

GENERAL ACCOUNT AND CLOSED SESSION MINUTES
Monday, December 15, 2003

The Catawba County Board of Commissioners at its regularly meeting of Monday, December 15, 2003, at 8:07 p.m., upon a motion by Commissioner Barger, and unanimously carried, recessed into Closed Session, in accordance with North Carolina General Statute 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body for the three cases cited by County Manager Lundy; and (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

Present were Chair Katherine W. Barnes, Vice Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

North Carolina General Statute 143-318.11 (a) (3) To consult with an attorney.

County Attorney Robert Oren Eades said there were three separate instances where companies were violating Catawba County's Solid Waste Ordinance and three lawsuits were filed by GDS (Republic Waste) in 2000 and 2002. Catawba County was named a party in those lawsuits. The County has had injunctions against the three companies and they have not been violating the ordinance since the time the injunctions were in place. The three settlement agreements were predicated upon the assumption that the County has obtained its objective in the lawsuits and going forward at this point would not obtain any relief and the appropriate course of action would be to dismiss the actions before proceeding to trial. He asked the Board to consider returning to open session to approve Settlement Agreements dismissing following three separate lawsuits:

1. Republic Services of North Carolina, LLC in Catawba County vs. Serving Constructing Sites, LLC, File Number 00 CVS 866.
2. Republic Services of North Carolina, LLC in Catawba County vs. Shawn R. Penwarden d/b/a Trash-It, File Number 02 CVS 1489.
3. Republic Services of North Carolina, LLC in Catawba County vs. MacLeod Construction, Inc., File Number 00 CVS 1541.

The Board recommended approving the three aforementioned lawsuits upon returning to open session.