

MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

JUNE 13, 1978

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the Boardroom of MSD's Administration Building at 2 p.m., Tuesday, June 13, 1978.

Chairman Robinson called the meeting to order, and Mrs. Crowe called the roll. In addition to Chairman Robinson, the following members were present: Messrs. Boggs, Griffith, McDevitt, Smith, Warlick, and Williams.

In addition to the Board members, the following consultants and staff members were present:

Mr. Anthony Redmond
Mr. A. B. Jowers
Mr. Dean Huber
Mr. W. H. Mull
Mrs. Jan Crowe
Mrs. Linda Duncan

MINUTES OF PUBLIC HEARING

At 2:01 p.m., Chairman Robinson declared a Public Hearing opening for the consideration of a proposed 1978-79 budget as advertised in THE ASHEVILLE CITIZEN on May 10 and 17, 1978.

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY

Notice is hereby given that the Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, will hold a public hearing at the Administration Building of the Metropolitan Sewerage District at the Main Treatment Plant on N. C. Highway 191 North, Woodfin, N. C., at 2:00 P.M., on Tuesday, June 13, 1978, on the preliminary budget of Current Expenses of the Sewerage System for the fiscal year beginning July 1, 1978, and ending June 30, 1979.

C. LeRoy Robinson
Chairman of the Board

Approved as to form:
Anthony Redmond, Attorney
May 10, 17, 1978

Receiving no reply from either the public or the Board members, Chairman Robinson at 2:04 announced that the Public Hearing was closed.

THEREUPON, Chairman Robinson reconvened the regular monthly meeting.

The members having received copies of the Minutes of the May 2 meeting, Mr. Williams moved that the Minutes stand approved as written. Mr. Griffith seconded, and voice vote was unanimous.

Mr. W. H. Mull, Engineer-Manager, reported on the following:

(a) Opening of bids for new Industrial Waste Monitoring Van: Mr. Mull told the Board that an advertisement was placed in the CITIZEN and the TIMES for a bid opening to be held on May 8 for the consideration of purchasing a second monitoring unit; however, only one bid was received at that time. As a result, MSD readvertised for another bid opening to be held on May 22, at which time two sealed bids were received. Dorato Dodge submitted a bid in the amount of \$5,412.59, and Apple Tree Chevrolet submitted one in the amount of \$4,998.08. Mr. McDevitt moved that the Board accept the apparent low bid from Apple Tree Chevrolet in the amount of \$4,998.08, which amount includes 2% sales tax. Mr. Williams seconded the motion, and roll call vote was unanimous.

(b) Status of Administration Building project: Mr. Mull informed the Board that landscaping had been completed; that one dead tree and one dead azalea had been replaced; that the banks of the roadway had been cleared and reseeded; that a portion of the sidewalk had been removed and repoured; and that parking lot spaulding had been repaired.

Mr. Mull further told the Board that M. B. Haynes Electric Corporation would not accept final payment of their contract with one-half the power bill in dispute deducted from their check. After consultation with Mr. Redmond, it was decided that the full amount owed M. B. Haynes should be paid in lieu of creating a distasteful situation and having them place a lien against MSD property. After discussion, Mr. Boggs moved for concurrence with that action as Mr. Mull could not carry out instructions as outlined in the May 2 Minutes. Mr. McDevitt seconded the motion, and roll call vote was unanimous.

(c) Budget revision: Mr. Mull requested that the Board authorize an increase in line item "Consulting Engineers" from \$7,000 to \$10,000 (an increase of \$3,000), which would result in a decrease in line item "Contingency" from \$7,850 to \$4,850; an increase in line item "Water" from \$5,250 to \$6,000 (an increase of \$750) and an increase in line item "Laboratory Supplies" from \$2,500 to \$4,000 (an increase of \$1,500), which would result in a decrease in line item "Contingency" from \$9,950 to \$7,700 (a decrease of \$2,250). Mr. Williams moved that this budget revision be adopted by the Board, and Mr. Griffith seconded. (Mr. Huber had previously approved this revision by letter.) Roll call vote was unanimous. A copy of the Resolution amending the Annual Budget and a copy of the Amended Budget are attached to and made a part of these Minutes.

- (d) Joint Municipal & Industrial Seminar for Pretreatment of Industrial Wastes: Mr. Mull requested that the Board authorize him, Mr. Redmond, and any interested Board member to attend this seminar to be held in Atlanta June 27 and 28. After discussion, Mr. Warlick moved that the Board authorize Messrs. Mull and Redmond and any interested Board member to attend this seminar with all expenses to be borne by the District. Mr. Boggs seconded the motion, and roll call vote was unanimous.
- (e) National 51st Annual Water Pollution Control Federation Convention: Mr. Mull requested that the Board authorize him, Mr. Redmond, and any interested Board member to attend this convention to be held in Anaheim, California, October 1-6, 1978. Registration fee is \$100 for members and \$65 for non-members. After discussion, Mr. Warlick moved that the Board authorize Messrs. Mull, Redmond, and Cunningham and any interested Board member to attend this convention with all expenses to be borne by the District. Mr. Williams seconded the motion, and roll call vote was unanimous.

Following his report to the Board, Mr. Mull added that he also wanted to apprise the Board of the judgment in the amount of \$18,879.31 awarded the MSD against Holiday Inn West by Judge Frank W. Snapp on June 8. Mr. Redmond told the Board that Holiday Inn West has ten days in which to appeal this decision but that everything was stipulated and no evidence was necessary.

Chairman Robinson then asked the Board for its consideration of the budget for Fiscal Year 1978-79. Mr. Smith moved that the preliminary budget, which contained a \$123,880 overall increase over Fiscal Year 1977-78 budget, be adopted as presented to the Board. Mr. Warlick seconded the motion; and, after discussion, roll call vote was unanimous. A copy of the Resolution adopting this budget and a copy of FY '78-79 Budget are attached to and made a part of these Minutes.

Mr. McDevitt suggested to the Board that the MSD stationery reflect a change in the members' listing, i.e., showing only their names and not the appointing municipalities they represent. After discussion, it was the concensus of the Board that the members be listed alphabetically with the exception of the chairman and vice-chairman, whose names will remain at the top of the listing, and that all appointing municipalities be eliminated from the listing. This request will be acted upon when the present supply of stationery is depleted.

Chairman Robinson then requested that the Board enter Executive Session for the consideration of legal matters. Mr. Smith moved and Mr. McDevitt seconded the motion; voice vote was unanimous that the Board enter Executive Session, the time being 2:45 p.m. At 4:25 p.m., Chairman Robinson closed the Executive Session; and the Board reconvened the regular meeting.

Mr. Mull informed the Board of a \$4,000 civil penalty assessed on the MSD by the State for violation of its NPDES effluent limitations in connection with the Weaverville Treatment Plant during the months of October, November, and December, 1977, and February, 1978. After discussion, Mr. Redmond told the Board that it was his and the Engineer-Manager's recommendation that the District Board authorize them on behalf of the Board to submit a written request for a formal administrative hearing, including a statement of the specifics--the factual or legal issues--in the dispute, and take whatever action as may be appropriate in the scope of that undertaking with regard to extensions of time, labor, and other means that are available to the Board to justify the position of the Board in regard to these violations. Mr. McDevitt then moved that Mr. Redmond be authorized to follow the course of action he had outlined, that is, to submit a written request for a formal hearing as set forth in Option 3 of page 1 in a letter to the MSD from the North Carolina Department of Natural Resources and Community Development. Mr. Smith seconded the motion, and roll call vote was unanimous.

Mr. Smith requested that Mr. Mull--as Engineer-Manager--inform the Board of any violation discovered from sampling at any industrial site, list the date of such action, name the offender, state the corrective action taken, and outline the number of such violations which occurred at that sampling point during the current six-month period.

Date of the next meeting of the MSD Board was set for July 18, 1978.

There being no further business, the meeting was adjourned at 4:35 p.m.

Ben H. Clark
Secretary

RESOLUTION

WHEREAS, the Metropolitan Sewerage District Board passed a Resolution at its regular meeting held on June 13, 1978, adopting an Amended Operation and Maintenance Budget for the Fiscal Year 1977-78; and

WHEREAS, increases necessary to meet the operating requirements of the Metropolitan Sewerage District of Buncombe County, North Carolina, consisting of line item "Consulting Engineers" from \$7,000.00 to \$10,000.00, thereby decreasing line item "Contingency" from \$7,850.00 to \$4,850.00; further, increasing line item "Water" from \$5,250.00 to \$6,000.00 and line item "Laboratory Supplies" from \$2,500.00 to \$4,000.00, thereby decreasing line item "Contingency" from \$9,950.00 to \$7,700.00, this being the same Preliminary Budget which was presented at the regular Board meeting on April 22, 1977, currently lying on the table and totaling \$848,750.00, of which the estimated monthly budget is equal to one-twelfth (1/12) of the total budget;

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Sewerage District Board of Buncombe County that the June 13, 1978, Resolution adopting the Amended Operation and Maintenance Budget for Fiscal Year 1977-78 be and is hereby unanimously approved by roll call vote.

By: C. LeRoy Robinson

C. LeRoy Robinson, Chairman
Metropolitan Sewerage District
Board of Buncombe County

ATTEST: W. H. Mull

W. H. Mull
Engineer-Manager

MSD Metropolitan Sewerage District of Buncombe County, North Carolina.

W. H. Mull, P. E., Engineer-Manager
P.O. Box 7157, Asheville, N. C. 28807
Telephone: Area Code 704-255-5383

Anthony Redmond, General Counsel



C. LeRoy Robinson, Asheville
Chairman
M. Leon Williams, Buncombe Co.
Vice-Chairman
Paul W. Warlick, Biltmore Forest
Ben Clark, Weaverville
D. Frank Hyatt, Asheville
Larry S. McDevitt, Buncombe Co.
Frank S. Smith III, Buncombe Co.
P. P. Dillingham, Woodfin
Paul E. Griffith, Black Mountain
Walter J. Boggs, Asheville

June 13, 1978

I, Paul W. Warlick, Assistant Secretary to the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, DO HEREBY CERTIFY that the attached copy is a true and correct copy of the AMENDED 1977-78 BUDGET adopted by the Metropolitan Sewerage District Board at its regular meeting held June 13, 1978.

WITNESS my hand and seal of said District this 13 day of June, 1978.

Signed by

Assistant Secretary
Metropolitan Sewerage District
of Buncombe County

OPERATION AND MAINTENANCE FUND--STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
FOR MONTH OF _____ AND _____ MONTH ENDED _____ COMPARED WITH PREVIOUS YEAR

AMENDED	1977-78 BUDGET	CURRENT YEAR		PRIOR YEAR	
		MONTH OF _____	ENDED _____	MONTH OF _____	ENDED _____
SALARIES.....	64,600	_____	_____	_____	_____
BILLING & COLLECTIONS.....	50,000	_____	_____	_____	_____
TELEPHONE & TELEGRAPH.....	1,000	_____	_____	_____	_____
TRAVEL & CONVENTION EXPENSES.....	3,000	_____	_____	_____	_____
OFFICE SUPPLIES.....	5,000	_____	_____	_____	_____
POWER & WATER.....	2,400	_____	_____	_____	_____
DIRECTORS' FEES & EXPENSES.....	3,200	_____	_____	_____	_____
INSURANCE.....	16,000	_____	_____	_____	_____
DUES & SUBSCRIPTIONS.....	1,500	_____	_____	_____	_____
ACCOUNTING SERVICE @ 1% of Payroll	3,200	_____	_____	_____	_____
CONSULTING ENGINEERS.....	10,000	_____	_____	_____	_____
LEGAL FEES.....	15,000	_____	_____	_____	_____
TRUSTEE FEES.....	5,000	_____	_____	_____	_____
AUDIT.....	2,000	_____	_____	_____	_____
POSTAGE & PETTY CASH.....	1,200	_____	_____	_____	_____
REPAIRS--OFFICE EQUIPMENT.....	300	_____	_____	_____	_____
SOCIAL SECURITY TAXES @ 5.85%.....	15,500	_____	_____	_____	_____
CONTRIBUTIONS--RETIREMENT FUND 7.4%	19,600	_____	_____	_____	_____
VEHICLE EXPENSES.....	3,900	_____	_____	_____	_____
CAPITAL OUTLAY (EQUIPMENT).....	2,000	_____	_____	_____	_____
CONTINGENCY.....	4,850	_____	_____	_____	_____
TOTAL ADMINISTRATIVE & GENERAL....	<u>229,250*</u>	_____	_____	_____	_____

PLANT OPERATION EXPENDITURES	1977-78 BUDGET	CURRENT YEAR:		PRIOR YEAR:	
		MONTH OF	ENDED	MONTH OF	ENDED
SALARIES & WAGES.....	200,000				
CHEMICALS.....	59,000				
TELEPHONE.....	1,500				
POWER & LIGHTS.....	190,000				
MAINTENANCE SUPPLIES.....	3,000				
WATER.....	6,000				
VEHICLE EXPENSE.....	7,000				
LABORATORY SUPPLIES.....	4,000				
UNIFORM SERVICE.....	1,300				
SMALL TOOLS & SUPPLIES.....	1,000				
MAINTENANCE (BUILDINGS & GROUNDS).	11,000				
MAINTENANCE (PIPELINE).....	25,000				
MAINTENANCE (EQUIPMENT).....	55,000				
CAPITAL OUTLAY--NEW.....	13,000				
EQUIPMENT REPLACEMENT.....	35,000				
CONTINGENCY.....	7,700				
TOTAL OPERATIONS EXPENDITURES.....	619,500*				
TOTAL DISBURSEMENTS.....	<u>848,750**</u>				
RECEIPTS:					
TRANSFER FROM REVENUE FUND.....					
OTHERS:.....					
TOTAL RECEIPTS.....					
EXCESS OF RECEIPTS OVER DISBURSEMENTS.....					
(DISBURSEMENTS OVER RECEIPTS).....					
CASH BALANCE:					
BEGINNING OF PERIOD.....					
ENDING OF PERIOD.....					

*THE CURRENT EXPENSES FOR EACH MONTH ARE ESTIMATED TO BE ONE-TWELFTH (1/12) OF THE ANNUAL BUDGET.

**ESTIMATED REVENUE TO BE COLLECTED FROM SEWER SERVICE CHARGES FOR THIS FUND EQUAL TO \$848,750.

We have considered the proposed amendment to the 1977-78 Budget increasing the budget amount for line item "Consulting Engineers" from \$7,000.00 to \$10,000.00, increasing the budget amount for line item "Water" from \$5,250.00 to \$6,000.00, increasing the budget amount for line item "Laboratory Supplies" from \$2,500.00 to \$4,000.00, and find the proposed increases necessary to meet the operating requirements of the Metropolitan Sewerage District of Buncombe County.

In accordance with Section 506 of the Bond Resolution, we recommend and approve this proposed amendment to the Annual Budget.

A handwritten signature in cursive script, reading "Dean Huber". The signature is written in dark ink and is positioned above a solid horizontal line.

Dean Huber
Harry Hendon & Associates, Inc.
June 13, 1978

MSD Metropolitan Sewerage District of Buncombe County, North Carolina.

W. H. Mull, P. E., Engineer-Manager
P.O. Box 7157, Asheville, N. C. 28807
Telephone: Area Code 704-255-5383

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June 13, 1978

I, Paul W. Warlick, Assistant Secretary to the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, DO HEREBY CERTIFY that the attached copy is a true and correct copy of the FISCAL YEAR 1978-79 BUDGET adopted by the Metropolitan Sewerage District Board at its regular meeting held June 13, 1978.

WITNESS my hand and seal of said District this the 13
day of June, 1978.

Signed by

Paul W. Warlick

Assistant Secretary
Metropolitan Sewerage District of
Buncombe County

OPERATION AND MAINTENANCE FUND--STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS

FOR THE MONTH OF _____ AND _____ MONTH ENDED _____ COMPARED WITH PREVIOUS YEAR

	1978-79 BUDGET	CURRENT YEAR _____ MONTH	PRIOR YEAR _____ MONTH
		MONTH OF _____ ENDED _____	MONTH OF _____ ENDED _____
SALARIES.....	71,300	_____	_____
BILLING & COLLECTIONS.....	50,000	_____	_____
TELEPHONE & TELEGRAPH.....	2,000	_____	_____
TRAVEL & CONVENTION EXPENSES.....	3,000	_____	_____
OFFICE SUPPLIES.....	5,000	_____	_____
POWER & WATER.....	2,400	_____	_____
DIRECTORS' FEES & EXPENSES.....	3,200	_____	_____
INSURANCE.....	17,500	_____	_____
DUES & SUBSCRIPTIONS.....	1,500	_____	_____
ACCOUNTING SERVICE @ 1% of Payroll	3,500	_____	_____
CONSULTING ENGINEERS.....	7,000	_____	_____
LEGAL FEES.....	15,000	_____	_____
TRUSTEE FEES.....	5,000	_____	_____
AUDIT.....	2,100	_____	_____
POSTAGE & PETTY CASH.....	1,500	_____	_____
REPAIRS--OFFICE EQUIPMENT.....	300	_____	_____
SOCIAL SECURITY TAXES @ 5.85%.....	19,800	_____	_____
CONTRIBUTIONS--RETIREMENT FUND 7.4%	24,100	_____	_____
VEHICLE EXPENSES.....	3,900	_____	_____
CAPITAL OUTLAY (EQUIPMENT).....	2,000	_____	_____
CONTINGENCY.....	9,300	_____	_____
TOTAL ADMINISTRATIVE & GENERAL....	<u>249,400*</u>	_____	_____

DISBURSEMENTS CONTINUED -4152-

	1978-79	CURRENT YEAR:	MONTH	PRIOR YEAR:	MONTH
	BUDGET	MONTH OF _____	ENDED _____	MONTH OF _____	ENDED _____
PLANT OPERATION EXPENDITURES					
SALARIES & WAGES.....	237,380	_____	_____	_____	_____
CHEMICALS.....	60,000	_____	_____	_____	_____
TELEPHONE.....	1,500	_____	_____	_____	_____
POWER & LIGHTS.....	210,000	_____	_____	_____	_____
MAINTENANCE SUPPLIES.....	3,000	_____	_____	_____	_____
WATER.....	5,250	_____	_____	_____	_____
VEHICLE EXPENSE.....	9,000	_____	_____	_____	_____
LABORATORY SUPPLIES.....	4,000	_____	_____	_____	_____
UNIFORM SERVICE.....	1,600	_____	_____	_____	_____
SMALL TOOLS & SUPPLIES.....	1,000	_____	_____	_____	_____
MAINTENANCE (BUILDINGS & GROUNDS).	12,500	_____	_____	_____	_____
MAINTENANCE (PIPELINE).....	25,000	_____	_____	_____	_____
MAINTENANCE (EQUIPMENT).....	60,000	_____	_____	_____	_____
CAPITAL OUTLAY--NEW.....	15,000	_____	_____	_____	_____
EQUIPMENT REPLACEMENT.....	55,000	_____	_____	_____	_____
CONTINGENCY.....	23,000	_____	_____	_____	_____
TOTAL OPERATIONS EXPENDITURES.....	723,230*	_____	_____	_____	_____
TOTAL DISBURSEMENTS.....	<u>972,630**</u>	_____	_____	_____	_____
<u>RECEIPTS:</u>					
TRANSFER FROM REVENUE FUND.....		_____	_____	_____	_____
OTHERS.....		_____	_____	_____	_____
TOTAL RECEIPTS.....		_____	_____	_____	_____
EXCESS OF RECEIPTS OVER DISBURSEMENTS.....		_____	_____	_____	_____
(DISBURSEMENTS OVER RECEIPTS).....		_____	_____	_____	_____
<u>CASH BALANCE:</u>					
BEGINNING OF PERIOD.....		_____	_____	_____	_____
ENDING OF PERIOD.....		_____	_____	_____	_____

*THE CURRENT EXPENSES FOR EACH MONTH ARE ESTIMATED TO BE ONE-TWELFTH(1/12) OF THE ANNUAL BUDGET.

**ESTIMATED REVENUE TO BE COLLECTED FROM SEWER SERVICE CHARGES FOR THIS FUND EQUAL TO \$972,630.

RESOLUTION WITH RESPECT TO TRANSFERS OF
MONEYS FROM CONTINGENCY FUNDS

WHEREAS, it has come to the attention of the Engineer-Manager that the Local Government Budget and Fiscal Control Act is applicable to handling the Contingency Funds as established for the fiscal year budgets for the District; and

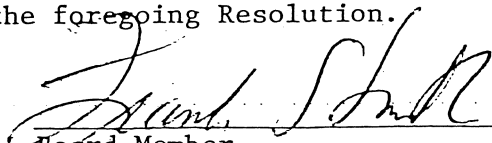
WHEREAS, such Act requires that the District Board pass a resolution authorizing any transfer of funds from a Contingency Fund, and

WHEREAS, there are numerous occasions when small amounts need to be transferred from Contingency Funds to other Line Items in the Budget, which transfers must be done without delay; and

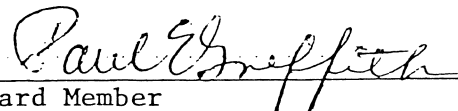
WHEREAS, it appears in the best interest of the District that the Engineer-Manager have some blanket authority to transfer small sums of money from the Contingency Funds from time to time to be added to other Line Items.

NOW, THEREFORE, BE IT RESOLVED, that the Engineer-Manager be and he is hereby authorized to transfer without prior approval of the Board not in excess of \$500.00 from any Contingency Fund in the Fiscal Budget to such other Line Item as might be required, provided, that in the exercise of this authority from time to time a subsequent report of such transfer or transfers shall be made to the Board at its next succeeding regular meeting.

I move the adoption of the foregoing Resolution.


Board Member

SECONDED:


Board Member

RESOLUTION OF THE METROPOLITAN SEWERAGE
DISTRICT BOARD OF BUNCOMBE COUNTY

BE IT RESOLVED that the Metropolitan Sewerage District Board of Buncombe County does hereby adopt the attached Annual Operation and Maintenance Budget for the Fiscal Year 1978-79, this being the same Preliminary Budget which was presented at the regular Board meeting on May 2, 1978, currently lying on the table and totaling \$972,630.00, of which the estimated monthly budget is equal to one-twelfth (1/12) of the total budget.

By: C. LeRoy Robinson

C. LeRoy Robinson, Chairman
Metropolitan Sewerage District
Board of Buncombe County

ATTEST: W. H. Mull

W. H. Mull
Engineer-Manager