

MINUTES OF THE METROPOLITAN SEWERAGE DISTRICT BOARD

MR. M. LEON WILLIAMS, BLACK MOUNTAIN, N. C., APPOINTED TO BOARD.  
MOTION TO GRANT REQUEST OF T. V. A. TO RELOCATE SEWER LINE WITH RESERVATION TO REVERT TO ORIGINAL PLANS IF COSTS ARE ASCERTAINED TO BE ABNORMALLY HIGH.  
COMMENTS OF MR. DONALD NEWTON, GREELEY AND HANSEN, REVIEWING FIRM OF CHICAGO.  
TEST CASE OUT OF SUPERIOR COURT & NOW ON APPEAL TO SUPREME COURT.  
MRS. JOE TANDY'S OPPOSITION TO TAKING ANY OF HER PROPERTY FOR CRESCENT HILL PLANT SITE DISCUSSED.

The 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, February 16, 1965.

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. Adams, Mr. Dawson, Mr. Reagan, Mr. Robinson, Mr. Tandy, and Mr. Williams.

Chairman Peterson welcomed Mr. M. Leon Williams as a new member of the Board representing the Town of Black Mountain, and then along with himself, representing Buncombe County, Mr. Adams, representing the Town of Biltmore Forest, Mr. Dawson, representing the City of Asheville, for reappointments for three-year terms, they were sworn into office by Mr. F. Piercy Carter, Assistant Clerk of Superior Court.

The members having received copies of the minutes of the previous meeting, Mr. Dawson moved and Mr. Garrison seconded the motion that they be approved as recorded. This motion was carried unanimously.

Mr. Johnson, Engineer-Manager, in his communications and progress report referred to a letter from the T. V. A. regarding the relocation of the interceptor sewer. The letter stated that a feasibility study is now being made of a water resource development plan for the entire Upper French Broad Watershed, including local flood protection works along the Asheville waterfront, and considering all factors they felt that the modest added expenditure by the District at this time would be justified. Mr. Johnson recommended to the Board that they grant T. V. A. their request to change the location of the sewer line. Mr. Hendon, who was present, also concurred with Mr. Johnson in granting the relocation. After considerable discussion, Mrs. Swicegood moved and Mr. Reagan seconded the motion that they comply with the T. V. A. request. The roll call vote was as follows: Mr. Peterson, "Yes"; Mr. Garrison, "Yes"; Mrs. Swicegood, "Yes"; Mr. Adams, "Yes"; Mr. Dawson, "Yes"; Mr. Reagan, "Yes"; Mr. Robinson, "Yes"; Mr. Tandy, "Yes"; Mr. Williams, "Yes".

This matter was brought up again later in the meeting by Mr. Adams and after further discussion Mr. Adams moved, "to amend Mrs. Swicegood's motion by adding to it this language: and will alter our plans accordingly; however, the Board reserves the right to revert to its original plans in the event the acquisition costs of the new location or the construction costs are later ascertained to be abnormally high." This motion was seconded by Mr. Robinson and the roll call vote was as follows: Mr. Peterson, "Yes"; Mr. Garrison, "Yes"; Mrs. Swicegood, "Yes"; Mr. Adams, "Yes"; Mr. Dawson, "Yes"; Mr. Reagan, "No"; Mr. Robinson, "Yes"; Mr. Tandy, "Yes"; Mr. Williams, "Yes."

Mr. Johnson commented on a letter from Mr. Hubbard of the State Stream Sanitation Committee officially approving the Weaverville plant site.

Chairman Peterson requested that the members study a financial report which had been given them, and if they had any questions, to ask them at the next meeting.

Mr. Hendon, Consulting Engineer, commented briefly stating that he and the State Stream Sanitation Committee are in complete agreement and now that the T. V. A. problem had been resolved that he would have the plans next week. He then introduced Mr. Donald Newton of Greeley and Hansen, reviewing firm of Chicago, who stated that Mr. Hendon's plans look like a good set of plans and that estimates of cost should work out very well. He commented briefly on his review and stated he expects to have ready a preliminary draft of his report within a short time. They then excused themselves and left the meeting.

Mr. Redmond, Attorney, reported that the test case is out of Superior Court with a favorable decision for the Metropolitan Sewerage District and is now on appeal to the Supreme Court. He hopes that a decision will be reached in about sixty days.

Chairman Peterson stated that since the last Board meeting Mr. R. E. Finch had passed away and that he had instructed Mr. Johnson to send flowers in the name of the Board which had been done. A motion was then made by Mr. Adams and seconded by Mr. Dawson that the Board express its deep regret to Mrs. Finch in the form of a resolution to be drawn up by Mr. Redmond. This motion was carried unanimously.

Mr. Tandy brought up the matter of the site for the Crescent Hill plant. He stated that his sister-in-law, whose property is involved, is very much opposed to taking any of her property for the plant site and he requested from Mr. Redmond, Attorney, just what is the Board's legal right for acquiring this property. Mr. Redmond stated that if the site has been approved by the State Stream Sanitation Committee as the proper site for the plant and the engineering plans disclose that as the practical place to put it, if the Board cannot negotiate with the property owner, the property can be condemned and let the court and jury award the damages to the property owner. Mr. Johnson stated that tentative approval had been given to the Crescent Hill plant site as an acceptable site and that Mr. Hendon's report shows it as the only approved site. He stated that it is a problem with Mrs. Tandy and since the plant will be within 700 feet of Mrs. Tandy's house, he recommends that she be given consideration for damages to her property. He stated the county is in there already with sewer lines and to get off her property would put us outside the bounds of the Metropolitan Sewerage District. Some four acres of her property will be required. Mr. Tandy stated that the existing sewer is a septic tank under the ground



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and that the future plant will be above ground which makes quite a difference. Mr. Peterson requested Mr. Johnson to ask Mr. Hendon to look into the problem for more consideration.

There being no further business, the meeting adjourned at 3:10 p. m.

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Lemon H. Swicegood  
Secretary