

## METROPOLITAN SEWERAGE DISTRICT BOARD

July 21, 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, July 21, 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, Pope, Smith, and Warlick.

In addition to the Board members, the following attorney, consultants, and staff members were present: Mr. John S. Stevens; Mr. Dean Huber, Dr. Lloyd R. Robinson, Jr., and Mr. Bill Kinsland; Mr. W. H. Mull and Mrs. Jan Crowe.

Mr. Black moved that the Minutes of the June 16 meeting stand approved as written. Mr. Clark seconded the motion, and voice vote was unanimous in favor of the motion.

Mr. Warlick moved that Mr. Robinson and Mr. Williams be reelected Chairman and Vice-Chairman, respectively, for one-year terms. Mr. Clark seconded the motion, and voice vote was unanimous in favor of the motion. 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. Portage Trail Agreement with Buncombe County: Mr. Mull told the Board that this easement was for the sole purpose of allowing canoeists to remove their craft from the river at a point above the dam and to reenter at a point around the dam. Mr. Stevens then told the Board that this agreement was subject to certain conditions and provisions [term (five years), use, structures and improvements, cleanliness, fence, warning signs, compliance with regulations, liability and indemnity, and default] and would be renewable for five-year periods every five years. Mr. Boggs moved that the Board grant this easement to the County, and Mr. Clark seconded the motion. Roll call vote was unanimous in favor of the motion.
- b. Resolutions regarding (1) redemption of bonds and (2) transfer of surplus funds from Revenue Account: At Mr. Mull's request, Item (2) was considered first. After a brief discussion, Mr. Pope moved that the Trustee be authorized and directed to transfer any surplus or unencumbered funds accrued in the Revenue Account and invest these funds in accordance with the Bond Resolution. Mr. Black seconded the motion, and roll call vote was unanimous in favor of the motion. The resolution is as follows:

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 1981-82; 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, 1981, and June 30, 1982, to the Reserve Account and invest these funds in accordance with the Bond Resolution.

Read, approved, and adopted this 21st day of July, 1981.

/s/ C. L. Robinson  
Chairman of the Board  
Metropolitan Sewerage District  
of Buncombe County

/s/ Roy W. Pope  
Secretary

Regarding Item (1), Mr. Stevens told the Board that he had left the dollar amount blank on the draft resolution in order that they might stipulate an amount and that they might like to make the resolution effective for a six-month period rather than a three-month as was stated in the draft resolution. It was the consensus of the Board that 20 percent of the Reserve Account or \$500,000--whichever is greater--be inserted for the dollar amount and that the time period be for six months. Mr. Smith then moved that the Board adopt this resolution as amended, and Mr. Black seconded the motion. Roll call vote was unanimous in favor of the motion. The resolution is as follows:

#### RESOLUTION

WHEREAS, there has been offered for redemption to the Trustee under the Resolution authorizing Sewerage Disposal Bonds of the Metropolitan Sewerage District of Buncombe County from time to time over past years bonds of the District at such prices which has resulted in a decision by the Trustee to buy such bonds believing such purchase at favorable prices to be the overall best interest of the District; and

WHEREAS, such bonds are only offered for redemption from time to time on a very irregular basis and remain on the market for only a very brief time; and

WHEREAS, in June, 1981, bonds were offered for redemption at a very favorable price and the Engineer-Manager of the District recommended the purchase of the bonds but was unable to complete polling the members of the District Board in order to determine if the Board favored recommending such purchase to the Trustee before all of the bonds in question were sold to other buyers; and

WHEREAS, in order to buy such bonds the Trustee must have sufficient funds in its Redemption Account to pay for any bonds offered; and

WHEREAS, some mechanism for review of purchase opportunities by a representative committee of the Board is advisable in order that the Trustee may be timely advised of opportunities to acquire bonds of the District offered for redemption at favorable prices and will have sufficient funds in the Redemption Account to buy such bonds;

NOW, THEREFORE, a bond redemption advisory committee composed of the Chairman, the Secretary-Treasurer, and one other member of the District Board appointed by the Chairman and acting upon the advice and recommendation of the Engineer-Manager is hereby authorized on behalf of the District to authorize the transfer of sufficient funds into the Redemption Account to enable the Trustee to buy bonds of the District which are offered for redemption in an amount not to exceed 20 percent of the funds in the Reserve Account or \$500,000., whichever is greater, if in the unanimous judgment of such committee the price is a fair one and that the purchase of such bonds at that price by the Trustee would materially promote the interest of the District.

BE IT FURTHER RESOLVED that this Resolution shall be effective for a six-month period to and including the 18th day of January, 1982.

Read, approved, and adopted this 21st day of July, 1981.

/s/ C. L. Robinson  
Chairman of the Board  
Metropolitan Sewerage District  
of Buncombe County

/s/ Roy W. Pope  
Secretary

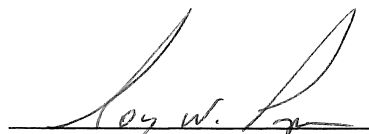
- c. Approval of new and revised appraisals on South Buncombe Interceptor Sewer and Weaverville Pumping Station/Force Main System: After a review of the appraisals, Mr. Boggs moved that the Board accept the appraiser's estimated fair compensation due owners for taking and the nominal compensation figures for those parcels listed. Mr. Clark seconded the motion, and roll call vote was unanimous in favor of the motion. The appraisals as approved are: South Buncombe, Avery's Creek Township--#59-A, French, nom.; #60-A, Pless, nom.; #64, Youngblood, \$500; and #97, Brown, \$1,500. Weaverville, French Broad Township--#3, Rufus Rice, \$1,000; #6, Ellis Rice, \$1,000; #7, Carscaddon, \$300; #8, Calvin Plemmons, \$400; #9, Wiley Plemmons, \$300; #11, Radford, \$100; #13, Myers, \$100; #14, DeBruhl, \$100; #15, Jesse Roberts, \$100; #16, Albert Roberts, \$150; #17, Greene, \$100; #18, County of Buncombe, \$7,000; #19, Burris, \$1,200; and #20, Armstrong, \$400.
- d. Status report on Hominy Valley, South Buncombe, and Weaverville sewer project: Mr. Mull told the Board that Phase I, Hominy Valley is under construction; that in Phase II the contract has been tentatively awarded awaiting final EPA go-ahead; and that in Phase III a Facilities Plan Addendum regarding Vulcan has been submitted to the State and that MSD is awaiting State and EPA approval and Vulcan's signing of the revised right-of-way agreement. He further stated that a federal grant in the amount of \$4,162,516 and a state grant in the amount of \$693,752 have been approved. Phase I, South Buncombe, will be advertised for bids on July 21; Phase II will be advertised for bids August 3; and Phase III will be advertised for bids September 1. A federal grant in the amount of \$3,120,000 has been approved, and the MSD is awaiting approval of a state grant in the amount of \$520,000. Regarding the Weaverville Pump Station/Force Main, federal and state grants have not been approved because of FY '82 funds cutting. This report was received as information by the Board.
- e. Ratification of action taken by Right-of-Way Review Committee: Mr. Pope moved that the Board ratify these actions, and Mr. Warlick seconded the motion, to accept the total report of the committee, which was to authorize monetary payment for easement over the following parcels: Hominy Valley--#100-C, Penland, up to \$1,000. South Buncombe--#24, Double J Ltd., \$7,500; #47, Morosani, \$6,500; #59-A, French, \$500; #61-A, Garren, #61-B, Rhodes, and #62, Garren, \$1,750 to be split between the three. Weaverville--#13, Myers, \$3,500; #14, DeBruhl, \$1,500. Roll call vote was unanimous in favor of the motion.
- f. Report on POTW Program and Industrial Wastes Monitoring: As a result of industrial violations uncovered during April, 1981, Mr. Mull told the Board that he had contacted sewerage officials in Charlotte, Durham, Greensboro, Raleigh, and Winston-Salem in an attempt to determine if those cities have sewer ordinances and, if so, what action they take if a violation occurs. For the most part, all reported no trouble with industries. Winston-Salem has a program similar to the MSD's; Charlotte has an ordinance but has used it only once; Durham had one problem twelve years ago with a textile mill, which has since closed; Raleigh has an ordinance which allows them to give warning on first violation, followed by full-bladder monitoring, poison pen letter giving thirty days to clean up operations, etc.; Greensboro has had one industry with which they have had a problem and do not intend to submit a POTW program to EPA; Durham and Greensboro plants are overloaded and are operating under consent orders to build new plants, while Raleigh's plant is underloaded.

Mr. Mull told the Board that basically what the MSD has done and will be attempting to accomplish are the following: (1) unannounced grab samples were taken from all industries at different times of day and on different days; (2) composite samplers were set up at each industry where a violation was found to provide continuous sampling and to monitor flow and pH charts; (3) visits are now being made to the violating industries to survey operations and to check chemicals on hand, flow metering equipment, and pretreatment facilities, if any; (4) conferences will be held separately with each industry's officials, their consultants, MSD officials, and MSD attorney (Mr. Mull asked that a Board member be present for these also) to determine causes of violations, to review permit conditions, to stipulate corrective action to be taken, and to provide a permit addendum with time schedule and action to be taken by MSD regarding future violations; (5) follow-up with each industry to provide guidance to prevent any other violation from occurring. There is also the matter of costs of the extensive monitoring and fines and/or penalties for the violations to be considered. Mr. Stevens reported that there may be legal problems with respect to MSD's levying fines and penalties since that was not one of the powers specifically included in the enabling legislation. He was directed by the Board to pursue amendments to the legislation to include the specific authorization for levying fines and penalties.

Under Report of Committees, the Sludge Management Committee presented to the Board a five-page report on the sludge conference held in Los Angeles and attended by Mr. Mull, Mr. Pope, and Mr. Boggs. Mr. Mull requested that each Board member read the report before the next Board meeting, at which time the report will be discussed.

Date of the next regular meeting of the MSD Board will be August 18, 1981.

There being no further business, the meeting was adjourned at 3:47 p.m.

  
Secretary