

March 20, 2006, MB#50

GENERAL ACCOUNT AND CLOSED SESSION MINUTES
Monday, March 20, 2006

At its meeting of Monday, March 20, 2006, at 8:05 p.m., upon the motion by Vice-Chair Dan Hunsucker, and unanimously carried, the Board, in accordance with NCGS 143-318.11(a)(5), agreed to recess into Closed Session to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating real property. It was anticipated that there would be Board action after the closed session.

Present were Chair Katherine W. Barnes, Vice-Chair Dan Hunsucker and Commissioners Glenn E. Barger, Barbara G. Beatty and Lynn M. Lail. Also present were County Manager J. Thomas Lundy, Assistant County Managers Joellen Daley and Lee Worsley, County Attorney Robert O. Eades, Attorneys Debra Bechtel and Anne Marie Pease, Utilities and Engineering Director Barry Edwards and Public Services Administrator Jack Chandler and County Clerk Barbara E. Morris.

Attorney Anne Marie Pease presented a recommendation for the Board to authorize condemnation actions against James W. Powell, Jr. and Dennis C. and Barbara B. Wilhelm to obtain the remaining permanent easements and temporary construction easements necessary for the construction and maintenance of the Balls Creek Sewer Project Extension. Staff began obtaining all necessary easements for the Balls Creek Sewer Project Extension in 2003 and had obtained 23 of the 25 necessary easements to begin work on the project. After numerous attempts to negotiate with the property owners of the remaining two easements, it appears that negotiations will not be successful in acquiring the needed property. The Board reviewed the efforts on the part of the staff and the possibility of further negotiation. It was concluded that further negotiation would be fruitless. These condemnation actions were vital to the Balls Creek Sewer Project because bids could not be solicited until all easements were obtained and compliance to the construction schedule was critical in order to receive state grant funds. All Commissioners were in agreement to proceed with these condemnations.

Attorney Anne Marie Pease then presented a recommendation for the Board to authorize a condemnation against Robert L. Shuford, III as trustee of the Robert Shuford, III Revocable Living Trust, to obtain a permanent sanitary sewer easement and temporary construction easement necessary for the construction and maintenance of the G&G Lumber Sewer Project. The estimated value of the easement is \$9.20. After numerous attempts to negotiate with Robert L. Shuford, III to obtain the easement, it appeared negotiations would not be successful in acquiring the needed property. In order to comply with the project and grant deadlines, staff is requesting the Board authorize condemnation action for the Shuford property which is vital to the G&G Lumber Sewer Project because the County cannot solicit bids until all necessary easements are obtained. All Commissioners were in agreement to proceed with this condemnation. Staff is currently negotiating with 17 additional property owners for the remaining easements necessary to complete this project and will be seeking Board authorization for condemnation actions for any easements not obtained by March 31, 2006. It was noted that in the 30 day period from the filing of the condemnation actions and court approval, Mr. Powell, the Wilhelms and Mr. Shuford could accept the County's offers and condemnation would not take place.

At 8:20 p.m., Commissioner Barger made a motion to return to open session. The motion carried unanimously.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Barbara Morris, County Clerk