

MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

OCTOBER 23, 1979

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, October 23, 1979.

Secretary-Treasurer Pope as Acting Chairman called the meeting to order in the absence of both the Chairman and the Vice-Chairman, and Mrs. Crowe called the roll. In addition to the Acting Chairman, the following members were present: Messrs. Black, Boggs, Clark, Griffith, Hyatt, Smith, and Warlick.

In addition to the Board members, the following attorneys, consultant, and staff members were present: Messrs. Anthony Redmond and John S. Stevens; Mr. Dean Huber; Mr. W. H. Mull, Mrs. Jan Crowe, and Mrs. Linda Duncan.

The members having received copies of the September 18 meeting, Mr. Griffith moved that the minutes stand approved as written. Mr. Black seconded the motion, and voice vote was unanimous.

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

- (a) Audit Report: Messrs. Alan Bolick and James Shaver of A. M. Pullen Company attended the meeting. Mr. Bolick discussed briefly the report with the Board, after which the Board accepted the audit as information.

Mr. Boggs then moved that the Board authorize appropriate adjustments (surcharges or rebates) to industries and that Mr. Mull report to the Board at its November meeting as to which industries received rebates and which were surcharged. Mr. Hyatt seconded the motion, and roll call vote was unanimous.

- (b) Letter from Counsel for Quorum regarding assessment of penalties: Mr. Redmond reported to the Board that he had received a check in the amount of \$5,240.08 from Quorum along with a letter from their counsel (Mr. John A. Powell) and that the letter contained a misconception regarding the \$4,000 fine. Mr. Redmond told the Board that he had replied to the letter and had enclosed a copy of the minutes of the MSD Board meeting held September 18, which minutes contain the statement "...and that the Board leave the matter of the \$4,000 fine imposed on the MSD by the State in abeyance pending further State action." Mr. Redmond is holding the \$5,240.08 check until he receives a reply from Quorum's counsel.
- (c) Approval letter from EPA regarding Minority Business Enterprise goal set by MSD Board: Received as information by the Board.
- (d) Consulting Engineer's report on Flammable and Combustible Storage--MSD Main Plant and (e) report on Oil Storage Building: After a brief discussion and a recommendation from the Building Committee, Mr. Smith moved that the Board authorize Mr. Mull to proceed with design for a building to house inflammable materials and provide gasoline storage in a secure manner; and, in view of previous bidding experience, that building materials be selected for economy and of a type that will encourage bidding participation by smaller contractors in the area; further, that the sum of construction contracts, equipment included (with the exception of a barrel handling unit), should not exceed \$32,000. Mr. Clark seconded the motion, and roll call vote was unanimous.

- (f) Request for approval of appraisal reports on South Buncombe and Hominy Valley: Mr. Clark moved that the Board accept the appraisers' estimated fair compensation due owners for taking and the nominal compensation figures on both the South Buncombe and the Hominy Valley parcels. Mr. Smith seconded the motion, and roll call vote was unanimous. See list below.
- (g) Amendment to Engineering Contract in connection with Hominy Valley Interceptor Sewer: After a brief discussion, Mr. Smith moved that the Board accept the amendment to the engineering contract, which contains an overall increase of \$15,493 (from \$122,841 to \$138,334), and authorize the Acting Chairman to execute the document. Mr. Black seconded the motion, and roll call vote was unanimous. Grants will be requested from EPA in the amount of \$11,620 and from the State in the amount of \$1,937. These grants will cover 87.5% of the total increase.
- (h) Time extension granted MSD by the State to reply to alleged violations regarding fish kills in the French Broad River: Since this matter might involve possible litigation and related to privileged conversation between client and attorney, Mr. Clark moved that the Board go into Executive Session. Mr. Smith seconded the motion, and roll call vote was unanimous. The Board entered Executive Session at 2:43 p.m.

At 3:10 p.m., Acting Chairman Pope reconvened the regular session. Mr. Smith then moved that, on the basis of the Board's discussion based on the findings of the MSD staff, the Board feels that the MSD is not responsible for the fish kills in the French Broad River; and, therefore, that the Board direct the attorney (Mr. Redmond) to continue to negotiate with the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management, on that issue. Mr. Warlick seconded the motion, and roll call vote was unanimous.

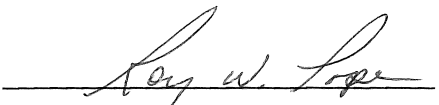
Mr. Mull gave an update on the communications system, saying that a frequency has been found that possibly can be shared with Una Water District near Spartanburg (which they are now using) and that MSD must communicate with them and request permission to use the same frequency; received as information by the Board.

Mr. Boggs inquired about the current status of the Weaverville Plant, after which Acting Chairman Pope requested that Mr. Mull give a report on that plant to the Board at its next meeting.

Under new business, Mr. Smith moved that Mr. Mull be instructed to contact MSD's trustee (Wachovia Bank) and request that they prepare for the Board some information as to the feasibility of retiring bonds of the District, if they could be retired at a considerable discount, and at what rate of discount. Mr. Boggs seconded the motion, and roll call vote was unanimous.

Date of the next regular meeting of the MSD Board was set for November 20, 1979.

There being no further business, the meeting was adjourned at 3:17 p.m.


Secretary

Approved appraisals: HC: #57, Eaton Corp., nom.; #57-A, Grimes, nom.; #58, McMurray estate, nom.; #60, Hart, nom.; #61, Cunningham, nom.; #61-A, Garren, nom.; #61-B, Rhodes, nom.; #62, Garren, nom. LH: #107, Norton, nom.