

NEW PROPOSAL TO COVER CONTRACT TO HANDLE GERBER WASTE PRESENTED BY MR. DOLOBOFF, CONSERVCO CORP. QUESTION OF WHETHER MSD CAN EXTEND BOUNDARIES BY RESOLUTION OR ORDINANCE TO BE SUBMITTED TO BOND COUNSEL FOR THEIR OPINION.

MSD NOT TO TAKE OVER ALL COUNTY SEWERS AT THIS TIME.

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the Board Room 501, City Building, Asheville, North Carolina at 2:00 p. m. on Tuesday, April 21, 1970.

Chairman Peterson called the meeting to order and Mrs. Swicegood, Secretary, called the roll with the following members present: Mr. Peterson, Mr. Garrison, Mrs. Swicegood, Mr. Dawson, Mr. Clark, Mr. Liles, Mr. Martin, Mr. Robinson, and Mr. Williams.

Mr. James C. Liles, representing the City of Asheville as a new member of the Metropolitan Sewerage District Board, was sworn in by Hazel W. Barker, Assistant Clerk of Superior Court.

The members having received copies of the previous minutes of February and the Special meeting in March, 1970, Mr. Dawson moved and Mr. Williams seconded the motion that both be approved as recorded. This motion was carried unanimously.

Mr. Jack Doloboff, representing Conservco Corporation, submitted a new proposal to cover contract to handle waste from Gerber Screening Plant. He also presented a sheet showing averages for pick-ups to MSD for a 5-month period and the new cost. He stressed some of the problems he now has but thinks they can be worked out satisfactorily both to his company and the MSD. He stated he needed to know if he will continue to haul for the MSD, if so, he will buy a new truck. Mr. Peterson suggested that he and Mr. Johnson work the matter out and present it to the Board next month.

Mr. Johnson, Engineer-Manager, in his communications report presented a memorandum from Mr. R. R. Buirgy to Mr. J. N. Golding, City Attorney, and Mr. W. M. Styles, County Attorney, relating to the repair of the sanitary sewer along Old County Home Road. Also a memorandum to himself from Mr. Redmond, Attorney for MSD, giving his legal opinion of whether the MSD can extend boundaries by resolution or ordinance. The attorney's opinion was that the boundaries cannot be extended by this procedure. Mr. Redmond stated the Bond Resolution is the sole guide as to what the MSD can do with its money and its provisions must necessarily be strictly construed. He believes it would be questionable that the MSD could use funds to finance any replacements, repairs, maintenance or construction to any facility which had not been financed by the Bond Issue authorized by the Bond Resolution and that the expenditures for improvements, enlargements or replacements is restricted to such improvements, enlargements or repairs related specifically to the facilities financed by the \$10,400,000 Bond Issue. Mr. Redmond recommended that the entire question be submitted to Bond Counsel for their opinion.

Mr. Hendon was asked for his opinion on this matter and he stated that an "off-cuff" opinion was that these houses in the disputed area are no different from any house in the City of Asheville, but qualified this statement by requesting the Board to give him 45 minutes at the next Board meeting to present a prepared statement.

Mr. Robinson moved the adoption of Mr. Redmond's recommendation and Mrs. Swicegood seconded the motion. This motion was passed unanimously.

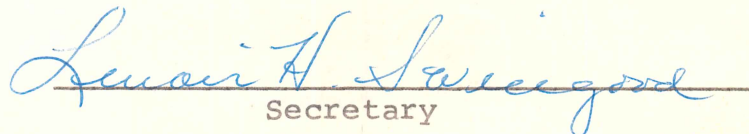
Regarding the MSD taking over all county sewers, Mr. Johnson was instructed to inform Mr. Greenwood that the MSD would not consider taking them over at this time but the possibility would be re-considered at a later time.

Mr. Johnson was instructed to proceed with the repaving of the road at our Weaverville Plant.

Mr. Johnson requested any suggestions pertaining to the 1970-71 budget. Chairman Peterson suggested that a preliminary budget be prepared and referred to the Budget Committee and this Committee present it to the Board at the next meeting.

There being no further business, the meeting adjourned at 3:30 p. m.

April 21, 1970


Secretary