

# MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

MAY 20, 1980

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, May 20, 1980.

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

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 and Mrs. Jan Crowe.

## MINUTES OF PUBLIC HEARING

At 2:01 p.m., Chairman Robinson declared a public hearing opening for the consideration of a proposed 1980-81 budget as advertised in THE ASHEVILLE CITIZEN on April 25, 1980.

### 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, North Carolina, at 2:00 P.M. on Tuesday, May 20, 1980, on the preliminary budget of Current Expenses of the Sewerage System for the fiscal year beginning July 1, 1980, and ending June 30, 1981.

C. LeRoy Robinson  
Chairman of the Board

Approved as to form:  
Anthony Redmond, Attorney  
April 25, 1980

Receiving no reply from either the public or the Board members, Chairman Robinson at 2:02:30 announced that the public hearing was closed.

THEREUPON, Chairman Robinson reconvened the regular monthly meeting.

Chairman Robinson then asked the Board for its consideration of the budget for Fiscal Year 1980-81. Mr. Williams moved that the preliminary budget, which contained a \$68,175 overall increase over Fiscal Year 1979-80 budget, be adopted as presented to the Board. Mr. Warlick seconded the motion, and roll call vote was unanimous. A copy of the resolution adopting this budget and a copy of FY 1980-81 budget are attached to and made a part of these Minutes.

Mr. Smith moved that the Minutes of the April 15 meeting 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) Bids received for construction of Oil Storage Building:  
Base bids received from local contractors are as follows:  
Industrial Maintenance Overflow, \$39,900; Cooper Enterprises, \$33,600; Logan Construction, \$39,990.89; and Southworth Construction, \$34,890. After reviewing these four bids, all of which contained four alternates and an

additional cost for rock excavation, Mr. Boggs moved that the Board award the contract to the apparent low bidder, Cooper Enterprises, accept the proposed \$65 per cubic yard for rock excavation and reject all alternates. Mr. Hyatt seconded the motion, after which Mr. Redmond said he would like to propose an amendment to the motion, that being that the Chairman and the Secretary be authorized to enter into a contract with Cooper Enterprises provided they furnish cost and performance bonds. Chairman Robinson asked Mr. Boggs if he would accept that amendment to his motion and Mr. Hyatt if he would accept same to his second, to which each replied in the affirmative. Roll call vote was unanimous to award the contract to Cooper Enterprises and to authorize the Chairman and the Secretary to enter into a contract with Cooper Enterprises.

- (b) Proposed Consent Order for Crescent Hills Wastewater Treatment Facility: Mr. Mull told the Board that the consent order was predicated on the fact that the South Buncombe Interceptor Sewer will replace the Crescent Hills Plant but will allow violation of effluent limitations in the interim. He told the Board that the original draft by the State had been redrafted and that a copy had been sent to them, to which MSD has had no reply. Further, Mr. Mull told the Board that page one of the redraft had been redone, omitting paragraphs c and e of the original redraft and that the last redraft was the one presented to the Board for approval. Mr. Hyatt then moved that the Board approve the proposed consent order as redrafted and authorize the Chairman of the Board to sign on behalf of the District. Mr. Boggs seconded the motion, and roll call vote was unanimous.
- (c) Scheduling of Public Meetings on POTW Pretreatment Program: At Mr. Mull's request, Mr. Huber reported on this, telling the Board that it would be necessary to hold three meetings--two public meetings and a final public hearing on the POTW Pretreatment Program and that the District should send notices to all the industries which were originally sent industrial waste questionnaires. The POTW Pretreatment Program conforms with requirements of the EPA and is mandatory by the federal government for MSD to formulate this program. The Board requested that Mr. Mull set up these meetings, which probably will be held in the City's Council Chambers, and to notify industries and board members of such meetings.
- (d) Authorization for attendance at National WPCF Conference in Las Vegas September 28 to October 3: Mr. Smith moved that the Board authorize attendance by any Board member who wishes to go to the convention with the District paying for the following: One round-trip air fare, registration fee for the Board member and for his wife (should she wish to attend), charges for a hotel room only, and a per diem limit of \$25 per day for expenses incurred. Mr. Williams seconded the motion, and roll call vote was unanimous.

During a telephone conversation with Mr. Smith the day following the meeting, he advised that his intent was for the motion to read as follows: One round-trip coach air fare, registration fee for the Board member and for his wife (should she wish to attend), charges for a hotel room only (no other hotel charges), and a per diem limit of \$25 per day for expenses incurred.

- (e) Request for approval of appraisal reports on South Buncombe: After a brief review of the appraisals, Mr. Pope moved that the Board accept the appraiser's estimated fair compensation due owners for taking and the nominal compensation figures for those parcels listed on the sheet. Mr. Smith seconded the motion, and roll call vote was unanimous. See list on page 304.

After a brief report, Mr. Black moved that the Board request Mr. Redmond to look over the final specifications for the Communications System and, if everything is in order, authorize Mr. Mull to advertise for bids. Mr. Clark seconded the motion, and roll call vote was unanimous.

Mr. Warlick then moved that the Board enter Executive Session for the purpose of hearing recommendations from the Attorney Selection Committee. Mr. Black seconded the motion, and Chairman Robinson then requested that Mr. Redmond and Mr. Stevens excuse themselves. The Board entered Executive Session at 3:03 p.m.

At 3:05 p.m., Chairman Robinson reconvened the regular session. Mr. Smith then moved that the Board accept the Attorney Selection Committee's recommendation by offering the position of attorney to the MSD to Jack Stevens to succeed Mr. Redmond and for Mr. Stevens, on June 1, 1980, to fill the position of assistant to Mr. Redmond until such time Mr. Redmond retires, at which time Mr. Stevens would become the MSD attorney. This date is expected to be December 31, 1980. Mr. Williams seconded the motion, and roll call vote was unanimous. Mr. Stevens accepted the position offered him and will come on the Board June 1, 1980.

Under unfinished business, Chairman Robinson inquired as to whether the five-year comparison sheet on industrial sewer service charges had been mailed to industries and if there had been any response. Mr. Mull told the Board that the sheets had been mailed and that there had not been any response at all.

Under new business, Chairman Robinson commented on the newspaper article of May 11, centered on the MSD and extensive sewer problems of the entire Buncombe County area.

Also under new business, Chairman Robinson told the Board that Mr. Jim Ellis of the Chamber of Commerce had contacted him and reported that the Industrial Council Committee had submitted a resolution to the Chamber Board last week, which resolution concerned itself with the City, County, MSD, Land-of-Sky, and MSD subdivisions to coordinate and try to get something done toward solving the areas' sewer problem. Mr. Ellis gave Chairman Robinson a copy of the proposed resolution and an accompanying letter, and Chairman Robinson inquired as to whether the District had received copies of same. At Mr. Mull's negative answer, Chairman Robinson said he would send a copy of the resolution and of the letter to Mr. Mull and requested that Mr. Mull forward a copy to each Board member.

In view of the fact that all efforts have been exhausted to obtain certain rights-of-way from some twenty landowners in Hominy Valley by the MSD staff, the negotiator, and Mr. Redmond, Mr. Redmond recommended instituting condemnation proceedings for acquisition of those rights-of-way on the Hominy Valley Interceptor Sewer Project (Project Number 586). After Mr. Redmond read the proposed resolution to the Board and after discussion of same, Mr. Clark moved that the Board adopt this resolution, incorporate same into the records of these Minutes, and authorize Mr. Redmond to proceed with condemnation proceedings against those landowners. Mr. Griffith seconded the motion, and roll call vote was unanimous. The resolution is typed in its entirety at the end of these Minutes, beginning on page 303 and ending on page 304.

Mr. Mull told the Board that two property owners in Hominy Valley, Mr. Thomas Worley, parcel number 39, would sign the right-of-way for \$500 and that Mr. W. W. Candler, parcel number 49, would sign for \$1,500. Mr. Redmond told the Board that litigation in these two cases would cost more than the property owners were asking for signing the rights-of-way and recommended that the Board consider settling with these people. Mr. Smith then moved that the Board authorize Mr. Redmond to settle these two rights-of-way for any amount appropriate up to \$2,000., and Mr. Williams seconded the motion. Roll call vote was unanimous, with the exception of Chairman Robinson who voted in the negative.

Mr. Redmond reported to the Board that he had received a formal order denying remission of civil penalties assessed against the MSD for violation of terms of its North Carolina NPDES Permit No. NC0025178 (Weaverville Treatment Plant). He then read the order to the Board, after which Mr. Smith moved that the Board authorize Mr. Mull to pay the \$4,000 fine as directed in that order and the accompanying letter from Mr. Edwin L. Gavin, II. Mr. Black seconded the motion, and roll call vote was unanimous.

Date of the next regular meeting of the MSD Board will be June 17, 1980.

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

RESOLUTION AUTHORIZING CONDEMNATION OF RIGHTS-OF-WAY  
FOR THE HOMINY VALLEY INTERCEPTOR SEWER LINE  
PROJECT NO. 586, BUNCOMBE COUNTY, NORTH CAROLINA

WHEREAS, the Metropolitan Sewerage District, acting under Federal and State Laws and the authority granted to it by the General Statutes of North Carolina, particularly Chapter 162A, Article 5, of said General Statutes, is undertaking the design and construction of certain Interceptor Sewer Lines to serve the Hominy Valley Area of Buncombe County commonly known as a Section 201 Facilities Program; and

WHEREAS, the Federal and State Governments have offered grants of funds substantially to cover the cost of design and construction of this project subject to the acquisition or rights-of-way for the Interceptor Sewer Lines; and

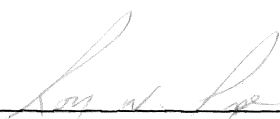
WHEREAS, the Metropolitan Sewerage District has caused an appraisal to be made <sup>by</sup> at least one competent independent real estate appraiser of the lands through which said Interceptor Sewer Lines are proposed to be built; and

WHEREAS, as a result of the appraisal reports received, the Metropolitan Sewerage District has established maximum acquisition values for rights-of-way through said properties; and

WHEREAS, the Metropolitan Sewerage District has been unable to reach agreements with certain property owners to acquire said rights-of-way at the approved value of the same:

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Sewerage District of Buncombe County, North Carolina, that the following rights-of-way be condemned in order that the Metropolitan Sewerage District may carry out its approved plan for said Hominy Valley Project No. 586:

<u>Parcel</u>		<u>Ward</u>	<u>Sheet</u>	<u>Lot</u>	<u>Deed Book/ Page Ref.</u>
3	Edwin Sprinkle & wife, Belle Sprinkle	Lower Hominy	17	1½	Book 635, Page 578
14	Millard Haney & wife, Selma Haney	Lower Hominy	39	26	Book 768, Page 78
15	Herman E. Levi & wife, Martha E. Levi	Lower Hominy	39	25	Book 747, Page 572
19	Harold Hargus & wife, Barbara A. Hargus	Lower Hominy	38	18	Book 981, Page 93
21	Jack E. Bartlett	Lower Hominy	38	20½	Book 1138, Page 167
24	Kathryn Hipps Trueblood	Lower Hominy	38	72	Book 972, Page 519
26	Betty Hipps Delozier	Lower Hominy	40	122	Book 972, Page 517
52	John Wiswall Daniel & wife, Rhonda B. Daniel	Upper Hominy	33	94	Book 1144, Page 253
78	TSB Associates, a co- partnership	Lower Hominy	23	83 84	Book 1138, Page 475
83	William V. Henry & wife, Mayburr O. Henry	Lower Hominy	22	94	Book 1080, Page 408
84	Jack W. Young & Mary Louise Young	Lower Hominy	23	42	Book 1197, Page 69
88	Brown Lowe Haun & wife, Bernadene Graham Haun	Lower Hominy	9	218	Book 1045, Page 107
100-A	Bruce Riddle and wife, Grace Riddle	Lower Hominy	10	81	Book 1086, Page 442
100-C	Adrian Penland	Lower Hominy	10	80	Book 1047, Page 566
127	W. H. Ivey & wife, Elizabeth M. Ivey	Upper Hominy	33	45	Book 1047, Page 645

  
Secretary

Approved appraisals: AC: #94, Schwitzer, nom.; #95, Moore, nom.  
HC: #106, Gass, nom.; #107, Arney, nom.; #108, Prescott, nom.;  
#109, Monteath, nom.; #110, Smith, nom.

# 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, Chairman  
M. Leon Williams, Vice-Chairman  
Michael L. Black  
Walter J. Boggs  
Ben Clark  
Paul E. Griffith  
D. Frank Hyatt  
Roy W. Pope  
Frank S. Smith III  
Paul W. Warlick

May 20, 1980

I, Roy W. Pope, 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 1980-81 BUDGET adopted by the Metropolitan Sewerage District Board at their regular meeting held May 20, 1980.

WITNESS my hand and seal of said District this 20th day of May, 1980.

Signed by

Secretary to the Board  
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 \_\_\_\_\_

	1980-81 Budget	Current Year		Prior Year	
		Month of _____	Ended _____	Month of _____	Ended _____
Salaries	87,675				
Billing & Collections	50,000				
Telephone & Telegraph	2,200				
Travel & Convention Expenses	4,000				
Office Supplies	5,500				
Power & Water	2,500				
Directors' Fees & Expenses	7,500				
Insurance	23,000				
Dues & Subscriptions	2,100				
Accounting Service @ 1% of Payroll	3,750				
Consulting Engineers	9,000				
Legal Fees & Expenses	25,000				
Trustee Fees	5,500				
Audit	2,500				
Postage & Petty Cash	1,500				
Repairs--Office Equipment	500				
Social Security Taxes @ 6.50%	24,550				
Contributions--Retirement Fund 7.89%	29,700				
Vehicle Expenses	4,800				
Capital Outlay (Equipment)	3,000				
Contingency	10,000				

Total Administrative & General	304,525*				
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DISBURSEMENTS CONTINUED

	1 Budget	Current Year:		Year:	
		Month of	Ended	Month of	Ended
Salaries & Wages	290,000				
Chemicals	48,000				
Telephone	1,500				
Power & Lights	234,000				
Maintenance Supplies & Small Tools	5,800				
Water	7,500				
Vehicle Expense	10,000				
Laboratory Supplies	5,000				
Uniform Service	2,500				
Schools	2,500				
Maintenance (Buildings & Grounds)	15,000				
Maintenance (Pipeline)	5,000				
Maintenance (Equipment)	80,000				
Capital Outlay--New	15,000				
Equipment Replacement	30,000				
Contingency	23,000				
Total Operations Expenditures	774,800*				
Total Disbursements	1,079,325**				
Transfer Interest to Revenue					
Total					
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 \$1,079,325.

# 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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Paul E. Griffith  
D. Frank Hyatt  
Roy W. Pope  
Frank S. Smith III  
Paul W. Warlick

May 20, 1980

I, Roy W. Pope, 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 resolution adopted by the Metropolitan Sewerage District Board at their regular meeting held May 20, 1980.

WITNESS my hand and seal of said District this 20th day of May, 1980.

Signed by

Secretary to the Board  
Metropolitan Sewerage District  
of Buncombe County

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 1980-81, this being the same Preliminary Budget which was presented at the regular Board meeting on April 15, 1980, currently lying on the table and totaling \$1,079,325., 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