

JUNE 17, 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, June 17, 1980.

Chairman Robinson called the meeting to order, and Mrs. Crowe called the roll. In addition to the Chairman, the following members answered roll call: Messrs. Black, Clark, Griffith, Hyatt, Pope, Smith, Warlick, and Williams. [Mr. Boggs also attended the meeting, arriving at 2:07 p.m. during (b) of the Engineer-Manager's report to the Board.]

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.

Mr. Black moved that the Minutes of the May 20 meeting stand approved as written. Mr. Clark seconded the motion, and voice vote was unanimous.

Since election of officers for FY '80-81 appeared on the agenda, Mr. Warlick moved that the Board reelect the same officers for the coming year as those presently serving (Chairman, Mr. Robinson; Vice-Chairman, Mr. Williams). Mr. Clark seconded the motion, after which Mr. Redmond read an excerpt from the District's By-Laws as follows: "These officers shall serve for one year or until the first regular meeting of the District Board held in July of the next year or until their successors have been elected and have been appointed and qualify." Mr. Warlick then tabled his motion until the July meeting, and Mr. Clark tabled his second. Mr. Warlick's motion and Mr. Clark's second did not include the offices of secretary-treasurer and assistant secretary-assistant treasurer, as those persons are appointed rather than elected.

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

- (a) Request for approval of special proceedings with respect to Parcel #18, Hominy Valley Interceptor Sewer Project: Parcel #18, belonging to the William Cornelius Gentry heirs, involves Mrs. Gentry and four children, one of which is a minor and is, therefore, unable to sign a right-of-way for the interceptor sewer. Mrs. Gentry has requested that the MSD pay expenses for having a guardian appointed for the minor, which appointment requires special court proceedings. After a brief discussion, Mr. Clark moved that the Board authorize Mr. Redmond to proceed with having a guardian appointed for the minor child, with the District paying costs for same. Mr. Smith seconded the motion, and roll call vote was unanimous.

Following the above action, Mr. Redmond presented to the Board for its consideration Parcel #15-A, Boy Scouts of America, located on the proposed South Buncombe Interceptor Sewer. The property was deeded to the Boy Scouts of America, Daniel Boone Council, by Thomas D. Westfeldt on December 27, 1966, and contains the following paragraph: "TO HAVE AND TO HOLD, the aforesaid property unto the party of the second part, or its successors, upon the condition that the same shall not be sold, mortgaged or otherwise conveyed for a period of twenty (20) years from the date hereof and that said property shall be named and designated for said period of twenty (20) years as "Camp Louise", immediately upon the execution and delivery of the deed and that said property shall remain so designated and used throughout the entire restricted period of twenty (20) years;

and upon the further condition that if the party of the second part sells, mortgages or otherwise conveys said property or fails to designate said property as "Camp Louise", title thereof in fee simple shall revert to said Thomas D. Westfeldt, Widower, or his heirs and assigns and the said Thomas D. Westfeldt or his heirs and assigns shall thereafter have the right to re-enter said property and it shall thereafter belong to the said party of the first part." In view of the foregoing circumstances, Mr. Redmond told the Board that it would be impossible for the Boy Scouts to execute a right-of-way for the South Buncombe Interceptor Sewer and, therefore, recommended instituting condemnation proceedings for acquisition of that right-of-way. Mr. Clark then moved that the following resolution be adopted by the Board and subscribed into these Minutes and, further, that the Board authorize Mr. Redmond to proceed with condemnation proceedings. Mr. Hyatt seconded the motion, and roll call vote was unanimous. The resolution is as follows:

RESOLUTION AUTHORIZING CONDEMNATION OF RIGHT-OF-WAY FOR THE SOUTH BUNCOMBE INTERCEPTOR SEWER LINE, PROJECT NO. 522, BUNCOMBE AND HENDERSON COUNTIES

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 South Buncombe/North Henderson areas, 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 of rights-of-way for the interceptor sewer lines; and

WHEREAS, the Metropolitan Sewerage District has caused an appraisal to be made by 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 an agreement with a certain property owner to acquire said right-of-way:

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Sewerage District of Buncombe County, North Carolina, that the following right-of-way be condemned in order that the Metropolitan Sewerage District may carry out its approved plan for said South Buncombe Project No. 522:

<u>Parcel</u>	<u>Landowner</u>	<u>Ward</u>	<u>Acres</u>	<u>Deed Bk./Ref. Sh.</u>
15-A	Boy Scouts of America, Daniel Boone Council	Hooper's Creek	60	Book 445, page 243

(b) Request for approval of new and/or revised appraisals, Hominy Valley and South Buncombe Interceptor Sewer Projects: After a brief review of the appraisals, Mr.

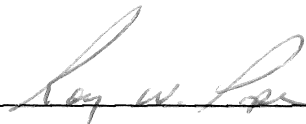
Williams moved that the Board accept the appraisers' estimated fair compensation due owners for taking and the nominal compensation figures for those parcels listed on both sheets. Mr. Clark seconded the motion, and roll call vote was unanimous. See list below.

- (c) Scheduling of first public meeting on POTW Pretreatment Program: Mr. Mull advised the Board that this meeting will be held at 2 p.m., July 16, 1980, in the City Council Chambers; received as information by the Board.
- (d) Discussion of Weaverville Sewage Treatment Plant and Quorum situation: After discussion, Mr. Warlick moved that the District's attorney (Mr. Redmond) be authorized to proceed to collect the \$4,000 fine imposed on the MSD by the State from Quorum Knitting Mills, as set forth in the Minutes of November 20, 1979. Mr. Smith seconded the motion, and roll call vote was unanimous.

Mr. Black reported on the Communications System Committee, saying that the committee had met on June 9. He told the Board that a set of specs has been received from Mr. Wayne Cordell (Aerotron) and that the committee also wanted a set from both General Electric and Motorola in order that the committee could put together one set of specs so that the correct equipment to suit the needs of the MSD could be met.

Date of the next regular meeting of the MSD Board will be July 15, 1980.

There being no further business, the meeting was adjourned at 2:26 p.m.


Secretary

Approved appraisals: HC: #85, Youngblood (R), \$400.

UH: #39, Worley (R), \$555; #57, Spenner, nom.

LH: #11-A, Duck (R), \$65; #13, Smith (R), nom.; #13-A, Crawford (R), nom.; #22, Honeycutt, nom.; #70, Beatty & Lollis (R), \$550; #75-A, Robinson, nom.; #97, Randolph, nom.