

MINUTES OF METROPOLITAN SEWERAGE DISTRICT BOARD

ELECTION OF OFFICERS FOR FISCAL YEAR 1964-1965.

AUTHORIZATION TO GET UNDER OPTION RHOADES & RIVERS PROPERTY.

RESOLUTION TO AMEND MINUTES OF APRIL 17, 1962 TO INCLUDE BYLAWS.

The meeting of the Metropolitan Sewerage District Board was held in the Board Room 501, City Building, Asheville, North Carolina, at 2:00 p. m. on Tuesday, July 21, 1964.

The meeting was called to order by Vice Chairman Garrison in the absence of Chairman Peterson. The roll was called by Mrs. Swicegood, Secretary, with the following members being present: Mr. Garrison, Mrs. Swicegood, Mr. Dawson, Mr. Finch, Mr. Reagan, Mr. Robinson, and Mr. Tandy.

Upon motion of Mr. Finch, seconded by Mr. Robinson, it was unanimously voted to approve the minutes as recorded, the members having been sent a copy previously.

Due to lack of a quorum at the June meeting, an election of officers was held this month. Mr. Dawson moved and Mr. Tandy seconded that the same officers be reelected for the fiscal year 1964-1965. Mr. Finch moved that the nominations be closed which motion carried unanimously. All officers were reelected by a unanimous vote.

Mr. Johnson, Engineer-Manager, cited the following items of communications:

1. Letter from Mr. Hendon reporting progress on the preparation of construction plans for the Asheville Intercepting Sewer and Metropolitan Sewage Treatment Plant and requesting answers to some questions.

2. Letter to State Highway Commission making formal application for right-of-way through the Craggy Prison Camp property.

3. Letter from Mr. Easterling in reply to question raised by Mr. Bynum as to who would be the trustees for the District. Mr. Bynum's opinion is the Buncombe County Sinking Fund would be and Mr. Easterling, Local Government Commission, states it does not have to be since our sewer law supersedes any county legislation. Mr. Johnson stated it is something that does not have to be decided immediately.

4. Mr. Johnson asked if there were any questions to his monthly report which had been mailed to each Board member.

5. Relating to the acquisition of property for the main plant and Weaverville plant sites, Mr. Johnson read letters from the following:

a. A letter dated March 3, 1964, from Mr. Verne Rhoades offering to sell his property consisting of 140 acres to the Metropolitan Sewerage District for \$50,000. Since then by verbal consent he has reduced his offer to \$42,000. Mr. Johnson recommended the Board accept the offer and that Mr. Redmond be instructed to do whatever is necessary for acquisition.

b. Letter concerning Carolina Power & Light Company property from Mr. Robin Phillips dated July 20, 1964, offering to sell this property for \$8,000 with the stipulation that it revert back to

Carolina Power & Light Company if electric power is ever generated on this property (west side of highway and east side of river). Also that they would convey the property to the Metropolitan Sewerage District with the reservation that they would reserve the right-of-way and easements in existing electric lines and any additional lines which they might desire to install in the future.

After discussion concerning these stipulations, Mr. Redmond was requested to negotiate with Mr. Phillips about them.

- c. Letter from Mr. Rivers concerning Weaverville plant site which is the alternate site. Mr. Rivers offered his land which is one mile farther down the river and away from any houses, for \$100 per acre and also right-of-way along their existing drive across their other property to a location mutually agreed upon between them and the consulting engineer for consideration of \$300 but with the right to reserve the right-of-way to be used only by the Metropolitan Sewerage District and not open to the public. Mr. Rivers stated he thinks his land is worth \$200 per acre, but is willing to take whatever the Board offers.

Mr. Johnson stated he feels the Board should take the necessary steps to acquire these three properties, as he does not think he can get any cheaper price from either Mr. Rhoades, Carolina Power & Light Company, or Mr. Rivers. He thinks the prices are reasonable.

By taking the lower site instead of the McLean property, it will cost some more but not greatly in his opinion, probably about \$10,000. There have been no objections to the lower site but several objections by property owners to the upper site. Mr. Hendon stated that the State Health and Local Authorities have always wanted the lower site.

Mr. Redmond pointed out in the discussion that there would be no litigation on the Rivers' property but there might be protests against the McLean property and that the new property may be as cheap, or cheaper, than the McLean site in the long run.

The question was asked if the Board is in a position to go ahead with the acquisition for this property and Mr. Redmond stated he thinks the Board is in position to enter into options or contracts whose completion dates are far enough in advance so we will not be called upon to actually buy until a later date. We are committed to going forward with the project and these are incidental steps that must be taken. He stated he had talked to Bond Counsel and he sees no objection to getting in writing options on these properties for these amounts at the time we believe to be suitable. In other words to get them under option or contract and for some nominal consideration to bind the deal. He stated options would be the desirable procedure though there may be one or two instances where an option may be hard to get such as in the Carolina Power & Light Company offer. He stated, though Mr. Phillips did not indicate in his letter anything about an option, it would be desirable to have an option because of the many facets put forth by him in his letter. With respect to portions of the property, it may be that you might be inclined to give up on some of it such as the restriction against generation of power. To a question to Mr. Hendon, if the Metropolitan Sewerage District plant would be entirely on Rhoades property, Mr. Hendon stated they had designated an area for sewerage power that would not be on Carolina Power & Light Company land.

Mr. Dawson moved that Mr. Redmond arrange to take an option on the Rivers property for the Weaverville plant, instead of the McLean property. Mrs. Swicegood seconded this motion. A roll call vote carried unanimously.

Mrs. Swicegood made a motion that Mr. Redmond and Mr. Johnson be authorized to acquire the right-of-way and the ten acres of land(Rivers) at a total price not to exceed \$2,000 and get it under option. Mr. Finch seconded this motion and a roll call vote carried unanimously.

A motion was made by Mrs. Seicegood and seconded by Mr. Finch authorizing Mr. Redmond and Mr. Johnson to negotiate with Mr. Phillips in connection with the Carolina Power & Light Company property to accept his offer and acquire all the land he is offering to give us at \$8,000 and try to work out the difficulties as a matter of fair distribution lines as they go, so they will not interfere with the plant itself and the question of power generation et cetera.

Also to negotiate with Mr. Rhoades to secure an option to buy 140 acres of land at a price not to exceed \$42,000. The roll call vote carried unanimously.

Relating to a house owned by Mr. Cecil Hyder and situated within 1000 feet to the main plant site, Mr. Johnson was instructed to talk with Mr. Hyder as to the price he will take for his house and report back to the Board.

Mr. Johnson suggested that in acquiring the Tandy property, to be used for the Crescent Hill plant, that in his opinion they should settle with her on basis of damages rather than basis of so much per acre.

The following resolution was presented by Mr. Johnson to correct the minutes of April 17, 1962, in which the bylaws were inadvertantly omitted:

RESOLUTION

In carrying out this duty and responsibility, I have found that in the minutes of the meeting of the Metropolitan Sewerage District held on April 17th, 1962, a substantial portion of the By-laws of the Metropolitan Sewerage District which were adopted at said meeting have been omitted.

It is my recommendation that the Board authorize the amendment of the minutes of the meeting of April 17th, 1962, so that there may be included in them the complete resolution of the Board adopting the By-laws and that this be done in such manner so as not to alter the enumeration of the numbered pages in the Minute Book.

I, therefore, offer the following resolution:

"WHEREAS, it has been discovered that a substantial portion of the By-laws of the Metropolitan Sewerage District which were adopted by the Board at its meeting of April 17th, 1962, was inadvertantly omitted from the minutes of the meeting of the Board of said date; and

WHEREAS, the minutes of said meeting as recorded in the Minute Book of the District Board should be corrected to show all of said By-laws as adopted."

NOW, THEREFORE, BE IT RESOLVED, that the Secretary of the Board shall cause the minutes of the Metropolitan Sewerage District Board of April 17, 1962, to be rewritten beginning with the rewriting of Page 5 of the Minute Book and copying therefrom the minutes as they now exist up to and including the following:

"Upon motion of Mr. Koon, seconded by Mr. Finch, the reading of the minutes was dispensed with by a unanimous vote."; and inserting immediately thereafter the following:

"The meeting then proceeded with consideration of By-laws for the District and the District Board and after hearing read a draft of By-laws proposed by the District's attorney the following resolution embodying By-laws of the Metropolitan Sewerage District of Buncombe County of North Carolina, was unanimously adopted:

BE IT FURTHER RESOLVED, that in numbering the pages of the minutes as so amended the pages following Page No. 5 shall be numbered 5-a, 5-b, 5-c, et cetera, and shall be continued over on to Page 6 so as to preserve as near as can be the continuity of the enumeration of the pages in the Minute Book as they now exist and to this end the last two paragraphs of the minutes as contained on Page 6 shall be preserved.

Mr. Dawson moved that the correction be made and Mr. Tandy seconded the motion. A roll call vote carried unanimously.

The question was raised as to when the Metropolitan Sewerage District would receive some money and Mr. Johnson explained that four things have to be done, first, plans completed by Mr. Hendon; second, get test case out of court; third, bonds sold; fourth, advertise and award contracts. He stated that Mr. Hendon is on schedule and they hope to sell the bonds in November and to let contracts in December of this year and construction to start in the spring of next year.

Mr. Redmond gave a report on the legal status and problems involved therein. He stated that it is most important for the Board members to acquaint themselves with the contents of the Bond Resolution, especially those provisions which this Board should have some control over, such as current cost, proper expenditures, et cetera. He made clear the importance of a test case and how it would be handled. He urged the members to look into those provisions that will saddle this Board with restrictions and restraints and then to comment on them to the helpfulness of all concerned.

It was suggested by Mr. Dawson that Mr. Redmond pick out the things that he felt were objectionable or should be corrected and send them out as a letter to each member of the Board for them to study and digest until the next Board meeting at which time they would talk and discuss them. Mr. Redmond stated he would be glad to do that and with Mr. Hendon's permission, would send Mr. Hendon's comments along with Mr. Johnson's, and also the comments he himself has already made. Mr. Redmond stated he hoped to have the final drafts of all contracts involved in this matter for the recommendation and approval of the Board at the next Board meeting.

Mr. Hendon commented on some of his experiences with revenue bonds.

Others attending the meeting were Mr. and Mrs. W. M. Buchanan, Mr. Hendon, and Mr Philip Clark representing the press.

There being no further business, the meeting adjourned at 4:00 p. m.

July 21, 1964


Secretary