

Unsealed by Board of Commissioners 03/28/2011.

**SEALED MINUTES  
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS  
January 11, 2010 – CLOSED SESSION**

Closed Session #2 Acquisition of Property

Pursuant to NCGS 143-318.11 (a) (5) to instruct staff on negotiating the price or terms for the acquisition of real property closed session was entered into at 9:50 p.m. Present were Chairman Chappell, Commissioners Bullock, Hawkins, Hogsed and Phillips, County Manager Artie Wilson, County Attorney Curtis Potter, Project Manager Larry Reece, County Operations Director David McNeill, and Clerk to the Board Trisha Hogan.

This closed session meeting comes as a result of the Board's direction for staff to explore alternate locations for a new animal shelter. The Manager, staff, and Commissioners Bullock and Hawkins reviewed sites recommended by Purcell Realty, as well as other available sites. They analyzed 19 sites and narrowed the list to 6 for the Board's consideration. The information packets staff provided for each site included information about the location, property owners, current use of the property, zoning, acreage, assessed value, appraised price, asking price, utilities, surrounding areas, and accessibility to the site. The information also included estimated costs of site preparation and land acquisition.

Site #1 Jennings Property Located on Ecusta Road in Pisgah Forest

Mr. Jennings owns three parcels located on Ecusta Road behind his business on Asheville Highway. The parcels include a 20 feet right of way on the back side of the property and have easy access to water and sewer. Staff explored two of the parcels as a potential site for the animal shelter. The property is zoned as mixed use which is proper for an animal shelter. The Manager noted the site has been graded. He also noted the building design may have to be modified somewhat to comply with City's UDO requirements, such as parking requirements, storm water retention, etc.

The current asking price is \$225,000 per parcel, which is the assessed value of the property. The Manager believes the price can be negotiated and noted the assessed value is the new assessed value from the recent revaluation. The site preparation costs should be minimal.

Staff believes this site is a good candidate. It is zoned properly and surrounded by commercial businesses. The Manager said there may be an opportunity to work with the nearby spay and neuter clinic.

Site #2 Intersection of US 64 West and Whitmire Road

This site consists of five acres. It is heavily wooded and an old house sits on the property. The site consists of two parcels and is easily accessible. The Manager noted that the NCDOT right of way on the property would have to be maintained. The owner is willing to subdivide the property. The property is not zoned and would require the addition of a well and septic system.

The assessed value of the entire site is \$240,000; however the property owner is asking \$400,000. If the property was subdivided, the cost would be half. The Manager said the site preparation costs would be same as for the Calvert site. The total estimated investment cost for the entire site is \$514,000.

Site #3 Intersection of US 64 East and Glade Creek Road

This parcel is located behind Boyd Automotive and is surrounded by the cemetery, a farm, and some residences. The Manager said the soil conditions on this site are poor because of the location of the septic system. Staff recommended connecting to City sewer. Connectivity to City water is not necessary. Also, the site slopes down and would require fill dirt to level it out.

It was noted that staff has not approached the property owner and it unlikely the owner will accept an offer price of \$166,000, which is the appraised value of the property. The Manager said the site would be difficult to develop in order to get the best use of the property because of its shape. The total investment cost is estimated at \$788,400 including water and sewer, and \$674,000 without water.

Site #4 Across from Jackie's Shell-Highway 64 East

This site is located in the floodway and flood plain and consists of 4.86 acres. The site includes a rental house. If there is an interest, the Manager said he would try to negotiate the purchase of the property without the piece that includes the rental house. The tax value on the property is \$342,000. The asking price is \$489,900. Because the property lies within the ETJ, some of the City's UDO requirements would apply, such as storm water retention, and could be connected to City utilities. The total investment is estimated at \$809,000.

Accessibility to the site is very good and it is located in a highly visible area. It was noted that a large housing development is planned for the properties behind this site.

Site #5 1008 Asheville Highway on left before Capps Road

This site consists of 2.49 acres and fronts NC 280. The tax value is listed as \$142,000 and the asking price is \$316,000. There are no utilities and the cost of extending water and sewer is extremely expensive. The property is extremely sloped and access to the site is poor. The Manager said he had trouble getting to the site from the four lane highway because of the traffic, so there are certainly safety concerns with this site. The total investment, including the cost of drilling a well and adding a septic system, is nearly a half million dollars.

Site #6 Old 64 West-Calvert Property next to NCDOT Facility

The County already owns this site. There is a total of 25 acres but only 2 acres is needed for the shelter. The County would have to drill a well and add a septic system. The Manager noted there are very few residential structures nearby. The estimated cost of site preparation is \$114,000.

The Manager also showed a map of the existing animal shelter and the surrounding properties, pointing out there is no space at the existing location to expand. Commissioner Hogsed inquired about the possibility of purchasing the adjoining property. David McNeill pointed out there are problems with current septic system at the existing site. The Manager noted accessibility to the site ranks low and because of the steep terrain does not recommend this site for expansion of the animal shelter.

Summary

The Manager asked for direction from the Board regarding which sites they would like staff to explore further. He also asked to exclude the site on NC 280 since its location poses a safety hazard. The Manager said the Calvert site should remain a worthy site for the Board's consideration since it is owned by the County.

Discussion

Commissioner Phillips pointed out that the Calvert site is surrounded by few residential structures and is an ideal site considering the amount it would cost to purchase other property.

Commissioner Hogsd inquired about the possibility of selling the Calvert property. The Manager responded that the County purchased this property because of the potential liability of the old landfill. He said the County has invested a great deal of money into this project and the shelter was designed for this site.

Chairman Chappell expressed concern about possible contamination of the well and septic system. The Manager said McGill Associates believes any potential contamination from the old landfill should follow the topography which does not pose a great threat to the shelter. The Manager noted these concerns could be eliminated if the Town of Rosman would agree to extend water and sewer to the site which the County could use a potential negotiating tool if the Town wants to build workforce housing.

Commissioner Hawkins said the County should make the case to the Town of Rosman that it has explored other properties and the Calvert site remains the best site. Commissioner Hawkins said the Jennings property has potential as well; however if the County does build the shelter on the Calvert site, Commissioners are going to have to justify to the public their reason for purchasing property.

Commissioner Bullock expressed reservation about moving forward with the Calvert site because the Town of Rosman has expressed opposition to it. Commissioner Phillips said he understands the Town's concerns; however this property is outside the Town's limits and they have no claim to it.

After further comments, Commissioners instructed the Manager to continue exploring the Jennings site and the Porter site off US 64 West.

Commissioner Phillips urged Commissioners to consider building the shelter on the Calvert site. He noted that employees are not getting raises, yet this Board may spend money to purchase property just to appease a certain portion of the population.

The Manager said he will bring information back to the Board in the next three to four weeks.

**Chairman Chappell moved to leave Closed Session, seconded by Commissioner Phillips and unanimously carried.**

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Mike Hawkins  
Transylvania County Board of Commissioners

ATTEST:

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Trisha M. Hogan  
Clerk to the Board