

METROPOLITAN SEWERAGE DISTRICT BOARD

January 20, 1981

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, January 20, 1981.

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: Mr. John S. Stevens and Miss Sheryl Howell; Mr. Dean Huber; Mr. W. H. Mull and Mrs. Jan Crowe. Also, Mr. Doug Thrash, the right-of-way coordinator for the South Buncombe and Hominy Valley Interceptor Sewer projects, attended the meeting.

Mr. J. Ray Elingburg, Clerk of Superior Court, administered the Oath of Office to three members appointed to three-year terms to the MSD Board, effective January 19, 1981. Taking the oath, being sworn by Mr. Elingburg, were:

Mr. Ben H. Clark, Town of Weaverville
Mr. C. LeRoy Robinson, County of Buncombe
Mr. Frank S. Smith, III, City of Asheville

Mr. Griffith moved that the Minutes of the December 9 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) Ratification of actions taken by Right-of-Way Review Committee: After a brief discussion, Mr. Smith moved that the Board ratify these actions, thereby accepting the total report of the committee, which was to authorize monetary payment for easements over the following parcels: Hominy Valley: #125 and #128, Palmer, up to \$5,000. South Buncombe: #26, Cole and Southern, \$100; #31-A, Havens, up to \$1,500; #63-B, Ball, up to \$1,500; #67, Baldwin, \$1,000; #90, Reid, \$1,500 to \$2,100; #103, #105, and #111, Geneco, \$1,500; additionally, the report recommended condemnation of the following parcels on the South Buncombe project: #5, #14-A, and #97. These parcels are included in the resolution under Item (e)(3) which officially authorizes condemnation.
- (b) Request for approval of appraisal reports on Hominy Valley and South Buncombe Interceptor Sewer projects: Mr. Clark moved that the Board accept the appraisers' estimated fair compensation due owners for taking and the nominal compensation figures for those parcels listed. Mr. Boggs seconded the motion, and roll call vote was unanimous. The appraisals as approved are: LH #69, R, Hill, nom.; HC #22, R, Rutledge heirs, nom.; HC #101, new parcel, Lance, nom.
- (c) Schedule of Annual and Regular Meeting Dates of MSD Board for 1981: Received as information by the Board.
- (d) Proposed use of MSD dam to generate power: Mr. Mull told the Board that he, Dean Huber, Tony Redmond, and Jack Stevens had met with Charles Dyson of Carolina Power & Light to discuss this matter and that Mr. Stevens had received and was having recorded a release from CP&L waiving a stipulation contained in the deed of 1962 from CP&L to the MSD which prohibited the MSD from generating electric power.
- (e) Status Report on South Buncombe and Hominy Valley Interceptor Sewer projects:

January 20, 1981

- (1) Background information: Mr. Mull presented to the Board a chronological history of and related information on the South Buncombe and Hominy Valley Interceptor Sewers. Mr. Mull also presented a proposed time schedule which will be used as a target for advertising for bids on the three phases in both the South Buncombe and the Hominy Valley projects. The dates were: Hominy Valley: Phase I by February 1, Phase II by April 1, and Phase III by June 1; South Buncombe: Phase I by April 1, Phase II by June 1, and Phase III by August 1.
- (2) Request for authorization to advertise for bids on Phase I, Hominy Valley: After discussion, Mr. Griffith moved that the Board authorize Mr. Mull to advertise for bids on Phase I, Hominy Valley, by February 1. Mr. Warlick seconded the motion, and roll call vote was unanimous.
- (3) Condemnation request pertaining to South Buncombe project: Mr. Williams moved that the Board authorize condemnation of some 62 parcels in South Buncombe by passage of formal resolution in order that the MSD can apply for State and Federal grants before the deadline of March 1, 1981. Mr. Black seconded the motion, and roll call vote was unanimous, with the exception of Mr. Clark, who passed. The resolution in its entirety, which includes those parcels referred to in (a) and (f), is as follows:

RESOLUTION AUTHORIZING CONDEMNATION OF RIGHTS-OF-WAY FOR THE SOUTH BUNCOMBE INTERCEPTOR SEWER LINE, PROJECT 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 area, 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 South Buncombe Interceptor Sewer, Project No. 522:

Parcel	Landowner(s)	Ward	Acres	Book	Page
4	Melvin C. & Beverly Lyle	Limestone	7.5	1049	13
				1043	473
5	C. T. & Mabel Gasperson	Limestone	11	619	140
				830	341
8	Florence P. & Jerome Emerson	Limestone	9	1173	425
13	Betty L. Parks	Limestone	4	1219	193
14A	William J. & Claire C. Corn	Hooper's Creek	25	460	586
15B	Walter P. Shuford, et al	Hooper's Creek	84.08	274	94
				274	96

Parcel	Landowner(s)	Ward	Acres	Book	Page
15C	Francis W. Fitzpatrick	Hooper's Creek	144.36	527	129
				529	259
				551	881
				534	115
15D	N. C. Agric. Exp. Station	Hooper's Creek	30.3	510	334
16	City of Asheville	Limestone	327	364	597
17	Jane B. Darnell & Mettha W. Eshleman	Hooper's Creek	250.6	513	551
				527	277
19	George W. Westfeldt, Jr.	Hooper's Creek	278.84	513	551
				530	547
19A	Jane Blair Darnell	Hooper's Creek	159.5	548	748
20	Cranston Print Works	Hooper's Creek	21.05	553	483
21	Olin Tatham	Hooper's Creek	59.793	584	307
22	B. H. Rutledge heirs	Hooper's Creek	78.87	201	190
24	Double J. Limited	Avery's Creek	4.8	968	320
				974	528
				1030	340
26	Kenneth & Marilyn F. Cole and Robert & Carolyn F. Southern	Avery's Creek	20	1174	629
27	Walter L. & Greta G. Johnson	Avery's Creek	31	1111	120
28	George A. & Frances T. Lance	Avery's Creek	10.5	1103	670
				1100	32
29	Lucille J. Heffner	Avery's Creek	25.4	751	483
32	Charles H. & Evelyn Bowles	Ward 14	23.69	1138	515
				1003	366
33	John G. & Virginia S. Schmidt	Avery's Creek	35.01	1082	647
36	Robert M. & Ruby T. Angell	Avery's Creek	.66	1112	183
38A	James Wald	Avery's Creek	.78	978	283
39	Thomas C. & Marie L. Barker	Avery's Creek	2.18	867	618
41A	Ernie & Karin Extine	Avery's Creek	.79	1183	516
45	Charles H. & Evelyn Bowles	Avery's Creek	2.42	902	371
47	George W. Morosani	Hooper's Creek	54.47	559	783
47A	Glen McClendon Trucking	Hooper's Creek	5.75	554	331
48	Three Mountaineers, Inc.	Hooper's Creek	65	499	622
50	Mrs. Foy Beddingfield	Hooper's Creek	1.3	435	289
51	Virginia Souther Thompson	Hooper's Creek	3.06	263	156
60	Tom A. Pinner & Curtis McFalls	Hooper's Creek	11.725	583	681
61	C. B. & Bertha Cunningham	Hooper's Creek	10.72	383	417
61A	Charles & Louise Garren	Hooper's Creek	3.64	533	25
61B	Joseph W. & Frances Rhodes	Hooper's Creek	3.54	533	27
62	Ray & Judy B. Garren	Hooper's Creek	7.77	533	23
63	Ruth Maxwell Barnwell	Hooper's Creek	4.75	255	118
63B	Newton & Louise Y. Ball	Hooper's Creek	3.2	504	185
				507	210
63D	Watson & Mildred Shannon	Hooper's Creek	5.63	514	395
				525	466
				527	295
67	Harold Baldwin	Hooper's Creek	1.25	270	246
69	Donald F. & Mary A. Merrill	Hooper's Creek	.31	446	531
72	Fred Souther, Mary Souther, and Tony Souther	Hooper's Creek	.06	363	41
74	Annie F. Dodge & B. B. Hamilton	Hooper's Creek	.13	473	319
77A	Consolidated Properties	Hooper's Creek	1	546	578
79	Charles & Judy Ayers	Hooper's Creek	.57	466	546
89	Fraternal Order/Firefighters	Avery's Creek	49	1189	69
90	Charles D. & Madge G. Reid	Avery's Creek	44	946	337
90A	Maggie Ducker Corn	Avery's Creek	15.15	823	593
91	Susan Alene R. Jarrett	Avery's Creek	3	280	82
				1204	291
				78E	622
92	Steve W. Roberts, et al	Avery's Creek	114.57	75E	907
93	Evan J. & Mercedes L. Brown	Avery's Creek	22.86	75E	907
				1155	89
95	Robert A. & Wanda W. Moore	Avery's Creek	4.6	997	114
96	Edna A. Lefler	Avery's Creek	13.04	660	31
97	Michael D. Brown	Avery's Creek	4.8	1069	433

Parcel	Landowner(s)	Ward	Acres	Book	Page
101	Mrs. C. E. Lance, et al	Hooper's Creek	82.57	14	390
				565	613
				69E	256
				540	703
103	Geneco, Inc.	Hooper's Creek	.54	571	403
104	Eddie W. & Wilma S. Johnson	Hooper's Creek	.37	559	731
105	Geneco, Inc.	Hooper's Creek	.68	571	403
106	Alvin L. Gass	Hooper's Creek	.37	550	179
110	Wayne P. Smith	Hooper's Creek	.37	497	228
111	Geneco, Inc.	Hooper's Creek	.36	571	403

~~Mr. Roggs stated that it was his opinion that the Board should notify the property owners once the Board has taken action authorizing condemnation of their property since informing those people might prevent their mistaking the Board's intent. It was the consensus of the Board that the people were kept informed by almost daily contact with MSD negotiators and counsel, thereby eliminating any further need for notification. (Deleted at Mr. Stevens' request.)~~

Mr. Smith suggested that Board members other than the ones currently serving on the Right-of-Way Review Committee be called upon to fill in to act in a more timely manner on those parcels requiring attention should a member of the Review Committee be unavailable when needed. This should be a representative group of the Board only and will not take action other than that currently being taken by the Review Committee. Chairman Robinson appointed all Board members as alternate members of the Review Committee to serve as needed.

- (f) Ratification of telephone poll of Board members regarding condemnation of six parcels on the South Buncombe Interceptor Sewer: Mr. Smith moved that the Board ratify the previous action taken by the Board by telephone poll, thereby ratifying condemnation of those parcels by their inclusion in the resolution under Item (e)(3). Mr. Pope seconded the motion, and roll call vote was unanimous. Parcels are 4, 72, 92, 93, 95, and 96.
- (g) Condemnation request pertaining to Hominy Valley project: Mr. Pope moved that the Board authorize condemnation of Parcel 73-A in Hominy Valley by formal resolution as presented to the Board. Mr. Black seconded the motion, and roll call vote was unanimous. The resolution in its entirety is as follows:

RESOLUTION AUTHORIZING CONDEMNATION OF RIGHTS-OF-WAY FOR THE HOMINY VALLEY INTERCEPTOR SEWER LINE, PROJECT 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, 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:

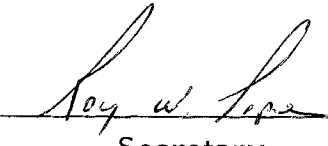
NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Sewerage District of Buncombe County, North Carolina, that the following right-of-way be condemned in order that the Metropolitan Sewerage District may carry out its approved plan for said Hominy Valley Interceptor Sewer, Project No. 586:

Parcel	Landowner(s)	Ward	Acres	Book	Page
73A	Robert A. & Vickie P. Rogers	Lower Hominy	.60	1162	139

- (h) Proposed line to radio tower for MSD: Mr. Boggs moved that the Board accept a letter-type agreement between CP&L and the MSD allowing the MSD to attach to six of CP&L's poles in order to set up the communications system. Mr. Hyatt seconded the motion, and roll call vote was unanimous. Chairman Robinson then requested that Mr. Mull write Mr. Dyson a letter of appreciation for allowing the MSD to attach to the poles.
- (i) Discussion of MSD's sludge lake: At Mr. Boggs' suggestion and with the Board's concurrence, this item was postponed until the February meeting.

Date of the next regular meeting of the MSD Board will be February 17, 1981.

There being no further business, the meeting was adjourned at 4:07 p.m.



 Secretary