

MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

JULY 15, 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, July 15, 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, consultants, and staff members were present: Messrs. Anthony Redmond and John S. Stevens; Mr. Dean Huber and Dr. Lloyd R. Robinson, Jr.; Mr. W. H. Mull and Mrs. Jan Crowe.

Mr. Pope moved that the Minutes of the June 17 meeting stand approved as written. Mr. Griffith seconded the motion, and voice vote was unanimous.

Election of officers for Fiscal Year 1980-81 was as follows: Mr. Warlick, having tabled his motion of June 17, reaffirmed his motion that Mr. Robinson and Mr. Williams be reelected Chairman and Vice-Chairman, respectively, for one-year terms; Mr. Clark then reaffirmed his second. At this point, Chairman Robinson told the Board that he would be moving from the City--but not from the area--in October and stated that he thought he would be ineligible to serve after that time on the Board. It was the consensus of the Board that he remain in the Chairman's position until October, at which time they will discuss the matter further. Voice vote was unanimous; Messrs. Robinson and Williams were reelected by acclamation. Chairman Robinson then reappointed Mr. Pope as Secretary-Treasurer and Mr. Warlick as Assistant Secretary-Treasurer for one-year terms.

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

- (a) Request for approval of a revised appraisal, Hominy Valley Interceptor Sewer project: After a brief review of the revised appraisal, Mr. Smith moved that the Board accept the appraiser's estimated fair compensation due owners for taking and the nominal compensation figure for that parcel. Mr. Pope seconded the motion, and roll call vote was unanimous. (UH Parcel #48, Green)
- (b) Designation of a Right-of-Way Committee to review and approve offers deemed reasonable to settle claims above appraisal but less than estimated court cost in between meetings of the Board, subject to subsequent approval by the Board at a meeting assembled: After discussion, Mr. Warlick moved that three members of the Board be appointed by the Chairman to form a Right-of-Way Committee in order to expedite acquisition of rights-of-way, whose duty would be to settle claims above appraisal but less than estimated court cost, which claims would be brought back to the Board for ratification at its next regular meeting. Mr. Williams seconded the motion. Roll call vote was eight affirmative, with Messrs. Boggs and Robinson voting in the negative. Chairman Robinson postponed appointing the committee until later in the meeting.
- (c) Resolution to transfer funds from the Revenue Account to the Reserve Account: Mr. Pope moved that the Trustee be authorized and directed to transfer any surplus or unencumbered funds accrued in the Revenue Account between July 1, 1980, and June 30, 1981, to the Reserve Account and invest these funds in accordance with the Bond Resolution. Mr. Boggs seconded the motion, and roll call vote was unanimous. A copy of the resolution is attached and thereby made a part of these Minutes.

(d) Condemnation proceedings, Hominy Valley and South Buncombe Interceptor Sewer projects: After discussion, Mr. Smith 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. Black seconded the motion, and roll call vote was unanimous. The resolution is as follows:

RESOLUTION AUTHORIZING CONDEMNATION OF RIGHTS-OF-WAY FOR THE HOMINY VALLEY INTERCEPTOR SEWER LINE, PROJECT NO. 586, BUNCOMBE COUNTY, AND 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 Hominy Valley and 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 certain property owners to acquire said rights-of-way:

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 Interceptor Sewer, Project No. 586, and for said South Buncombe Interceptor Sewer, Project No. 522:

| <u>Parcel</u> | <u>Landowner(s)</u> | <u>Ward</u> | <u>Acres</u> | <u>Deed Book, Ref. Sheet</u> |
|---------------|---|---------------|--------------|--|
| 23 | Howard Ruckman, William S. Ruckman, & Clyde Bennett | Lower Hominy | 36.5 | Book 1165, Sheet 97 |
| 29,30 | Richards A. Crowell | Lower Hominy | 153 | Book 1117, Sheet 628 |
| 43 | R. J. Gaston heirs | Upper Hominy | 2.5 | Book 349, Sheet 70 |
| 48,123 | Robert & Mattie Mae Green | Upper Hominy | 4.51 | Book 893, Sheet 449 |
| 69 | W. J. & Ruth D. Hill | Lower Hominy | 13.38 | Book 664, Sheet 39; Book 536, Sheet 109 |
| 70 | Sarah R. Beatty & Helen R. Lollis | Lower Hominy | 7.0 | Book 537, Sheet 326 |
| 93,94 | Spurgeon Robinson | Lower Hominy | 17.7 | Book 1130, Sheet 391 |
| 113 | Spurgeon Robinson | Upper Hominy | 2.49 | Book 954, Sheet 169 |
| 139 | Modine M. Hutchison | Upper Hominy | 1.38 | Book 914, Sheet 37 |
| 140 | Kenneth S. & Bertha D. Sandlin | Upper Hominy | .505 | Book 1062, Sheet 530 |
| 98 | George C. & Martha C. B. Brown | Avery's Creek | 3.0 | Book 1069, Sheet 449; Book 1095, Sheet 55 |

- (e) Proposed action regarding unpaid sewer service charges, Sam Owen residence: Postponed until later in the meeting.
- (f) Step II grant award in the amount of \$24,360 for Weaver-ville Pump Station and Force Main: Received as information by the Board.
- (g) Proposed acceptance of wastewaters from Dia-Compe: After discussion, Mr. Boggs moved that we accept the wastewaters from Dia-Compe, with concurrence of the State, until such time the South Buncombe Interceptor Sewer project is finished. Mr. Smith seconded the motion, and roll call vote was unanimous.
- (h) Buncombe sewer consolidation study: Following a brief discussion, Mr. Warlick moved that the Board accept the recommendation of Harry Hendon and Associates to hire Mr. Donald Newton of Greeley and Hansen to assist HH&A in devising a study of the proposed consolidation of all sewer lines in Buncombe County at a cost of \$16,500 for the study. Mr. Black seconded the motion, and roll call vote was unanimous. The study is expected to be completed in approximately ninety days.

Under unfinished business and following up on (d) of the June 17 meeting, Mr. Redmond told the Board that he had corresponded with Mr. John A. Powell, attorney for Quorum Knitting, and that Mr. Powell had told him that Mr. Mandeau would be back from Europe July 15 and that he would discuss the matter with him and be back in touch with Mr. Redmond. Since the date of this Board meeting and the date of Mr. Mandeau's return are July 15, Mr. Redmond told the Board that he wanted to wait out the day to hear from Mr. Powell before he takes other action against Quorum and that he hoped to have a report for the next Board meeting.

Mr. Smith then moved that the Board enter Executive Session in order to discuss privileged information between attorney and client. Mr. Hyatt seconded the motion, and voice vote was unanimous. The Board entered Executive Session at 3:08 p.m.

At 3:28 p.m., Chairman Robinson reconvened the regular meeting. In reference to the matter of Sam L. Owen, Route 1, Box 70, Asheville, NC 28804, Mr. Smith moved that the Board invoke provisions of Section 14.03 of the Regulations of the Metropolitan Sewerage District. Mr. Williams seconded the motion, and roll call vote was unanimous.

Mr. Pope then moved that the Board authorize the MSD staff to proceed to settle the Deeds of Easement on eight parcels in the Hominy Valley/South Buncombe projects for an amount not to exceed \$3,600. Mr. Black seconded the motion, after which Mr. Clark objected to the \$3,600 ceiling. Roll call vote was unanimous, with the exception of Mr. Clark, who voted in the negative.

Chairman Robinson reminded the Board of the first public meeting on the POTW Pretreatment Program to be held July 16, 1980, at 2 p.m., in the City Council Chambers.

Chairman Robinson then appointed the following Board members to serve on the Right-of-Way Committee [see (b) of the Engineer-Manager's report]: Messrs. Clark, Warlick, and Black.

Date of the next regular meeting of the MSD Board will be August 19, 1980.

There being no further business, the meeting was adjourned at 3:32 p.m.


Secretary

RESOLUTION


WHEREAS, Section 508, V-14, paragraph (d), of the Bond Resolution allows the Board to determine the maximum amount in the Reserve Account; and

WHEREAS, the Trustee has informed us that there will be surplus funds accruing in the Revenue Account during Fiscal Year 1980-81; and

WHEREAS, the Consulting Engineer, Engineer-Manager, and the Trustee recommend and concur in the following resolution:

NOW, THEREFORE, BE IT RESOLVED that the Trustee is authorized and directed to transfer any surplus or unencumbered funds accrued in the Revenue Account between July 1, 1980, and June 30, 1981, to the Reserve Account and invest these funds in accordance with the Bond Resolution.

Read, approved, and adopted this 15th day of July, 1980.



Chairman of the Board
Metropolitan Sewerage District
of Buncombe County



Secretary