

MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

NOVEMBER 26, 1974

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the old Office of the Junior Chamber of Commerce on the First Floor, City Hall, Asheville, North Carolina at 2:00 p. m. on Tuesday, November 26, 1974.

Chairman Robinson called the meeting to order and Mrs. Swicegood, Secretary, called the roll with the following Board members present: Mr. Clark, Mr. Dawson, Mr. Robinson, Mr. Dent, Mrs. Swicegood, Mr. Hyatt and Mr. McDevitt.

In addition to the Board Members the following staff members and consultants were present:

Mr. Anthony Redmond  
Mr. L. E. Hoffmann  
Mr. W. H. Mull  
Mrs. Patsy Hoglen  
Mrs. Linda Duncan

The members having received copies of the previous Minutes of the October 15, 1974 meeting, Mr. Dawson moved and Mr. Clark seconded the motion that they be recorded as approved. This motion was carried unanimously.

Mr. W. H. Mull, Engineer-Manager, gave a report on the following items:

- (a) Complaint received from Mrs. William Buchanan regarding use of access road to Weaverville Plant. Mr. Mull introduced Mrs. Buchanan to the Board. Mrs. Buchanan read letters of complaints (Copies Attached) on a house trailer on the MSD property at the Weaverville Plant site. The letters were from the following residences which live on the New Stock Road, and had sold MSD the right-of-way for the road: Mr. & Mrs. William Buchanan, Mr. & Mrs. James Felton Stephens, Mr. & Mrs. A. J. Rivers, Jr., Mrs. Ida Gregg. Chairman Robinson stated that the board would look into the matter. Chairman Robinson appointed Mr. Clark and Mr. McDevitt, as a committee, to check into the matter.
- (b) Resolution Amending FY74-75 Operation and Maintenance Budget to cover increased costs of power and chemicals. (Resolution and Consulting Engineer's statement attached) Mr. Redmond ask Mr. Dawson to sponsor the resolution as he read the resolution. Mr. Dawson moved the adoption of the resolution and Mr. Clark seconded the motion. Roll call vote was unanimous.
- (c) Recommendation to purchase Industrial Wastes Monitoring Van. Mr. Mull gave a copy of the bids to the board members and stated that the low bid was \$4,150.00 from Dorato Motors, and he recommended that the board accept the low bid and be authorized to purchase the Van. Mr. Clark made the motion to accept the Van and Mr. Hyatt seconded the motion. Roll call vote was unanimous. (Copy of bids attached).
- (d) Recommendation to replace 3/4 Ton Pickup Truck. Mr. Mull stated that, after discussion, it was decided to reject the bids received because another type truck was needed and the specifications were different. The type truck needed would be to carry five people, with four forward speeds. Mr. Mull ask permission to readvertise for bids, and permission to accept lowest responsible bid after opening all bids. Mr. Dawson moved the motion and Mr. Dent seconded the motion. Roll call vote was unanimous. Mr. Robinson stated that three members of the Board attend the bid opening.

- (e) Progress Report on Black Mountain Relief Sewer. Contract was awarded October 17, and work has commenced.
- (f) Progress Report on 201 Facilities Plan Application. Waiting for approval on grant.
- (g) ICP 440 Copier. A Xerox machine has replaced this 440 Copier and Mr. Mull has had an offer on the 440 Copier and would like to sell this machine. Mr. Mull has had one firm offer on machine and stated he would like to accept this offer with the board's approval without advertising for bids. Mr. Dent made the motion to authorize Mr. Mull to dispose of the machine and apply the proceeds according with our constitution. Mr. Hyatt seconded the motion. Roll call vote was unanimous.

Report of Committees:

- (a) Office Space and Employee Classifications - Mr. Dent. No office space has been found at present time. The Committee has met on personnel and aske the Engineer-Manager to draw up some guidelines on job discriptions on personnel.
- (b) User Charge Ordinance - Mr. Williams. Various meetings have been held by the Committee Final draft will be presented on December 17, 1974. Special workshops have been scheduled for the near future.
- (c) North Carolina Water Pollution meeting at Pinehurst was attended by Mr. Redmond and Mr. Mull. A report was given on the meeting by Mr. Redmond.

Unfinished Business:

- (a) Consideration of Resolution from Buncombe County Commissioners regarding "Brookwood Special Use District" - Mr. Redmond. (Copy Attached) Mr. Redmond discussed the resolution and give legal requirements on MSD's part in the acceptance of the resolution as part of the District. Mr. Robinson, Chairman, ask the board if it was with their approval that the Consulting Engineer and Mr. Mull come forth with their recommendation of accepting this District. Mr. Dent moved the motion and Mr. Hyatt seconded the motion. Vote was unanimous.
- (b) "Permit Application" for the discharge of Industrial Wastes into the MSD system. After discussion, Mr. McDevitt asked the question on Number 4, and stated that he would like a change to the Name and Address of "User" instead of "Owner." Mr. McDevitt moved the adoption of the Permit Application with the change to be included, and Mr. Dent seconded the motion. Vote was unanimous.
- (c) Section 208 Planning.

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

November 26, 1974

  
Secretary

MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

DECEMBER 17, 1974

The regular monthly meeting of the Metropolitan Sewerage District Board was held in the old office of the Junior Chamber of Commerce on the First Floor, City Hall, Asheville, North Carolina at 2:00 p. m. on Tuesday, December 17, 1974.

Chairman Robinson called the meeting to order and Mr. Mull, Engineer-Manager, called the roll with the following members present: Mr. Clark, Mr. Dawson, Mr. Robinson, Mrs. Swicegood, Mr. Hyatt, Mr. Williams and Mr. McDevitt.

In addition to the Board Members, the following staff members and consultants were present:

Mr. Anthony Redmond  
Mr. L. E. Hoffmann  
Mr. Donald Newton  
Mr. W. H. Mull  
Mrs. Patsy Hoglen  
Mrs. Linda Duncan

The members having received copies of the previous Minutes of the November 26, 1974 meeting, Mr. Robinson moved the motion and Mr. McDevitt seconded the motion that they be recorded as approved. This motion was carried unanimously.

Mr. W. H. Mull, Engineer-Manager, gave a report on the following items:

- (a) Progress Report on Black Mountain Relief Sewer. The job is about 30% complete. The materials are 100% on the job. The following Resolution is for the State Grant. The Federal Grant has already been approved.

RESOLUTION OF THE METROPOLITAN SEWERAGE

DISTRICT BOARD OF BUNCOMBE COUNTY

WHEREAS, The North Carolina Environmental Management Commission, at its November 21, 1974 meeting, approved and certified a State Grant Offer under the Clean Water Bond Act of 1971 to the Metropolitan Sewerage District of Buncombe County in the amount of \$9,726.00,

RESOLUTION amending the Annual Budget of the Metropolitan Sewerage District of Buncombe County for the fiscal year beginning July 1, 1974 and ending June 30, 1975

WHEREAS, it has been brought to the attention of the District Board chemicals required for the maintenance and operation of the treatment plants have increased considerably in cost and the provision therefore in the annual budget heretofore approved and adopted is insufficient to meet the cost of such chemicals for the remainder of the fiscal year, particularly by reason of the requirement of the Federal Government enacted in 1974 to chlorinate the effluent at the treatment plants; and

WHEREAS, because of the energy shortage and the continuing increasing price of power supplied to the treatment plants, it has been determined that the budgeted amount for power and lights for the current fiscal year is far below that which will be required to properly operate and maintain the sewerage system; and

WHEREAS, the Consulting Engineers of the District have recommended to the Board that the line item "Chemicals" in the annual budget for 1974-75 be increased from \$5,000 to \$25,000 and that the line item in the annual budget "Power and Lights" be increased from \$86,000 to \$186,000; and

WHEREAS, the Consulting Engineers have given their written approval to an amendment to the annual budget to so increase the line items above referred to;

NOW, THEREFORE, BE IT RESOLVED that the annual budget of the Metropolitan Sewerage District of Buncombe County, N. C. for the fiscal year beginning July 1, 1974 and ending June 30, 1975 be and the same is hereby amended for the remainder of said fiscal year so as to increase the line item in the budget entitled "Chemicals" from \$5,000 to \$25,000 and the line item "Power and Lights" from \$86,000 to \$186,000.

BE IT FURTHER RESOLVED that, pursuant to the requirements of Section 506 of the Bond Resolution, a certified copy of this resolution be filed with the Trustee and copy thereof mailed to the Local Government Commission of the State of North Carolina and the Consulting Engineers.

I move the adoption of the foregoing resolution.

Seconded:

Adopted this 26th day of November, 1974

George F. Dawson  
Ben Clark

Lewis H. Swigard  
Secretary

APPROVED:

Harry Hendon & Associates, Consulting Engineers

By: Lew Hoffmann  
Lew Hoffmann

RESOLUTION OF THE METROPOLITAN SEWERAGE

DISTRICT BOARD OF BUNCOMBE COUNTY

WHEREAS, The North Carolina Clean Water Bond Act of 1971 has authorized the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, and

WHEREAS, The Metropolitan Sewerage District of Buncombe County, N. C. has been designated Lead Agency to apply for Federal and/or State grants for the purpose of preparing a Facilities Plan in the Metro-Buncombe Designated Section 201 area, as provided in Public Law 92-500, and

WHEREAS, The Metropolitan Sewerage District of Buncombe County intends to prepare a Facilities Plan in accordance with Section 201 of P. L. 92-500 to determine wastewater collection and treatment needs and construction priorities, and

WHEREAS, The Metropolitan Sewerage District and/or the participating local units of government intend to construct any facilities for which federal and state funds are requested in accordance with the approved Section 201 Facilities Plan, and

WHEREAS, The Metropolitan Sewerage District of Buncombe County intends to request State grant assistance for the project,

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY:

That the District will arrange financing for all remaining costs of the project, if approved for a State grant award.

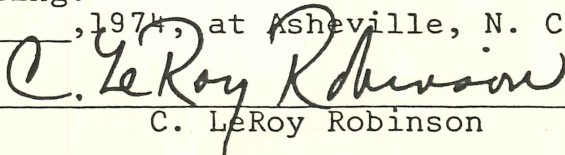
That the District will provide for efficient operation and maintenance of any facilities which may be constructed by the District as a result of the approved Section 201 Facilities Plan.

That formal approval is hereby given to the action taken by W. H. Mull, Engineer-Manager, on September 30, 1974, in his execution and filing of an application on behalf of the Metropolitan Sewerage District with the State of North Carolina for a grant to aid in the preparation of a Section 201 Facilities Plan.

That W. H. Mull, Engineer-Manager, is hereby authorized and directed to furnish such lawfully required information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application, grant offer, or grant award.

That the District has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto; and hereby authorizes the above designated representative to execute an affidavit so stating.

Adopted this the October 15, 1974, at Asheville, N. C.

  
C. LeRoy Robinson

Chairman

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Title

TO THE CHAIRMAN AND MEMBERS OF THE METROPOLITON DISTRICT  
SEWAGE BOARD

AT THE MEETING, MR. & MRS. W.M. BUCHANAN, MR. & MRS. A.J. RIVERS, JR. ATTENDED BEFORE THE PROPERTY AND RIGHT OF WAY WAS ACQUIRED, I, W.M. BUCHANAN ASKED MR. JOHNSON, CHAIRMAN OF THE BOARD IF ANY ONE WOULD LIVE THERE. HIS ANSWER WAS 'NO', THEY ONLY WANTED TO BUILD AND MAINTAIN THE PLANT, AND THERE WOULD ONLY BE A SERVICE TRUCK THREE OR FOUR TIMES A DAY. I ALSO ASKED FOR A GATE TO BE INSTALLED WHICH MR. JOHNSON AGGREGED TO. ALSO AFTER EACH MAINTANCE TRIP THE GATE WAS TO BE LOCKED. WHILE THE PLANT WAS BEING BUILT THE CONSTRUCTION ENGINEER CHAPMAN BROUGHT A HOUSE TRAILER IN. I ASKED MR. JOHNSON ABOUT IT. HE INFORMED ME THAT HE WAS ONLY USING IT FOR AN OFFICE, AND NO ONE WAS LIVING IN IT.

NOW YOU HAVE BROUGHT IN A HOUSE TRAILER WITH PERMANENT RESIDENTS, WHICH HAVE CAUSED NOTHING BUT TROUBLE AND A CONSTANT NUSIANCE SINCE .

LISTED BELOW ARE SOME OF MY COMPLAINTS:

AT FOUR AM ONE MORNING MY NEIGHBOR CALLED ME AND INFORMED ME THAT MY MAILBOX HAD BEEN TORN DOWN BY A CAR THAT HAD GONE DOWN THE DRIVEWAY. THE MAN'S WIFE AND CHILD WAS RUNNING DOWN THE DRIVEWAY, CREAMING "WHERE DID HER HUSBAND GO? WE CALLED THE SHERIFFS DEPARTMENT, WHEN THE DEPUTY'S ARRIVED, THE DRIVER AND HIS PASSENGER RAN DOWN TOWARD REEMS CREEK. THE DEPUTY SEARCHED THE CAR FINDING TWO BOTTLES OF LIQUOR AND A CASE OF BEER. THEY HAD THE CAR TOWED IN. MY MAILBOX WAS ERRECTED ON A BRICK COLOUR. WITH REDWOOD PLATFORM ALONG WITH MR. J.R. LACKEY'S MAILBOX. AS YET WE HAVEN'T BEEN REIMBURSED FOR THE DAMAGE.

AS YOU KNOW THIS IS A ONE LANE ROAD. YOUR TENANTS RAN ME OUT OF THE ROAD TWICE. I COMPLAINED TO MR. JOHNSON, HE SAID HE WOULD PUT UP SLOW SIGNS, WHICH HE DID. BUT THIS HASN'T SLOVED ANYTHING. THESE PEOPLE HAVE RUN MY WIFE AND SON , ON ANOTHER OCASSION, AT DIFFERENT TIMES, OUT OF THE ROAD.

ABOUT TWO MONTHS AGO MR. FELTON STEPHENS, WHO LIVES ON THIS SAME ROAD, CALLED ME AND ASKED ME WHAT WE COULD DO ABOUT TRAFFIC ON THIS ROAD. HE SAID HE AND HIS WIFE HAD TO LEAVE THE ROAD TO KEEP FROM BEING RUN OVER BY YOUR TENANTS.

SEPTEMBER 7, 1974 AT TEN THIRTY AM A JEEP CAME IN THIS ROAD WITH FOUR MEN IN IT, THEY DROVE TO THE TRAILER, GUN SHOT WERE HEARD AND A WOMAN CREAMED " NO-NO - NO! THEN THE JEEP CAME SPEADING OUT A WAY FROM THE TRAILER. WE CALLED THE SHERIFF'S OFFICE ABOUT THE INCIDENT.

THE ROAD IS LITTERED WITH BEER CANS. MY FAMILY AND I HAVE CLEANED THE DRIVEWAY SEVERAL TIMES.

ANOTHER NEIGHBOR CAME TO MY HOUSE AND ASKED MY WIFE AND MYSELF, WHAT IS GOING ON OVER THERE AT THAT TRAILER? THEY TOLD US THERE WAS FIFTEEN OR TWENTY CARS AT THE TRAILER. THERE IS SOMETHING GOING ON OVER THERE BESIDES JUST A FAMILY LIVING THERE. THERE HAVE BEEN SOME OF THE STRANGEST LOOKING CREATURES GOING OVER THERE, THAT I HAVE EVER SEEN IN MY LIFE. THERE ARE CARS, JEEPS, AND CAMPERS GOING TO THE TRAILER DAY AND NIGHT. ALSO CARS DRIVING IN THERE AT NIGHT WITH NO LIGHTS ON.

THIS PAST SPRING MR. A.J. RIVERS, FELTON STEPHENS, AND I WERE ON TOP OF THE HILL WAITING ON CUNNINGHAM TO COME FROM THE PLANT TO TALK TO HIM. WHEN CUNNINGHAM ARRIVED WHERE WE WERE, MR. RIVERS TOLD HIM THAT THERE WAS FIVE CARS WENT TO THE PLANT IN LESS THAN TWENTY MINUTES BEFORE HIS ARRIVAL, MR. RIVERS COMPLAINED ABOUT THE TRAFFIC IN THERE. CUNNINGHAM, DIDN'T ANSWER HIM. HE DID SAY THEY WERE GOING MOVE THE GATE AND PUT UP SLOW SIGNS.

THIS SPRING WHEN I WAS PLANTING MY GARDEN, YOUR TENANTS FRIENDS PASSED IN A WHITE 62 CHEVERLOTTE, YELLING INSULTS AND BEATING ON THE SIDE OF THE CAR AT ME. WHEN I STARTED FOR THE CAR AND THEY SPEED DOWN THE ROAD.

DURING THIS SUMMER MY DAUGHTERS WHILE SWIMMING AT MY HOUSE, WERE YELLED AT WITH SMART REMARKS FROM THE PASING CARS GOING OVER TO THE TRAILER.

GENTLEMEN, THE ONLY THING THAT WILL SATISFY ME NOW IS " FOR YOU TO LIVE UP TO YOUR COMMITMENT THAT NO ONE WILL LIVE ON THIS PROPERTY. MOVE THESE PEOPLE OUT!

*Wm Buchanan*

Oct. 15 1974

As I can't be here in person I'd like you to know it's getting more dangerous each day with all the speeding traffic abusing a private drive and littering. I moved here for the peace & quite of the country but since the trailer has been put in it's anything but that. It isn't safe for a child or adult either, to walk through my grounds. It is with my understanding that when the ground was donated for the plant nothing else was to have been put there. So therefore they have violated the privilege of the right away. It's a dead end drive, with private signs at the bottom of the drive, and I really don't see why so much traffic goes through. I don't know what goes on at the trailer but on the other hand I don't know why so much traffic need to go at all hours of the day & night. Mrs Ida Gregg

It is further our understanding that there was an oral agreement at the time of the sale of land to the Metropolitan Sewerage District from Mr. A. J. Rivers (from whom we also purchased our property on subject driveway) that there was never to be a residence on the property.

It is also our feeling that, since the sewerage plant has continued to be serviced by an outside person, the residence serves no purpose and should, therefore, be removed in order to relieve the excessive traffic situation on subject driveway.

Respectfully Submitted,  
James Hilton Stephens  
Mrs. Mary Diane Stephens

October 14, 1971

To Whom It May Concern:

Re: Driveway off New Stock Road leading to Metropolitan Sewerage Plant.

With this letter, we would like to register a complaint regarding traffic on subject driveway.

It is our opinion that the driveway is not sufficient in width to accommodate the amount of traffic brought upon it since the residence has been established at the sewerage plant. More than once, we have been literally "run out of the road" by visitors to the residence in question driving carelessly at a high rate of speed.



11-16-74

Dear Felton:

Regarding the matter of agreement concerning people living on the site of the sewage treatment property.

When the sale of the property was being made it was our understanding from Mr Johnston or Johnson that a gate would be placed across the road and kept locked and that only a service man would be on the road twice a day. In view of other things promised and not kept I am not surprised that the board has moved a family on to the property. There was no agreement that a family would live on the property thus creating a traffic problem on such a narrow road. This talk was with Greer Johnson + an Engineer -

Yours truly

A. J. Rivers, Jr.

Mrs. A. J. Rivers, Jr.

# MSD Metropolitan Sewerage District of Buncombe County, North Carolina.

W. H. Mull, P. E., Engineer-Manager  
P.O. Box 7157, Asheville, N. C. 28807  
Telephone: Area Code 704-255-5383



C. LeRoy Robinson, Asheville  
Chairman  
M. Leon Williams, Black Mountain  
Vice Chairman  
Mrs. R. M. Swicegood, Buncombe Co.  
Secretary  
George E. Dawson, Asheville  
Ben Clark, Weaverville  
Paul W. Warlick, Biltmore Forest  
William T. Goodson, Woodfin  
D. Frank Hyatt, Jr., Asheville  
Charles M. Dent, Buncombe Co.  
Larry S. McDevitt, Buncombe Co.

VAN BID OPENING  
November 25, 1974  
2:00 P. M.

Quality Used Cars 1137 Patton Ave. Asheville, N. C. 28806	\$4,653.32 Ford Series E200 Club Wagon
**Quality Used Cars 1137 Patton Ave. Asheville, N. C. 28806	\$3,340.50 Chevrolet Van Series 10
McMurry Chevrolet Company P. O. Box 578 Black Mountain, N. C. 28711	\$4,245.66 Chevrolet Sport Van
Apple Tree Chevrolet 205 Smoky Park Highway Asheville, N. C. 28806	\$4,159.43 Chevrolet Sports Van
*Dorato Motors, Inc. 860 Tunnel Road Asheville, N. C. 28802	\$4,150.00 Dodge Sportsman Wagon

\* Apparent low bidder.

\*\* Does not meet minimum Specifications.

RESOLUTION REQUESTING THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA TO INCLUDE THE BROOKWOOD SEWER SERVICE DISTRICT IN ITS OPERATIONS

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WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina was created and established by the North Carolina State Stream and Sanitation Committee by resolution adopted on January 19, 1962, pursuant to the provisions of the North Carolina Metropolitan Sewerage Districts Act, Chapter 153, Article 25, Sections 153-295 to 153-324 (said sections now a part of Chapter 162A of the General Statutes of North Carolina); and

WHEREAS, the Brookwood Sewer Service District was established by the Board of Commissioners for the County of Buncombe by resolution adopted on June 28, 1974, pursuant to Article 16, Chapter 153A of the General Statutes of North Carolina; and

WHEREAS, the Board of Commissioners for the County of Buncombe is the governing body of the Brookwood Sewer Service District pursuant to North Carolina General Statutes Section 162-65 (8); and

WHEREAS, the North Carolina Metropolitan Sewerage District Act under which the Metropolitan Sewerage District of Buncombe County was created, permits that District to make and enter into contracts or agreements with the governing bodies of any political sub-division upon such terms and conditions and for such periods as any such governing body and the District Board of the District may determine with respect to the collection, treatment and disposal of sewerage; and

WHEREAS, pursuant to North Carolina General Statutes Section 162A-68, this Board, as the governing body of the Brookwood Sewer Service District desires that the District Board of the Metropolitan Sewerage District of Buncombe County, North Carolina include the Brookwood Sewer Service District in its operation.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as the governing body of Brookwood Sewer Service District as follows:

1. That this Board respectfully requests that the District Board of the Metropolitan Sewerage District, Buncombe County, North Carolina include in its operation the Brookwood Sewer Service District.
2. That this resolution shall be effective upon its adoption.

Board of Commissioners for the  
County of Buncombe

By: R. Curtis Ralston  
Chairman

November 19, 1974

cc: Anthony Redmond, Attorney  
Metropolitan Sewerage District of Buncombe County, N.C.  
Files (CA-157(11)) (CA-157(8))  
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