

Unsealed by Board of Commissioners 03/28/2011.

**SEALED MINUTES  
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS  
August 23, 2010 – CLOSED SESSION**

Closed Session #1

Pursuant to NCGS 143-318.11 (a)(3) to consult with an attorney and (a)(5) to instruct staff or negotiating agents concerning the position to be taken on behalf of the public body, closed session was entered into at 8:45 p.m. Present were Chairman Chappell, Commissioners Bullock, Hawkins, Hogsed and Phillips, County Manager Artie Wilson, County Attorney Curtis Potter, and Clerk to the Board Trisha Hogan.

As instructed from the last closed session meeting on August 9, 2010, the Manager submitted a formal request to the Town of Rosman asking for utilities for a new animal shelter at the Calvert site as designed, with the offer of a tap fee in the amount of \$45,000. The Manager reported the Board of Aldermen had scheduled a special meeting last Friday to discuss the County's offer but no quorum was present. The Board of Aldermen plans to discuss the County's offer at their next meeting in September. The Manager also provided some additional information to the Town regarding the water line, which offered some background information about the Town's commitment to offer the County a free tap and the time the County spent helping to secure funding for the Town to extend the water line and build a waste water treatment facility.

At the last meeting the Manager was instructed to explore other options for utilities and the following are his responses:

1. Spoke with Joel Setzer and Ruben Moore with the NC Department of Transportation (NCDOT). They said the NCDOT is not in the water business; therefore the County could not tap onto their line; however if the County ever found itself in an emergency situation, they would be willing to help.
2. Spoke with representatives at the Rural Economic Development Center about specific language that would require the Town of Rosman to grant utilities to the County or any other interested party; the answer was no.
3. Contacted the Appalachian Regional Commission. There were no representatives to speak with, but the Manager feels the answer would be same as with the Rural Economic Development Center; however they do frown upon other municipalities denying utility access to other governmental entities.
4. Project Manager Larry Reece and Operations Director David McNeill reviewed the plans for the Jennings site with the City Planning Department. The City found no issues that would deny the County from building on the Jennings site and the plans should meet UDO requirements. The Manager has not received this in writing as of this date.

Commissioners conferred with the County Attorney and the Manager about their next steps. While the County awaits a response from the Town of Rosman, Commissioners instructed the Manager to continue negotiations on the Jennings property and determine the bottom line selling price.

ATTEST:

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Mike Hawkins, Chair  
Transylvania County Board of Commissioners

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Trisha M. Hogan  
Clerk to the Board

08/23/2010