



***MINUTES***

Board of Commissioners Special Meeting  
Monday, September 29, 2008 – 5:00 p.m.  
Town Barn

**PRESENT:** Mayor Tom Stevens, Commissioners Mike Gering, Brian Lowen, and Evelyn Lloyd

**EXCUSED ABSENCES:** Commissioners L. Eric Hallman and Frances Dancy.

**STAFF PRESENT:** Town Manager Eric Peterson, Assistant Town Manager/Public Works Director Nicole Ard, Town Clerk/Director of Administration and Human Resources Donna Armbrister, Planning Director Margaret Hauth, and Town Attorney Bob Hornik

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**1. OPEN THE MEETING**

5:10:01 PM Mayor Stevens called the meeting to order.

**2. AGENDA CHANGES & AGENDA APPROVAL**

By consensus, the Board approved the Agenda as presented.

Mayor Stevens reminded the Board that there was a standing offer in round figures of \$236,000 but the appraisal was much less, around \$106,000. He said they wanted to honor the standing offer and had conveyed that to Mr. Pherribo, but the realtor, Rachel Gaya, had come back with a request for over \$303,000. Mayor Stevens said they had been surprised by that given the appraisals, and the Board had then come back to Mr. Pherribo and offered \$250,000 since they were under a time constraint for the grant. He said the final request from Ms. Gaya was roughly \$278,000, and the Board was concerned about that price.

Mayor Stevens said he had talked with Mr. Pherribo over the weekend to let him know the Board wanted to hear from him and the reasons why they should consider that price. He said there were several things said during that conversation, one of which was that Mr. Pherribo felt the price was justified because that was what the family had wanted, another was that he wanted to be a team player and wanted to see the project go forward, and lastly that there was a need for the Board to have the opportunity to meet with Mr. Pherribo and ask questions of him prior to entering into a Closed Session. Mayor Stevens said that was the reason for today's meeting, to give Mr. Pherribo the opportunity to speak to the Board.

5:13:19 PM Walter Pherribo thanked the Board for the opportunity to explain the position in which they found themselves. He said this process had been ongoing since March of 2001, and explained some of what history of the land from the family's point of view:

- The family had lived there since 1867.
- Great-grandparents, Henderson and Peggy Pherribo, were the original family owners, and lived on track 5. They had eight children, and had owned a brickyard on track 6.
- Those children purchased a significant amount of land to add to the family holdings.
- His parents had lived on track 10, and had four children. He and his sister were the surviving children.
- They had grown up living and playing around the Eno River, and were greatly attached to the land, as were his children.
- One of the parcels the Town was interested in, the 2.25 acres behind the Latta house, had never succumbed to flooding as had other properties.
- The family continued to love that land, and when Riverwalk became of interest to the Town, he had discussed it with family. He had previously said that if the Town wanted a place to walk along the river, they should find their own land, but he had now had a change of heart.
- After discussing the Town's interest with the family, they had decided they wanted to be partners with the Town, if and only if they could come to an agreement.
- The family had then decided to make an offer to the Town based on what they believed was a reasonable price for the land. The value of the land, as he saw it, depended on the intended use in some cases. He mentioned the language in the Riverwalk feasibility study that related to that.
- His family had a long history on that piece of property, and it was perhaps worth more to him than it was to the Town.

5:26:33 PM Mr. Pherribo stated he wanted to be a team player, but he wanted to treat his family properly in terms of the \$278,125 which was their final offer. He stated he realized clearly what the appraisals were, but to him that did not offer the true value of the land for his family. Mr. Pherribo said there was a piece of property they had sold about two years ago at the corner of Pherribo and Exchange Park Lane, and that was sold for \$29,500. But, he said, it was important to understand that that particular piece of property was not useable to his family. Mr. Pherribo said some years ago he had asked the Planning Department to grant him an easement to divide that property, but it was refused because they needed 2,400 square feet. He said that was an injustice, but he was not holding that against the Town. Mr. Pherribo said his point was that the family wanted to be compensated for the property the Town was now interested in. He said he was not trying to rape the Town, but was trying to be a good partner.

5:30:02 PM Rachael Gaya, the realtor representing Mr. Pherribo, stated that she and her clients had not been privy to the appraisals that were done. She said they all knew that the tax value was not the true value of a price of property. Ms. Gaya said as well, they all knew that the Riverwalk property was a very unique property, and because of supply and demand it, too, had its own value. She said the property was beautiful and would provide a beautiful walking trail, would enhance tourism, and would provide additional revenue which would be ongoing. Ms. Gaya said the value of an income-producing property was very different from just a land purchase.

5:31:51 PM Upon a motion by Commissioner Gering, seconded by Commissioner Lloyd, the Board moved to go into Closed Session by a vote of 3-0. The motion was declared passed.

Mr. Pherribo thanked the Board for its attention, adding he recognized what they were up against. He asked them to do the right thing, whether it was in his favor or not.

### **3. CLOSED SESSION**

#### **A. Closed Session as authorized by North Carolina General Statute Section 143-318.11 (5) regarding Property Acquisition for Riverwalk Phase II**

### **4. CONSIDERATION OF POSSIBLE ACTION TO PURCHASE ACQUISITION OR CONDEMN PROPERTY FOR RIVERWALK PHASE II**

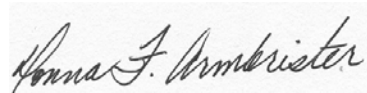
6:13:20 PM Upon returning to Open Session, and upon a motion by Commissioner Lowen, seconded by Commissioner Lloyd, the Board moved to offer to purchase the property in question for Riverwalk Phase II at a price of \$278,125 by a vote of 2-1, with Commissioner Gering voting Nay. The motion was declared passed.

### **5. OTHER**

No other business was discussed.

### **6. ADJOURN**

Upon a motion by Commissioner Gering, seconded by Commissioner Lowen, the Board moved to adjourn the meeting at 6:14 p.m. by a vote of 3-0. The motion was declared passed.



Respectfully submitted,  
Donna F. Armbrister, MMC  
Town Clerk