

KNOX COUNTY COMMISSION

Special Meeting

Thursday – July 25, 2013 - 9:00 a.m.

A special meeting of the Knox County Commission was held on Thursday, July 25, 2013, at 9:00 a.m., at the county courthouse, 62 Union Street, Rockland, Maine.

Commission members present were: Carol L. Maines, Commissioner District #1, Richard L. Parent, Jr., Commissioner District #2, and Roger A. Moody, Commissioner District #3.

County staff present: County Administrator Andrew Hart, Administrative Assistant Candice Richards, Airport Manager Jeff Northgraves.

Others present included: Attorney Jim Katsiaficas; Janice Bland, Senior Aviation Planner from Stantec; Review Appraiser Leland Buzzell; South Thomaston property owner Kenneth Williams, South Thomaston property owner Milton Vanorse; Attorney Wayne Crandall (*arrived for the public hearing portion at 10:09 a.m.*); Steve Betts of the *Bangor Daily News* (*arrived for the public hearing portion at 10:07 a.m.*); and South Thomaston property owner Jason Benner.

Special Meeting – Agenda

Public Hearing: Petition for Property Acquisition by Eminent Domain Thursday – July 25, 2013 – 9:00 a.m.

- I. 9:00 Meeting Called To Order**
- II. Commissioners leave Courthouse to view the three properties (not necessarily in this order):**
 - 1. David C. Pollard and Carol A. Pollard (South Thomaston Tax Map 18, Lot 19)
 - 2. Jason L. Benner and Michelle C. Benner (South Thomaston Tax Map 18, Lot 12-1); and
 - 3. Kenneth D. Williams and Glennice E. Williams (South Thomaston Tax Map 18, Lot 26)
- III. 10:00 Commissioners return to Courthouse and conduct Public Hearing on Petition for Property Acquisition by Eminent Domain**
- IV. Action Item:**
 - 1. Act on Petition for Property Acquisition by Eminent Domain by considering adoption and signing of a Return of Doings and Order and filing of the same with County Administrator.
- V. Adjourn**

I. Meeting Called to Order

Commission Chair Carol Maines called the special meeting of the Knox County Commission to order at 9:05 a.m.

Mr. Milton Vanorse stated that there was one other property – his. Airport Manager Jeff Northgraves explained that Mr. Vanorse's property was not part of this process. Attorney Jim Katsiaficas added that Mr. Vanorse had originally agreed to sign an easement but that has since changed. Mr. Vanorse noted that he had decided to see what everyone else was getting.

II. Commissioners leave Courthouse to view the three properties:

- 1. David C. Pollard and Carol A. Pollard (South Thomaston Tax Map 18, Lot 19)
- 2. Jason L. Benner and Michelle C. Benner (South Thomaston Tax Map 18, Lot 12-1); and
- 3. Kenneth D. Williams and Glennice E. Williams (South Thomaston Tax Map 18, Lot 26)

The Commission left to view the properties at 9:07 a.m.

Those in attendance at each property location:

1. [Pollard property] Commissioners Maines, Moody and Parent, Administrator Hart, Ms. Bland, Mr. Leland, and Mr. Betts.
2. [Benner property] Commissioners Maines, Moody and Parent, Administrator Hart, Ms. Bland, and Mr. Leland.
3. [Williams property] Commissioners Maines, Moody and Parent, Administrator Hart, Ms. Bland, Mr. Leland, Mr. Williams, and Mr. Vanorse.

III. Commissioners return to Courthouse and conduct Public Hearing on Petition for Land Acquisition by Eminent Domain.

Meeting reconvened at 10:00 a.m.

Commissioner Maines asked Attorney Jim Katsiaficas to explain the process.

Attorney Katsiaficas introduced himself as being an attorney from Perkins Thompson of Portland, representing Knox County. He explained that the Commission had gone on a site visit of the three properties as required by statute. Before the Commission was a Petition for Property Acquisition by Eminent Domain that's been filed by the Knox Regional Airport Manager and the Airport Maintenance Supervisor. State law allows for county government to take property in support of the airport but has to do so in the same way it takes roads. Avigation easements give the County the right to prevent trees from being planted, buildings from being constructed, and the right to cut down or top off trees that extend into the air space along an imaginary plane or surface in order to protect the glide path of aircraft. The easements continue as long as the airport is in operation. The easements are being sought from:

1. David C. Pollard and Carol A. Pollard, 7 Philbrook Lane
2. Jason L. Benner and Michelle C. Benner, 50 Buttermilk Lane
3. Kenneth D. Williams and Glennice E. Williams, 45 Buttermilk Lane

At the Regular Commission meeting on June 11, 2013, the Commission ordered a hearing and view of properties. Notice was prepared by Administrative Assistant Candice Richards and provided. That included mailing the notice, posting the notice by the Sheriff's Office, and publication in the local newspaper. Ms. Richards presented the Commission with an affidavit to be entered into record to show that proper notice was given as required by State law. The next step will be the public hearing. The commissioners need to find whether these easements are required for common convenience and necessity. State law and the State Constitution require that these easements be taken for public use and that they be for public exigency. Common convenience and public use means that the airport is open to the public for public use. That is something that the petitioners have to show. The petitioners will present first, including their appraisers, and then the hearing will be open to the public for the property owners to present their case and for any other interested members of the public to speak. At the close of the public hearing, the Commission may deliberate.

Attorney Katsiaficas stated that his suggestion was that the Commission talk about the issues but not make a formal decision today. The reason being is that under State law, the Commission is supposed to file a Return of Doings that the Commission will sign at the next regular session in August. Based on how the discussion at the public hearing goes, Attorney Katsiaficas could draft a Return of Doings and Order and make it public. The Commission would vote at the August meeting on the Return, and make changes if need be, and file the Return with the County Administrator since he assumes the duties of the County Clerk. It would remain on file 30 days, which is the appeal period for people to take their appeal to the Superior Court on the issue of whether the taking is lawful. If, at the end of the 30-day period, there is no appeal filed during those 30 days, the Order would be recorded at the September meeting, the Commission will award the damages, and the taking will be done. After that, landowners can file appeals for damages,

although landowners should consult their own attorneys as to when to file for damages, as state statutes conflict and are unclear on this matter.

Commissioner Maines asked the petitioners to come forward.

Airport Manager Jeff Northgraves came forward. He stated that taking of property for this purpose is the right thing to do. The FAA, through Federal law, has jurisdiction over airspace, which includes the airspace over everybody's property, but in particular the airspace for approaches leading into airports. The County is obliged to keep those approaches safe for the public's access. The public gains access through charter flights, flying their own aircraft, flying in their ultra-light kite, and any number of ways that the public has access to the airport. By law it's a public-use airport so anybody can use it. Public access to the airport as an aviator is required by the FAA. The County cannot forbid anybody from using it, even if it's the middle of the night. There are security issues getting onto the airport to protect the safety of both the airport and the public, but the airport itself is a public-use airport. The Airport needs easements to go onto the property to clear the airspace by cutting the trees. All three of these properties are along the corridor of the approach to the primary, and longest runway of the airport that also has the instrument landing system. The instrument approach is required in almost all cases to be used by commercial flights and by jets so this is the most common approach for the airport. In the past there have been trees that have penetrated the airspace and that has impacted the ability of the aircraft to follow the approach as published so the Airport had to issue special notices to the airmen so they would know to amend their approaches. The County has since been able to mitigate those penetrations. All of the penetrations on the three properties being discussed are within 15 feet of that airspace, which is the FAA's threshold for making them eligible for FAA funding. The process started four years ago when the County started the process to identify any penetrations. It required three separate flights to measure that. One flight was done with leaves on, one flight was done with leaves off, and the third flight was done to identify where the contours were and where each one of the obstructions were. That was all mapped and provided to the FAA. It identified a significant number of penetrations and potential penetrations. The County began the process of gaining the easements two years ago. At the time there were 15 properties the Airport needed easements for. A first appraisal was done. The property owners were all brought in so the process could be explained to them. A first offer was made to the property owners based on that first appraisal. One property owner came back with his own appraisal with a different number so the County did a second appraisal, called a review appraisal, for all of the properties. This review appraisal was done by Leland Buzzell. Based on the review appraisal, the County again made an offer to the property owners. Since then, another property owner brought in his own appraisal with a counter-offer that was reviewed and agreed to by the FAA. Purchase and Sales agreements have been completed and signed on all but four of the properties. Three are here today. The County had believed that the fourth, Milton Vanorse, had agreed to sign an easement so his easement was put in the package that was already approved, but the property owner didn't end up signing, so the County will have to work that one out separately. For the three here, the landowners had not obtained any appraisals until very recently. One was provided to the County this week and there hasn't been a chance for the review appraiser to look at that, although it has been sent to the FAA to look at. The FAA looks at the appraisals to determine if the offers are AIP eligible. The County has not yet received the appraisals from the other two property owners.

Manager Northgraves added that this process is critical to the safety of the airport. All the other options jeopardize the airport's position with the FAA. There are properties at the other end of the runway that may eventually need easements, but that will be much further down the road and is not in the near future. He suggested that the two property owners who have yet to submit their appraisals do so today.

Commissioner Maines commented that the two issues are common convenience and safety, and that Manager Northgraves had addressed both.

Janice Bland introduced herself as the Senior Aviation Planner for Stantec, the consulting engineering firm for the airport. She explained that Stantec had completed an obstruction analysis project in 2010. She showed a large plan to the Commission that she said was a result of doing the obstruction analysis. Stantec

looked at many different surfaces that the FAA requires be clear of obstructions for safety reasons. The Federal Aviation Regulation Part 77 Surface is what's shown on the plan. It has an inner width of 1,000 feet, an outer width of 16,000, and a width of 50,000 feet. The plan identifies the obstructions that were found. The yellow and red points on the plan are obstructions above the surface. The green, blue, and white points on the plan are slightly below the surface to within the 15 feet that Manager Northgraves had been talking about. The individual points on the plan do not indicate individual trees; there are trees in clumps that could be represented together on the plan based on how the data was collected through the photogrammetry. After the obstruction analysis was complete, Stantec moved forward with the aviation easement acquisition project. Because federal funds were used, the Uniform Act was followed. This process required completing boundary surveys and appraisals for all of the parcels. The Uniform Act requires two appraisals if the threshold of \$10,000 for Fair Market Value is assessed. As this was not the case, only one appraisal was needed. This was completed in May of 2012 by Mainland Consultants. Offers were made to the property owners at the end of June – beginning of July of 2012 based on the Fair Market Value. The FAA does require under the Uniform Act that negotiations begin at the amount appraised as the Fair Market Value. As part of the negotiations, the Airport moved forward with a review appraisal because of being supplied with data that needed to be reviewed further. In an effort to negotiate uniformly with all property owners, it was determined at that point to do a review on all fifteen properties. The review appraisal was done in October of 2012 and included doing site visits and viewing comparable sales. Amounts offered were revised because it was determined that the original offers were low. At this point, negotiations have been successful for 11 of the 15 parcels and the County has signed purchase and sales agreements for those parcels. The review appraiser, Leland Buzzell is here today and will discuss how the parcels were appraised.

Manager Northgraves noted that the language in each easement is specific to that property because each parcel is different in terms of the contour of the land. The bottom of the surface changes for each parcel the further you get away from the airport. The easement doesn't just allow the County to come in and cut trees – the County is limited by the language in the easement. If the approach changes, such as the approach is lowered for some reason, then the easement will have to be changed. The easement only affects things as they are, not to how things will become.

Ms. Bland added that each easement also includes a plan that will be recorded with the easement that shows the same information in a plan view, so there's a survey and then the plan which shows the approach ground contours for each individual property.

Wayne Crandall, Esq. asked permission from the Chair to ask a few questions. He stated that he was an attorney who had been involved in the aviation easements before. He had represented the Fullertons during this process in 1992. He asked if someone could tell him what the elevation of the bottom of the glide slope will be above Philbrook Avenue for the Pollard property.

Ms. Bland responded that the bottom of the glide slope is approximately 170 to 178 feet for the approach surface. The height restriction on their property is 45 to 70 feet over the approach surface.

Attorney Crandall asked if that meant aircraft could fly within 45 to 70 feet over the top of the Pollards' residence. Ms. Bland and Manager Northgraves both responded no. Ms. Bland stated that she had been speaking of the approach surface. Mr. Crandall then asked what the minimum elevation was that an aircraft can fly over the Pollards' residence.

Manager Northgraves responded that where aircraft can fly, and what the approach is, are two different things. The approach surfaces that the Airport has to keep clear are not always where an aircraft can fly but is a safety margin below where they can normally fly. The bottom of the glide slope is significantly above the 45 – 70 feet. He stated that he didn't know the exact number but thought it was probably close to 200 feet.

Attorney Crandall asked if the proposed easements authorized the discharge of fuel from aircraft over the approach. Manager Northgraves responded no, that there's no authorization for discharge of fuel. Ms. Bland stated that the easement gives the right to fly over the property. It doesn't negate the landowner's right in the future to compensation if there's an incident.

Attorney Crandall expressed some confusion about the bottom of the glide slope and how far above the Pollard property an aircraft can fly. Manager Northgraves explained that there is an approach surface and there is a range. That's a safety area around where the aircraft will do the approach. The distance an aircraft can fly above the Pollard residence won't change because of the easement. It's whatever the pilots need to do. The decision height is 540 feet at the lowest if they are dealing with weather conditions and fly in until they reach their missed approach point. If they can do a visual, then they do a sight off the runway and they can do whatever they want to in order to make a safe landing. There is no number that you can put on that. It is possible that an aircraft could end up being 70 feet above the ground. The easements don't change at all what the aircraft can do. It just creates a bubble around the instrument approach procedure.

Leland Buzzell explained that he had been retained by Stantec to act as a review appraiser. He stated that he had reviewed the initial project and it was determined initially that review appraisals would not need to be done because it was below the \$10,000 threshold. When a question was raised on one of the properties, he was asked to go back and look at all of the properties. His review involved looking at the original appraisal done, its completeness, and whether it fits what FAA requires to be done for when takings are being proposed. He looked at the proposed easements and made adjustments to the appraisals on all of the properties. The numbers he had come up with were used in making offers to the landowners.

Commissioner Maines asked Mr. Buzzell for his experience. Mr. Buzzell responded that he has been doing aviation easements for 40 years. He specialized in aviation easements because of some prior experience he had, but he has done all types of appraisals. Through his career he has done this work for airports throughout New England and other areas of the country. He explained that during the process, he looks at damages paid by other airports from a good portion of the United States, although most of his time has been spent in New England.

Mr. Buzzell explained that it's not always easy to use data from other airports' takings because the types of properties and property values surrounding the airport are always different. Some airports are surrounded by businesses and services designed to take care of the airport, rather than residences. The Knox County Airport is surrounded by residences. He said he did a "before" appraisal, and an "after" appraisal. The "before" appraisal is what the property is worth if it was placed on the market before an easement was done. The "after" appraisal is what the worth of the property would be if it was placed on the market after the impact of the easement. He looked at what effect the easement being in place would have on prospective buyers. He added that when he did his review appraisal, he felt that the damages to the properties done by applying the easements was more than the original appraisal, so his numbers were higher than the original appraisal.

Commissioner Maines asked Attorney Katsiaticas what information is confidential. Attorney Katsiaticas responded that the negotiations in process and documents during that process are confidential, but once the negotiations are concluded and the damages paid, there's no need to keep it confidential. He also stated that the review appraiser's estimate of these damages is a public record. Manager Northgraves agreed and added that the County has signed purchase and sales agreements for most of the landowners but nothing has been paid yet so the details are not releasable. It will all become public once the easements are recorded in the Registry of Deeds.

Attorney Crandall commented that in the Petition attachments, each one offered an amount: Attachment A (Pollard) - \$15,000, Attachment B (Benner) - \$10,000, and Attachment C (Williams) - \$8,000. He asked if those numbers are a result of the review appraisal or if they are arbitrary that don't necessarily relate to what's being proposed. Manager Northgraves responded that the amounts in the Attachments are the review appraiser numbers.

Commissioner Parent asked if the Commission would be receiving copies of the appraisals. Manager Northgraves responded that the Commission had already been given summaries of the review appraisals done for the three properties currently being discussed. He noted that the three review appraisals were being entered into the record at this meeting. Ms. Bland commented that the Commission could also be provided with a copy of the original appraisal done for all 15 properties if the commissioners wished to view that.

Mr. Buzzell noted that the sales and other data used to come up with the figures in the review appraisal are not in his report but are all in the original appraisal done by Mainland Consultants. He said that he used the data contained in the original appraisal but did not collect that data himself. He did, however, confirm the data was correct and visited the properties to get a feel for things.

Commissioner Maines asked if the original appraisals were given to the three property owners so they could have their own appraiser evaluate whether the numbers were correct. Ms. Bland stated that the values have been given to the property owners. She said that the FAA won't allow the full report being given to the property owners. The property owners can only be given the appraisal amount, not the reasoning behind it. If a property owner requests a copy, the request would be sent to the FAA for their approval. The only reason the FAA would allow it is if the property owner has their own appraisal and the FAA might then give approval to release to that property owner a portion of the report.

Kenneth Williams commented that he was confused about the appraisals because while he remembered the first appraiser coming to his house and even touring the inside of his house, the review appraiser never came to visit his property.

Mr. Buzzell explained that when he reviews the original appraisal, it doesn't necessarily mean he will go into the house. Instead he utilizes the data that was collected by the first appraiser who viewed the property and took pictures, etc. All of that data is available to him so he doesn't need to completely do an appraisal from scratch. He added that he was confirming the data, not establishing it.

Jason Benner commented that it had been mentioned that each property was being appraised during the first appraisal individually, and yet there was a 3% depreciation for all properties. Now it seems like that's changed so he asked why that is.

Mr. Buzzell responded by saying that each property was looked at differently because the easement is different based on approach slope, proximity, and a number of other factors. He said that he has yet to see a project where you could go in and do the same depreciation for every property exactly the same. No two properties are the same. The numbers may not change significantly from one property to another, but the properties need to each be looked at separately.

Mr. Benner asked for clarification if the first appraisal was done with the same depreciation amount straight across the board. Ms. Bland responded that the original appraisal did do 3% for all properties, but she added that each property was looked at separately and appraised individually. Manager Northgraves added that it wasn't just the 3%; the appraiser also added an additional amount for each tree.

Mr. Williams stated that he was confused about how many trees he's going to lose on his property. Not every single tree is marked. Manager Northgraves responded that there's no way to answer that because besides the trees that were marked now, any tree that penetrates the airspace in the future will have to be addressed. Some of the tags could be for more than one tree because one tag does not represent one tree – it's usually a group of trees. If there are other trees that are currently shorter, they could be cut later, so there's no way to know how many trees will end up being cut.

Mr. Williams asked how property owners are supposed to know how many trees are being cut or removed if the trees are not all individually tagged. Manager Northgraves replied that when the Stantec surveyor

went to the properties, he showed owners which groups of trees were being marked because the owners wanted to know which trees were going to be cut. Those tags mean that as soon as the easements are obtained those trees need to be dealt with. Since the easement continues as long as the airport is in operation, there's no way to know now how many trees total will end up being cut. He added, however, that the earliest the trees currently marked would actually be cut probably wouldn't be until this time next year.

Commissioner Maines opened up the floor to the property owners. She invited Mr. Williams to start.

Mr. Williams stated that he wasn't trying to get a specific amount of money for his property, but felt that people work their whole lives for their home and he just wanted to be treated fairly. He said that he had his own appraisal done because he felt that his property was being treated differently than the other properties. He said that the appraisal his appraiser came up with was significantly higher than the two done by Stantec. He added that he had already given a copy of the appraisal to Stantec. He didn't think that his property was any different than his neighbors' properties. He asked if the Commission had a copy of his appraisal. Commissioner Maines responded that the Commission had what Mr. Williams' counter offer was but not a copy of the actual appraisal.

Mr. Williams asked Attorney Katsiaficas if it was appropriate to give copies of his appraisal to the Commission. Attorney Katsiaficas responded that Mr. Williams was welcome to do that but noted that doing so would make it a public document. Mr. Williams said he was fine with that. He gave his appraisal to Manager Northgraves who left the room to make copies for the Commission, and these copies were provided to the Commissioners. He concluded speaking by commenting that he didn't understand how there could be three different appraisals done for his property and they all came out with such different results.

Commissioner Moody commented that he would be interested in hearing what the FAA thought about the three appraisals done by the property owners. Ms. Bland stated that she thought she would hear back from the FAA pretty quickly after they received copies. She said she should have it before the August 13th meeting.

After a brief discussion by the Commission about possibly changing the date and time of the Regular Commission meeting in August, the Commission decided to keep the time of the Regular meeting at 2 p.m., take a recess, and then reconvene the meeting at 7 p.m. to have the vote on the taking so that all three Commissioners would be in attendance. Attorney Katsiaficas noted that he would not be able to attend the meeting but he felt the Commission would not need him there for the vote.

Mr. Benner stated that he also had an appraisal that he would like to submit today. He commented that the purchase and sales agreement is an open-ended contract and there's no date in the agreement for when property owners will get their money. He said that every time it's discussed, the time frame for when landowners get paid has gotten pushed back and that was confusing to him.

Manager Northgraves explained that the delay in landowners getting paid was strictly because of people not signing the purchase and sales agreements. He said that he couldn't submit an application for the grant without the agreements being signed. He ended up submitting a grant application excluding the people who hadn't signed yet. The FAA made an exception for him to be able to do that. The money is grant dependent and has to be approved by the FAA. If everybody had signed the agreements last year, they'd have been paid by now. September is the end of the FAA's fiscal year so now he would have to wait until the next year's process. He noted that if the County pays ahead of time, we would just put in a grant application to get reimbursed afterwards.

Commissioner Parent asked when can the property owners expect payment if the Commission makes a decision on the 13th. Manager Northgraves explained that the damages would be paid 30 days after the Commission makes its decision. The County pays and then puts in a grant to be reimbursed afterwards. The Airport will use the entitlement money to pay the damages. We just don't usually obligate County money

until the Airport has a grant in hand and know the County will be reimbursed. Commissioner Maines commented that the County needed to be careful because they didn't want to end up paying out so much that the FAA won't reimburse all of it.

Attorney Katsiaficas commented that regardless of whatever the amount the FAA want to reimburse, the question before the Commission is what the fair market value or "just compensation" for the taking is.

Mr. Benner stated that he was confused about whether things were still in the negotiation process. Commissioner Maines explained that Mr. Benner needed to submit his appraisal to both the Commission and Stantec so that it could be sent to the FAA and also be reviewed by Mr. Buzzell. Manager Northgraves added that negotiations are still permissible. Negotiations are only at an end if the FAA says they agree to pay an amount and the individual signs the agreement. If that happens anytime before the next Commission meeting, then the County wouldn't need to take the property via eminent domain.

Mr. Benner stated that he needed to get copies made of his appraisal so he could give them to the Commission. He handed over his appraisal to Ms. Bland so it too could be copied for the Commission. He said he would give Stantec a copy before everyone left the meeting.

Attorney Crandall stated that he was an attorney representing David and Carol Pollard. He said that the Pollards have also obtained an independent appraisal and that has been mailed to Stantec and Mr. Northgraves. He said that he didn't know if that is part of the material that has been submitted to the Commission. It was noted that the Commissioners did not have copies of the appraisal so Mr. Crandall asked permission to submit the appraisal to the Commission today for consideration, to which the Commissioners agreed. He referred the Commission to the bottom of the third paragraph in Attachment A where it mentions height restrictions range from 45 to 70 feet. He said that to him, he believed that meant that by signing the agreement, his client cannot build a structure in that height range or they'd be in the flight zone. He said that he agreed with Attorney Katsiaficas that the Commission shouldn't make a decision today since the alternate appraisals still need to be considered by the FAA. If the FAA accepts the alternate appraisals, it's possible that the three landowners would end up entering into agreements and it would not be necessary to do the Eminent Domain taking at all. He hoped that the commissioners would not address this issue on the 13th of August unless it appears that an agreement cannot be reached between the FAA and the individual property owners.

Attorney Katsiaficas noted that under statute, the Commission have to sign and file a Return at the next Regular meeting, but it won't be recorded or damages paid for another 30 calendar days so that there's still more time. The taking doesn't go into effect until approximately September 13th. A property could still be taken out of the Order after August 13th if an agreement is signed since the Order hasn't been recorded yet. The ideal, though, is to take care of things before August 13th.

Commissioner Maines asked about the fourth property. Manager Northgraves explained that the fourth property is still being negotiated. Whatever the FAA decides on these three properties, the same will be true for Mr. Vanorse's property. Stantec does have Mr. Vanorse's independent appraisal. Ms. Bland confirmed that she had submitted a copy to the FAA already.

Administrator asked about the exact number of days for when the payment would be made because the warrants are not done every week – they are done every other week. He said that he didn't want someone expecting to get a check exactly on the 30th day. Attorney Katsiaficas said that he would discuss this with Administrator Hart when preparing the Order later. The damages wouldn't be paid any sooner than 30 days.

- A motion was made by Commissioner Richard Parent to close the public hearing portion the meeting. The motion was seconded by Commissioner Roger Moody. A vote was taken with all in favor.

The public hearing portion of the meeting concluded at 11:45 a.m.

IV. Action Item

1. Act on Petition for Property Acquisition by Eminent Domain by considering adoption and signing of a Return of Doings and Order and filing of the same with County Administrator.
 - A motion was made by Commissioner Roger Moody to table acting on the petition for property acquisition by eminent domain until the August 13th Regular Commission meeting. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

V. Adjourn

- A motion was made by Commissioner Roger Moody to adjourn the meeting. The motion was seconded by Commissioner Richard Parent. A vote was taken with all in favor.

The meeting adjourned at 11:46 a.m.

Respectfully submitted,

Candice Richards
Administrative Assistant

The Knox County Commission approved these minutes at their regular meeting held on August 13, 2013.