

RESOLUTION SIGN CONTRACT WITH CP&L FOR ELECTRIC SERVICE FOR ASHEVILLE TREATMENT PLANT, WEAVERVILLE TREATMENT PLANT & CARRIER BRIDGE PUMPING STATION.
AUTHORIZATION TO CONDEMN BURRIS PROPERTY IF NECESSARY.
AUTHORIZATION HENDON PROCEED WITH PLANS FOR CRESCENT HILL & JOHNSON NEGOTIATE WITH MRS. TANDY, SR.

The regular monthly 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, March 21, 1967.

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. Baker, Mr. Reagan, Mr. Robinson, Mr. Tandy, and Mr. Williams.

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

Mr. Johnson, Engineer-Manager, in his communications and progress report read the following resolution and asked the Board to take action on it:

RESOLUTION

WHEREAS, Section 7, Project No. 378, of the Metropolitan Sewerage District has a pipeline crossing Highway NC 191 at Hominy Creek
BE IT RESOLVED that Chairman M. C. Peterson is herewith authorized and instructed to execute the necessary encroachment agreement as prepared by the North Carolina Highway Commission of date of February 17, 1967, for the purpose of constructing this project on their right of way.

Mr. Dawson moved that the resolution be adopted and Mrs. Swicegood seconded the motion. The roll call vote was unanimous.

Mr. Johnson presented a formal resolution prepared by Carolina Power & Light Company authorizing the MSD Board to execute a contract which will apply from June 1, 1967 to June 1, 1977, with the company for electricity at rates set by the N. C. Utilities Commission for the Asheville Treatment Plant, Weaverville Treatment Plant, and Carrier Bridge Pumping Station. Mr. Redmond, Attorney for the Board, stated he would like to read the contract carefully before execution of the document. Mr. Dawson moved the resolution be adopted subject to Mr. Redmond's approval. Mr. Williams seconded this motion. The roll call vote was unanimous.

RESOLUTION

RESOLUTION AUTHORIZING CHAIRMAN AND SECRETARY TO EXECUTE CONTRACT BETWEEN CAROLINA POWER & LIGHT COMPANY AND THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA, FOR ELECTRIC SERVICE TO SEWAGE TREATMENT PLANTS AND PUMPING STATION.

WHEREAS, the Chairman presented to the District Board for consideration and action a proposed written contract with Carolina Power & Light Company for electric service to Sewage Treatment Plants and Pumping Station, and said proposed contract was read and discussed; and

WHEREAS, Board member G. E. Dawson introduced the following written resolution, and moved its adaption:

NOW, THEREFORE, BE IT RESOLVED BY THE District Board of the Metropolitan Sewerage District of Buncombe County:

That the Chairman and the Secretary be, and they are hereby authorized, empowered and directed, in the name of and for and in behalf of the Metropolitan Sewerage District of Buncombe County, to execute and deliver that certain written contract with Carolina Power & Light Company for electric service to Sewage Treatment Plants and Pumping Station, which contract is dated March 16, 1967, and provides for the beginning of service on the 1st day of June, 1967, and, in event of notice, ending on the 1st day of June, 1977, to which contract is attached the Company's rate schedule and service regulations covering such service, and which contract has been approved as to form by the Corporation Counsel and read and considered at this meeting.

I move the adoption of the foregoing resolution.

George E. Dawson
Board Member

SECONDED: M. L. Williams
Board Member

A vote was taken on the resolution and the Chairman announced that the resolution had been duly adopted, there being 8 votes in favor thereof and 0 votes against it, this the 21 day of March, 1967.

APPROVED AS TO FORM:

M. C. Peterson
Chairman

Anthony Redmond
District Board Counsel

Lenoir H. Swicegood
Secretary

Mr. Johnson stated that Mr. Tom Garrison, Jr., County Attorney, had furnished him with a plat, recorded in the Register of Deeds Office in March, 1929, which recorded land sold to the Crescent Hill Sanitary District by Oak Park Company, is the plant site of the present Crescent Hill septic tank and which Mrs. Joe Tandy, Sr. is under the impression she owns. Mr. Johnson said the property had been lost from the county tax rolls because there had been no tax due on it as it belonged to a sanitary district. Mr. Johnson recommended that on basis of this evidence Mr. Hendon, subject to Mr. Redmond's approval of the findings on this, be instructed to proceed with plans on Crescent Hill Treatment Plant with view of having plant under construction prior to July 1, 1967, either on this property or exchange it for an area owned by Mrs. Tandy which is 200 feet farther away from her house. It was pointed out that Mrs. Tandy's property completely surrounds the septic tank site. Mr. Johnson stated he had tried all day to contact Mrs. Tandy but so far had been unable to do so. After much discussion Mr. Garrison made the motion that Mr. Hendon be authorized to proceed with plans and Mr. Johnson be authorized to negotiate with Mrs. Tandy. Mr. Dawson seconded the motion and the roll call vote was as follows:

Ayes: Mr. Peterson, Mr. Garrison, Mr. Dawson, Mr. Baker, Mr. Reagan, Mr. Robinson,

Mr. Williams.

Noes: Mrs. Swicegood.

Abstaining: Mr. Oscar G. Tandy.

Mr. Johnson commenting on the right of way situation stated the Southern Railway System matter has been resolved and we are proceeding and regarding Weaverville, we have 9000 feet of continuous right of way but still have five property owners from whom to acquire right of way. Mr. Dawson commented that as a whole the property owners have co-operated nicely with us and he is very well pleased with the results. The over-all picture is good with over 80 per cent of right of way signed up.

Regarding the R. C. Burris property Mr. Johnson stated that it was formerly the old Carrier Street Car line and that we need a strip about 15 feet long and 20 feet wide on the west side of the river and about a 50-foot wide strip on the east side. So far, he has been unable to talk with Mr. Burris personally, because he is always told that Mr. Burris is out of town or cannot be reached. Mr. Burris was invited to come to the Board meeting today. Mr. Dawson in his comments of his meeting with Mr. Burris stated he had made him a very generous offer of \$750.00 for the right of way but that it was rejected. When asked to put a price on his property, Mr. Burris named the exorbitant figure of \$8,000.00. Mr. Johnson stated the contractor is within sight of the property and unless a right of way can be obtained the contractor will be very much at a disadvantage, as well as perhaps more cost to the District. Mr. Johnson recommended that it be put in the hands of the Board's attorney. Mr. Redmond requested that he be given authority to condemn the property if he could reach no settlement with Mr. Burris or his attorney. Mrs. Swicegood moved that Mr. Redmond be authorized to condemn the Burris property if necessary and Mr. Dawson seconded the motion. A roll call vote was unanimous.

Mr. Hendon commented that excellent progress is being made on all phases of the project and that at the May meeting he would like the Board members, along with the city and county officials, to make an inspection trip over the entire project. This was deferred until the April meeting for further discussion.

There being no further business, the meeting adjourned at 3:00 p. m.

March 21, 1967

Lenoir H. Swicegood
Secretary