

MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

SPECIAL MEETING

SEPTEMBER 4, 1979

A special meeting of the MSD Board for the purpose of discussing the North Carolina Department of Natural Resources and Community Development's letter of August 24, 1979, regarding damages for fish kill in the French Broad River September 8 and October 1, 1978, was held in the Boardroom of MSD's Administration Building at 2 p.m., Tuesday, September 4, 1979.

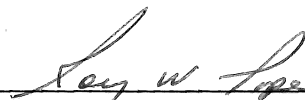
Chairman Robinson called the meeting to order, and Mrs. Crowe called the roll. In addition to Chairman Robinson, the following members were present: Messrs. Black, Boggs, Clark, Griffith, Hyatt, Pope, Smith, Warlick, and Williams.

In addition to the Board members, the following attorney and staff members were present: Mr. Anthony Redmond; Mr. W. H. Mull, Mrs. Jan Crowe, and Mrs. Linda Duncan.

Chairman Robinson read the meeting notice to the Board and then asked Mr. Mull to report to the Board regarding the State's allegations. After Mr. Mull's report, Mr. Williams moved that the Board enter Executive Session for the purpose of discussing the allegations and privileged information between Board and attorney. Mr. Black seconded the motion, and voice vote was unanimous. The Board entered Executive Session at 2:15 p.m.

At 2:55 p.m., Chairman Robinson reconvened the regular session. Mr. Boggs then moved that as a consequence of the Board's review of the letter of August 24 to Mr. Mull from the North Carolina Department of Natural Resources and Community Development the Board had found that they are without sufficient knowledge of the basis of determination reached by the writer of that letter that the Board, therefore, request Mr. Mull and Mr. Redmond to set up a meeting or meetings with the Environmental Management Commission to discuss this issue and advise the Board of their findings. Mr. Griffith seconded the motion, and roll call vote was unanimous.

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

  
Secretary

REPORT ON THE INCLUSION OF THE  
ENKA-CANDLER WATER AND SEWER  
DISTRICT IN THE METROPOLITAN  
SEWERAGE DISTRICT OF BUNCOMBE  
COUNTY, NORTH CAROLINA-AS  
REQUIRED BY G.S. 162A-68

FOR

THE METROPOLITAN SEWERAGE DISTRICT  
OF BUNCOMBE COUNTY NORTH CAROLINA

PREPARED BY  
HARRY HENDON AND ASSOCIATES, INC.  
CONSULTING ENGINEERS  
SEPTEMBER, 1979

REPORT ON THE INCLUSION OF THE ENKA-CANDLER  
WATER AND SEWER DISTRICT OF THE METROPOLITAN  
SEWERAGE DISTRICT OF BUNCOMBE COUNTY  
NORTH CAROLINA-AS REQUIRED BY G.S. 162A-68

1.0 General

The purpose of this report is to present the details required by G.S. 162A-68 for the Enka-Candler Water and Sewer District to be considered for inclusion in the Metropolitan Sewerage District of Buncombe North Carolina (MSD).

2.0 Map

The attached Exhibit A is a map of the District and adjacent territory showing the existing boundaries of the MSD and of the Enka-Candler Water and Sewer District. Also shown are the existing major interceptor sewers and proposed interceptor sewer extensions designed to serve the Enka-Candler Water and Sewer District.

3.0 Sewer Service Plans

In 1976 the MSD in conjunction with other affected governmental units in Buncombe and Henderson County completed a Section 201 Facility Plan in accordance with U.S. Public Law 92-500. One of the recommendations of this plan was to provide public sanitary sewer service to the developed areas of Hominy Valley. With financial participation of Buncombe County, the State of North Carolina (Clean Water Bond Funds) and the U.S. Environmental Protection Agency, the MSD proceeded with the detail plans and right-of-way acquisition for the extension of interceptor sewers to serve the more developed areas of Hominy Valley.

At the same time, Buncombe County took steps to insure that collection sewers would be built in conjunction with the interceptor sewers. To finance the collection sewers, the citizens of the area voted to form the Enka-Candler Water and Sewer District in accordance with Article 6 of Chapter 162A of the General

Statutes of North Carolina and at the same time voted in favor of a \$1,500,000 bond issue supplementing a State Grant in the Amount of \$500,000.

With the above described projects for collector and interceptor sewers the Enka-Candler Water and Sewer District will be provided service on substantially the same basis as the rest of the MSD. It is the intent of the MSD to provide such services in the same manner as they are now and from time to time may be provided and under the same user charge rate structure as the rest of the MSD.

### 3.1 Schedule

As of the date of this report, plans and specifications have been prepared and Federal Grant funds have been offered for the construction of the interceptor sewers. Right-of-way acquisition is in progress. The following is the estimated schedule for extending the interceptor sewer service to the Enka-Candler Water and Sewer District.

Complete Right-of-Way Acquisition	March 1, 1980 (1)
Interceptor Construction Start	May 1, 1980 (1)
Interceptor Construction Complete	May 1, 1982 (1)

### 3.2 Costs and Financing

The estimated cost for the interceptor sewer extension is as follows:

Plans and Specifications	\$ 145,700
Right-of-Way Acquisition	93,000
Construction	<u>5,525,000</u>
TOTAL ESTIMATED COST	\$5,763,700

The funds for the interceptor sewer project, based on the above total estimated cost is arrived at from the following sources:

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(1) Date May Be Extended Due to Factors Beyond the Control of the MSD Such As Right-of-Way Condemnation Proceedings and Other Related Actions.

Metropolitan Sewerage District Funds	\$ 249,200
Buncombe County Funds	541,600
State Grant Funds	710,400
Federal Grant Funds	<u>4,262,500</u>
TOTAL	\$5,763,700

The Metropolitan Sewerage District funds are provided from the planned capital improvement program. The Buncombe County funds are provided from general county revenue.

The outstanding indebtedness of the MSD as of the date of this report is \$5,815,000.

The valuation of assessable property within the existing MSD is approximately \$1,308,000,000.

The valuation of assessable property within the Enka-Candler Water and Sewer District is \$51,220,000.

#### 4.0 Declaration

It is the declaration of the Metropolitan Sewerage District Board that it intends to conform with the plans set forth in this report in extending sewerage services to the Enka-Candler Water and Sewer District.

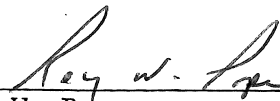
#### 5.0 Certification

I C. Leroy Robinson, Chairman of the Metropolitan Sewerage District Board, certify that the matters and things set forth in this report are true to the best of my knowledge and belief.



C. Leroy Robinson  
Chairman, Metropolitan Sewerage  
District of Buncombe County,  
North Carolina

I certify that the MSD Board took positive action on this report at the Board's regular meeting on September 18, 1979.



Roy W. Pope  
Secretary-Treasurer, Metropolitan Sewerage  
District of Buncombe County, North Carolina

# MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

SEPTEMBER 18, 1979

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, September 18, 1979.

Chairman Robinson called the meeting to order, and Mrs. Crowe called the roll. In addition to Chairman Robinson, the following members were present: Messrs. Clark, Griffith, Hyatt, Pope, Smith, Warlick, and Williams.

In addition to the Board members, the following attorneys, consultant, and staff members were present: Messrs. Anthony Redmond and John S. Stevens; Mr. Dean Huber; Mr. W. H. Mull, Mrs. Jan Crowe, and Mrs. Linda Duncan.

The members having received copies of the minutes of the August 21 regular and September 4 special meetings, Mr. Griffith moved that both sets of minutes stand approved as written. Mr. Warlick seconded the motion, and voice vote was unanimous.

Mr. W. H. Mull, Engineer-Manager, reported on the following:

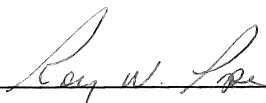
- (a) Offer & Acceptance for \$4.1 million federal grant for Hominy Valley: Received as information by the Board.
- (b) Letter from Quorum Knitting Mills regarding assessment of penalties: After a brief explanation by Mr. Redmond of legalities referred to in the letter, Mr. Smith moved that the Board accept Quorum's offer to pay MSD the amount billed them (\$5,240.08) and that the Board leave the matter of the \$4,000 fine imposed on the MSD by the State in abeyance pending further State action. Mr. Pope seconded the motion, and roll call vote was unanimous.
- (c) Minority Business Enterprise goal: After a brief discussion, Mr. Hyatt moved that the Board establish a minimum goal of eight percent minority business enterprise participation in the Hominy Valley and South Buncombe Interceptor Sewer projects. Mr. Williams seconded the motion, and roll call vote was unanimous.
- (d) Consulting Engineer's report on inclusion of Enka-Candler Water and Sewerage District into the MSD: After discussion, Mr. Smith moved that the Board accept this report and authorize the Chairman and the Secretary-Treasurer to certify same. Mr. Warlick seconded the motion, and roll call vote was unanimous. A joint public hearing will be scheduled for a later date between the County Commissioners, the North Carolina Environmental Management Commission, and the MSD.
- (e) Request for approval of appraisal reports on South Buncombe: Mr. Clark moved that the Board accept the appraiser's estimated fair compensation due owners for taking and the nominal compensation figures on those South Buncombe parcels. Mr. Hyatt seconded the motion, and roll call vote was unanimous.\*
- (f) Request to initiate condemnation proceedings on certain parcels of land in Hominy Valley: This item was continued to the next regular meeting date, October 23.
- (g) Oil Storage Building: After a report by Mr. Huber on the oil storage building, Chairman Robinson requested that the Board receive this report as information and review it before the next meeting and that the committee meet, study the report, and submit their findings to the Board at the October 23 meeting.

Under new business, Mr. Smith introduced a motion that the Board recognize the outstanding job Mr. Redmond had done in connection with procedures against the Holiday Inn West in getting paid to the MSD the indebtedness due and that the Board authorize an extra compensation of \$2,000 in recognition of the job Mr. Redmond did. Mr. Williams seconded the motion, and roll call vote was unanimous. These funds will be taken from line item "Contingency."

Also under new business, Mr. Warlick suggested that the Board consider or study the aspects of Managerial Liability Insurance to cover the officers and members of the Board, the attorney for the Board, and Mr. Mull. After a brief discussion, the Board asked Mr. Mull to inquire into this, to contact two or three carriers for quotations, and to report back to the Board.

Date of the next regular meeting of the MSD Board was set for October 23, 1979.

There being no further business, the meeting was adjourned at 2:30 p.m.

  
Secretary

Approved appraisals: HC: #50, Beddingfield, \$600; #51, Thompson, nom.; #52, Kitchens, \$1,200; #53, Youngblood, nom.; #54, Youngblood & Justice, nom. AC: #90, Reid, nom.; #91, Jarrett, nom.; #92, Roberts, nom.; #93, Brown, nom.; #96, Lefler, nom.; #97, Brown, nom.; #98, Brown, nom.; #99, Sparrow, nom.