

Unsealed by Board of Commissioners 03/28/2011.

**SEALED MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
April 12, 2010 – CLOSED SESSION**

Pursuant to per NCGS 143-318.11 (a) (3) and (5) to consult with an attorney and to instruct staff on a negotiating position for the acquisition of real property, closed session was entered into at 8:05 p.m. Present were Chairman Chappell, Commissioners Bullock, Hawkins, Hogsed and Phillips, County Manager Artie Wilson, County Attorney David Neumann, and Clerk to the Board Trisha Hogan.

The Manager reported that Mr. Jennings and Mr. Porter are anxious to know if the County remains interested in purchasing their respective properties. The Manager informed them that no decision had been made by the Board of Commissioners.

At the previous meeting the Board instructed staff to test the wells at the Calvert site for any adverse environmental impacts. The Manager reported that one of the tests showed high levels of iron and cadmium, most likely a product of cleaning the wells, but there had been no environmental impacts from the old landfill.

Also at the previous meeting, Commissioners Hawkins and Phillips agreed to meet with Rosman Alderman Roger Petit to hear his proposals. Neither Commissioner was able to meet with Mr. Petit; however they visited the Calvert site and by their assessment determined the back of the site is not large enough to fit a shelter without major grading of the site. Plus, all structures must remain within a certain distance from the old landfill.

The Manager noted there is a significant cost difference in purchasing property versus the site the County owns. He believes the Jennings property can be negotiated further; however he is not sure how much Mr. Jennings is willing to lower his asking price. The Manager said Mr. Porter is firm in his asking price. While it would be ideal to have water and sewer access at the Calvert site, it is possible to construct a new system. He suggested negotiating the tap fee with the Town of Rosman as a possibility. The Manager asked the Board to narrow the choices to the Jennings property and Calvert site and direct staff on how they wish to proceed.

Commissioner Hawkins noted that the current offer on the Jennings property is \$241,000 more than the estimated cost of the animal shelter project at the Calvert site. The difference is based on the asking price of \$300,000 for the two lots. He inquired as to how much the Board is willing to spend to purchase the Jennings property and said if that offer is rejected then the decision should be to build on the Calvert site.

Commissioner Phillips said he does not support purchasing property for the animal shelter. He commented that many people he has spoken with already believe the estimated cost of the shelter is too high and that does not include additional cost to purchase property.

Commissioner Hogsed preferred to make Mr. Jennings an offer. Commissioner Hawkins said he can not see Mr. Jennings taking much less than his offer.

Commissioner Bullock believes the Calvert site is the best option as far as looking out for the taxpayers; however he made a promise to the Town of Rosman that he would not push anything on them that they do not want. He said he will respect the Commissioners' decision if the

decision is made to build the shelter at the Calvert site. Commissioner Hogsed agreed, saying he also promised not to build the shelter at the Calvert site because of the opposition by the Town of Rosman and their citizens. Commissioner Phillips noted that the Calvert site is not located within the Town of Rosman and once the shelter is built it will be a nice facility and an asset to the County.

Commissioner Hawkins suggested an offer price to Mr. Jennings of \$200,000 for the two parcels, although he does not believe he will accept that offer. He pointed out that at this asking price, the County would have to come up with an additional \$125,000 to build the shelter. Commissioner Hogsed preferred an offer of \$250,000. The Manager reminded Commissioners of the budget shortfall the County is facing which is why he preferred to begin negotiations with the Town of Rosman. He noted that the County has approximately \$800,000 in reserves for this project.

Chairman Chappell believes the Calvert site makes better sense but expressed concern about building a facility on the site without access to water and sewer, particularly if there is future contamination by the old landfill. The Manager believes if there were ever any contamination issues that the NC Department of Environment and Natural Resources (NCDENR) would probably require the Town of Rosman to allow the County to tap onto their utilities, particularly since the extension of their water and sewer lines were paid for mostly with State and federal funds. The Manager again suggested that negotiations begin with the Town of Rosman and hopefully a solution can be met that would be a win-win situation for both entities.

Commissioners discussed potential negotiations with the Town of Rosman. Suggestions included only requesting hook up to water since they are not comfortable with an animal shelter hooking onto their sewer lines, explaining that the Board has researched its options and it would cost taxpayers countywide to purchase property, and asking them to work with the County on the design aspect of the sewer. Commissioners expressed that they want to work with the Town of Rosman as a matter of respect. Commissioner Hogsed preferred to make an offer to Mr. Jennings.

Commissioner Hogsed moved to offer Mr. Jennings \$250,000 for the property and if he turns that down to counter with \$275,000 as the final offer for the two parcels. The motion was seconded by Commissioner Bullock. Commissioners Bullock and Hogsed said they are ready to move forward but are respectful of the entire Board's decision. Chairman Chappell and Commissioners Hawkins and Phillips were not comfortable with the offer price because of the additional cost to the County to build a shelter. Commissioner Phillips said the Board needs to consider all taxpayers, not just Rosman taxpayers. Chairman Chappell preferred to begin discussions with the Town of Rosman. **The motion failed by a vote of 2 to 3, with Chairman Chappell and Commissioners Hawkins and Phillips voting against.**

Commissioners Hawkins and Phillips agreed to schedule two-on-two meetings with members of the Board of Alderman. They plan to contact Mr. Petit and ask him to select another Alderman to attend the meeting. They intend to hear the Town's proposal and bring that information back to the Board as a whole.

Commissioner Phillips inquired about the feasibility of a land swap in case it comes up in their discussions. It was determined that a land swap was not really feasible; however there could be discussions about potentially selling a parcel that was originally thought to be suitable for workforce housing as use for a community center.

In the mean time, the Manager will inform Mr. Porter to proceed with seeking other buyers for his property and inform Mr. Jennings that his property is still under consideration.

Commissioners Hawkins and Phillips will schedule a meeting with Mr. Petit as soon as possible.

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

Mike Hawkins, Chair
Transylvania County Board of Commissioners

ATTEST:

Trisha M. Hogan
Clerk to the Board