

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in special session on Friday, June 13, 2014 at 12:00 noon in the Commissioners' Conference Room, Vance County Administration Building, 122 Young Street, Henderson, NC. Those Commissioners present were as follows: Chairperson Deborah F. Brown, Commissioners Archie B. Taylor, Jr., Dan Brummitt, Terry E. Garrison, Thomas S. Hester, Jr., and Gordon Wilder.

Absent: Commissioner Eddie L. Wright.

Also present were County Manager Jerry L. Ayscue, Finance Director David C. Beck, and Clerk to the Board Kelly H. Grissom. County Attorney Jonathan S. Care was absent.

Chairperson Deborah F. Brown gave the invocation.

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

1. Resolution - Sale of Armory
2. Resolution - Financing Agreement for Law Enforcement Vehicles
3. Award of Bids - CDBG Scattered Site Program
4. Other items as needed

Resolution - Sale of Armory. Finance Director David C. Beck stated that the Armory was auctioned off yesterday. He explained that there were three to four bidders on site as well as two bidders following the auction online. The only two bids received came from the online bidders. The high bid was \$32,500. He noted that one correction needs to be made on the resolution. The draft resolution indicates that the bid was placed by Odell Barnes, but it should be Kent Davis. Mr. Barnes is working with Kent Davis.

Mr. Beck noted that the net proceeds from the sale of the Armory will be evenly distributed between Vance County and the City of Henderson. The net proceeds to the County are approximately \$12,730. This amount is net of the commission paid to the auctioneer and the funds for marketing the property. This does not include recording fees.

Commissioner Thomas S. Hester, Jr. asked - once this bid is accepted, what is the length of time the bidder has to do something with the property? Mr. Beck stated that within three years from the date of closing the building must be improved, demolished, etc.

Commissioner Terry E. Garrison asked - if the building has not been improved, demolished, etc. within three years, will the building revert back to the County? County Manager Jerry L. Ayscue responded, yes. Commissioner Garrison stated that this needs to be in

the contract. Commissioner Gordon Wilder stated that he thought this was already in the contract. Commissioner Garrison asked the staff to make sure this is in the contract.

County Manager Jerry L. Ayscue stated that the question had been asked - if the new owner sells the property within the three year period of time, would this start a new three-year period of time. The answer to that question is No.

Chairperson Brown asked if the certified funds have been deposited yet. Mr. Beck stated the wire transfer has not yet been cleared. Chairperson Brown also expressed her concerns with changing the name of the bidder on the resolution. Commissioner Terry E. Garrison agreed and added that any rehabilitation of the Armory needs to be up to code. Commissioner Dan Brummitt stated that any work done to the building will require permits.

Motion was made by Commissioner Dan Brummitt to approve the resolution accepting the high bid of the property with the clarification of the buyer information and verification of deposit of the funds. This motion was seconded by Commissioner Gordon Wilder.

Commissioner Terry E. Garrison said to make certain the County Attorney explains to the bidder our understanding of the special terms and conditions that may appear to be ambiguous.

Vote on the motion was unanimous.

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RESOLUTION
By the Vance County Board of Commissioners
Accepting the High Bid of Property by Public Auction

WHEREAS, pursuant to NCGS 153A-176 and 160A-270, Vance County authorized the sale of real property formerly known at the National Guard Armory at public auction; and

WHEREAS, a Notice of the Sale containing the date of the auction and a general description of the land sufficient to identify it, the terms of the sale to include a cash or certified funds deposit and a requirement to rehabilitate, occupy or raze the property within three years of the closing date was published in the local newspaper on May 13, 2014; and

WHEREAS, pursuant to said authorization, Rogers Realty and Auction Co. did conduct a public auction on June 12, 2014 at 12:00 p.m. wherein the highest and best bid received was in the amount of \$32,500.00.

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

The high bid in the amount of \$32,500.00 placed by Kent Davis at a public auction duly authorized and conducted for the real property known as the former Armory, and more specifically identified 211 Dabney Drive, Henderson, NC, Tax Parcel 0017 05010, shown on Plat "X", Page 572 and recorded in Deed Book 1230, Page 680 of the Vance County Registry is hereby accepted and confirmed, and the Chairperson is hereby authorized to execute any and all documents reasonably necessary to fulfill the terms of the sale; and

After all proceeds from the sale have been received and the expenses deducted therefrom, that half of the net proceeds be paid to the City of Henderson in fulfillment of the Agreement on Jointly Owned Properties.

This resolution shall be effective upon its adoption.

ADOPTED this the 13th day of June, 2014.

Deborah F. Brown (signed)
Deborah F. Brown, Chairperson
Vance County Board of Commissioners

Attest:

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

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Resolution Approving Financing Terms. Mr. David Beck requested approval of a resolution approving financing terms for the purchase of 10 Ford Police Interceptors and related equipment for the Sheriff’s Office.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to approve the following resolution approving financing terms for the purchase of 10 law enforcement vehicles and related equipment.

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RESOLUTION
by the
Vance County Board of Commissioners
Approving Financing Terms

WHEREAS, Vance County, North Carolina (the “County”) has previously determined to undertake a project for purchase of 10 Ford Police Interceptors and Related Equipment (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The County hereby determines to finance the Project through Branch Banking and Trust Company (BB&T), in accordance with the proposal dated June 11, 2014. The amount financed shall not exceed \$290,120.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.59%, and the financing term shall not exceed four (4) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The County shall not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of County officers in the furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

This, the 13th day of June, 2014.

Deborah F. Brown (signed)
Deborah F. Brown, Chairperson
Vance County Board of Commissioners

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Award of Bids - CDBG Scattered Site Program. Ms. Karen Foster, Council of Governments, appeared before the Board and presented three bid tabulations for the Vance County Scattered Site Program for 3221 Hwy 158 Business, 647 Vance Street, and 1455 Bullocksville Road as follows:

3221 Hwy 158 Business (Rehab)	
Contractor	Bid Amount
Creek Construction	No Bid
Clement Construction	\$ 44,850
Herman Rouse	\$ 40,000

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Gordon Wilder, vote unanimous, to award the bid for 3221 Hwy 158 Business to Herman Rouse in the amount of \$40,000.

647 Vance Street (Urgent Repair)	
Contractor	Bid Amount
L. Roberts Repair & Builder	\$ 4,845
Clement Construction	\$ 6,760
Herman Rouse	\$ 4,850

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Gordon Wilder, vote unanimous, to award the bid for 647 Vance Street to L. Roberts Repair & Builder in the amount of \$4,845.

1455 Bullocksville Road (Urgent Repair)	
Contractor	Bid Amount
Creek Construction	\$ 5,000
Clement Construction	\$ 5,200
Herman Rouse	\$ 4,982

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Gordon Wilder, vote unanimous, to award the bid for 1455 Bullocksville Road to Herman Rouse in the amount of \$4,982.

As there was no further business, at 12:30 p.m., motion was made by Commissioner Terry E. Garrison, seconded by Commissioner Gordon Wilder, vote unanimous, that the meeting be adjourned.

Chairperson