

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in special session on Monday, September 28, 2015 at 8:30 a.m. in the Commissioners' Conference Room, Vance County Administration Building, 122 Young Street, Henderson, NC. Those Commissioners present were as follows: Chairman Archie B. Taylor, Jr., Commissioners Gordon Wilder, Deborah F. Brown, Dan Brummitt, Terry E. Garrison and Thomas S. Hester, Jr.

Absent: None.

Also present were Interim County Manager Robert M. Murphy, Deputy County Manager Jordan McMillen, Finance Director David C. Beck, County Attorney Jonathan S. Care, and Clerk to the Board Kelly H. Grissom.

The purpose of the special meeting was to address the following:

1. Resolution - Neighborhood Stabilization Program
2. Request from ABC Board to Use Excess Profits
3. REO Property - 152 South Bullock Street
4. Discussion of Procedures to Fill Board Vacancy
5. Other Items as Needed
6. Closed Session - Personnel Matter

*Resolution - Neighborhood Stabilization Program.* County Attorney Jonathan S. Care stated that the Planning and Environmental Committee met Wednesday, September 16 to review an offer to purchase from Richard Loyd Terry in the amount of \$60,000 for one of the remaining NSP houses located at 661 Charles Street. Due to the time sensitive nature of responding to NSP offers to purchase, the Board during its March 10, 2014 meeting authorized the committee to make decisions on selling the NSP houses subject to the established price parameters. The offer was within these parameters and the committee authorized the sale of 661 Charles Street for \$60,000 subject to the County's standard counter offer including the terms and conditions of the NSP program. This includes a \$5,000 NSP grant. The committee recommended approval of a resolution Authorizing a Private Sale Pursuant to N.C.G.S. 153A-378 of Low and Moderate Income Housing from the Vance County NSP Grant Program.

Since the committee met, Attorney Care received additional information from the buyer. He stated that the buyer discovered (after the contract was submitted) that the piece of property directly behind 661 Charles Street was not actually included in part of the property that conveyed with this house. The buyer has requested that the back yard be fenced in, and thought that the adjoining parcel would be included. When the buyer realized that this piece of property was not

attached, that brought about a new offer. The adjoining parcel is currently jointly owned by the County and City due to foreclosure. The buyer has requested that we ask the City to add the parcel to 661 Charles Street, and to see if can be included in the NSP program. The buyer is dropping their request for all appliances except for the washer and dryer in exchange for the additional lot and fencing. The revised offer is for the purchase price of \$70,000 and includes a \$10,000 NSP grant which is required by the Neighborhood Stabilization Program.

After discussion, motion was made by Commissioner Gordon Wilder, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to authorize the Planning and Environmental Committee to approve the sale of 661 Charles Street subject to the City conveying its ownership of the adjoining parcel to the County; and subject to the adjoining parcel being allowed in the Neighborhood Stabilization Program.

*Request from ABC Board to Use Excess Profits.* Finance Director David C. Beck explained that by State Statute, ABC Boards are required to maintain working capital within a certain range based on average monthly sales. Due to two consecutive years of better than average sales growth, the ABC Board's working capital has exceeded the allowed range by approximately \$200,000. The ABC Board has requested that they be allowed to apply this excess revenue to the loan on the ABC Store. Mr. Beck stated that applying this excess revenue to the current loan will result in a savings of approximately \$55,000 in interest over the life of the loan. Mr. Beck recommended approval of this request.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Deborah F. Brown, vote unanimous, to authorize the ABC Board to apply \$200,000 in excess profits to the debt of the current loan on the ABC Store.

*REO Property - 152 South Bullock Street.* County Attorney Jonathan S. Care stated that a revised offer has been submitted by Mr. Horace Bullock for 152 South Bullock Street in the amount of \$2,800. His original offer was for \$750 which had been reviewed by the Planning/Environmental Committee last month. The committee counter-offered for \$3,100. Mr. Bullock revised his offer to \$2,800.

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Terry E. Garrison, vote unanimous, to authorize the upset bid process for the property located at 152 South Bullock Street, Henderson, NC.

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**RESOLUTION AUTHORIZING UPSET BID PROCESS  
FOR SALE OF REAL PROPERTY  
152 S. Bullock Street, Henderson, NC 27536**

**WHEREAS**, Vance County owns certain real property with an address of **152 S. Bullock Street, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0085 01011**; and,

**WHEREAS**, North Carolina General Statute §160A-269 permits the county to sell real property by upset bid, after receipt of an offer for the property; and,

**WHEREAS**, the County has received an offer to purchase the real property described herein above in the amount of **\$2,800.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by **Horace P. Bullock**; and,

**WHEREAS**, **Horace P. Bullock** has paid the required deposit in the amount of **\$750.00** with his offer.

**THEREFORE, THE VANCE COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:**

1. The Board of County Commissioners declares the real property described above surplus and authorizes its sale through the upset bid procedure of North Carolina General Statute §160A-269.

2. A notice of the proposed sale shall be published which shall describe the property and the amount of the offer and shall require any upset offer be subject to the same terms and conditions as contained therein except for the purchase price.

3. Any person may submit an upset bid to the Clerk to the Board of County Commissioners within 10 days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.

4. If a qualifying upset bid is received, a new notice of upset bid shall be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of County Commissioners.

5. A qualifying higher bid is one that raises the existing offer by the greater of \$750 or ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of the offer and is subject to the same terms and conditions of the previous bid.

6. A qualifying higher bid must also be accompanied by a deposit in the amount of the greater of \$750 or five percent (5%) of the bid, which may be made by cash, cashier's check or certified funds. The County will return the deposit of any bid not accepted and will return the bid of an offer subject to upset if a qualifying higher bid is received.

7. The terms of the final sale are that the Board of County Commissioners must approve the final high offer before the sale is closed and the buyer must pay with certified funds or wire transfer the bid amount and any other amounts as required pursuant to the terms and conditions of the bid at the time of closing, which shall be no later than 30 days following the approval by this Board of the final bid. The real property is sold in its current condition, as is, and the County gives no warranty with respect to the usability of the real property or title. Title will be delivered at closing by a **Non Warranty Deed**, subject to exceptions for ad valorem taxes, assessments, zoning regulations, restrictive covenants, street easements, rights of others in possession and any other encumbrances of record. Buyer shall pay for preparation and recording of the Deed and revenue stamps.

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted **and the right to reject all bids at any time.**

9. If no qualifying upset bid is received, the Board of County Commissioners will accept or reject the bid submitted within 60 days after the close of the 10-day upset period.

**This the 28<sup>th</sup> day of September, 2015.**

**Archie B. Taylor, Jr. (signed)**  
**Archie B. Taylor, Jr., Chairman**  
**Vance County Board of Commissioners**

**ATTEST:**

**Kelly H. Grissom (signed)**  
**Kelly H. Grissom, Clerk to the Board**

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*Discussion of Procedures to Fill Board Vacancy.* Interim County Manager Robert M. Murphy stated that the Vance County Democratic Party Executive Committee has been contacted, pursuant to state statute, and was asked to provide a nomination(s) to the Board of Commissioners to fill the vacant position formerly held by Eddie L. Wright. The executive committee was asked to submit the nomination(s) by Friday, October 16, 2015. This will allow the Board time to consider the nomination(s) and make an appointment by the deadline of November 9, 2015. Mr. Murphy noted that the Board does have some latitude as far as making the appointment, but most counties typically rely on the political party for recommendation.

*Filling of Fire Chief and EMS Director Positions.* Interim County Manager Robert M. Murphy informed the board that the Fire Chief and EMS Director positions have been filled. Mr. Chris Wright was selected to fill the position of Fire Chief, and Mr. Javier Plummer was selected to fill the EMS Director position. The new hires will become effective November 1, 2015.

At this time, motion was made by Commissioner Gordon Wilder, seconded by Commissioner Dan Brummitt, vote unanimous, to enter into closed session to discuss a personnel matter.

Upon return to open session and as there was no further business, motion was made by Commissioner Dan Brummitt, seconded by Commissioner Gordon Wilder, vote unanimous, that the meeting be adjourned.

**Approved and signed October 5, 2015.**

**Archie B. Taylor, Jr. (signed)**  
**Archie B. Taylor, Jr., Chairman**