



**NOW THEREFORE, BE IT RESOLVED** as follows:

**Section 1: Purpose**

The purpose of this ordinance is to promote the health, safety, and general welfare of the citizens of the County, by regulation, the air pollution and fire hazards associated with open and outdoor burnings.

**Section 2: Applicability**

This ordinance applies to all outdoor burning and open burning within the County, except as otherwise specifically provided. This ordinance does not apply to the following:

- a. Outdoor grilling or cooking food using charcoal, clean wood, propane or natural gas in cooking or grilling appliances.
- b. Burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- c. The use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating construction or maintenance activities.
- d. Burning pursuant to or in accordance with a validly issued burning permit from a federal or state department or entity.

**Section 3: Definitions**

Bonfire - a large open-air fire used as part of a public celebration or event.

Campfire - a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

Clean Wood - natural wood that: (a) has not been painted, varnished or coated with similar materials; (b) has not been pressure treated with preservatives; and (c) does not contain resins or glues as in plywood or other composite wood products.

Fire Marshal - the sworn official designated by the Board of Commissioners to regulate this ordinance.

Nuisance - materials that, when burned, create a foul or offensive odor, or which cause smoke emissions that are reasonably offensive to occupants of surrounding property.

Outdoor Burning - open burning or burning in an outdoor wood-fired broiler or patio wood burning unit.

Open Burning - kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney. This includes burning in a burn barrel.

Outdoor Wood-Fired Boiler - a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

Patio Wood-Burning Unit - a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

Prescribed Burning - burning in compliance with a prescription to meet planned fire or land management objectives of a continuous cover of fuels.

Prescription - a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

Refuse - any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

**Section 4: General Prohibition on Open Burning and Outdoor Burning**

Open burning and outdoor burning are prohibited in the County unless specifically permitted by this ordinance.

### **Section 5: Open Burning of Refuse**

Open burning of refuse is prohibited in the County.

### **Section 6: Open Burning of Leaves, Grass Clippings, Logs, Brush, and Stumps**

Open burning of grass clippings, leaves, logs, brush, and stumps is allowed in the county in accordance with all of the following provisions so long as same originates from the lot in which they are burned:

- a. Bonfires require a written permit to be issued by the Fire Marshal in accordance with the NC Fire Code and must be obtained prior to open burning under this section.
- b. Campfires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
- c. The location for allowed open burning shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. Exceptions to this include the following:
  1. Fires in approved containers shall not be less than 15 feet from a structure.
  2. Fires with a pile size of 3 feet or less in diameter and 2 feet or less in height shall not be less than 25 feet from a structure.
- d. Safety - All allowed open burnings shall be conducted in a safe, nuisance free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or visibility hazard on roadways, railroads, or airfields. Open burning shall be conducted in accordance with all local and state fire protection regulations.
- e. Supervision - All allowed open burnings shall be constantly attended and supervised by at least one (1) competent person of at least eighteen (18) years of age until the fire is extinguished. The competent person shall have readily available for use such fire extinguishing materials or equipment as may be necessary for the total control and extinguishing of the fire.
- f. Burn Ban - Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken when the State has issued a burning ban for this county.

### **Section 7: Prescribed Burns**

Prescribed burns are generally regulated by State law or regulations, and any prescribed burn shall be conducted in conformance with all applicable State laws and regulations.

### **Section 8: Agricultural burning**

Open burning of weeds, brush, and crop stubble on agricultural land is allowed if conducted in accordance with all applicable State laws and regulations.

### **Section 9: Portable outdoor fireplaces**

Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material unless used at one and two family dwellings.

### **Section 10: Liability**

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability from damage caused by the fire.

### **Section 11: Enforcement**

The Fire Marshal or his designee, or the Sheriff or his designee, are authorized to enforce this ordinance, inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance and order fires in violation of this ordinance to be extinguished.

### **Section 12: Penalties**

Any person violating any of the provisions of this ordinance may be fined by any penalty below or combination of penalties according to the severity of the offense.

- a. The first violation shall result in a warning citation for a probation period of 1 year. The violator will be educated on the ordinance and given proper education materials for reference.
- b. The second violation within a consecutive 12-month period shall result in a fine of fifty dollars (\$50.00).
- c. The third violation, or any violation subsequent to the third violation, within a consecutive 12-month period, shall result in a mandatory fine of five hundred dollars (\$500.00).

**Section 13: Effective Date**

This Ordinance shall become effective upon adoption.

**ADOPTED this 7<sup>th</sup> day of January, 2019.**

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

**ATTEST:**

Kelly Grissom (signed)  
**Kelly Grissom, Clerk**  
**Vance County Board of Commissioners**

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*Fire Services Reorganization.* During its December meeting, the board asked to hear public input at its January meeting regarding the Vance County Fire Commission’s proposal to restructure fire services in Vance County.

Mr. Hartwell Wright spoke in opposition of the proposal and questioned if there was a real need for the proposed change; questioned the ability of another volunteer department taking on such a responsibility as the Golden Belt; and questioned if the data that was used to develop the proposal is up to date.

Mr. John Bunch stated that there are some good things in the proposal, but asked the board to keep the Vance County Fire Department intact. He stated that there is no need for another volunteer department in the county. He asked the board to study this matter more before making a decision.

Mr. John Watkins spoke in support of the proposal and stated that he lives 4.7 miles from the Drewry VFD, and the restructuring would reduce the response time from the Drewry VFD to his house. He stated that two minutes of response time could mean the difference of him losing his house and saving his belongings. He also does not support another fire study.

Mr. Brian Yount spoke in support of the proposal because it would reduce response times. He stated that the proposal would spread out firefighters across the county which would benefit everyone.

Mr. Frank Brown, Bearpond VFD Chief, spoke in support of the proposal because it will give residents in the county equal response times, equal manning of the stations during daytime hours, and will put their tax dollars to good use.

Ms. Phyllis Stainback spoke in opposition of the proposal as it has been presented. She stated that the Golden Belt District has the greatest road miles, property values, and call volume. She stated that the Vance County Fire Department is located in the center of the county and is the backup department for the entire county as well as Henderson. She questioned if a volunteer department could handle calls in this district. She asked the board to keep the Vance County Fire Department intact to protect lives and property in the county.

Mr. Mark Pitzing, Vance County Battalion Chief, spoke in opposition of the proposal to disband the county fire department and turn it into a volunteer department because volunteerism has decreased compared to years ago. He stated that the proposal looks at how much money can be saved, and we should be ashamed of putting a price tag on property and life.

Mr. Bryant Williams, Vance County Battalion Chief, spoke in opposition of the proposal. He stated that one of the biggest changes he has seen over his 15 year tenure is the decreased number of volunteer firefighters. He agrees that some changes need to be made to the current fire protection system, but does not believe that the proposal is the answer. He asked the board to be proactive and study this matter further before making a decision.

Ms. Deborah Brown spoke in support of the proposal and stated that the board agreed to implement the 2008 Fire Study in phases over several years. As a result of the study, county fire services were separated from the City of Henderson, a fire chief and fire marshal were hired, and she stated that services provided by several volunteer departments were enhanced with paid volunteers. She urged the board to continue with the 2008 study by approving the proposed restructure.

Mr. Tim Jenks spoke in opposition of the proposal and expressed his concerns that response times may increase, but if only two firefighters respond to a structure fire from the nearest station, who is going to fight the fire? He stated that there must be four firefighters on scene to begin fighting a fire, so they will still have to wait on two more firefighters to arrive. The Vance County Fire Department would already be fully staffed with they arrived on scene.

Mr. Bill Edwards spoke in opposition of the proposal and stated that page 40 of the 2008 Fire Study says that at no time should less than four certified firefighters be available 24 hours a

day. He stated that there are not as many volunteers as there used to be, and many of our current volunteers work outside of Vance County and would not be able to get to a structure fire during their work hours.

Fire Chief Chris Wright spoke and stated that he is a Vance County native, has 23 years of professional service, and has served as Vance County Fire Chief since 2015. He stated that disbanding the county fire department and turning it into a volunteer station would be a step in the wrong direction. He provided statistical information to the board regarding call volume, incidents, road miles, population, and schools and businesses within the Golden Belt District. He also informed the board of the county's current staffing, training needed for full-time firefighters, and the possible lowering of the current ISO rating of 6. He agrees that changes are needed and acknowledges that strengthening volunteer departments with part-timers is needed, but does not agree with Fire Commission's proposal to disband the county department.

County Manager Jordan McMillen addressed the board and shared some concerns that have been brought to his attention. He stated that the greatest positive about the proposal is that it works financially, meaning it provides part-timers to every volunteer department without the need for an immediate fire tax increase. As far as the Golden Belt District, he feels that a 24/7 presence is needed, and the current proposal only includes two part-timers during the day. He also expressed his concern about the ability to recruit and maintain part-timers, as well as possible management and morale issues. He stated that the proposal is unclear as to what the role of the current fire chief would be. He noted that the Fair Labor Standards Act does not allow a volunteer to also serve in a paid capacity for the same agency. This could possibly decrease the number of volunteers. Lastly, he stated that there should be more due diligence done on a potential roster for a volunteer fire department that would take over the Golden Belt District. We need to ensure that there will be enough volunteers, the volunteers meet the certifications required, and they live in or near that district. Overall, he would like to see coverage improved everywhere without taking a step back in one district in order to take a step forward somewhere else. He feels that adding part-time positions could be done independently without displacing the county fire department.

Chairman Archie B. Taylor, Jr. thanked everyone for their comments and thanked the committee for its work during this process. He stated that it is important to improve what we currently have.

Motion was made by Commissioner Thomas S. Hester, Jr. to have a new fire study conducted regarding this matter. This motion was seconded by Commissioner Leo Kelly, Jr.

Commissioner Leo Kelly, Jr. expressed his desire to hold a work session of the full board to review the proposal closely before a study is done. Commissioner Carolyn Faines questioned why another study be conducted when the current study has not been fully implemented. Commissioner Dan Brummitt stated that there have been no significant demographic changes in Vance County since the 2008 study was done. It doesn't make sense to have another fire study done and waste taxpayer dollars. He agreed with Commissioner Kelly that a work session of the full board be held on this matter.

Vote on the motion to conduct a new fire study failed by a vote of ayes – three (3); noes – four (4), with the dissenting votes being cast by Commissioners Brummitt, Faines, Feimster and Wilder.

Commissioner Gordon Wilder stated that he feels we need to move forward in placing part-timers in the volunteer departments and acknowledged that we need to do our due diligence to implement this move. Commissioner Wilder made a motion to move forward immediately in placing part-timers in the volunteer departments within the county and that all due diligence be complete in order to implement this action by July 1. This motion died for a lack of a second.

Commissioner Thomas S. Hester, Jr. stated that a new study would be due diligence. Commissioner Dan Brummitt stated that the current study is sufficient and he agreed that a work session of the board would be appropriate.

The consensus of the board was to schedule a work session of the full board for the week of January 21<sup>st</sup>.

#### Water District Board

Chairman Archie B. Taylor, Jr. called the Water District Board to order.

*Phase 3 Construction Update.* County Manager Jordan McMillen stated that staff met with the project engineer, inspectors and contractor on Wednesday, January 2, 2019 for the monthly construction meeting. The project has been underway since the notice to proceed was given to the contractor on November 26<sup>th</sup>. The contractor has ordered and taken receipt of pipes, valves, hydrants and other necessary equipment and has begun work. A total of 1,740 feet of pipe has been installed along Rock Mill Road extending southward from Faulkner Town Road. The engineer has reduced the size of the line to eight inch within this section to match the existing line

and staff anticipates a corresponding deducting change order from the contractor. Overall, work has progressed slowly with the wet weather, although no rock has been encountered thus far. County staff and the engineer are working with Coles Backhoe Service to relocate septic lines within the private easement area on the Brock property as previously agreed upon and as weather allows. As a result, crews will skip over this section near Gillburg in the coming days and move further down NC 39 South or to Foster Road. County staff is currently placing informational/marketing door hangers at all residences along the project. As of December 31<sup>st</sup>, there are a total of 95 wet tap signups within phase 3.

The November 2018 monthly operations report was presented to the board for information. It was noted that the report now includes data from the Kittrell system.

At this time, Chairman Archie B. Taylor, Jr. adjourned the Water District Board.

#### Committee Reports and Recommendations

*Minimum Offers for REO Properties.* Commissioner Dan Brummitt stated that the committee (Brummitt [C], Taylor, & Wilder) met with staff Wednesday, January 2, 2019 to discuss establishing a minimum offer for REO properties as requested at the December board meeting. The committee discussed setting minimum offers with two goals in mind: 1) To return properties to tax records in a fair and open manner, and 2) To recoup the maximum amount of direct county expenditures on the properties. Staff provided research to the committee indicating that very few counties across the state set a minimum offer amount with the market and the upset bid process covering in most counties. Staff informed the committee that the one constant in all counties is the statutory deposit amount which in North Carolina is the greater of \$750 or 5% of the total offer amount. The committee discussed various methods of setting a minimum offer to include: 1) 50% of attorney fees paid; 2) 50% of attorney fees paid and lost taxes; or 3) 50% of tax value. The committee recommended proceeding with the staff recommendation setting the minimum offers at the greater of \$750 or 50% of the attorney fees the county has paid in acquiring the properties through foreclosure or other means.

After discussion, motion was made by Commissioner Dan Brummitt to set minimum bids for county and jointly owned properties at the greater of \$750 or 50% of attorney's fees paid and allow staff to bypass the committee for offers meeting this standard. This motion was seconded by Commissioner Gordon Wilder and vote was ayes – six (6); noes – one (1), with the dissenting vote being cast by Commissioner Yolanda Feimster.

*REO Properties - Pending Offers.* Commissioner Brummitt noted that the following offers were put on hold at the previous board meeting pending further review by the committee. Since that time five of the six bidders (A-E below) have withdrawn their offers and the committee recommended approving the release of these offers and return of the deposits. The committee reviewed the one remaining offer for the property on West Hills Drive relative to the new policy for establishing minimum offers and recommended proceeding with the upset bid for that property (F below).

- A. Freedom Lane (Parcel 0541D01033) – (County owned) - \$750 offer – Katherine Koji
- B. Freedom Lane (Parcel 0541D01034) – (County owned) - \$750 offer – Katherine Koji
- C. 210 N. Chestnut Street (Parcel 0098 07015) – (Jointly owned) - \$750 offer – Kenneth Spellman & Laurece Summers
- D. 435 N. Chestnut Street (Parcel 0098 07016) – (Jointly owned) - \$750 offer – Kenneth Spellman & Laurece Summers
- E. 710 Marshall Street (Parcel 0091 03008) – (Jointly owned) - \$750 offer – Kenneth Spellman & Laurece Summers

F. West Hills Drive (Parcel 0411A03003) – (County owned) - \$750 offer – Marvin Gilmore  
Recommendation: Approve release of offers, return deposits, and resubmit the following properties for advertising: tax parcels 0541D01033, 0541D01034, 0098 07015, 0098 07016, and 0091 03008.

Recommendation: Approve the offer to purchase and resolution authorizing the upset bid process for the sale of tax parcel 0411A03003.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to release the offers, return deposits, and resubmit the following properties for advertising: tax parcels 0541D01033, 0541D01034, 0098 07015, 0098 07016, and 0091 03008.

Motion was made by Commissioner Dan Brummitt to approve the offer to purchase and resolution authorizing the upset bid process for the sale of tax parcel 0411A03003 (West Hills Drive). This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.



**RESOLUTION AUTHORIZING UPSET BID PROCESS  
FOR SALE OF REAL PROPERTY  
Lot 133 West Hills Drive, Henderson, NC 27537**

**WHEREAS**, Vance County owns certain real property with an address of **Lot 133 West Hills Drive, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Numbers **0411A03003**; 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 **\$750.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by **Marvin Gilmore**; and,

WHEREAS, *Marvin Gilmore* has paid the required deposit in the amount of \$750.00 with his initial 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 7<sup>th</sup> day of January, 2019.**

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

Attest:

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



*REO Properties – New Offers.* Commissioner Brummitt stated that the committee reviewed the following new offers to purchase county and jointly owned properties. The committee was agreeable to the offers and recommended proceeding with the upset bid process for both offers.

A. Roberts Avenue (Parcel 0452 03024) – (County owned) - \$1,200 offer – Jamie Henderson

B. Eastside Drive (Parcel 0077 03003) – (Jointly owned) - \$1,500 offer – Omega Perry

Recommendation: Approve the offers to purchase and resolutions authorizing the upset bid process for the sale of tax parcels 0452 03024 and 0077 03003.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Gordon Wilder, vote unanimous, to approve the offers to purchase and resolutions authorizing the upset bid process for the sale of tax parcels 0452 03024 and 0077 03003.



**RESOLUTION AUTHORIZING UPSET BID PROCESS  
FOR SALE OF REAL PROPERTY  
Lot 6 Roberts Avenue, Henderson, NC 27537**

**WHEREAS**, Vance County owns certain real property with an address of **Lot 6 Roberts Avenue, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0452 03024**; 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 **\$1,200.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by **Jamie Henderson**; and,

**WHEREAS**, **Jamie Henderson** has paid the required deposit in the amount of **\$760.00** with his initial 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 7<sup>th</sup> day of January, 2019.**

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

**Attest:**

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

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**RESOLUTION AUTHORIZING UPSET BID PROCESS  
FOR SALE OF REAL PROPERTY  
Lots 270, 271, 272 Eastside Drive, Henderson, NC 27536**

**WHEREAS**, Vance County owns certain real property with an address of **Lots 270, 271, 272 Eastside Drive, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0077 03003**; 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 **\$1,500.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by **Omega T. Perry**; and,

**WHEREAS**, **Omega T. Perry** has paid the required deposit in the amount of **\$750.00** with his initial 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 7<sup>th</sup> day of January, 2019.**

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

**Attest:**

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

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*REO Property - Upset Bid Process Complete.* Commissioner Brummitt stated that the committee reviewed the following offer which previously went through the upset bid process and was put on hold by the board at the December meeting. The committee noted that the minimum offer as per the newly recommended policy should be \$1,108 and recommended rejecting the offer.

The committee requested that staff follow up with the bidder to inform them of the newly established offer minimum for the property and to offer them the opportunity to rebid.

- Big Ruin Creek Lane (Parcel 0404 03029) – (County owned) - \$750 – Katherine Koji

Recommendation: Reject the offer to purchase tax parcel 0404 03029 and resubmit the property for advertising.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Gordon Wilder, vote unanimous, to reject the \$750 offer to purchase tax parcel 0404 03029, refund the deposit, and resubmit the property for advertising.

Finance Director’s Report

*Financing Resolution – New Vehicles.* Finance Director David C. Beck noted that the fiscal year 2018-19 budget included approval for the purchase of several vehicles for the Sheriff’s Office. As the county typically does, it is proposed to finance the costs of these automobiles and equipment over a four year period. A Request for Proposal (RFP) was distributed to numerous banks soliciting proposals for the financing as described. Four responses to the RFP were received and the bid tabulation was provided to the board for review. Recommendation: Select Signature Public Funding Corp. as the lending institution and approve the financing resolution as presented for the installment purchase of vehicles and equipment as described.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Dan Brummitt, vote unanimous, to select Signature Public Funding Corp. as the lending institution and approve the financing resolution as presented for the installment purchase of vehicles and equipment as described.



**RESOLUTION APPROVING FINANCING TERMS**

**WHEREAS**, the County of Vance (the “County”) has previously determined to undertake a project for purchase of vehicles and equipment (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

**WHEREAS**, the County solicited and received competitive proposals from financial institutions to purchase seven (7) police vehicles and related equipment with the total amount financed not to exceed \$256,000.00;

**WHEREAS**, Signature Public Funding Corporation offers the lowest overall financing costs with a fixed interest rate of 2.98% for a 4 year term for this purchase;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the County of Vance, that the Board of Commissioners authorizes the Finance Director to enter into a contract with Signature Public Funding Corporation on behalf of the County to finance the Project with the total amount financed not to exceed \$256,000.00. 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.

**BE IT FURTHER RESOLVED** that the aforesaid contracts by and between the County, various State contracts and other vendors, and Signature Public Funding Corporation, together with the amounts to be paid thereunder, be and the same are hereby designated as qualified tax-exempt obligations of the County for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

**BE IT FURTHER RESOLVED** that the Vance County Board of Commissioners does not reasonably expect that the Purchaser (and any subordinate entities) will issue more than \$10,000,000 in qualified tax-exempt obligations pursuant to such Sections 265(b)(3)(ii) during the current calendar year.

**BE IT FURTHER RESOLVED** 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 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.

This resolution is effective upon its adoption this 7th day of January, 2019. The motion to adopt this resolution was made by Commissioner Gordon Wilder, seconded by Commissioner Dan Brummitt, and was passed by a vote of 7 to 0.

SEAL

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

Attest:

This is to certify that this is a true and accurate copy of a Resolution, adopted by the Board of Commissioners of the County of Vance on the 7th day of January, 2019.

Kelly G. Grissom (signed)  
 Kelly H. Grissom, Clerk

January 7, 2019  
 Date

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Consent Agenda

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to approve the following consent agenda items as presented: November 2018 Tax Refunds and Releases, Departmental Monthly Reports, and the minutes of the December 3, 2018 regular meeting.

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TAX OFFICE REFUND AND RELEASE REPORT FOR NOVEMBER 2018

TAXPAYER NAME	TAX YR	REAL	PERSONAL	SOLID WASTE FEE	REASON
CLOPTON MICHAEL T	2017	0	196.60	105.00	correct ownership
JOHNSON JAMES H. III	2017	480.40	0	0	real prop – bill
CLOPTON MICHAEL T	2018	312.02	0	112.00	correct ownership
EATON GEORGE T JR	2018	0	27.55	112.00	pers prop billed
FALKNER JAMES H III	2018	0	38.16	0	correct value
JOHNSON JAMES H. III	2018	480.40	0	0	real prop – bill
QUALITY LEASING CO INC	2018	0	760.35	0	full rfnd paid t
RICHARDSON WILLIE M	2018	0	0	112.00	remove solid was
ROWLAND MARIE P.	2018	0	0	112.00	remove solid was
TILLINGHAST DAN C	2018	0	249.24	0	pers prop billed
TILLINGHAST DAN C	2018	0	3.15	0	pers prop billed

TAXPAYER NAME	TAX YR	REAL	PERSONAL	SOLID WASTE FEE	REASON
ZECCA ZEKE BRUCE GREGORY	2018	0	65.69	0	pers prop billed
TOTAL		1272.82	1340.74		
TOTAL REFUNDS AND RELEASES			2613.56		

MONTHLY REPORTS: 911 Emergency Operations, Administrative Ambulance Charge-Offs, Cooperative Extension, EMS, Health Department, Human Resources, Information Technology, Planning & Development, Parks & Recreation, Tax Collections, and Veterans Service.

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 property matter.

Upon return to open session, and as there was no further business, at 8:25 p.m., motion was made by Commissioner Gordon Wilder, seconded by Commissioner Carolyn Faines, vote unanimous, that the meeting be adjourned.

Approved and signed February 4, 2019.

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Chairman