

RESOLUTION RE: TENTATIVE AWARDING OF CONTRACTS TO LOW BIDDERS
 RESOLUTION AMENDING SECTION 514 OF THE BOND RESOLUTION
 RESOLUTION FIXING THE DATE, AMOUNT AND MATURITIES OF THE BONDS
 RESOLUTION FIXING THE REDEMPTION PROVISIONS
 RESOLUTION FIXING THE SEWAGE DISPOSAL CHARGES
 RESOLUTION DESIGNATING THE PAYING AGENTS
 RESOLUTION RELATING TO WORKING CAPITAL
 RESOLUTION APPROVING THE OFFICIAL STATEMENT
 ADJUSTMENT IN SALARIES

A special 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 Friday, September 3, 1965.

Chairman Peterson called the meeting to order and Mrs. Swicegood, Secretary, called the roll with the following members present: Mr. Peterson, Mr. Garrison, Mrs. Swicegood, Mr. Dawson, Mr. Adams, Mr. Baker, Mr. Reagan, Mr. Robinson, Mr. Tandy, and Mr. Williams.

Chairman Peterson welcomed Mr. Henry L. Baker, a new member, to the Board.

The members having received copies of the minutes of the previous meeting, Mr. Adams moved and Mr. Reagan seconded the motion that they be approved as recorded. This motion was carried unanimously.

Mr. Hendon gave a brief report on our project stating he was well pleased with all the bidders. He recommended tentative awards be made to the low bidders as shown in his written reports, attached, subject to the approval of the Public Health Service and subject to the sale of bonds.



Harry Hendon and Associates

INCORPORATED

ENGINEERS

Phone 871-3597

Address reply to P. O. Box 7404-A

10 OFFICE PARK, MOUNTAIN BROOK • BIRMINGHAM, ALABAMA 35223

August 9, 1965

HARRY H. HENDON
 L. E. HOFFMANN
 A. B. JOWERS

P. L. BENTLEY
 W. L. SAMUEL
 J. L. LUCAS

Metropolitan Sewerage District
 of Buncombe County, North Carolina
 Post Office Box 7413
 Asheville, North Carolina

Attn: Mr. P. Greer Johnson, Engineer-Manager

Gentlemen:

The following is our tabulation and report on the bids received from contractors July 29, 1965, for the first phase construction of the Metropolitan Sewage Disposal Facilities:

Asheville Intercepting Sewer, Section 1

<u>Contractor</u>	<u>Base Bid</u>
Lambeth Construction Company and T. A. Loving & Company, Greensboro, N. C.	\$893,118.50
Wren-Wilson Construction Company Durham, N. C.	\$909,692.30
Howard Construction Company, Inc. Greensboro, N. C.	\$921,066.00
Blythe Brothers Company Charlotte, N. C.	\$1,034,024.00
Sullivan, Long & Hagerty Birmingham, Alabama	\$1,215,955.00
Wright Contracting Company Columbus, Georgia	\$1,250,950.00
Preston Carroll Construction Company Clifton, Tennessee	\$1,335,503.80
C. F. W. Construction Company Fayetteville, Tennessee	\$1,414,108.50
Noll Construction Company Charlotte, N. C.	\$1,525,430.00

Sheet 2.

Alternate bids were requested for vertically cast concrete pipe. Three of the contractors submitted proposals on this alternate. All of these were for an increase rather than a deduction in the contract amount, and these alternate bids should not be considered. For the base bid the contractors could submit alternate proposals for separate pay for rock excavation or for unclassified excavation. The low bid was for unclassified excavation, thus removing the uncertainty as to how much rock excavation will be paid for.

We recommend that the contract be awarded to the low bidder, Lambeth Construction Company and T. A. Loving and Company, in the amount of \$893,118.50, subject to the approval of the U. S. Public Health Service and the successful sale of bonds to finance the work.

This low bidder submitted an alternate proposal for substituting precast manholes and pipe bends in lieu of monolithic concrete and brick construction, with a reduction in the contract amount that could be as much as \$81,000.00. The extent to which this alternate construction will be used will be determined when we have received and reviewed detailed erection drawings. At that time we will submit a formal change order reducing the contract amount for approval by you and the U. S. Public Health Service.

Asheville Intercepting Sewer, Section 2

<u>Contractor</u>	<u>Base Bid</u>
Lambeth Construction Company and T. A. Loving & Company, Greensboro, N. C.	\$972,797.50
Blythe Brothers Company Charlotte, N. C.	\$978,007.00
Wren-Wilson Construction Company Durham, N. C.	\$1,024,908.85
Howard Construction Company, Inc. Greensboro, N. C.	\$1,118,057.00
Sullivan, Long & Hagerty Birmingham, Alabama	\$1,395,279.00
Preston Carroll Construction Company Clifton, Tennessee	\$1,474,263.15
C. F. W. Construction Company Fayetteville, Tennessee	\$1,519,795.00
Wright Contracting Company Columbus, Georgia	\$1,599,861.65
Noll Construction Company, Inc. Charlotte, N. C.	\$1,866,653.00

Sheet 3.

Alternate bids were requested for vertically cast concrete pipe. Three contractors submitted proposals for this alternate and all of them were for additions rather than deductions to the contract amount, and these alternate bids should not be considered.

Alternate bids were requested for installing this sewer under three railroad tracks in tunnels rather than open cuts as specified in the base bids. Lambeth Construction Company and T. A. Loving & Company bid an increase in the base bid of \$79,500.00 for this tunnel work as compared to \$45,000.00 bid by Blythe Brothers Company. If we are required by the railroad company to install all of these tunnels, this alternate could make Blythe Brothers Company the apparent low bidder. However, Lambeth and Loving also submitted an alternate for installing precast manholes rather than field constructed concrete and brick manholes that could result in a deduction of as much as \$91,000.00 in their contract amount. When we have received and reviewed detailed erection drawings of these precast units, we will submit for approval by you and the U. S. Public Health Service a formal change order reducing the contract amount that will make Lambeth and Loving low bidders. Also, should we be required to install any of the three railroad tunnels, we will submit for approval a change order increasing the contract amount. Funds have been provided in the contingencies item of the capital budget for this purpose. Lambeth and Loving also bid the excavation unclassified on this section of the work.

We recommend that the contract be awarded to the low bidder, Lambeth Construction Company and T. A. Loving & Company in the amount of \$972,797.50, subject to the approval of the U. S. Public Health Service and to the successful sale of bonds to finance the work.

Metropolitan Sewage Treatment Plant, General Contract, Section 3

<u>Contractor</u>	<u>Base Bid</u>
Sullivan, Long & Hagerty Birmingham, Alabama	\$3,275,633.90
Noll Construction Company Charlotte, N. C.	\$3,745,388.00
Lee Construction Company Charlotte, N. C.	\$3,767,417.50
Markwell and Hartz, Inc. Memphis, Tennessee	\$3,895,188.00
Rea Construction Company Charlotte, N. C.	\$3,921,800.00
Republic Contracting Corporation Columbia, S. C.	\$3,954,318.00

Sheet 4.

<u>Contractor</u>	<u>Base Bid</u>
Gulfstan Corporation Miami, Florida	\$4,536,071.00
Terry Construction Company Greenville, S. C.	\$4,605,190.00

We recommend that this contract be awarded to Sullivan, Long & Hagerty in the amount of \$3,275,633.90, subject to the approval of you and the U. S. Public Health Service and to the successful sale of bonds to finance the work.

Alternate bids were received on five groups of mechanical equipment. One of these, in the amount of a \$9,000.00 reduction in the contract amount, is recommended for acceptance and a change order covering this deduction will be prepared and submitted for your approval and the approval of the Public Health Service at the proper time. We recommend that the other four alternates on mechanical equipment not be considered, as they are either additions to the contract amount or, in one case, a relatively small deduction.

Electrical Contract, Section 4

M. B. Haynes Electric Corporation Asheville, N. C.	\$164,900.00
Tennessee Armature & Electric Company Knoxville, Tennessee	\$173,320.00
Howard P. Foley Company Oak Ridge, Tennessee	\$174,200.00
Bryant Electric Company Brevard, N. C.	\$183,300.00
Cleveland Electric Company of S. C. Columbia, S. C.	\$217,821.00

We recommend that the contract be awarded to the low bidder, M. B. Haynes Electric Corporation, in the amount of \$164,900.00, subject to your approval and of the U. S. Public Health Service, and to the successful sale of bonds to finance the work.

An alternate bid to eliminate the automatic skimming equipment submitted by this contractor provides a deduction of \$1,275.00 of the contract amount for this alternate. A change order will be prepared and submitted for your approval and the approval of the U. S. Public Health Service at the proper time to make this reduction in the contract amount.

Sheet 5.

No bids were submitted for Section 5, Heating and Ventilating, and for Section 6, Plumbing and Gas. These sections of the work have been re-advertised for bids to be received by the District on August 10, 1965. The capital budget for these projects includes \$120,000.00 for these relatively small sections of work.

Two copies of the complete tabulation of all bids received are attached. Three copies of this tabulation have been sent to the State Stream Sanitation Committee along with copies of this report, and one copy of this tabulation has been mailed to all bidders.


All three of these low bidders have excellent reputations for successfully completing their work.

Mr. Donald Newton, of Greeley & Hansen, has also reviewed these proposals and concurs in our recommendations.

Yours very truly,

HARRY HENDON AND ASSOCIATES, INC.

By


H. H. Hendon.

HHH:t
Enclosures

cc: Mr. E. C. Hubbard, Director
Division of Stream Sanitation and Hydrology
State Department of Water Resources
Post Office Box 9392
Raleigh, North Carolina 27603

Mr. George B. Boyle
Mitchell, Pershing, Shetterly & Mitchell
39th Floor
30 Broad Street
New York, New York 10004

Mr. Donald Newton
Greeley and Hansen
14 East Jackson Boulevard
Chicago, Illinois 60604

Honorable W. E. Easterling
Secretary, Local Government Commission
Education Building
Raleigh, North Carolina



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10 OFFICE PARK, MOUNTAIN BROOK • BIRMINGHAM, ALABAMA 35223

September 3, 1965

HARRY H. HENDON
L. E. HOFFMANN
A. B. JOWERS

P. L. BENTLEY
W. L. SAMUEL
J. L. LUCAS

Metropolitan Sewerage District of
Buncombe County, North Carolina
Post Office Box 7413
Asheville, North Carolina 28807

Attn: Mr. P. Greer Johnson, Engineer-Manager

Gentlemen:

The Metropolitan Sewerage District advertised for proposals for the construction of Section 5, Heating and Ventilating, and Section 6, Plumbing and Gas, contracts for the Metropolitan Sewage Treatment Plant to be received on July 29, 1965. No bids were submitted at that time and this work was readvertised for bids to be received on August 10, 1965. At that time the following bids were received:

	<u>Section 5</u>	<u>Section 6</u>	<u>Total</u>
Rogers Plumbing and Heating Co., Inc., Asheville, N. C.	\$28,855.00	\$29,217.00	\$58,072.00
Moser Plumbing Company Asheville, N. C.	\$30,830.00	\$29,925.00	\$60,755.00
Price Piping Company Asheville, N. C.	\$32,217.00	\$35,172.00	\$67,389.00

We recommend that the contract for Heating and Ventilating, Section 5, be awarded to the low bidder, Rogers Plumbing and Heating Co., Inc., of Asheville, N. C., in the amount of \$28,855.00. We also recommend that the contract for Plumbing and Gas, Section 6, be awarded to the low bidder, Rogers Plumbing and Heating Co., Inc., in the amount of \$29,217.00. These awards should be made subject to the approval of the U. S. Public Health Service and to the successful sale of bonds to finance the project.

Yours very truly,

HARRY HENDON AND ASSOCIATES, INC.

By *H. H. Hendon*
H. H. Hendon.

HHH:t

Mr. Redmond then read the following resolution concerning Mr. Hendon's recommendation:

RESOLUTION WITH RESPECT TO ACTIONS PROPOSED
TO BE TAKEN BY THE DISTRICT IN CONNECTION
WITH THE AWARDING OF CONTRACTS FOR THE FIRST
PHASE CONSTRUCTION OF THE METROPOLITAN SEWAGE
DISPOSAL FACILITIES.

WHEREAS, under date of August 9th, 1965 and September 3rd, 1965, the Consulting Engineers for the District, Harry Hendon and Associates, Incorporated, made written reports tabulating the bids received from contractors on July 29th, 1965 and on August 10th, 1965, respectively, for Sections 1 through 6 and making certain recommendations in said reports with respect to the awarding of contract; and

WHEREAS, said reports have been filed with the District,
NOW, THEREFORE, BE IT RESOLVED by the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, that the reports of Harry Hendon and Associates, Incorporated, Consulting Engineers, dated August 9th, 1965, and September 3rd, 1965, tabulating and reporting on bids received from contractors on July 29th, 1965 and August 10th, 1965, for the first phase construction of the Metropolitan sewage disposal facilities, Sections 1 through 6, be, and the same are hereby received and accepted; and

BE IT FURTHER RESOLVED, that the Consulting Engineers' recommendations contained in said reports with respect to the awarding of contracts for the work for which bids were received by the Board on July 29th, 1965 and August 10th, 1965, that contracts be awarded to the low bidders subject

- (1) to approval of the Public Health Service, and
 - (2) successful sale of bonds to finance the work,
- be, and the same are hereby adopted.

BE IT FURTHER RESOLVED that the Chairman or Vice Chairman and Secretary of the Board be, and they are hereby, authorized and directed to execute on behalf of the District and the Board at the proper time, such contract documents as may be appropriate or required to effectuate the intent and purposes of this Resolution.

Upon motion of Mr. Adams, seconded by Mr. Dawson, the resolution hereinabove set forth was passed by the following vote:

Ayes: Mr. Peterson, Mr. Garrison, Mrs. Swicegood, Mr. Dawson, Mr. Adams, Mr. Baker, Mr. Reagan, Mr. Tandy, Mr. Williams.

Noes: None.

Mr. Hendon reported that Mr. J. C. George, Engineer, has been put in charge of the project and is due to arrive in Asheville on September 15, 1965, to assume his responsibilities. Mr. Hendon recommended him very highly. (Mr. Johnson wishes to discuss this at the next Board meeting).

Mr. Redmond, Attorney, read the following resolutions received from Mr. Boyle who recommends their adoption by the Board on this date:

1. Resolution Amending Section 514 of the Bond Resolution
2. A Resolution Fixing the Date, Amount and Maturities of the Bonds.
3. A Resolution Fixing the Redemption Provisions.
4. A Resolution Fixing the sewage Disposal Charges.
5. A Resolution Designating the Paying Agents.
6. A Resolution Relating to Working Capital.
7. A Resolution Approving the Official Statement.

Mr. Dawson, introduced the following resolution which was read:

A RESOLUTION AMENDING SECTION 514 OF THE
RESOLUTION ADOPTED BY THE DISTRICT BOARD
OF THE METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA, ON
SEPTEMBER 25, 1964 AUTHORIZING AND SECURING
SEWAGE DISPOSAL SYSTEM BONDS OF THE DISTRICT.

BE IT RESOLVED by the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina:

Section 1. Section 514 of the resolution adopted by the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina, on September 25, 1964 authorizing and securing Sewage Disposal System Bonds of the District is hereby amended to read as follows:

"Section 514. In determining the amount of funds to be raised by taxation for the ensuing year in excess of available funds to provide for the payment of the interest on and the principal of the bonds then outstanding under the provisions of this Resolution, there shall be taken into account by the District Board at the time the District Board certifies to the Board of Commissioners of Buncombe County the rate of taxation for such purpose the amount of moneys then held or to be held for the credit of the Bond Service Account and the Reserve Account and available for the payment of the interest and principal to be provided for by the levy of such tax, and such tax shall be reduced by such amount."

Section 2. This resolution shall take effect immediately upon its passage.

Upon motion of Mrs. Swicegood, seconded by Mr. Garrison, the resolution hereinabove set forth was passed by the following vote:

Ayes: Mr. Peterson, Mr. Garrison, Mrs. Swicegood, Mr. Dawson, Mr. Adams, Mr. Baker, Mr. Reagan, Mr. Tandy, Mr. Williams.

Noes: None.

Mr. Adams, introduced the following resolution which was read:

A RESOLUTION FIXING THE DATE, AMOUNT AND MATURITIES OF THE SEWAGE DISPOSAL SYSTEM BONDS TO BE ISSUED UNDER AND PURSUANT TO THE PROVISIONS OF SECTION 207 OF THE RESOLUTION ADOPTED BY THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY ON SEPTEMBER 25, 1964.

WHEREAS, Section 207 of the resolution adopted by the District Board of the Metropolitan Sewerage District of Buncombe County on September 25, 1964 authorizing and securing the issuance of not in excess of \$10,400,000 Sewage Disposal System Bonds of the District provides that the District Board shall determine by resolution adopted prior to the issuance of any bonds under and pursuant to the provisions of said Section 207, the date, amount and maturities of such bonds; and

WHEREAS, the District Board has determined to proceed with the issuance of bonds under and pursuant to the provisions of said Section 207; now, therefore,

BE IT RESOLVED by the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina:

Section 1. The issuance of \$7,700,000 Sewage Disposal System Bonds of the Metropolitan Sewage District of Buncombe County is hereby authorized. Said bonds shall be dated July 1, 1965 and shall mature annually, July 1, lowest numbers first, in the following years and in the following amounts, respectively:

<u>Year of</u> <u>Maturity</u>	<u>Amount</u>	<u>Year of</u> <u>Maturity</u>	<u>Amount</u>
1969	\$120,000	1984	\$250,000
1970	125,000	1985	265,000
1971	130,000	1986	275,000
1972	140,000	1987	285,000
1973	145,000	1988	300,000
1974	150,000	1989	310,000
1975	160,000	1990	320,000
1976	170,000	1991	335,000
1977	180,000	1992	350,000
1978	185,000	1993	365,000
1979	195,000	1994	380,000
1980	205,000	1995	395,000
1981	215,000	1996	415,000
1982	225,000	1997	425,000
1983	240,000	1998	445,000

Section 2. This resolution shall take effect immediately upon its passage.

Upon motion of Mr. Adams, seconded by Mr. Dawson, the resolution hereinabove set forth was passed by the following vote:

Ayes: Mr. Peterson, Mr. Garrison, Mrs. Swicegood, Mr. Dawson, Mr. Adams, Mr. Baker, Mr. Reagan, Mr. Robinson, Mr. Tandy, Mr. Williams.

Noes: None.

Mr. Baker, introduced the following resolution which was read:

A RESOLUTION FIXING THE TIMES AND PLACES AT WHICH THE \$7,700,000 SEWAGE DISPOSAL SYSTEM BONDS OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA, DATED JULY 1, 1965, ARE TO BE REDEEMABLE.

WHEREAS, the District Board of the Metropolitan Sewerage District of Buncombe County has authorized the issuance of \$7,700,000 Sewage Disposal System Bonds, dated July 1, 1965, under and pursuant to the provisions of Section 207 of the resolution adopted by the District Board on September 25, 1964; and

WHEREAS, said resolution adopted by the District Board on September 25, 1964, provides that the District Board shall adopt a resolution fixing the times and places at which any such bonds to be issued under the provisions of said resolution are to be redeemable; now, therefore,

BE IT RESOLVED by the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina:

Section 1. The \$7,700,000 Sewage Disposal System Bonds to be issues by the Metropolitan Sewerage District of Buncombe County under date of July 1, 1965 which mature on or prior to July 1, 1975 shall not be subject to redemption prior to maturity and the bonds at the time outstanding which are stated to mature after July 1, 1975 may be redeemed prior to their respective maturities either

(a) in whole, on any date not earlier than July 1, 1975, at the option of the District, from any moneys that may be made available for such purpose, at the principal amount of the bonds to be redeemed, together with the interest accrued thereon to the date fixed for redemption, plus a premium of 4% of such principal amount if redeemed on or prior to July 1, 1979, 3% if redeemed thereafter and on or prior to July 1, 1984, 2% if redeemed thereafter and on or prior to July 1, 1989, 1% if redeemed thereafter and on or prior to July 1, 1994, and without premium if redeemed thereafter, or

(b) in part, in the inverse order of their maturities, on any interest payment date not earlier than July 1, 1970, from moneys in the Sinking Fund (as defined in said resolution adopted on September 25, 1964), at the principal amount

of the bonds to be redeemed, together with the interest accrued thereon to the date fixed for redemption, plus a premium of 3% of such principal amount if redeemed on or prior to July 1, 1974, 2% if redeemed thereafter and on or prior to July 1, 1979, 1-1/2% if redeemed thereafter and on or prior to July 1, 1984, 1% if redeemed thereafter and on or prior to July 1, 1989, 1/2 of 1% if redeemed thereafter and on or prior to July 1, 1994, and without premium if redeemed thereafter.

Section 2. This resolution shall take effect immediately upon its passage.

Upon motion of Mr. Baker, seconded by Mr. Tandy, the resolution hereinabove set forth was passed by the following vote:

Ayes: Mr. Peterson, Mr. Garrison, Mrs. Swicegood, Mr. Dawson, Mr. Adams, Mr. Baker, Mr. Reagan, Mr. Robinson, Mr. Tandy, Mr. Williams.

Noes: None.

Mr. Garrison, introduced the following resolution which was read:

A RESOLUTION FIXING THE SEWAGE DISPOSAL CHARGES FOR THE USE OF AND FOR THE SERVICES AND FACILITIES FURNISHED BY THE SEWAGE DISPOSAL SYSTEM OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY

WHEREAS, Section 502 of the resolution adopted by the District Board of the Metropolitan Sewerage District of Buncombe County on September 25, 1964 authorizing and securing the issuance of not in excess of \$10,400,000 Sewage Disposal System Bonds of the District provides that the District Board shall determine by resolution the sewage disposal charges for the use of and for the services and facilities furnished by the Sewage Disposal System to be financed with the proceeds of said bonds, such resolution to be adopted by the District Board prior to the issuance of bonds pursuant to the provisions of Section 207 of said resolution adopted on September 25, 1964; and

WHEREAS, the District Board has determined to proceed with the issuance of bonds pursuant to the provisions of said Section 207; now, therefore,

BE IT RESOLVED by the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina:

Section 1. Except as herein otherwise provided in this Section, the rates, fees and charges (herein sometimes called the "sewage disposal charges") for the use of and for the services and facilities furnished by the Sewage Disposal System to be paid by the owner, tenant or occupant of each lot or parcel of land which may be connected with or may use the Sewage Disposal System by or through any publicly or privately owned sewer system, shall be based or computed upon the quantity of water used on or about such lots or parcels of land and shall be as follows:

	Amount of water used per month- Gallons	Sewage Disposal Charge per 1,000 Gallons ⁽¹⁾
Minimum	2,250	\$ 1.15
Next	27,750	0.46
Next	170,000	0.34
Next	300,000	0.23
Next	2,500,000	0.12
Next	2,000,000	0.07
Next	3,000,000	0.05
Over	8,000,000	0.03

(1) Total monthly charge including use up to 2,250 gallons.

The owner, tenant or occupant of each lot or parcel the water supply for which is not metered shall install at his own expense a meter acceptable to the District Board for measuring the quantity of water so used; provided, however, that the District Board may direct that the owner of any private plant or system furnishing water to multiple users shall install a master meter acceptable to the District Board at the expense of such owner, in which case the owner, tenant or occupant of each lot or parcel served thereby shall not be required to install his own meter. The District Board shall fix such sewage disposal charges based on the amount of water furnished by any such private plant or system to multiple users as measured by such master meter as will be fair and equitable and consistent with the sewage disposal charges for service rendered by the Sewage Disposal System to lots or parcels of land for which the water supply is metered. Pending the installation of any such meter or master meter, the District Board shall render bills for sewage disposal charges based upon its estimate of the quantity of water used on or about such lot or parcel or by such plant or system.

In the event that the character of sewage or industrial wastes originating from or on any lot or parcel of land and entering the Sewage Disposal System constitutes, in the opinion of the District Board, a special use of the Sewage Disposal System by virtue of the character of such sewage or industrial wastes which are likely to increase the cost of operation and maintenance of the Sewage Disposal System, the District may, with the approval of its Consulting Engineers, establish a special rate or surcharge to be paid by the owner, tenant or occupant of such lot or parcel of land, or may require the treatment of such sewage or industrial wastes by the owner, tenant or occupant of such lot or parcel of land to modify the character thereof prior to discharging the same into the Sewage Disposal System.

In the event that unusually high concentrations of any substances which may be injurious to the Sewage Disposal System or deleterious to its operation originate from or on any lot or parcel of land, the District may prohibit the entry thereof into the Sewage Disposal System.

Whenever, in the opinion of the District Board, any water supply serving any lot or parcel of land from or on which originates sewage or industrial wastes which enters the Sewage Disposal System does not provide a proper basis upon which to compute the sewage disposal charges as herein established, the owner, tenant or occupant of such lot or parcel of land shall install at his own expense, in a manner to be approved by the District Board, either a meter or additional meter, as the case may be, to measure the amount of water consumed on or about such lot or parcel of land or a sewage meter to measure the amount of sewage or industrial wastes which enters the Sewage Disposal System from such lot or parcel of land.

In the event that any owner, tenant or occupant of any lot or parcel of land shall fail to install any meter or meters in the manner required by the District, the District shall make an estimate of the sewage or industrial wastes originating from or on such lot or parcel of land which enters the Sewage Disposal System and such estimate shall become the basis for determining the sewage disposal charges which shall be due.

Service to Local, State and Federal Governments
and Other Public Bodies

There shall be no free service rendered by the Sewage Disposal System and, if the federal or state government or any local government, or any department, agency or instrumentality thereof, or

any other public body shall avail itself or the services of the Sewage Disposal System, it shall pay for the same at the established rates.

Special Contracts and Agreements

The District may, subject to the approval of its consulting Engineers, enter into contracts or agreements, in addition to the agreements with each of the various political subdivisions comprising the District mentioned in the preambles of the resolution adopted by the District Board on September 25, 1964, with any person, firm or corporation, including counties, cities, towns, incorporated villages, sanitary districts, water districts, sewer districts, special purpose districts or other political subdivisions or public corporations of the State, for the collection, treatment and disposal of sewage by the Sewage Disposal System; provided, however, that the charges to be paid therefor shall not be less than an amount which is fair and equitable, taking into account the cost to the District of the construction, operation and maintenance of the Sewage Disposal System.

Credits

In the event that water from a metered water supply is consumed on or about any lot or parcel of land and it can be shown to the satisfaction of the District that a substantial portion of the total metered water consumption does not and cannot enter the Sewage Disposal System, then, upon application by the owner, tenant or occupant of such lot or parcel of land, the District may, in its sole discretion, require the installation of an approved water or sewage meter in such manner as to determine either the quantity of water consumed which does not enter the Sewage Disposal System or the quantity of sewage actually entering the Sewage Disposal System in which case the quantity of water consumption used to determine the sewage disposal charges shall be the quantity of sewage actually entering the Sewage Disposal System as so determined. Any such water or sewage meter shall be installed at the expense of such owner, tenant or occupant.

Collection of Charges

The sewage disposal charges shall become effective, as to each lot or parcel of land which may be connected with or may use the Sewage Disposal System by or through any publicly or privately owned sewer system immediately upon the placing in operation of the Sewage Disposal System or any portion thereof serving such publicly or privately owned sewer system. Liability as to the payment of any bill for sewage disposal charges shall rest upon the owner, tenant or occupant of each such lot or parcel of land or as shall otherwise be provided by contract or agreement.

Bills for sewage disposal charges based on metered water supplies (excluding water supplies metered by a master meter) shall be rendered monthly in accordance with and in the manner set forth in the agreements with each of the various political subdivisions comprising the District mentioned in the preambles of the resolution adopted by the District Board on September 25, 1964 and bills for sewage disposal charges based on unmetered water supplies shall be rendered quarterly; provided, however, that bills for special cases and contract users shall be rendered at the times and in the manner to be determined by the District or as provided by contract, as the case may be.

If any bill for sewage disposal charges shall not be paid in full within thirty days after rendition thereof, the political subdivision or private corporation or person furnishing water to the owner, tenant or occupant failing to pay such bill for sewage dis-

posals shall, upon the receipt of instructions from the District, discontinue the furnishing of water to such owner, tenant or occupant, if permitted, authorized or provided for by agreement between the District and such political subdivision or private corporation or person, until such bill shall have been paid.

The District may at the expiration of such thirty day period proceed to recover the amount of any such delinquent sewage disposal charges by any action, suit or proceeding permitted by law or in equity.

Section 2. This Resolution shall take effect immediately upon its passage.

Upon motion of Mr. Garrison, seconded by Mr. Dawson, the resolution hereinabove set forth was passed by the following vote:

Ayes: Mr. Peterson, Mr. Garrison, Mrs. Swicegood, Mr. Dawson, Mr. Adams, Mr. Baker, Mr. Reagan, Mr. Robinson, Mr. Tandy, Mr. Williams.

Noes: None.

Mr. Dawson, introduced the following resolution which was read:

A RESOLUTION DESIGNATING THE PAYING AGENTS ON THE BONDS TO BE ISSUED UNDER AND PURSUANT TO THE RESOLUTION AUTHORIZING AND SECURING SEWAGE DISPOSAL SYSTEM BONDS ADOPTED BY THE DISTRICT BOARD OF THE METROPOLITAN SEWERAGE DISTRICT ON SEPTEMBER 25, 1964.

WHEREAS, Section 202 of the resolution adopted by the District Board of the Metropolitan Sewerage District of Buncombe County on September 25, 1964 authorizing and securing the issuance of not in excess of \$10,400,000 Sewage Disposal System Bonds of the District provides that the principal of any bonds issued under the provisions of said resolution, unless registered, and the interest on any such bonds shall be payable at a bank or trust company in the State of North Carolina, or, at the option of the holder, at a bank or trust company in the Borough of Manhattan, City and State of New York (herein sometimes called the "Paying Agents"), which shall be designated by the District Board by resolution; and

WHEREAS, the District Board has authorized the issuance of \$7,700,000 Sewage Disposal System Bonds, dated July 1, 1965; now, therefore,

BE IT RESOLVED by the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina:

Section 1. Wachovia Bank and Trust Company, Raleigh, North Carolina and Manufacturers Hanover Trust Company, New York, New York, are hereby designated Paying Agents under said resolution adopted by the District Board on September 25, 1964.

Section 2. This resolution shall take effect immediately upon its passage.

Upon motion of Mr. Dawson, seconded by Mr. Robinson, the resolution hereinabove set forth was passed by the following vote:

Ayes: Mr. Peterson, Mr. Garrison, Mrs. Swicegood, Mr. Dawson, Mr. Adams, Mr. Baker, Mr. Reagan, Mr. Robinson, Mr. Tandy, Mr. Williams.

Noes: None.

Mrs. Swicegood, introduced the following resolution which was read:

A RESOLUTION DETERMINING THAT PORTION OF THE PROCEEDS OF THE \$7,700,000 SEWAGE DISPOSAL SYSTEM BONDS, DATED JULY 1, 1965, OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY WHICH REPRESENTS WORKING CAPITAL.

WHEREAS, Section 207 of the resolution adopted by the District Board of the Metropolitan Sewerage District of Buncombe County on September 25, 1964 authorizing and securing the issuance of not in excess of \$10,400,000 Sewage Disposal System Bonds of the District provides that the District Board shall determine what portion, if any, of the proceeds of bonds issued under and pursuant to the provisions of said Section 207 represents working capital; and

WHEREAS, the District Board has authorized the issuance of \$7,700,000 Sewage Disposal System Bonds under date of July 1, 1965 pursuant to the provisions of said Section 207; now, therefore,

BE IT RESOLVED by the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina:

Section 1. \$125,000 of the proceeds of said \$7,700,000 Sewage Disposal System Bonds is hereby determined to represent working capital and shall be deposited, in accordance with the provisions of said Section 207, to the credit of the metropolitan Sewerage District of Buncombe County Operation and Maintenance Fund.

Section 2. This resolution shall take effect immediately upon its passage.

Upon motion of Mrs. Swicegood, seconded by Mr. Baker and Mr. Adams, the resolution hereinabove set forth was passed by the following vote:

Ayes: Mr. Peterson, Mr. Garrison, Mrs. Swicegood, Mr. Dawson, Mr. Adams, Mr. Baker, Mr. Reagan, Mr. Robinson, Mr. Tandy, Mr. Williams.

Noes: None.

Mr. Dawson, introduced the following resolution which was read:

A RESOLUTION APPROVING THE OFFICIAL
STATEMENT RELATING TO THE ISSUANCE
OF \$7,700,000 SEWAGE DISPOSAL SYSTEM
BONDS OF THE METROPOLITAN SEWERAGE
DISTRICT OF BUNCOMBE COUNTY

BE IT RESOLVED by the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina:

Section 1. The Official Statement relating to the issuance of \$7,700,000 Sewage Disposal System Bonds of the Metropolitan Sewerage District of Buncombe County, North Carolina, prepared by the Local Government Commission of North Carolina is hereby approved in the form presented at this meeting.

Section 2. This resolution shall take effect immediately upon its passage.

Upon motion of Mr. Dawson, seconded by Mr. Williams, the resolution hereinabove set forth was passed by the following vote:

Ayes: Mr. Peterson, Mr. Garrison, Mrs. Swicegood, Mr. Dawson, Mr. Adams, Mr. Baker, Mr. Reagan, Mr. Robinson, Mr. Tandy, Mr. Williams.

Noes: None.

Mr. Johnson, Engineer-Manager, stated that he, Mr. Easterling, and Mr. Weir are scheduled to go to New York on the 13th of this month to appear before the Bond Rating Services in an attempt to get an official rating on these bonds before the sale. In answer to the question if we are moving along on schedule, he stated that basically everything is on schedule.

Mr. Dawson, Treasurer, reporting on the salary of Mr. Johnson stated that he felt an adjustment was in order and made the motion that Mr. Johnson's salary be increased to \$12,000 per year retroactive to January 1, 1965. Mr. Garrison seconded this motion and the roll call vote was unanimous. Mr. Dawson also recommended that Mrs. Praytor's salary be increased to \$65.00 per week retroactive to July 1, 1965. Mr. Williams moved and Mr. Tandy seconded this motion and the roll call vote was unanimous.

Mr. Dawson also reported that he, Mr. Robinson, Mr. Tandy, and Mr. Johnson had met with Mr. Weir in regards to office rental and service charges for the Metropolitan Sewerage District. He stated Mr. Weir had made a fair proposition, that he is willing to forgive all back rent and start at the present and charge us \$1.50 per square foot for space we use which amounts to \$100 per month, no charge for Board room and we have priority on the Board room, and also that the City Accounting Department agrees to keep books for us without additional cost. Mr. Johnson stated that he had been in conference with the Trustee regarding the bookkeeping item and that the Trustee wants to discuss this with the auditor and Mr. Weir before any final decision is reached. Mr. Adams then moved that Mr. Dawson's recommendation be adopted and the City act as accounting agent for the capital account providing it can be done under the terms of the Trust Agreement. Mr. Robinson seconded this motion and it was carried unanimously.

There being no further business, the meeting adjourned at 3:20 p. m.

September 3, 1965

Lenoir H. Swicegood
Secretary