

Vance County Board of Commissioners
Vance County Administration Building
122 Young Street, Suite B
Henderson, NC 27536



Robert M. Murphy
Interim County Manager

Telephone 252-738-2001
Fax 252-738-2039

Kelly H. Grissom
Clerk to Board

Telephone 252-738-2001

MEMORANDUM

To: Deborah F. Brown
Dan Brummitt
Terry E. Garrison
Thomas S. Hester, Jr.
Gordon Wilder

From: Kelly H. Grissom, Clerk to the Board *KG*

Date: September 24, 2015

Re: **Special Called Meeting**

This memorandum will serve as notice that Chairman Archie B. Taylor, Jr. has called a special meeting for Monday, September 28 at 8:30 a.m. in the Commissioners' Conference Room, Vance County Administration Building, 122 Young Street, Henderson, NC. The purpose of the special meeting is 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

c: Chairman Archie B. Taylor, Jr.

Planning and Environmental Committee Report

Approval for Sale of Neighborhood Stabilization Program (NSP) Property (661 Charles Street). The committee met Wednesday, September 16, 2015 to review an offer to purchase one of the remaining NSP homes from Richard Loyd Terry for \$60,000. 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 is within these parameters and the committee has 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. In order to finalize the sale, it is necessary for the full Board to adopt the attached resolution. *Recommendation: Approve the 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.*

RESOLUTION
By the Vance County Board of Commissioners

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

WHEREAS, the Vance County Board of County Commissioners has heretofore adopted procedures wherein certain minimum standards for the sale of the Vance County NSP Grant Programs homes were established; and,

WHEREAS, Vance County has received an Offer to Purchase 661 Charles Street, Henderson, North Carolina; and,

WHEREAS,* In accordance with their adopted policy and procedures, the Planning and Environmental Committee duly met and approved an acceptable counter offer to Richard Loyd Terry (Buyer) offer which has been accepted by the Buyers; and,

WHEREAS, in accordance with Vance County's goals and requirements of the Vance County NSP grant the proposed Offer to Purchase should fulfill these goals and requirements subject to protecting the long term occupancy of the residence by the owner.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for the County of Vance as follows:

1. Pursuant to N.C.G.S. 153A-378 and the affirmative action taken by the Vance County Planning and Environmental Committee the Vance County Board of Commissioners will sell the property to Richard Loyd Terry, the Buyer, pursuant to the terms and conditions contained in the executed Offer to Purchase at a sales price of \$65,000, with the following conditions in addition to those terms and conditions contained in the Offer to Purchase;
 - a. North Carolina Note and Deed of Trust in a second priority position securing \$5,000 for 5 years, with the balance due and owing decreasing by \$1,000 for each full year the residence is owned and occupied (owner-occupied) by the Buyer.
 - b. The Buyer fulfills all NSP requirements of education and counseling, and does fulfill the income requirements of the program.

2. A Notice summarizing the contents of such sale shall be published once at least ten days prior to the consummation of the sale.
3. This resolution shall be effective upon its adoption.

ADOPTED this the ____ day of September, 2015.

Archie B. Taylor, Jr., Chair
Vance County Board of Commissioners

Attest:

Kelly H. Grissom
Clerk to the Board

VANCE COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD

P.O. BOX 1417

HENDERSON, NC 27536

MRS. NANCY F. WILSON
Chairman

DAVID W. PARHAM
Supervisor

MEMBERS

MS. ANDREA L. HARRIS
PAUL J. STAINBACK
JOHN E. FOGG
DANIEL T. HANNON, III

September 01, 2015

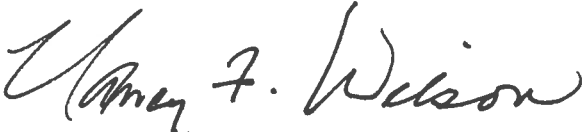
North Carolina General Statutes require ABC Boards to maintain working capital within a certain range based on average monthly sales. Due to two consecutive years of better than average sales growth, the ABC Boards working capital has exceeded the allowed range by approximately two hundred thousand dollars.

The ABC Board is requesting the Commissioners approval to apply this excess revenue to the loan the ABC Board has on the ABC Store.

Applying this excess revenue to the current loan will result in a savings of approximately forty thousand dollars in interest over the life of the loan.

Our accountants, Holden-Moss, are in favor of this action.

Thank you for your consideration of this matter.

A handwritten signature in black ink, appearing to read "Nancy F. Wilson". The signature is fluid and cursive, with the first name "Nancy" and last name "Wilson" clearly distinguishable.

Nancy F. Wilson, Chairperson

Vance County ABC Board

**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 28th day of September, 2015.

Archie B. Taylor, Jr., Chairman
Vance County Board of Commissioners

ATTEST:

Kelly H. Grissom, Clerk to the Board

NORTH CAROLINA

VANCE COUNTY

OFFER TO PURCHASE
COUNTY OWNED PROPERTY

HORACE F. BULLOCK, (hereafter referred to as "Buyer"), hereby offers to purchase from Vance County, North Carolina (hereafter referred to as the "Seller"), in accordance with the following terms and conditions, all that tract, lot or parcel of land together with any improvements located thereon, in Vance County, North Carolina, being known as and more particularly described as follows:

Vance County Register of Deeds Book 391 Page 89/91:

Street Address: 152 So. Bullock St

1. **The Purchase Price:** The purchase price is \$ 2800.00 ~~2500.00~~, plus the cost of publication as required by NCGS 160A-269, and shall be paid as follows:
 - a. \$ 750.00, (the greater of \$750 or 5% of the purchase price) in cash, cashier's check or certified funds as a deposit, with the delivery of this offer, to be held by the Vance County Attorney until the sale is closed at which time it will be credited to Buyer, or this agreement is otherwise terminated as herein provided.
 - b. \$ _____, plus the cost of publication, the balance of the purchase price, in cash, cashier's check or certified funds upon delivery of the Deed and the closing of this transaction.
2. **Conditions.**
 - a. Title will be delivered at closing by **Non- Warranty Deed**. Title to the property hereinabove described is subject to the following exceptions: liens, encumbrances, ad valorem taxes, assessments, zoning regulations, restrictive covenants, access, utility and or conservation easements, rights of others in possession, and other matters of record.
 - b. This offer is conditioned upon there being no proper upset bid submitted within a ten (10) day period after notice of Buyer's offer has been published in a local newspaper in accordance with N.C.G.S. § 106A-269, and final acceptance of this offer by the Board of Commissioners following the upset bid period.
 - c. Other Conditions: The buyer represents that all Ad Valorem Property Taxes owed by the buyer, or any business entity the buyer or the buyer's shareholders or members have an ownership interest in have been paid in full. The Board of County Commissioners may reserve the right to reject all bids, including yours, in the resolution.
3. **Closing.** Each party hereby agrees to execute any and all documents or papers that may be necessary in connections with the transfer of title. Final settlement shall be made on or before thirty (30) days following the resolution approving the final bid at a place designated by Seller with the Non Warranty Deed made out to _____.

152 South Bullock Street (0085 01011)



Offer to Purchase: \$2,800

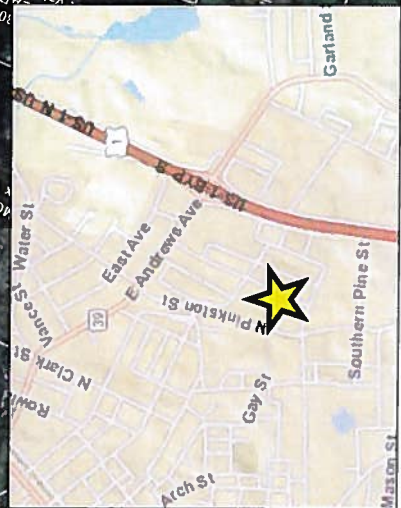
Condition: 1068 square feet Single Family Dwelling constructed in 1962; Located in City of Henderson

Property Value: Home & Improvements - \$24,371; Land Value - \$7,857; Property owned 57% by County and 43% by City

County/City Cost thus far: \$3,100

152 Bullock Street Tax Parcel 0085-01011

0083 04001
HIGHLAND GREEN LLC
Tax Value= \$2229711



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Clerk to Board
Telephone (252) 738-2001

September 22, 2015

Mr. Richard Brand, Interim Chair
Vance County Democratic Party
1849 Parker Lane
Henderson, NC 27536

Dear Mr. Brand:

The Vance County community lost a long serving member of the board of commissioners two weeks ago with the passing of Mr. Eddie L. Wright. The appointment of a successor to Mr. Wright on the board of commissioners is governed by state statute, a copy of which is enclosed. In accordance with the statute, I request that you assemble the Executive Committee of the Vance County Democratic Party for the purpose of recommending to the board of commissioners the name or names of individuals whom the committee would recommend be appointed to the board.

The recommended individuals must be registered Democrats and reside in Vance County District 5. Please submit the nominations to Kelly H. Grissom, Clerk to the Board, at the address above no later than 5:00 p.m., Friday, October 16, 2015.

Thank you for your attention in this most important matter.

Sincerely,

Archie B. Taylor, Jr., Chairman
Vance County Board of Commissioners

c: Vance County Board of Commissioners

§ 153A-27. Vacancies on the board of commissioners.

If a vacancy occurs on the board of commissioners, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum, and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any five registered voters of the county. If for any other reason the remaining members of the board do not fill a vacancy within 60 days after the day the vacancy occurs, the clerk shall immediately report the vacancy to the clerk of superior court of the county. The clerk of superior court shall, within 10 days after the day the vacancy is reported to him, fill the vacancy.

If the member being replaced was serving a two-year term, or if the member was serving a four-year term and the vacancy occurs later than 60 days before the general election held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December next following the first general election held more than 60 days after the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated, either to the remainder of the unexpired term or, if the term has expired, to a full term.

To be eligible for appointment to fill a vacancy, a person must (i) be a member of the same political party as the member being replaced, if that member was elected as the nominee of a political party, and (ii) be a resident of the same district as the member being replaced, if the county is divided into electoral districts. The board of commissioners or the clerk of superior court, as the case may be, shall consult the county executive committee of the appropriate political party before filling a vacancy, but neither the board nor the clerk of the superior court is bound by the committee's recommendation. (Code, s. 719; 1895, c. 135, s. 7; Rev., s. 1314; 1909, c. 490, s. 1; C.S., s. 1294; 1959, c. 1325; 1965, cc. 239, 382; 1967, cc. 7, 424, 439, 1022; 1969, cc. 82, 222; 1971, c. 743, s. 1; 1973, c. 822, s. 1; 1985, c. 563, ss. 7.3, 7.4.)

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If the member was serving a four-year term and the vacancy occurs later than 60 days before the general election held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term.

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