as to makeup or total amount.
Bankers' Acceptances	20%	0.00%	
Certificates of Deposit	100%	0.00%	The District's YTM of 1.763 % is exceeding the YTM benchmark of the NCCMT Government Portfolio.
Commercial Paper	20%	19.60%	
Municipal Bonds	100%	0.00%	
North Carolina Capital Management Trust	100%	21.25%	
Checking Accounts:	100%		All funds invested in CD's, operating checking accounts, Gov't Advantage money market are fully collateralized with the State Treasurer.
Operating Checking Accounts		2.96%	
Gov't Advantage Money Market		0.06%	



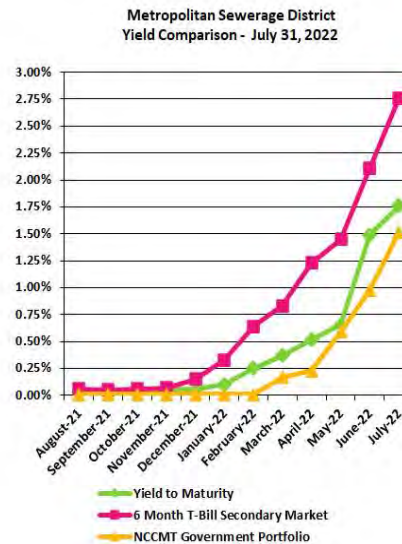
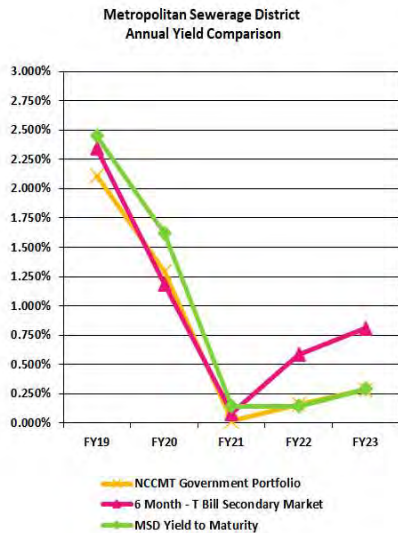
Meeting Date: September 21, 2022
 Subject: Cash Commitment/Investment Report-Month Ended July 31, 2022
 Page 4

Metropolitan Sewerage District Investment Managers' Report On July 31, 2022

Summary of Asset Transactions			
	Original Cost	Market	Interest Receivable
Beginning Balance	\$ 70,525,142	\$ 70,482,293	\$ 29,279
Capital Contributed (Withdrawn)	(2,127,134)	(2,127,134)	
Realized Income	14,120	14,120	(1,029)
Unrealized/Accrued Income		71,332	7,750
Ending Balance	<u>\$ 68,412,128</u>	<u>\$ 68,440,611</u>	<u>\$ 36,000</u>

Value and Income by Maturity		
	Original Cost	Income
Cash Equivalents <91 Days	\$ 56,554,489	\$ 76,197
Securities/CD's 91 to 365 Days	11,857,639	15,976
Securities/CD's > 1 Year	-	-
	<u>\$ 68,412,128</u>	<u>\$ 92,173</u>

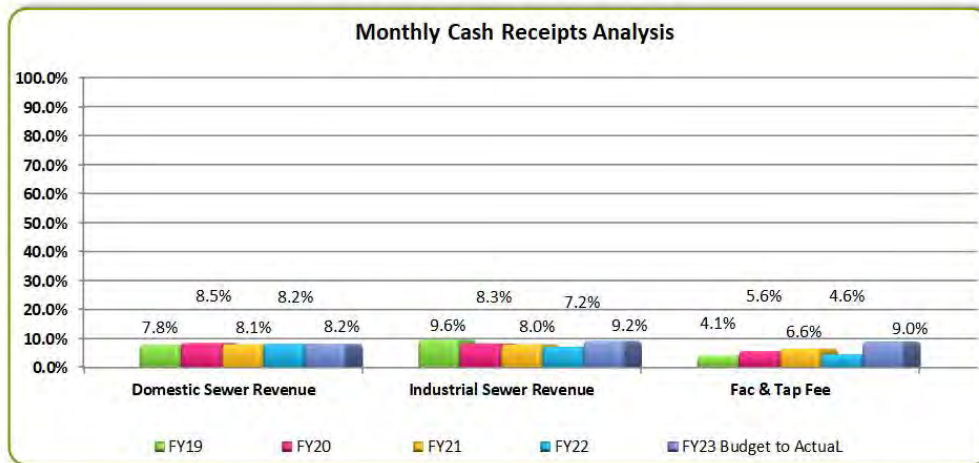
Month End Portfolio Information	
Weighted Average Maturity	70
Yield to Maturity	1.76%
6 Month T-Bill Secondary Market	2.76%
NCCMT Government Portfolio	1.52%



Meeting Date: September 21, 2022

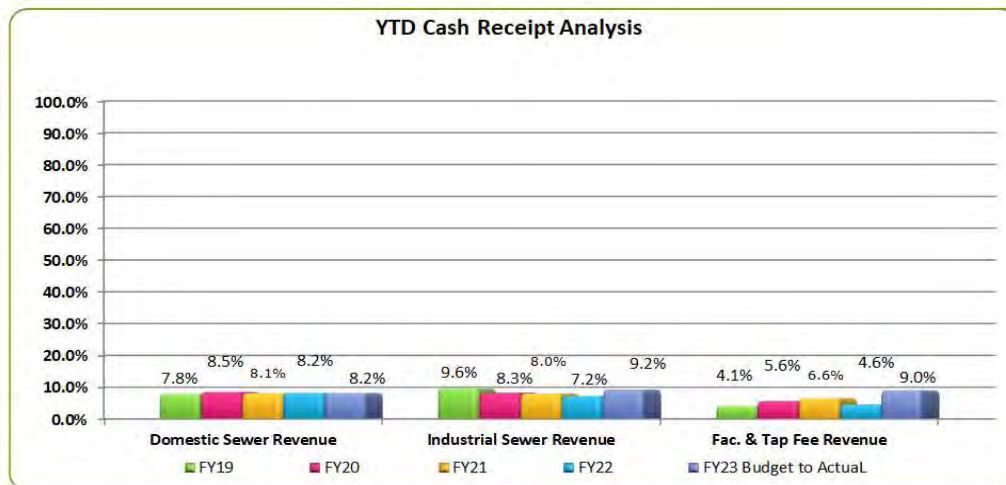
Subject: Cash Commitment/Investment Report-Month Ended July 31, 2022

Metropolitan Sewerage District Analysis of Cash Receipts As of July 31, 2022



Monthly Cash Receipts Analysis:

- * Monthly domestic sewer revenue is considered reasonable based on timing of cash receipts in their respective fiscal periods.
- * Monthly industrial sewer revenue is reasonable based on historical trends.
- * Due to the unpredictable nature of facility and tap fee revenue, staff considers facility and tap fee revenue reasonable.



YTD Actual Revenue Analysis:

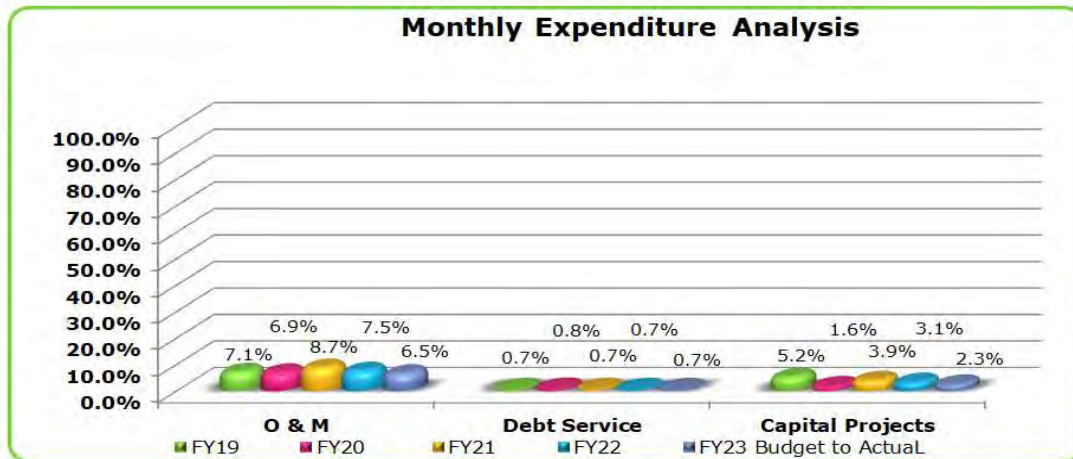
- * YTD domestic sewer revenue is considered reasonable based on historical trends.
- * YTD industrial sewer revenue is reasonable based on historical trends.
- * Due to the unpredictable nature of facility and tap fee revenue, staff considers facility and tap fee revenue reasonable.

Meeting Date: September 21, 2022

Subject: Cash Commitment/Investment Report-Month Ended July 31, 2022

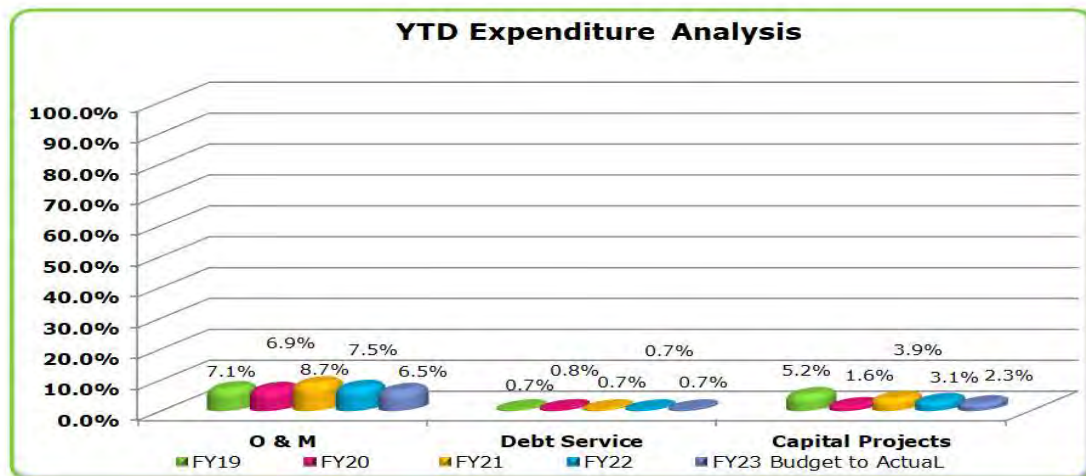
Page 6

Metropolitan Sewerage District Analysis of Expenditures As of July 31, 2022



Monthly Expenditure Analysis:

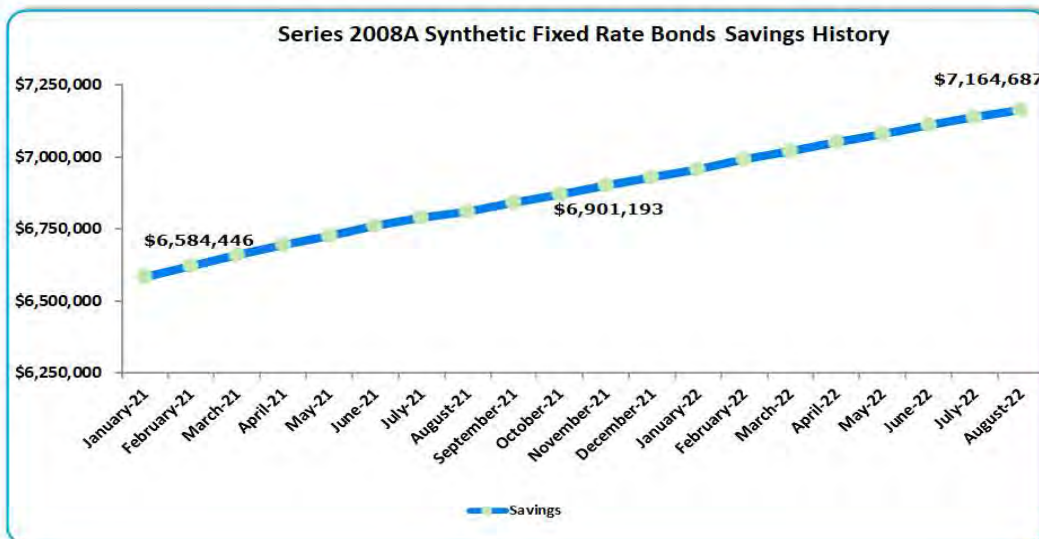
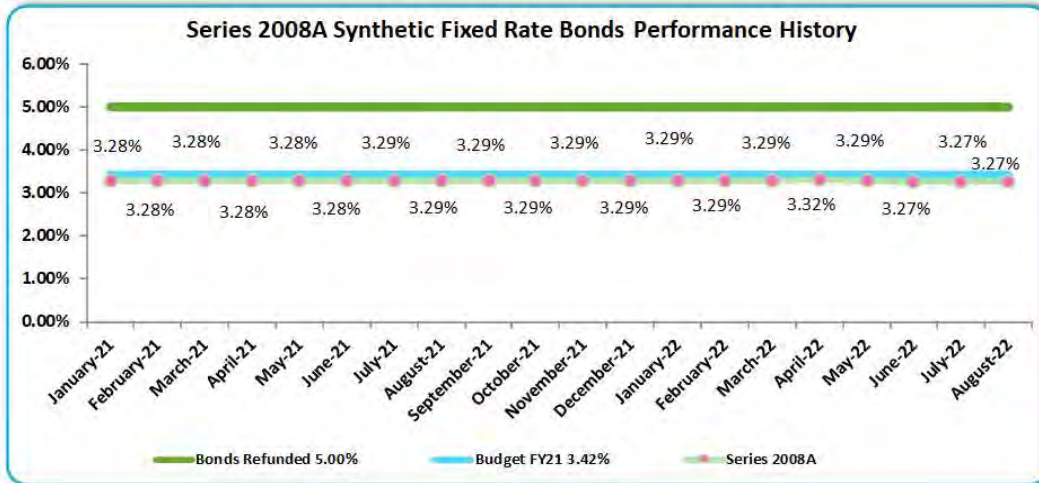
- * Monthly O&M expenditures are considered reasonable based on historical trends and timing of expenditures in the current year.
- * Due to the nature of the variable rate bond market, monthly expenditures can vary year to year. Based on current variable interest rates, monthly debt service expenditures are considered reasonable.
- * Due to nature and timing of capital projects, monthly expenditures can vary from year to year. Based on the current outstanding capital projects, monthly capital project expenditures are considered reasonable.



YTD Expenditure Analysis:

- * YTD O&M expenditures are considered reasonable based on historical trends.
- * Due to the nature of the variable rate bond market, YTD expenditures can vary year to year. Based on current variable interest rates, YTD debt service expenditures are considered reasonable.
- * Due to nature and timing of capital projects, YTD expenditures can vary from year to year. Based on the current outstanding capital projects, YTD capital project expenditures are considered reasonable.

Metropolitan Sewerage District Variable Debt Service Report As of August 31, 2022



Series 2008A:

- * Savings to date on the Series 2008A Synthetic Fixed Rate Bonds is \$7,164,687 as compared to 4/1 fixed rate of 4.85%.
- * Assuming the rate on the Series 2008A Bonds continues at the current all-in rate of 3.7210%, MSD will achieve cash savings of \$4,670,000 over the life of the bonds.
- * MSD would pay \$685,086 to terminate the existing Bank of America Swap Agreement.

Metropolitan Sewerage District of Buncombe County

BOARD INFORMATIONAL ITEM

Meeting Date: **September 21, 2022**
Submitted By: **Thomas E. Hartye, PE., General Manager**
Prepared By: **W. Scott Powell, CLGFO, Director of Finance**
Subject: **Fourth Quarter Budget to Actual Review – FY2022**

Background

At the end of each quarter, actual revenue and expenditure amounts are compared with the budget to evaluate performance. This information is based on cash revenues and invoices received prior to June 30, 2022 and may not include some accruals of revenue and expenditures.

Discussion

There are several explanatory notes at the bottom of the attached Budget to Actual schedule.

Other considerations are as follows:

- Domestic and Industrial revenues are above budgeted expectations. Staff believes Domestic User Fee variance will end up around 103% when June account receivable data is received from its Member Agencies. Industrial Revenue trending better than budgeted expectations due to temporary increased revenue from short-term industrial users. Staff monitors consumption trends as they have a direct effect on the District's current and future revenue projections.
- Facility and Tap Fees are budgeted conservatively. The unusually large variance as of the end of the year is due to receiving unanticipated revenue of \$2.25 million from various developments.
- Interest and miscellaneous income are above budgeted expectations. Actual short-term interest rates exceeded anticipated yields for the fiscal year.

Meeting Date: **September 21, 2022**
Subject: **Fourth Quarter Budget to Actual Review – FY2022**
Page 2

Discussion (continued)

- Rental income reflects actual cash receipts.

- Actual and encumbered O&M expenditures are considered reasonable but may vary slightly once accruals and adjustments are made in connection to the final audit.

- Bond principal and interest are at budgeted expectations.

- Capital project expenditures are at approximately 85.18% of budget. This reflects delays in three projects and Norfolk Southern right of way issues. All unexpended funds have been included in the FY2022 budget.

Staff Recommendation

None - Information Only.

Action Taken			
Motion by:	to	<input type="checkbox"/> Approve	<input type="checkbox"/> Disapprove
Second by:		<input type="checkbox"/> Table	<input type="checkbox"/> Send to Committee
Other:			
Follow-up required:			
Person responsible:			Deadline:

Metropolitan Sewerage District

Budget to Actual Revenue and Expenditure Report

For the twelve months ended June 30, 2022

UNAUDITED--NON-GAAP

	Amended Budget	Actual to Date	% Budget to Actual
REVENUES			
Domestic User Fees ¹	\$ 34,939,096	\$ 36,458,248	104.35%
Industrial User Fees	3,509,420	3,781,146	107.74%
Facility Fees ²	2,000,000	5,249,579	262.48%
Tap Fees ³	175,000	716,432	409.39%
Billing and Collection	952,783	1,021,457	107.21%
Interest and Misc. Income	468,475	682,357	145.70%
Employee Contribution to Health Ins.	393,600	372,182	94.56%
City of Asheville (Enka Bonds)	35,000	29,274	83.64%
Rental Income	71,641	69,961	97.65%
Use of (Contributions to) Available Funds ⁴	<u>17,276,887</u>	<u>4,029,326</u>	23.32%
Total Revenues⁵	<u>\$ 59,821,902</u>	<u>\$ 52,410,184</u>	87.61%
EXPENDITURES			
Operations and Maintenance ⁶	\$ 18,267,818	\$ 16,555,059	90.62%
Bond Principal and Interest	9,823,943	9,816,566	99.92%
Capital Equipment (Other than O&M) ⁶	1,107,609	807,022	72.86%
Capital Projects ⁶	29,622,532	25,231,537	85.18%
Contingency	<u>1,000,000</u>	<u>-</u>	0.00%
Total Expenditures	<u>\$ 59,821,902</u>	<u>\$ 52,410,184</u>	87.61%

Notes:

¹Revenues are accounted for on the cash basis method

²Increase due to unanticipated revenue from various developments

³Increase in number of Taps requiring Pavement Disturbance

⁴Pay-as-go funds to be used for CIP

⁵Budget-to-Actual Ratio does not include use of available funds

⁶Includes encumbered amounts as well as actual insurance expenditures

Metropolitan Sewerage District of Buncombe County
BOARD ACTION ITEM

Meeting Date: September 21, 2022
Submitted By: Thomas E. Hartye, PE., General Manager
Prepared By: W. Scott Powell, CLGFO, Director of Finance
Subject: Reimbursement Resolution for Bond Projects

Background

To be in compliance with IRS regulations concerning tax-exempt financing, all expenditures made with non-MSD bond funds and to be reimbursed from MSD bond funds must be properly identified and authorized. The proposed reimbursement resolution identifies major projects intended to be solely or substantially financed by bonds anticipated to be issued in FY2025. Board approval is required to obtain the tax-exemption of interest paid on MSD bonds by authorizing reimbursement from bond proceeds of the expenditures for these projects.

This resolution does not take the place of an annual budget or capital projects ordinance as mandated by North Carolina General Statutes required authorizing any expenditures irrespective of source of the funds. These projects have been or will be included in the District's annual budget process.

In addition to this current reimbursement resolution, additional resolutions may be submitted for other projects when their anticipated costs may be more accurately projected.

Discussion

\$50 million of bonds are planned to be issued in FY2025 and this reimbursement resolution is intended to preserve for the District the ability to issue the bonds as tax-exempt bonds and to reimburse itself from their proceeds for the temporary cash outlay made for the projects identified in the reimbursement resolutions.

Meeting Date: September 21, 2022
Subject: Reimbursement Resolution for Bond Projects
Page 2

Discussion(continued)

Engineering staff have identified several upcoming projects detailed on the attached exhibit, which could be reimbursed from the upcoming revenue bonds. Estimated reimbursable expenditures for these projects total \$12,557,000.

Fiscal Impact

Allows for reimbursement of project expenses with bond proceeds. This reimbursement resolution does not obligate the District to use bond proceeds for these projects, nor does it create an obligation for expenditure of the funds for the identified projects. Authorization for these project expenditures is provided by the annual budget ordinance or capital projects ordinance.

Staff Recommendation

Approval.

<u>Action Taken</u>			
Motion by:	to	<input type="checkbox"/> Approve	<input type="checkbox"/> Disapprove
Second by:		<input type="checkbox"/> Table	<input type="checkbox"/> Send to Committee
Other:			
Follow-up required:			
Person responsible:		Deadline:	

REIMBURSEMENT RESOLUTION

RESOLUTION OF THE DISTRICT BOARD OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND/OR EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina (the "Issuer") is a body politic and corporate organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer has paid, beginning July 21, 2022, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, design and construction of the projects on the attached Exhibit (the "Projects"); and

WHEREAS, the District Board of the Issuer (the "Board") has determined that those monies previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

- Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after July 21, 2022 which date is no more than 60 days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.
- Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.
- Section 3. The maximum principal amount of the Bonds expected to be issued for the Projects is \$12,557,000.
- Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Projects are placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.
- Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 21th day of September, 2022

M. Jerry VeHaun, Chairman of the Board

Attested to:

Jackie W. Bryson, Secretary/Treasurer

Metropolitan Sewerage District of Buncombe County
Attachment to Reimbursement Resolution
September 21, 2022

Project	Project #	Estimated Expenditures on and after June 17, 2022
Christian Creek Interceptor	2011110	\$ 5,194,000
Caledonia Road	2014153	1,337,000
Bent Tree Road	2016102	809,000
Aurora Drive	2017147	1,025,000
Lining Contract #9	2017031	1,800,000
Equipment Storage Facility	2020237	<u>2,392,000</u>
		<u>\$ 12,557,00</u>

STATUS REPORTS

**MSD System Services In-House Construction
FY 2022-2023**

PROJECT NAME	LOCATION	ZIP CODE	ESTIMATED FOOTAGE	ESTIMATED PROJECT DATES	WO#	CREW	COMPLETION DATE	ACTUAL FOOTAGE	NOTES
21 Mulberry Street Construction Rehabilitation	Woodfin	28804	465	7/8/22 - 7/22/22	289365	M. Hensley	7/22/2022	465	Construction Complete
Charlotte Street @ N Ridgeway Avenue	Blk Mountain	28711	1073	6/15/22 - 8/29/22	232699	Dockery	7/26/2022	1233	Construction Complete
122 Riverside Replacement	Asheville	28801	50	8/6/22 - 8/7/22	290174	Dockery	8/7/2022	50	Construction Complete
Owenby Lane @ US Highway 70 Sewer Rehabilitation	Black Mountain	28711	900	FY 21-22	268180	Dockery	8/29/2022	990	Construction Complete
Cherry Street Sewer Rehabilitation	Weaverville	28787	420	9/6/22 - 10/1/22	278196	Dockery			Construction underway 9/6/22
S Main St @ Reems Creek Rd Sewer Rehabilitation	Weaverville	28787	592	10/2/22 - 11/1/22	275831	Dockery			Ready for construction
Albermarle Commons PS Elimination	Asheville	28805	625	FY 22-23	284482	Dockery			Ready for construction
Briarcliff Dr at Oakwide Dr Construction Rehab Ph. 2	Asheville	28803	257	FY 21-22	285342	McDevitt			Ready for construction
Naples PS Elimination and Gravity Conversion Ph. 2	Cane Creek	28760	422	FY 21-22	285603	McDevitt			Ready for construction
Norwood Ave Sewer Rehabilitation	Asheville	28804	1022	FY 21-22	275810	TBA			Ready for construction
44 Galax Sewer Rehab	Asheville	28806	294	FY 21-22	280827	TBA			Ready for Construction
Old Asheland Ave to Phifer Street Sewer Rehabilitation	Asheville	28801	462	FY 21-22	258560	TBA			Ready for construction
Vandalia Ave Sewer Rehabilitation	Asheville	28806	1325	FY 22-23	248041	TBA			Ready for construction
Northwest Avenue @ W Charleston Avenue	Swannanoa	28778	1031	FY 21-22	275849	TBA			Ready for construction
Highland Farms Road Sewer Rehabilitation	Black Mountain	28711	850	FY 21-22	275837	TBA			Ready for construction
Virginia Ave @ Lufty Ave	Asheville	28806	513	FY 22-23	441499	TBA			Ready for construction
Wynn St. @ Mountain St. Sewer Rehabilitation	Asheville	28801	437	FY 21-22	263129	TBA			In ROW
Mountain View Rd at Maxwell Rd Sewer Rehabilitation	Asheville	28805	521	FY 22-23	265289	TBA			In ROW
Bell Rd at New Haw Creek Rd Sewer Rehabilitation	Asheville	28805	1002	FY 22-23	248044	TBA			In ROW
Maple Springs Road at Knauth Rd Rehabilitation	Asheville	28805	893	FY 22-23	275867	TBA			In Design
Grindstaff Dr @ McDowell St	Asheville	28803	603	FY 22-23	284606	TBA			In Design
Baker Place @ Carrier Street Sewer Rehabilitation	Asheville	28806	1300	FY 22-23	284574	TBA			In Design
Sheppard Drive @ NO. 15 Sewer Rehabilitation	Asheville	28806	231	FY 22-23	284601	TBA			Preliminary Engineering
11 Shenandoah Rd Sewer Rehabilitation	Asheville	28805	1600	FY 22-23	275804	TBA			Preliminary Engineering
Wellington Street	Asheville	28806	865	FY 22-23	280245	TBA			Preliminary Engineering
Rhodes Street at Union Street	Woodfin	28804	230	FY 22-23	284578	TBA			Preliminary Engineering
10 Balsam Rd Sewer Rehabilitation	Ridgecrest	28770	410	FY 22-23	275803	TBA			Preliminary Engineering
Dayton Road @ No. 35 Sewer Rehabilitation	Asheville	28804	376	FY 22-23	275887	TBA			Preliminary Engineering
32 Kensington Dr Sewer Rehabilitation	Asheville	28805	644	FY 22-23	275805	TBA			Preliminary Engineering
5 Golf Street	Asheville	28801	240	FY 22-23	284586	TBA			Preliminary Engineering
449 Midland Dr	Asheville	28804	318	FY 22-23	279672	TBA			Preliminary Engineering
Old Fairview Rd @ Willington Road	Asheville	28803	732	FY 22-23	276005	TBA			Preliminary Engineering



CONSTRUCTION TOTALS BY DATE COMPLETED - Monthly

From 7/1/2022 to 7/31/2022

	Dig Ups	Emergency Dig Ups	Dig Up ML Ftg	Dig Up SL Ftg	Manhole Repairs	Taps Installed	ROW Ftg	IRS Rehab Ftg *	Const Rehab Ftg *	D-R Rehab Ftg *	Manhole Installs	Bursting Rehab Ftg *	Total Rehab Ftg *
July 2022	28	6	63	433	17	10	25,839	0	435	1233	7	30	1698
Grand Totals	28	6	63	433	17	10	25,839	0	435	1233	7	30	1698

* Used to calculate Total Rehab Footage



CUSTOMER SERVICE REQUESTS

Monthly - All Crews

CREW	MONTH	JOBS	AVERAGE RESPONSE TIME	AVERAGE TIME SPENT
DAY 1ST RESPONDER				
	July, 2022	115	28	34
		115	28	34
NIGHT 1ST RESPONDER				
	July, 2022	41	25	19
		41	25	19
ON-CALL CREW *				
	July, 2022	29	40	39
		29	40	39
Grand Totals:		185	29	31

* On-Call Crew Hours: 8:00pm-7:30am (Jul. - Oct.) 11:30pm-7:30am (from Nov. onward) Monday-Friday, Weekends, and Holidays



PIPELINE MAINTENANCE TOTALS BY DATE COMPLETED - Monthly

July 01, 2022 to July 31, 2022

	Main Line Wash Footage	Service Line Wash Footage	Rod Line Footage	Cleaned Footage	CCTV Footage	Smoke Footage	SL-RAT Footage
2022							
July	100,862	4,736	1,390	102,252	14,226	50	1,886
Grand Total:	100,862	4,736	1,390	102,252	14,226	50	1,886
Avg Per Month:	100,862	4,736	1,390	102,252	14,226	50	1,886

Planning & Development Project Status Report

Active Construction Projects Sorted by Work Location and Project Number

September 8, 2022

No.	Project Name	Project Number	Work Location	Zip Code	Units	LF	Pre-Construction Conference Date	Comments
1	First Baptist Relocation	2015032	Asheville	28801	Comm.	333	7/21/2015	Final Inspection complete, awaiting close-out docs
2	Hounds Ear (Mears Ave Cottages)	2016123	Asheville	28806	18	402	8/18/2017	Pre-con held, construction not yet started
3	Ashecroft Ph. 2	2016229	Asheville	28806	40	2,450	2/20/2018	On hold
4	RADTIP	2017052	Asheville	28801	0	919	2/13/2018	Final Inspection complete, awaiting close-out docs
5	Whitney Drive Subdivision	2018057	Asheville	28806	15	425	3/12/2021	Final Inspection complete, awaiting close-out docs
6	Sterling Property	2018231	Asheville	28801	4	260	6/18/2021	Final Inspection complete, awaiting close-out docs
7	Timber Hollow Subdivision	2019049	Asheville	28805	18	525	7/28/2020	On hold
8	Millbrook Cottages	2019066	Asheville	28806	7	322	2/15/2022	Pre-con held, construction not yet started
9	UNC-A Edgewood Road Parking Lot	2019078	Asheville	28801	Comm.	373	7/19/2019	Final Inspection complete, awaiting close-out docs
10	Julian Woods Retirement Relocation	2019112	Asheville	28704	Comm.	1,083	3/17/2022	Installing
11	Ironwood Sewer Relocation	2019123	Asheville	28801	554	227	4/23/2021	Installing
12	Hawthorne at Haywood Phase 2	2019130	Asheville	28806	92	668	12/15/2020	Final Inspection complete, awaiting close-out docs
13	Overlook Circle Subdivision	2019256	Asheville	28803	7	180	8/11/2020	Final Inspection complete, awaiting close-out docs
14	Crossroads at West Asheville Ph. 1	2020111	Asheville	28806	0	1,758	1/25/2022	Final Inspection complete, awaiting close-out docs
15	Amarx - Baker Drive	2021046	Asheville	28804	24	760	10/22/2021	Final Inspection complete, awaiting close-out docs
16	Burton Street	2021048	Asheville	28806	4	64	10/29/2021	Pre-con held, construction not yet started
17	Beloved Asheville	2021070	Asheville	28805	12	272	4/29/2022	Installing
18	328 Emma Road	2021131	Asheville	28806	17	665	11/5/2021	Installing
19	Busbee Ph. 1	2021245	Asheville	28803	210	4,245	4/26/2022	Installing
20	MAHEC Parking Deck	2021083	Asheville	28803	Comm.	550	6/1/2022	Waiting on final inspection
21	Old Home Road Subdivision	2021094	Asheville	28804	21	1,790	5/4/2022	Pre-con held, construction not yet started
22	Randolph Avenue Commercial	2021149	Asheville	28806	Comm.	650	6/30/2022	Pre-con held, construction not yet started
23	Woodfield (RAD Lofts)	2021063	Asheville	28801	235	403	6/8/2022	Installing
24	Crossroads Community Ph1 Apartments	2022068	Asheville	28806	660	595	8/25/2022	Pre-con held, construction not yet started
25	Selwyn Townhomes	2021209	Asheville	28806	45	993	8/19/2022	Installing
26	Waynesville Avenue Cottages	2021211	Asheville	28806	7	128	8/25/2022	Pre-con held, construction not yet started
27	Reddick Road	2021108	Asheville	28805	5	507	9/2/2022	Pre-con held, construction not yet started
28	808 Montreat Road	2015126	Black Mountain	28711	4	371	4/18/2017	Final Inspection complete, awaiting close-out docs
29	Givens Highland Farms-Cottage Development	2018272	Black Mountain	28711	16	1,355	9/13/2019	Final Inspection complete, awaiting close-out docs
30	Sweet Birch Lane Phase 3	2020151	Black Mountain	28711	20	800	6/30/2021	Waiting on final inspection
31	Old Toll Road Subdivision	2020182	Black Mountain	28711	14	637	8/17/2021	Waiting on final inspection
32	Craven Hill Circle	2020195	Black Mountain	28711	3	380	11/5/2021	Waiting on final inspection
33	Tudor Croft - Phase 2D	2018004	Black Mountain	28711	5	224	6/8/2022	Waiting on Testing
34	NC DOT I-5504 NC 191/I-26 Interchange	2016132	Buncombe Co.	28806	0	355	10/23/2017	Installing
35	Liberty Oaks Ph. 1B	2018063	Buncombe Co.	28715	24	615	11/5/2021	Final Inspection complete, awaiting close-out docs
36	Upper Grassy Branch Road	2018087	Buncombe Co.	28805	6	250	8/31/2018	On Hold
37	Victoria Hills (Lance Road) Ph. 1	2018094	Buncombe Co.	28704	38	1,176	3/6/2020	Final Inspection complete, awaiting close-out docs
38	Victoria Hills (Lance Road) Ph. 2 & 3	2018094	Buncombe Co.	28704	54	2,180	3/6/2020	Final Inspection complete, awaiting close-out docs
39	Rockdale Subdivision	2018145	Buncombe Co.	28778	9	630	3/17/2020	Final Inspection complete, awaiting close-out docs
40	Porter Road Subdivision	2019022	Buncombe Co.	28803	9	210	6/30/2021	Waiting on Testing
41	Roberson Relocation	2019037	Buncombe Co.	28715	Comm.	200	4/24/2020	Pre-con held, construction not yet started
42	Jasper Apartments	2019086	Buncombe Co.	28778	100	760	12/8/2020	Final Inspection complete, awaiting close-out docs
43	Aiken Road Multi-Family	2019128	Buncombe Co.	28804	407	4,620	10/2/2020	Waiting on final inspection
44	Fairview Meadows Subdivision	2019142	Buncombe Co.	28730	42	1,460	8/28/2020	Final Inspection complete, awaiting close-out docs
45	The Ramble - Tea House Ridge	2019159	Buncombe Co.	28803	22	8,050	9/21/2021	Installing
46	Laurelwood Village	2019216	Buncombe Co.	28704	29	855	5/25/2021	Final Inspection complete, awaiting close-out docs
47	841 Charlotte Hwy	2019222	Buncombe Co.	28730	Comm.	110	4/20/2021	Pre-con held, construction not yet started
48	Creekside Cottages	2019255	Buncombe Co.	28704	6	400	3/12/2015	Phase 2 Construction Not started
49	The Farm at Pond Road	2020009	Buncombe Co.	28806	687	3,550	6/4/2021	Waiting on final inspection
50	Fisher Mill Road	2020015	Buncombe Co.	28704	3	380	10/20/2020	Final Inspection complete, awaiting close-out docs
51	Fountain Park Subdivision - Ph. 2	2020026	Buncombe Co.	28806	120	4,611	7/12/2019	Final Inspection complete, awaiting close-out docs
52	Virginia Commons	2020072	Buncombe Co.	28704	47	750	6/4/2021	Final Inspection complete, awaiting close-out docs
53	CMH Avery Creek	2020080	Buncombe Co.	28704	10	580	2/8/2022	Waiting of final inspection
54	Kirkwood MHP (aka Rice MHP on-site)	2020166	Buncombe Co.	28715	75	2,610	12/21/2021	Waiting of final inspection
55	Habitat- Glenn Bridge Road	2020178	Buncombe Co.	28704	30	908	12/14/2021	Waiting of final inspection
56	Springs of North Asheville Ph. 2	2020190	Buncombe Co.	28804	120	855	10/29/2021	Waiting of final inspection
57	Project Ranger (aka Pratt & Whitney)	2020194	Buncombe Co.	28803	Comm.	256	12/7/2021	Final Inspection complete, awaiting close-out docs
58	Town Mountain Preserve Ph. 2	2020197	Buncombe Co.	28804	6	1,210	5/28/2021	Waiting of final inspection
59	Village at Bradley Branch Ph. 4B	2021120	Buncombe Co.	28704	16	393	11/2/2021	Waiting of final inspection
60	Ramble Block M	2021133	Buncombe Co.	28803	16	2,880	4/26/2022	Waiting on Testing
61	Hamrick Farms Ph. 2	2021160	Buncombe Co.	28715	48	1,247	3/8/2022	Final Inspection complete, awaiting close-out docs
62	Enka Oak Street	2021224	Buncombe Co.	28715	3	114	6/3/2022	Waiting on Testing
63	Collett Industrial (Banner Farm)	2020108	Cane Creek	28759	Comm.	255	11/20/2020	Final Inspection complete, awaiting close-out docs
64	Pardee Partners	2021058	Cane Creek	28759	Comm.	1,105	11/2/2021	Waiting on final inspection
65	Tap Root Ph. 1	2020024	Fletcher	28732	198	8,397	4/29/2022	Installing
66	Fernleaf Charter School	2020177	Fletcher	28732	Comm.	780	3/25/2022	Waiting on final inspection
67	Rutledge Road Subdivision Ph. 1	2021032	Fletcher	28732	31	1,594	3/1/2022	Waiting on final inspection
68	Suncap Warehouse	2021059	Fletcher	28732	Comm.	803	12/3/2021	Final Inspection complete, awaiting close-out docs
69	Heritage Park	2021275	Fletcher	28732	63	2,653	9/6/2022	Pre-con held, construction not yet started
70	Palisades at Reems Creek	2020066	Weaverville	28787	132	1,020	3/24/2022	Installing
71	Greenwood Park Ph. 2	2020245	Weaverville	28787	25	1,560	5/25/2021	Final Inspection complete, awaiting close-out docs
72	Union Chapel (Views at Reems Creek)	2021030	Weaverville	28787	11	650	8/2/2022	Pre-con held, construction not yet started
73	18 Wildwood Park Sewer Relocation	2021129	Weaverville	28787	1	147	2/22/2022	Pre-con held, construction not yet started
74	Crest Mountain Phase 3B	2013041	Woodfin	28806	69	1,329	10/15/2013	Final Inspection complete, awaiting close-out docs
75	Reese & Jan Lasher (High Hopes)	2015152	Woodfin	28806	14	320	4/26/2016	Final Inspection complete, awaiting close-out docs
76	Brown Avenue aka Wolf Tract	2017029	Woodfin	28806	6	219	6/4/2021	Installing
77	Skyfin-Terraces at Reynolds Mtn - Phase 4	2020167	Woodfin	28804	5	100	8/8/2017	Final Inspection complete, awaiting close-out docs
78	Serenity Townhomes	2020037	Woodfin	28804	8	480	7/14/2020	Waiting on final inspection
79	Weaverville Road Subdivision	2020123	Woodfin	28804	4	600	4/6/2021	Pre-con held, construction not yet started
80	West City View	2020155	Woodfin	28804	21	845	7/23/2021	Waiting on testing
			TOTAL		4,572	90,386		

CAPITAL IMPROVEMENT PROGRAM

STATUS REPORT SUMMARY

September 14, 2022

PROJECT	LOCATION OF PROJECT	CONTRACTOR	AWARD DATE	NOTICE TO PROCEED	ESTIMATED COMPLETION DATE	*CONTRACT AMOUNT	*COMPLETION STATUS (WORK)	COMMENTS
AURORA DRIVE	Asheville 28805	TBA	TBA	TBA	TBA	TBA	0%	Bids were opened on September 2nd; Terry Brothers is the apparent low bidder. Project to be awarded at the September Board meeting.
CHRISTIAN CREEK INTERCEPTOR	Buncombe County	Buckeye Bridge LLC	12/15/2021	3/14/2022	7/7/2023	\$5,938,455.00	20%	Two crews are laying mainline; boring contractor is on site.
SPRINGSIDE ROAD @ OVERLOOK ROAD	Asheville 28803	Huntley Construction Company	5/19/2021	9/23/2021	10/1/2022	\$836,550.16	95%	All mainline pipe is installed. Restoration and paving to be done.
TOXAWAY STREET	Asheville 28806	Terry Brothers Construction Co.	7/20/2022	8/16/2022	11/14/2022	\$318,890.00	55%	Construction is progressing well.
WRF - EQUIPMENT STORAGE FACILITY	Woodfin	Cooper Construction Company	10/20/2021	3/28/2022	3/28/2023	\$3,044,144.18	60%	Installing stud walls and doing electrical work.
WRF - INCINERATOR ASH LAGOON RESTORATION, PHASE 1	Woodfin	Chonzie, Inc.	12/15/2021	1/18/2022	8/31/2022	\$473,914.06	100%	Complete and in close out.
WRF - INCINERATOR ASH LAGOON RESTORATION, PHASE 2	Woodfin	Chonzie, Inc.	3/9/2022	3/10/2022	8/31/2022	\$241,113.31	100%	Complete and in close out.
WRF- PLANT HIGH RATE PRIMARY TREATMENT	Woodfin	Shook Construction Company	10/17/2018	1/7/2019	9/30/2022	\$15,257,858.94	99%	Contractor's subs continue working on punch list.
WRF - RBC SLIDE GATE REPLACEMENT PHASE 1	Woodfin	IPC Structures	10/20/2021	3/24/2022	10/20/2022	\$300,938.99	0%	New gate stems and operators have been installed on gates. Waiting on IPC to re-mobilize.

***Updated to reflect approved Change Orders and Time Extensions**