

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JUNE 27, 2016 – 9:00 AM
117 DICK STREET, 5TH FLOOR, ROOM 564
SPECIAL MEETING
MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Glenn Adams, Vice Chairman
Commissioner Jeannette Council
Commissioner Charles Evans
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
James Lawson, Deputy County Manager
Sally Shutt, Governmental Affairs Officer
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Tommy Bradford, Rapid Centers, LLC
Ralph Huff, H&H Homes
Mitch Colvin, Fayetteville City Council Mayor Pro Tem
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

ABSENT: Commissioner Kenneth Edge

Chairman Faircloth called the meeting to order and welcomed City of Fayetteville Mayor Pro Tem Mitch Colvin. Chairman Faircloth called on Amy Cannon, County Manager, who stated the first item of business is a request of Rapid Centers, LLC that the County release a reversionary interest in the real property located at 3412 Ramsey Street.

BACKGROUND:

At its June 13, 2016 special meeting, the Board of Commissioners adopted a resolution of its intent to sell the county's reversionary interest in the property located at 3412 Ramsey Street, Fayetteville, subject to the upset bid process of G.S. 160A-269. This property was one of the parcels conveyed to the hospital corporation in 2006. The hospital corporation sold the property to Rapid Centers, LLC three months after the hospital corporation received it from the county. Rapid Centers, LLC accepted the property at that time subject to the county's reversionary interest. The Board approved the resolution of intent on June 13, 2016 for the reason that in 2005, the Board of Commissioners declared the property surplus and adopted a resolution of intent to sell it subject to the upset bid process at that time. That sale was never completed. Rapid Centers, LLC offered \$500 for the county's reversionary interest in this property in order to obtain clear title to the property. Rapid Centers, LLC has paid the full amount of its offer.

The proposed sale of the county's reversionary interest subject to the upset bid process was advertised in the *Fayetteville Observer* June 17, 2016. The Board of Commissioners set the date for this special meeting for the final approval of this sale at the June 13, 2016 meeting. Because the advertisement was not published until June 17, 2016, the deadline for receiving bids continues through the end of business June 27, 2016. No upset bids or any inquiries have been received as of 8:30 a.m. June 27, 2016.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that the Board accept the offer of Rapid Centers, LLC to purchase the county's reversionary interest in this property for \$500, effective 5:00 p.m. June 27, 2016, provided that no upset bids are received before that time, and authorize the chairman to sign a quit-claim deed to convey the county's reversionary interest to Rapid Centers, LLC in such form as is approved by the county attorney.

Rick Moorefield, County Attorney, reviewed the background information and recommendation recorded above.

MOTION: Commissioner Keefe moved to accept the offer of Rapid Centers, LLC to purchase the County's reversionary interest in this property for \$500, effective 5:00 p.m. June 27, 2016, provided that no upset bids are received before that time, and authorize the chairman to sign a quit-claim deed to convey the County's reversionary interest to Rapid Centers, LLD in such form as is approved by the county attorney.

SECOND: Commissioner Council

DISCUSSION: Commissioner Evans asked how the hospital was able to sell the property. Mr. Moorefield stated the 2006 transfer agreement between County and the hospital corporation, which is recorded in the Register of Deeds, contained a provision that the hospital had a right to sell up to 20% of the property conveyed to it by the County and retain the funds, and anything over the 20% would have to be approved by the Board of Commissioners. Mr. Moorefield stated the agreement did not address the County's reversionary interest, which as a matter of real estate law, left it outstanding. Commissioner Adams stated although he was not against selling the County's reversionary interest but as an attorney, he was not going to vote in favor of the matter until the time had run. Commissioner Evans asked Commissioner Adams to explain. Commissioner Adams stated the upset period will not end until 5:00 p.m. today and he will not vote in favor of a motion when the time has not expired. Commissioner Evans asked Mr. Moorefield whether the action was legal. Mr. Moorefield responded in the affirmative and stated the action will only be effective at 5:00 p.m. provided no upset bids are received before that time.

VOTE: PASSED (5-1) (Commissioner Evans, Council, Keefe, Faircloth and Lancaster voted in favor; Commissioner Adams voted in opposition)

Ms. Cannon stated the budget revision as noticed for the meeting would not need to be considered because the matter was able to be resolved without a budget revision.

MOTION: Commissioner Evans moved to adjourn.

The motion died due to lack of a second.

Commissioner Adams stated Mayor Pro Tem Mitch Colvin would like to speak regarding some matters with the City of Fayetteville. Chairman Faircloth consulted Mr. Moorefield. Mr. Moorefield stated this is a special meeting that has been published and is restricted to the items that were published, which were consideration of offer to purchase the County's reversionary interest and a budget revision. Mr. Moorefield stated the City of Fayetteville matter was not published as part of the special meeting. In response to a question from Commissioner Evans, Mr. Moorefield stated another meeting to hear the matter could be set for a different date.

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 9:13 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board