

Unsealed by Board of Commissioners 03/28/2011.

**SEALED MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
February 8, 2010 – CLOSED SESSION**

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 8:57 p.m. Present were Chairman Chappell, Commissioners Bullock, Hawkins, Hogsed and Phillips, County Manager Artie Wilson, County Attorney Curtis Potter, County Project Manager Larry Reese, and Clerk to the Board Trisha Hogan.

At the previous meeting, the Board discussed potential sites for the location of a new animal shelter. After reviewing all the possibilities, the Board narrowed down its choices and instructed the Manager and staff to do further research on those properties. The Manager reported his findings.

Jennings Property Located on Ecusta Road in Pisgah Forest

The Manager reported that Daggett and Grigg Architects indicated that the facility can fit on the Jennings site. He noted that the NC Department of Transportation (NCDOT) has expressed concern about the potential expansion of Ecusta Road if the Davidson River Village becomes a reality. A new road could cut into the property.

Since the previous meeting, Mr. Jennings has increased his asking price for the parcels. He is asking \$250,000 for the first parcel, \$300,000 for the second parcel, and \$350,000 for the third parcel; however he is willing to negotiate. The Manager reported that Mr. Jennings bought the property from Ecusta for \$925,000, which is a little less than \$60,000 an acre. The two lots the County is interested in consists of 2.57 acres. At \$60,000 these two parcels would cost \$154,000. He believes the negotiating price should begin at \$154,000.

The property also includes an easement. The easement and the potential road expansion are negative factors in the consideration of the purchase of this property.

The Manager recently spoke with John Hanselman about the spay and neuter clinic that sits on the old Ecusta property. The Manager discussed with him the possibility of purchasing another piece of property and moving the clinic so that he would have full use of the old Ecusta property. Mr. Hanselman indicated that he is not interested in purchasing any property at this time but he would consider any possibilities presented to him. The Manager concluded that Davidson River Village has no interest in purchasing the third parcel and they are waiting to see what happens with the clinic.

The Manager reported that the design of the animal shelter, if placed on this property, does meet the City's UDO requirements.

Porter Property: Intersection of US 64 West and Whitmire Road

The Manager reported that Daggett and Grigg Architects indicated that the facility can fit on the Porter property. The property would require water and a septic system. Since the previous meeting, the Manager received some draft rules from the State regarding septic systems. The draft rules discuss restrictions on how disinfectants can be used. In order to find out exactly how this will affect the County, the Manager applied for a septic permit with the NC Department of Environment and Natural Resources (NCDENR) so they can make a ruling about whether or not

the County can construct a septic system on this site. The Manager noted that this same process would apply to any site where septic is needed. He reported that the auger borings performed on the property indicate the soil is in good condition.

The Manager discussed the road access to the property and the entryway. The NCDOT indicated the site distance is marginal.

The site consists of five acres, but the County is only interested in purchasing three of the acres. The question is whether or not the owner will subdivide the property according to what is actually needed for the shelter. The Manager noted that the owner is firm in his asking price of \$400,000 for the entire piece of property which equates to \$80,000 an acre. According to County records, Mr. Porter purchased the property for \$235,000.

The negative factors affecting the purchase of the property at this time are whether or not a septic permit will be issued, the entryway, and whether or not the owner would be willing to subdivide the property.

Calvert Property

The County already owns the Calvert site and the animal shelter has been designed for this site.

The Manager reported that the NCDOT has indicated there is no need to install a turning lane to access the property which reduces the cost of the project. They have asked the County to modify the location of the access road to the site.

The Environmental Health Department suggested moving the septic system to another location. The well has to be located 500 feet from the landfill. The well on the property meets this requirement. The Manager proposed having the wells tested to check for contaminants. The cost to test the wells should run between \$1,700 and \$2,000. NCDENR requires the County to maintain the monitoring wells which is why the County can not sell the property. Dwellings must be located a certain distance from the landfill as well.

Direction and Discussion

The Manager asked for direction from the Board as to how to move forward. He believes both property owners are willing to negotiate on the selling price. Staff will continue to work on the waste water issues on both sites. The Manager expressed concern about whether or not it was the County's best interest to ask Mr. Porter to subdivide his property saying it may be better to pursue the entire five acres.

Commissioners Bullock and Hogsed preferred that the Manager continue to negotiate the selling price with the owners.

Chairman Chappell expressed concern about the Jennings property. He believes the site should be used for something more than just an animal shelter. The Manager said the site is too small for investment in some type of economic development purpose.

Commissioner Hawkins agreed with Chairman Chappell and said he likes the Jennings property if there can be a multi-use there. He suggested discussing with Mr. Jennings the possibility of a sale and contribution to the Transylvania Partnership. The Manager pointed out that the third parcel consists of 1.25 acres and that there is also an easement on the back of the property. Commissioner Bullock said the Jennings property would be appealing if there was a way to incorporate the spay and neuter clinic. The Manager said he is unsure of the future of the clinic.

Commissioner Phillips said for him this boils down to a business decision and that being the ability to justify purchasing either property when the County already owns the Calvert site. He said he has not been convinced as to why the animal shelter can not be built on the Calvert property. The Manager agreed but said staff will continue to exhaust its efforts on the waste water, etc. Commissioner Phillips pointed out that the Calvert property is not surrounded by residents and is outside the town limits of Rosman.

Commissioner Hawkins agreed with the Manager that it would be useful to test the wells on the Calvert site.

The Manager also suggested the possibility of negotiating with the Town of Rosman about connecting to their utilities.

Commissioners instructed the Manager to move forward with getting the wells tested at the Calvert site.

Commissioners Hawkins believes options are the Jennings and Calvert properties. The Manager suggested Commissioner Hawkins discuss the Transylvania Partnership options with Mr. Jennings. Commissioner Hawkins agreed with Commissioner Phillips that it is hard to justify spending hundreds of thousands of dollars if there is another site that is suitable and usable, unless there is a multiple use possibility. He said the Jennings property does not appear to be big enough for anything else except an animal shelter.

It was also noted that the County would have to build a sidewalk to meet the City's UDO requirement if the Jennings property is purchased.

Chairman Chappell expressed concern about discussing the well testing for the purposes of this closed session. County Attorney Curtis Potter addressed his concerns. He said the NC General Statute leaves room for argument either way, but as long as the discussion is related specifically to negotiation of property, the discussion about the well testing is allowed. He instructed the Board not to give any specific direction with respect to just the County property.

Chairman Chappell said he believes it would be good to firm up some figures as it relates to the Jennings property. Commissioner Hawkins agreed and believes that \$60,000 per acre is a good starting point to begin negotiations. The Manager asked Commissioners the maximum amount they are willing to pay for this property. The Manager believes Mr. Jennings is willing to negotiate. Commissioner Hogsed would like the Manager to negotiate a bottom line price with Mr. Jennings. Commissioner Hawkins said he would be willing to purchase the Jennings property at \$150,000. He said the \$100,000 site preparation costs puts the County at a \$100,000 difference between that and Calvert and he believes that would be easier to justify. Any amount other than that he is not agreeable to. He would like to know Mr. Jennings' bottom line selling price. Commissioner Hawkins said it would be helpful to note that this would be a quick turn around sale if Mr. Jennings agrees.

Commissioner Hogsed said it would be best to take the same approach for both properties and find out their bottom line selling price.

After further comments, Commissioners instructed the Manager to meet with both property owners and determine what their bottom line selling price is, but the primary focus should remain on the Jennings property. Commissioner Hawkins agreed to meet with the Manager and Mr. Jennings to discuss opportunities for the Transylvania Partnership.

Chairman Chappell moved to leave closed session, seconded by Commissioner Bullock and unanimously carried

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board