

MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

November 18, 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, November 18, 1980.

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

In addition to the Board members, the following attorneys, consultants, and staff members were present: Messrs. Anthony Redmond and John S. Stevens and Miss L. Sheryl Howell; Messrs. Lew E. Hoffmann and Dean Huber; Mr. W. H. Mull and Mrs. Jan Crowe.

Mr. Griffith moved that the Minutes of the October 21 meeting stand approved as written. Mr. Clark seconded the motion, and voice vote was unanimous.

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

- (a) Amendment to Engineering Contract--S.S.E.S.: After a brief discussion, Mr. Boggs moved that the Board accept the amendments as described in the contract dated November 18, 1980, and authorize the Vice-Chairman to execute same. Mr. Clark seconded the motion, and roll call vote was unanimous.
- (b) Main Plant Optimization Study: Received as information by the Board.
- (c) Request for approval of appraisals and reappraisals on the Hominy Valley Interceptor Sewer Project: After a brief review of the new and revised 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. Mr. Hyatt seconded the motion, and roll call vote was unanimous. The appraisals as approved are: LH #9 (name change), Dayton, (nom.); LH #72 (R), Irelan, (\$40); LH #73 (R), Irelan, (nom.); LH #73-A, Rogers, (\$100); LH #73-C, Moneyham, (nom.).
- (d) Condemnation proceedings, Hominy Valley and South Buncombe Interceptor Sewer projects: After discussion, Mr. Boggs moved the adoption of the resolution authorizing the condemnation of twenty pieces of property in Hominy Valley and six pieces of property in South Buncombe, thereby authorizing Mr. Redmond to proceed with condemnation proceedings. Mr. Clark 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, NORTH CAROLINA, AND FOR THE SOUTH BUNCOMBE INTERCEPTOR SEWER LINE, PROJECT NO. 522, 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 and the South Buncombe Area of Buncombe and Henderson Counties 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 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 and for said South Buncombe Project No. 522:

<u>Parcel</u>	<u>Landowner(s)</u>	<u>Ward</u>	<u>Sheet</u>	<u>Lot</u>	<u>Deed Book/ Page Ref.</u>
<u>HV</u>					
12	U. T. & Inez Levi	Lower Hominy	39	29	730/612
13	Archie & Gelene B. Smith	Lower Hominy	39	27	745/445
13-A	Paul E. & Diane Crawford	Lower Hominy	39	27 $\frac{1}{2}$	1198/598
18	Gentry heirs	Lower Hominy	39	16	
				17	944/447
29	Richards A. Crowell	Lower Hominy	40	28	
			41	22 $\frac{1}{4}$	1117/628
34	Rutherford heirs	Lower Hominy	32	18	508/436
35	Vulcan Materials	Upper Hominy	30	35	
				36	
				112	929/392
41	Martha G. Luther heirs	Upper Hominy	36	20	41/19
42	Landry Thrash	Upper Hominy	30	18	1159/361
44	Thomas L. & Esther Mallonee	Upper Hominy	30	14	733/165
45	C. D. Mallonee heirs	Upper Hominy	30	13	500/113
51	C. D. Mallonee heirs	Upper Hominy	33	95	581/530
				96 $\frac{1}{4}$	679/79
57	Spenner Dev. Assoc.	Upper Hominy	33	117	1113/92
72	Leonard & Janet Irelan	Lower Hominy	18	200	1207/306
73	Leonard & Janet Irelan	Lower Hominy	18	20 $\frac{1}{4}$	1207/308
97	John E. Randolph	Lower Hominy	27	14	985/499
125	Gladys W. Palmer	Upper Hominy	33	69	459/450
				82	972/213
126	Eugene & Inez M. Clark	Upper Hominy	33	49	991/112
128	Gladys W. Palmer	Upper Hominy	33	18	807/307
134	Inez Minnick Clark	Upper Hominy	33	4	979/100
<u>SB</u>					
30	James H. & Alma Jones	Avery Creek	15	71	1082/685
30-A	Larry J. & Betty Morgan	Avery Creek	15	13	907/107
31-A	Martin & Nancy P. Havens	Ward 14	16	55	1138/521
46	Mrs. Milton Willis	Limestone	31	88	753/290
49	Mrs. Milton Willis	Limestone & Hooper Creek	31	88	339/42 348/118
73	Fairlee Harris	Hooper Creek			573/825

- (e) Industrial Sewer Service Charges Five-Year Comparison Sheet: Received as information by the Board.

In compliance with Mr. Smith's request at the October 21 Board meeting, Mr. Mull told the Board that Doug Thrash had prepared a detailed status report on both Hominy Valley and South Buncombe Interceptor Sewer projects, that being the chart on the blackboard in the Boardroom. The Board expressed appreciation to Mr. Thrash for a job well done.

Mr. Smith moved that the Board enter Executive Session in order that the Board might consider ratification of actions taken by the Right-of-Way Review Committee. Mr. Hyatt seconded the motion, and roll call vote was unanimous. The Board entered Executive Session at 2:20 p.m.

After a brief Executive Session, Mr. Pope moved that the Board reconvene the regular meeting. Mr. Smith seconded the motion, and roll call vote was unanimous. At 2:27 p.m., Vice-Chairman Williams reconvened the regular meeting.

Mr. Clark moved that the Board approve the Right-of-Way Review Committee report, and Mr. Smith seconded the motion. Roll call vote was unanimous.

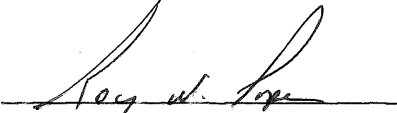
Mr. Griffith inquired as to the status of the O & M Manual, to which Mr. Huber replied that the manual had been sent to the State for comment, that the consulting engineers had answered those comments as presented by the State, and that the manual should be available very soon.

Mr. Smith questioned the status of investigation by the consulting engineers and the MSD staff and attorney in regard to the new federal regulations of the Department of Energy as they might apply to the MSD, as set forth in the Minutes of August 19, 1980. Mr. Redmond replied that he, Lew Hoffmann, Dean Huber, Jack Stevens, and Bill Mull would meet with Charles Dyson of CP&L at 11 o'clock, November 19, to discuss the matter.

Mr. Boggs presented a summary of the WPCF Conference held in Las Vegas and reported briefly on specifics of the seminars he attended.

Mr. Pope moved that the Board move its December meeting up one week from the 16th to the 9th and that Mr. Mull notify the news media of this action. Mr. Clark seconded the motion, and roll call vote was unanimous.

There being no further business, the meeting was adjourned at 2:45 p.m.


Secretary