

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT
October 22, 1991

1. Call to Order and Roll Call:

The regular monthly meeting of the Board of the Metropolitan Sewerage District was held in the Boardroom of MSD's Administration Building at 2:00 p.m. on Tuesday, October 22, 1991. Chairman Smith called the meeting to order at 2:00 p.m. with the following members present: Aceto, Bryson, Edwards, Frizzell, Ivey, Maas, McDonald, Penny, Waddey, and Wallace.

Others present were: W. H. Mull, Engineer-Manager, John S. Stevens, General Counsel, Bob Holbrook and Bill Morris of Hendon Engineering Associates, Inc., Fred Meyer, Joseph Enderle of Enderle Engineering, Jack W. Westall, Jr., Attorney for Mr. Meyer, Debra Price representing CIBO, Bob Tinkler representing the League of Women Voters, Clarke Morrison representing the Citizen-Times, Ann LaVeck, Angel Morris and Stan Boyd, MSD.

2. Minutes of the September 17, 1991 Board Meeting:

Ms. Wallace moved that the minutes of the September 17, 1991 meeting be adopted as written. Mr. Waddey seconded. Voice vote was unanimous in favor of the motion.

3. Report of Engineer-Manager:

a. Appointment of MSD Board Member (Mr. Kenneth E. Frizzell - Black Mountain);

Mr. Mull introduced Mr. Kenneth Frizzell, replacing Mr. M. Leon Williams (who died August 14, 1991) as Member of the M.S.D. Board and who took the Oath of Office October 16, 1991.

b. Report on House Constructed Over Sewer (Mr. Fred Meyer - 7 Cogswood Road);

Mr. Boyd presented a sketch of Mr. Meyer's property and addition to his home located at 7 Cogswood Road, which was constructed over an existing sewer line. Mr. Boyd reported that in an attempt to sell his home and obtain title insurance, Mr. Meyer contacted the MSD requesting some type of guarantee that the sewer line would not create future problems. Mr. Boyd stated that the MSD was not willing to give such a guarantee and advised Mr. Meyer that it would be necessary for him to relocate the sewer at his own expense.

Mr. Meyer reported that he purchased the house in 1977 and was not aware that the right-of-way shown on the map were water and sewer lines instead of electric and telephone and that prior to construction, CP&L moved the lines over 20 feet to accommodate the addition. Mr. Meyer stated that although the prospective buyer is still interested in purchasing the property, he is not willing to buy until the line is relocated or a written guarantee given that the line will not create future problems. Mr. Meyer further stated that in a meeting with the Asheville-Buncombe Water Authority and Department of Transportation they have agreed to contribute in the relocation of the lines as a part of necessary street improvement, but that he is not able to pay for the balance needed to complete the project.

Mr. Jack W. Westall, Jr., Attorney for Mr. Meyer, presented photos showing the property and addition constructed over the 15 foot easement and reported that the water line is contained entirely within the sewer line which is apparently not only a storm sewer but a sanitary sewer as well. Mr. Westall further reported that Mr. Enderle of Enderle Engineering was hired to come up with several solutions to the problem and presented the best one at an estimated cost of \$36,000.00. Mr. Westall stated that he did not have a specific proposal for the Board's consideration, but would like to get a sense of the Board's willingness to work with Mr. Meyer in the relocation of the line.

Mr. Enderle reported that the water line is in the manhole with sewerage flowing over it but did not think it was within the conduit along the full length of the line and stated that this situation was not only unsanitary but illegal as far as State regulations. Following a lengthy discussion, Mr. Ivey moved that the Board direct staff to work out a solution satisfactory to all parties involved and bring before the Board for approval. Mr. Waddey seconded the motion. Voice vote was unanimous in favor of the motion.

c. Status of Construction Projects - Plant Expansion/Sludge Handling;

Mr. Mull reported that construction projects are on schedule with the exception of Prime who is behind schedule, but stated that they have a year from this date to complete the project.

d. Consideration of Proposal for Engineering Services - Pisgah View Sewers - Buncombe County CIP (Lapsley & Associates);

Mr. Mull presented a proposal from Lapsley & Associates for Engineering Services for Pisgah View Sanitary Sewer Improvements. Mr. Mull stated that following review by the Sewer System Consolidation Committee October 21, 1991, the committee recommended approval of the project for a lump sum fee of \$18,000.00 for professional engineering and land surveying services and a maximum not to exceed fee of \$11,000.00 (provided on an hourly cost basis) for construction bidding/award and construction administration services. Mr. Penny moved that the Board approve the proposal as presented. Mr. Waddey seconded. Roll call vote was as follows: 11 Ayes; 0 Nays

e. Report on Attaining Effluent Limits Required in JOC;

Mr. Mull presented monitoring reports on attaining effluent limits required in the Judicial Order of Consent for the months of September & October. Mr. Mull reported that the Plant Operations Committee met September 24, 1991 to discuss concerns over reported high effluent limits on BOD and Total Suspended Solid during the first part of the month but stated that since the installation of the clarifiers, the figures have been well below the limits of 45mg for BOD and 60mg for Total Suspended Solids. Mr. Mull further reported that in a recent conversation with State representatives that effluent limits in the eastern part of North Carolina are 10/10 and in some instances 5/10 and only in the mountains are the effluent limits as high as 30/30 and that there is a possibility that the District's next NPDES Permit may require limits lower than 30/30 and also a possible limit reduction for fecal coliform from 1,000 to 200. Mr. Mull stated the only way to meet a limit of 200 for Fecal Coliform would be to chlorinate heavily and to add a chemical dechlorination facility, but that no official indication of lower limits has been received from the State. Mr. Holbrook of Hendon Engineering stated that even though only half of the clarifiers have been operational since October 15, 1991, the District has been able to meet the effluent limits, which indicates that the clarifiers are working very well and will also work well during a peak load condition.

f. Status of Gill Branch Sewer Line Replacement - Weaverville (McGill Associates);

Mr. Mull reported that with 99% of construction time used through October 18, 1991, 100% of sewer pipe has been installed and crews are currently removing existing manholes, plugging the existing lines, replacing the D.O.T. fence, and seeding the construction area.

g. Consideration of Approval of Bids for Collection System Equipment;

Mr. Mull reported that the District opened bids on October 15, 1991 for the following Collection System Equipment:

1. One 3/4 Ton 4WD Diesel Pickup Truck

The results of the October 15, 1991 bid opening are as follows: Matthews Ford (Apparent Low Bidder) with a total base bid of \$16,516.00 and Parkway Chevrolet-GEO, Inc. with a total base bid less 3% N.C. Road Use Tax of \$17,724.29.

2. One 3/4 Ton 4WD Diesel Pick-up with Utility Bed;

The results of the October 15, 1991 bid opening are as follows: Matthews Ford (Apparent Low Bidder) with a total base bid of \$18,491.00 and Parkway Chevrolet-GEO, Inc. with a total base bid less 3% N.C. Road Use Tax of \$19,279.29.

3. One Ton 4WD Diesel Truck with Flat Bed;

The results of the October 15, 1991 bid opening are as follows: Matthews Ford (Apparent Low Bidder) with a total base bid of \$18,583.00 and Parkway Chevrolet-GEO, Inc. with a total base bid less 3% N.C. Road Use Tax of \$19,707.97.

4. One Combination Pressure Cleaner & Vacuum Truck;

The results of the October 15, 1991 bid opening are as follows: Jet-Vac Sanitary Services, Inc. with a total base bid of \$136,842.00.

Mr. Mull reported that in a letter received from Mr. Walter L. Currie, Attorney for the District that the bids for the one-ton four-wheel drive diesel truck with flat bed, 3/4 ton four-wheel drive diesel pickup truck and 3/4 ton four-wheel drive diesel pickup truck with utility bed are all in acceptable form. Mr. Currie further stated that the bid for the high pressure cleaner and vacuum truck should, in his opinion, be rejected and the procurement restructured for advertisement again. Mr. Currie stated that the MSD received two letters from suppliers who did not bid objecting to the procurement, one from Peabody Myers, claiming that the specifications were proprietary, and the other from Bruder/Sharpe objecting to the liquidated damages amount of \$820.00 per day. In addition, Mr. Currie stated that the bid bond submitted by Jet-Vac Sanitary Services, Inc. is not a flat five percent bid bond as required by North Carolina law.

Mr. Mull stated that upon recommendation of the Sewer System Consolidation Committee that the Board accept the low bids of Matthews Ford for the above three (3) vehicles and reject the bid of Jet-Vac Sanitary Services, Inc. for the combination pressure cleaner & vacuum truck and authorize staff to readvertise following review of the specifications and reducing the bid bond to \$100.00 per day. Mr. Waddey moved that the Board approve the apparent low bids of Matthews Ford and reject the bid of Jet-Vac Sanitary Services, Inc. Mr. Penny seconded. Roll call vote was as follows: 11 Ayes; 0 Nays

A brief discussion followed regarding the possibility of installing above ground fuel storage tanks at the maintenance facility for vehicles and equipment instead of buying fuel from the City.

4. Report of Officers

None

5. Report of Committees:

a. Sewer System Consolidation - Mr. Aceto:

Mr. Aceto reported that the Sewer System Consolidation Committee met September 30, 1991 and October 21, 1991 and the only issue not previously discussed in the Engineer-Manager's report concerns setting aside funds in the budget to cover rehabilitation projects that are not part of the CIP and emergency situations such as the Vine Street Sewer Project in Woodfin, where a main sewer line runs through the basement of a home. Mr. Aceto stated that the committee has recommended that the Board authorize funds for the Vine Street Project but that no specific proposal has been done for design services.

b. Plant Operations Committee - Dr. Maas

Dr. Maas reported that the committee met September 24, 1991 to discuss effluent data presented in the Engineer-Manager's report. Dr. Maas stated that the combination of the micro screens and clarifiers are working well and if they continue to work well, should allow the District to meet its 30/30 effluent limits as of November 1, 1991. Dr. Maas further stated with regard to the warranty on the whole process, that it does not mean much that the District is able to meet the 30/30 effluent limits when treating 20mg per day, but that its able to meet the same limits when treating 40mg per day. Dr. Maas reported that the committee discussed in length the problem of exceeding limits on Total Suspended Solids prior to October 19, 1991 and have directed staff to order additional micro screens, regardless of the cost, in the event future problems should arise. Mr. Holbrook reported that since the committee met, spare micro screens have been purchased.

c. Right-of-Way Committee - Mr. Edwards

Mr. Edwards reported that the Right-of-Way Committee met October 22, 1991 and today prior to the Board meeting to discuss methods of compensation for easement acquisitions. Mr. Edwards stated that following a review of rates from various towns throughout the State, the committee agreed to use a square footage formula and base compensation values for the following categories: Residential @ \$.05, Commercial @ \$.10, Industrial @ \$.07, Office/Institutional @ \$.08 and Agricultural @ \$.02. In addition, various weighted factors will be applied to a particular parcel. Mr. Edwards further stated that a meeting has been set for November 11, 1991 and at that time the committee will come up with a recommendation for Board approval. A brief discussion followed regarding appraisals and rights-of-way costs.

d. Sewer Service Charge Committee - Ms. Bryson

Ms. Bryson reported that the committee met October 21, 1991 to review the comparison of MSD's sewer/meter charges and range of capacity depletion fee charges compared with other systems throughout the State and country and found that the ratios were in line with those presented. Ms. Bryson stated that because the committee did not arrive at a decision, it would meet again to further discuss the issues and invite the entire Board and other interested parties. Mr. Aceto suggested that the committee solicit participation from various citizen groups that have expressed an interest in the charges. Following a lengthy discussion as to the primary reason for meeting, whether or not to involve outside groups in the committee's decision making process and whether or not to advertise the meeting, Chairman Smith suggested that the committee make a decision regarding the above and make a recommendation to the Board.

6. Unfinished Business:

7. New Business

8. Date of Next Regular Meeting: November 19, 1991

9. Adjournment:

There being no further business, Mr. Ivey moved that the meeting adjourn at 3:30 p.m. Mr. Penny seconded. Voice vote was unanimous in favor of the motion.


Jackie W. Bryson, Secretary/Treasurer

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

AGREEMENT

THIS AGREEMENT, made this 17 day of September, 1991, by and between the METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY (hereinafter called the "District"), a North Carolina public body and body politic and corporate created and established under the provisions of the North Carolina Metropolitan Sewerage Districts Act, Chapter 153, Article 25, Section 153-291 to 153-324, inclusive, (succeeded by Chapter 162A, Article 5, Sections 162A-64 to 162A-81, inclusive) of the General Statutes of North Carolina, and CHARLES SMITH of Buncombe County (hereinafter referred called "Smith").

W I T N E S S E T H:

WHEREAS, the District is responsible for the operation and maintenance of the systems of collector sewers and interceptor sewers owned by the Metropolitan Sewerage District of Buncombe County (hereinafter called the "District Sewerage System");

WHEREAS, the District needs certain backhoe, bulldozer and front end loader services in connection with the operation and maintenance of the District Sewerage System;

WHEREAS, Smith owns and operates backhoes, bulldozers and front end loaders and employs persons experienced in operating such equipment;

WHEREAS, Smith is presently providing backhoe, bulldozer and front end loader services and operators for such equipment on a temporary basis to the District;

WHEREAS, the District and Smith desire to contract for the provision of backhoe, bulldozer and front end loader services and operators for those services to assist as needed in the operation and maintenance of the District Sewerage System;

IT IS NOW, THEREFORE, AGREED AS FOLLOWS:

1. Upon request by the District, Smith will provide the equipment and operators described herein to the District at the following scheduled rates:

<u>Equipment description</u>	<u>Hourly rate</u>
1 1/2 yd. Front End Loader with operator	\$ <u>45.00</u>
Bulldozer with operator	<u>45.00</u>
Loader/Backhoe with operator	<u>40.00</u>
7 yd. Dump truck/trailer combo with operator	<u>30.00</u>
7 yd. Dump truck with operator	<u>30.00</u>
Track Excavator	<u>150.00</u>
Vibra Plate	<u>35.00 (Day Rate)</u>

2. The District will contact Smith by telephone to schedule equipment and operators. The District will contact Smith at the following telephone numbers:

Charles Smith	667-3385
Paul Butler	274-0831

In an emergency, the District can contact Smith as follows:

Charles Smith	667-3385
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3. For each call to a job site on weekdays, between 7:30 a.m. and 4:00 p.m. Smith will charge a four hour minimum for all equipment requested by the District and moved to a site. If the time involved (including mobilization time to the site) exceeds four hours Smith will charge eight (8) hours for all equipment moves to the site. For calls on weekdays between 4:00 p.m. and 7:30 a.m., weekends and holidays observed by the District, Smith will charge eight (8) hours for any equipment requested by the District and moved to a job site.

4. Smith shall maintain accurate records of time, equipment and operators for each site. Smith shall submit a monthly statement ten (10) days following the close of each month to the District. The monthly statement will show date and location of service, equipment used, hourly rate, days worked, hours worked and manpower charges and total cost for each piece of equipment. Upon satisfactory review, District shall promptly pay such statement.

5. Smith will provide equipment to the site within three (3) hours of a call or as scheduled by District.

6. Smith will ensure that all personnel and equipment supplied to a job site are appropriately equipped with all safety devices.

7. Smith shall ensure that all personnel supplied to a job site are appropriately attired. In particular, any articles of clothing displaying a picture or slogan relating to politics, drugs, sex, alcohol or offensive language will not be acceptable.

8. Equipment operators working on a job site will assist MSD personnel when not operating equipment. Equipment operators will perform such tasks as designated by the District Site Supervisor in order to complete the project. Equipment operators, when assisting MSD personnel and not operating equipment, will be reimbursed at the hourly rate specified in Paragraph No. 1. Notwithstanding the provisions of this paragraph, equipment operators will, at all times, be employees of Smith.

9. Smith is responsible for ensuring that all personnel supplied to a job site conduct themselves in a safe and professional manner.

10. Smith hereby certifies that equipment operators and other personnel in his employ are covered by worker's compensation insurance. Smith further certifies that he has in full force and effect general liability insurance with coverage amounts equal to _____. Smith will provide Certificates of insurance to the District at the time of execution of this contract.

11. Smith certifies that he has all appropriate licenses necessary in the State of North Carolina for operation of his equipment and that all persons in his employ are appropriately licensed to operate the equipment to which they may be assigned.

12. Smith agrees to indemnify and hold the District harmless for injury to person or property proximately resulting from the negligence of Smith or his employees.

13. This Agreement shall be in effect until June 30, 1992 or until terminated by mutual agreement of the parties.

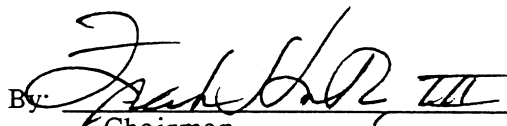
14. The District and Smith shall have the right to cancel this contract on thirty (30) days written notice. Notice of termination to the District shall be as follows:

Ann Laveck
Metropolitan Sewerage District
P. O. Box 8969
Asheville, NC 28814

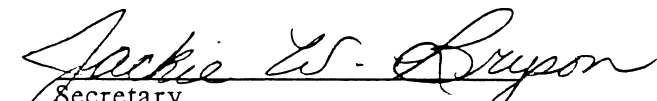
Notice of termination to Smith shall be as follows:

Charles Smith
115 Sardis Road
Asheville, NC 28806

METROPOLITAN SEWERAGE DISTRICT

By: 
Chairman

ATTEST:


Secretary

_____(SEAL)
Charles Smith

METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY, NORTH CAROLINA

IN RE:

ORDER OF THE DISTRICT BOARD
OF THE METROPOLITAN SEWERAGE DISTRICT

BLUE RIDGE PLATING AND BILL JOE BENFIELD

THIS MATTER having come on to be heard and being heard before the undersigned hearing officers on August 19, 1991, upon a Notice of Hearing filed by the Metropolitan Sewerage District on July 19, 1991 and received by Blue Ridge Plating and Bill J. Benfield on July 22, 1991, and upon the submission of evidence and the hearing of testimony, these hearing officers make the following:

FINDINGS OF FACT

1. That this matter came on for hearing pursuant to Section 15.06 of the Sewer Use Ordinance of the Metropolitan Sewerage District of Buncombe County, North Carolina (Sewer Use Ordinance.)

2. That the Notice of Hearing was stipulated to by the parties for a hearing to be scheduled initially August 8, 1991, and subsequently continued to August 19, 1991 at 2:30 p.m.

3. That the hearing came on as a result of the conviction, in the United States District Court for the Western District of North Carolina, of Bill J. Benfield and Blue Ridge Plating, Inc. for violations of the Federal Water Pollution Control Act and Regulations promulgated thereunder. It was the District's position that the actions constituting violations of the Federal Water Pollution Control Act and Regulations promulgated thereunder were also violations of the Sewer Use Ordinance. A copy of the Notice of Hearing is attached hereto.

4. In the Notice of Hearing, the District proposed to temporarily and permanently seal access to the District Sewerage System by Blue Ridge Plating.

5. The District issued an Administrative Order on July 18, 1991 prohibiting any discharge from Blue Ridge Plating to the District Sewerage System. The District cited as a reason for the prevention of any further discharge, the need to protect its Treatment Plant and to prevent future discharges of industrial waste from Blue Ridge Plating. A copy of the Administrative Order is attached hereto.

6. Monty Payne, Industrial Waste Coordinator for the Metropolitan Sewerage District, testified that his position as Industrial Waste Coordinator is to protect the plant from heavy metals and that he is familiar with Bill J. Benfield and Blue Ridge Plating and their history with the Metropolitan Sewerage District.

7. A chronological summary of the District's portion of the history with Blue Ridge Plating and Bill J. Benfield was introduced into evidence. The chronological summary showed in part that Blue Ridge Plating and Bill J. Benfield were cited for violations of the Sewer Use Ordinance and Blue Ridge Plating's Permit to Discharge Industrial Waste in October and December of 1983; that the MSD instituted a civil action to prevent further discharges by Benfield and Blue Ridge Plating to the District's Sewerage System in 1984; that said action was resolved with an Agreement by Blue Ridge Plating to change its manufacturing process so that it would not discharge industrial waste to the District Sewerage System. In 1989 and 1990, MSD

sampled the sewer line below the Blue Ridge Plating facility and found metals in the following concentrations on the following dates:

Date	Cadmium	Zinc	Chromium	Copper
2/14/89	10.96 mg/l	4.53 mg/l	13.36 mg/l	
2/16/89	10.68 mg/l	22.16 mg/l	6.84 mg/l	
3/1/89		1.66 mg/l	3.08 mg/l	
10/28/89	2.14 mg/l	25.20 mg/l	9.52 mg/l	1.33 mg/l
1/25/90	4.12 mg/l	6.32 mg/l	4.81 mg/l	

8. During the period of these discharges, Blue Ridge Plating and Bill J. Benfield had no Permit to Discharge Industrial Waste from MSD or the State of North Carolina.

9. The District notified the Federal Bureau of Investigation regarding discharges into the District Sewerage System. The FBI proceeded with a criminal investigation of Bill J. Benfield and Blue Ridge Plating. The FBI, in the course of its investigation, discovered evidence tending to show that Bill J. Benfield and Blue Ridge Plating were discharging industrial waste to the District Sewerage System without a Permit to Discharge. That as a result of the FBI investigation, Blue Ridge Plating and Bill J. Benfield were indicted and tried before a judge and jury in the United States District Court for the Western District of North Carolina, the week of July 8, 1991; that the jury found that Blue Ridge Plating Company and Bill J. Benfield willfully, knowingly and intentionally discharged wastewater containing excessively high levels of heavy metals to the District Sewerage System in violation of the Federal Water Pollution Control Act and regulations promulgated thereunder.

10. That Benfield and Blue Ridge Plating discharged industrial waste without a Permit to Discharge Industrial Waste in levels greater than the District's allowable levels; that the District has a need to protect its Treatment Plant and its users from such violations; that Blue Ridge Plating and Bill J. Benfield have the potential for future discharges into the system; that while the District does not have evidence of discharges in violation of the Clean Water Act or the Sewer Use Ordinance since January of 1990, Blue Ridge Plating and Bill J. Benfield have the potential to discharge harmful and hazardous chemicals into the District Sewerage System.

11. That according to testimony of Bill J. Benfield, Blue Ridge Plating continues to do plating work.

12. That the plating process requires the use of substantial amounts of water including some 77 tanks which hold 10,000 gallons of water; that Bill J. Benfield testified that not all of this water is evaporated and cannot be under the system of fans and evaporation that they have on the premises of the plant.

13. That Bill J. Benfield has taken substantial actions to comply with the Order of no further discharge into the District Sewerage System, such as sawing in half, cutting and capping the discharge pipe, placing port-a-johns on the premises, and using hot tanks and fans to evaporate the fluids.

14. That such actions indicate that Blue Ridge Plating and Bill J. Benfield have no need for the District Sewerage System and that the permanent cementing by the District of any access to the District Sewerage System by Blue Ridge Plating and Bill J. Benfield would not be harmful to either party nor make any difference in their operation.

That based on the foregoing FINDINGS OF FACT, the Hearing Officers make the following CONCLUSIONS OF LAW:

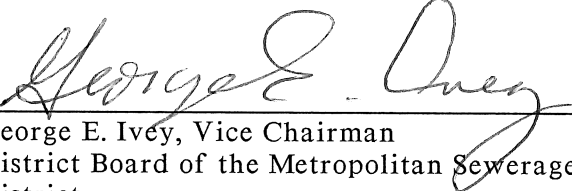
1. That this action was properly brought on pursuant to Section 15.06 of the MSD Sewer Use Ordinance and properly noticed to all parties.

2. That the Hearing Officers have jurisdiction to hear the testimony and review the evidence of the parties in this matter.

3. That Blue Ridge Plating and Bill J. Benfield failed to show cause why the District should not proceed to permanently seal off access to the District Sewerage System.

Based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the recommendation of the Hearing Officers that the Metropolitan Sewerage District proceed to permanently seal, by cement or other means, any and all access that Blue Ridge Plating and Bill J. Benfield may have to the District Sewerage System of the Metropolitan Sewerage District is hereby adopted by The District Board of the Metropolitan Sewerage District and this Order is entered pursuant to Section 15.07 of the Sewer Use Ordinance.

This the 17th day of September, 1991.


George E. Ivey, Vice Chairman
District Board of the Metropolitan Sewerage
District

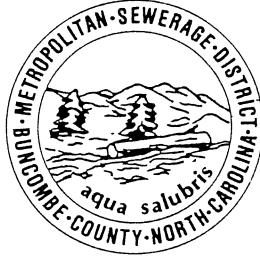
MSD

Metropolitan Sewerage District of Buncombe County, North Carolina

W. H. Mull, P.E., Engineer-Manager
P.O. Box 8969, Asheville, N.C. 28814
Telephone: Area Code 704-254-9646

Telecopier (704) 254-3299

John S. Stevens, General Counsel



Frank S. Smith III, Chairman
M. Leon Williams, Vice-Chairman
Steven T. Aceto
Jackie W. Bryson
M. Wayne Edwards
George E. Ivey
Richard P. Maas
Diane K. McDonald
Charles W. Penny
Marvin E. Waddey
Carolyn R. Wallace

Collection System Division
81 Thompson Street
Asheville, NC 28803
Phone # 255-0061
FAX # 251-9040

AGREEMENT

SIGNATURE BELOW DENOTES AGREEMENT AS FOLLOWS:

THAT THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA AGREES TO PAY SUPER EIGHT INVESTMENTS (OWNERS) \$2,700.00 IN RENT FOR THE PROPERTY LOCATED AT THOMPSON STREET AND DECATUR STREET TO COVER THE PERIOD FROM SEPTEMBER 18, 1991 TO MARCH 18, 1992.

BOTH PARTIES AGREE THAT THIS LOT IS TO BE USED FOR MATERIAL STORAGE AND PARKING DURING THAT PERIOD. SUPER EIGHT INVESTMENTS RESERVES THE RIGHT TO PARK NOT MORE THAN THREE (3) 45 FOOT TRAILERS ON THE PROPERTY DURING THIS RENTAL PERIOD.

METROPOLITAN SEWERAGE WILL HAVE THE OPTION OF AN ADDITIONAL SIX MONTHS USAGE OF THE PROPERTY AT THE SAME RATE OF RENT (\$2,700.00) IF THE PROPERTY IS STILL NEEDED ON MARCH 18, 1992.

W.H. MULL, ENGINEER-MANAGER, M.S.D.

BOB JOLLEY, SUPER EIGHT INVESTMENTS