

BOARD OF THE METROPOLITAN SEWERAGE DISTRICT
JANUARY 15, 1997

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 Wednesday, January 15, 1997. Chairman Post presided with the following members present: Bryson, Casper, Holcombe, Joyner, Kelly, Pace, Selby, Slosman, Sobol and Wallace.

Others present included, W. H. Mull, General Manager, John S. Stevens, General Counsel, Bill Morris of Hendon Engineering Associates, Inc., Sandra Trivett, and Jim Fatland, Larry Turner, Sondra Honeycutt, MSD.

2. Approval of Minutes of December 18, 1996 meeting.

Ms. Bryson moved that the minutes of the December 18, 1996 meeting be approved as presented. Mr. Pace seconded the motion. Voice vote was unanimous in favor of the motion.

3. Update on Landfill Gas:

Mr. Mull reported that the draft contract with Asheville Landfill Gas is ready for signature following review by Walter Currie, Attorney for the District. He further reported that the cost of the gas is revised to read, \$1.60 for the first 16mmbtu's and \$.86 thereafter. The cost of flared gas remains the same at \$.07 per mmbtu, with all contract risks to the District eliminated. A lengthy discussion followed with regard to how the gas is captured; how it will be used; if the gas is efficient; the length of the contract; the difference in cost of landfill gas compared to natural gas, and when the District will determine any savings from its use. Mr. Post thanked Mr. Currie, Mr. Morris and Mr. Mull for their work on this contract.

4. Report on Woodfin Planning & Zoning Meeting:

Mr. Mull reported that staff attended a meeting of the Woodfin Board of Adjustment to request a Conditional Use Permit for structures at the Burlington facility. In addition, staff requested a relief from the 50 foot setback provision to 20 feet. Following a presentation by Mr. Con Dameron, Architect for the project, the Woodfin Board unanimously granted both requests. Mr. Mull stated that the presentation by the Architect was excellent. Ms. Bryson complimented both Mr. Dameron and Mr. Mull for their presentations.

5. Planning Retreat Agenda:

Mr. Mull presented a proposed list of agenda items for the Planning Retreat, scheduled for February 1, 1997. A lengthy discussion followed regarding each item with suggestions for change and allotted times for each. In particular, the Board discussed the need for the District to schedule roundtable discussions with the Buncombe County Commission to review what the District is doing. Also, the Board discussed whether to include Sewer Extensions as an agenda item. Mr. Selby moved that this issue be placed on the agenda. Mr. Holcombe seconded the motion. Voice vote was in favor of the motion. The following two (2) items were pulled from the proposed agenda for further discussion:

a. Avery Creek Sanitary Sewer District:

Mr. Mull reported that Avery Creek Sanitary Sewer District is located outside the MSD boundary, but the District treats its wastewater through two (2) interceptor sewers and sewers built by the County.

He further reported that each connection to the system requires an individual contract with the District. Also every person must pay the District's facility fees and an Avery Creek tap fee. As a result, the District would like to either have one contract with Avery Creek, such as the contract with Cane Creek District in Henderson County, or have Avery Creek abolish itself and petition under the County Commission to become part of the District. Mr. Mull proposed that Counsel review the District's contract with Cane Creek, modify it as necessary, and present it to Avery Creek for execution. A discussion followed regarding the size of the area in question; the number of customers; whether Avery Creek would have representation on the District Board; if the District maintains the sewerlines, and whether it plans to fund future upgrades of the two (2) pump stations that serve Avery Creek. Mr. Casper suggested that staff consider the options and bring a recommendation back to Board. With no further discussion, the Board agreed that this item remain as an agenda item for the Planning retreat.

b. Septage Dump Site:

Mr. Mull reported that the District currently has a septage dump site located under the Smoky Park Bridge. However, because there is very little control over the site, staff is looking at a new location at either the treatment plant or the County's transfer station, which is more centrally located. Mr. Turner stated that the septic haulers recently met and that the main issues are revenue and control. Currently a team consisting of staff and some septic haulers is in the process of investigating how other municipalities handle their waste. He further stated that septic haulers have indicated that they do not like the idea of a site at the treatment plant because of the additional distance. With no further discussion, the Board agreed that this issue be placed on a future agenda of the Planning Committee and removed as an item from the Planning Retreat agenda.

6. Old Business:

a. Consideration of Approval of Funds for a Transformer for the Treatment Plant.

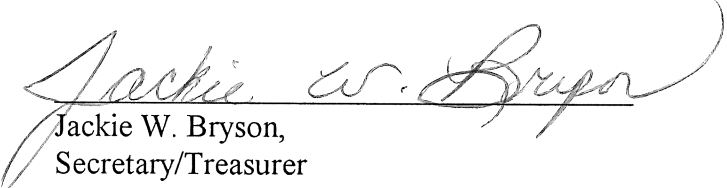
Mr. Mull reported that the CP&L facilities that serve the treatment plant and who purchase power from the District's Hydro Electric plant will require a larger transformer. He further reported that as a result of plant expansion and bringing new equipment on line, the District has occasionally peaked and exceeded the current transformer's capacity. During the past several months' negotiations have taken place with CP&L and the final agreement is for the installation of a 5000kba transformer to replace the 2500kba transformer. The new transformer will require a contribution of \$68,557.83 from the District, funded out of the Equipment Replacement Fund, with the monthly facility charges increasing to \$665.00. A brief discussion followed regarding reasons for the monthly charge, and whether this action is authorized under applicable tariffs of the Utilities Commission. With no further discussion, Mr. Selby moved that the Board approve the funds for a new transformer in the amount of \$68,557.83, subject to review and approval of District Counsel. Mr. Pace seconded the motion. Roll call vote was as follows: 10 Ayes; 0 Nays and 1 Abstention (Mr. Slosman, who was absent during the discussion).

7. New Business:

Mr. Post read a letter from the Buncombe County Board of Commissioners appointing Ms. Elizabeth Graham to a three-year term on the District Board. Ms. Graham was appointed to replace Ms. Carolyn Wallace. Mr. Post expressed the Board's appreciation to Ms. Wallace for her years of service to the District.

8. Adjournment:

With no further business, Mr. Slosman moved for adjournment at 3:10 p.m. Mr. Holcombe seconded the motion. Voice vote was unanimous in favor of the motion.


Jackie W. Bryson,
Secretary/Treasurer

RESOLUTION AMENDING
1996-97
OPERATION AND MAINTENANCE FUND BUDGET

WHEREAS, the Board of the Metropolitan Sewerage District of Buncombe County, North Carolina adopted its Operation and Maintenance Fund Budget on June 12, 1996; and

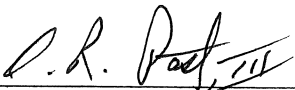
WHEREAS, the District Board received and accepted its Comprehensive Annual Financial Report for the fiscal year ended June 30, 1996 on December 18, 1996; and

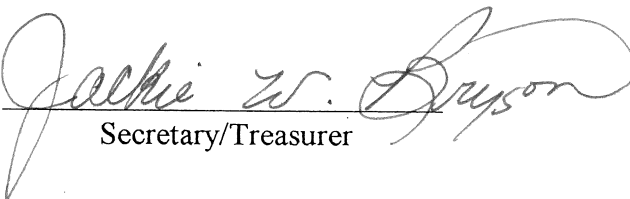
WHEREAS, the District has a Reserve for Encumbrances totaling \$312, 584, which in accordance with generally accepted accounting principles should be reflected in a budget amendment; and

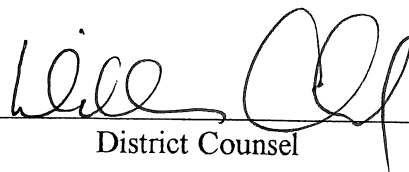
NOW, THEREFORE, BE IT RESOLVED:

That the Board of the Metropolitan Sewerage District of Buncombe County does hereby approve an increase in the Operation and Maintenance Fund Budget from \$9,781,716 to \$10,094,300.

Adopted this 18th day of December, 1996.

APPROVED: 
Chairman

ATTEST: 
Secretary/Treasurer

APPROVED AS TO FORM: 
District Counsel

TOWN OF WOODFIN

CONDITIONAL USE PERMIT GRANTED

On January 13, 1997 the Planning and Zoning Adjustment Board for the Town of Woodfin met and held a public hearing to consider the following application.

Applicant: Metropolitan Sewerage District (MSD)

Property Location: 2000 Riverside Drive 9730.09-16-2112 and 9730.09-17-1242
Street Address & Tax Map #

Zoning District: H-I Heavy Industrial

Proposed Use of Property: New Maintenance Operations Facility - Group
Development

Having heard all the evidence and argument presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Woodfin Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance and the following conditions:

- (1) The applicant shall conform to the requirements set forth and approved by this Board, a copy of which is filed in the Zoning Administrator's Office. The requirements include all listed provisions found in Sections 150.136 and 150.137(K) of the Town of Woodfin Zoning Ordinance.
- (2) A twenty foot front yard setback was granted in lieu of the required fifty foot front yard setback due to the unique location of the proposed group development.
- (3) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be held void and of no effect.

IN WITNESS WHEREOF, the Town of Woodfin has caused this permit to be issued in its name, and the undersigned, being all of the property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

ATTEST:

TOWN OF WOODFIN

Cheryl Mears
Cheryl Mears, Town Clerk
Town of Woodfin

By Barbara R. Lamb
Secretary of Planning and
Zoning Adjustment Board

I, Metropolitan Sewerage District, owner(s) of the above identified property, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner(s) do further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

W.H. Mull
Owner

O.R. Post III
Owner

I, Marsha S. Kiser, a Notary Public in and for the State of North Carolina and County of Buncombe, do hereby certify that W.H. Mull and O.R. Post III personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 21st day of January, 1997.

Marsha S. Kiser
Notary Public

My commission expires:

10-24-01

Town Seal

(Not valid until fully executed)