

**GATES COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
NOVEMBER 22, 2010**

The Gates County Board of Commissioners reconvened in Regular Session on Monday, November 22, 2010 at 7:00 p.m. in the Commissioners' Room, 202 Court Street, Gatesville,. Commissioners Twine, Jernigan, Askew, Nickens and Jordan were present. Also present was County Manager, Toby Chappell.

A prayer was led by Elder Julian Phillips. Chairman Twine led the pledge of allegiance.

Chairman Twine called the meeting to order.

Approval of Agenda

Commissioner Jordan made a motion to approve the Agenda as presented. Commissioner Askew seconded the motion. Motion carried without opposition.

Department Reports

Sandy Pittman, Finance Officer, presented Budget Amendments 30-32.

Commissioner Nickens made a motion to approve Budget Amendments 30-32. Commissioner Jernigan seconded the motion, motion carried without opposition.

Renee McGinnis, Tax Assessor, presented text adjustments to the Foreclosure Process for the Purpose of Collecting Delinquent Tax.

Commissioner Jordan made a motion to accept the Foreclosure Process for the Purpose of Collecting Delinquent Taxes. Commissioner Nickens seconded the motion, motion carried without opposition.

The Foreclosure Process reads as follows:

**GATES COUNTY
FORECLOSURE PROCESS FOR THE PURPOSE
OF COLLECTING DELINQUENT TAX**

PRIOR TO PROPERTY GOING TO ATTORNEY

- The Tax Department will determine which properties exceed two years delinquency without having received any substantial payment(s) that indicates an earnest intent to settle the tax debt.
- All taxpayers owning property or properties within the category stated above will receive a notice from the Tax Department stating the delinquent tax debt must be paid in full within thirty days of the date of the notice or said property or properties will be turned over to an attorney for foreclosure.
- After the thirty-day period has expired, the Tax Department will review the properties with delinquent tax still owing. Taxpayers who have contacted the Tax Department and requested payment arrangements or have made partial payments will be sent notices that payment is required in full within the following agreed upon times: 30 days for amounts \$250.00 or less; 60 days for amounts \$1500.00 or less; and 90 days for amounts over \$1500.00, to avoid foreclosure. The timeframe will begin on the first day of the following month after the payment plan is established. Interest will continue to accrue on any unpaid balance as set forth in North Carolina General Statute 105-360(a). Those for which no response or unsatisfactory response was received will be reviewed and turned over to an attorney for mortgage-style foreclosure or will remain in-house for in-rem style foreclosure depending on amount of debt.

ONCE PROPERTY IS TURNED OVER TO AN ATTORNEY

- A letter will be sent to the taxpayer from the attorney notifying the delinquent property tax has been turned over to him/her for foreclosure. The notice will state the taxpayer has fifteen days from the date of the letter to pay the tax debt plus any cost to the attorney to avoid foreclosure of the property.
- Depending on circumstance, the attorney may accept scheduled payments or advise the County Commissioners of the infeasibility of proceeding with a foreclosure sale on the property. If payment in full or scheduled payment is not received the attorney will proceed with the mortgage-style foreclosure process as outlined in North Carolina General Statute 105-374. Properties with the highest debt will take precedence in this process.

ONCE SELL DATE IS SET

- The Tax Department will notify all interested parties and adjoining landowners of the sell.
- The County Board of Commissioners and County Manager will be notified of the sale and the potential cost liability to the County if the opening bid offered by the County is not upset.
- Gates County will post a sign in the right of way (or on the property with the owner's consent) advertising the sale date and opening bid amount.
- Date of sell and information on the property will be posted on the Gates County website and bulletin boards located in the County office building.

SALE DATE**IF THE COUNTY'S OPENING BID IS NOT UPSET**

- The County Manager and County Tax Collector will submit budget amendments to the County Board of Commissioners to temporarily cover the County's bid price until the property is sold.
- A semi-permanent FOR SALE sign will be affixed on the property indicating the opening bid amount and contact person with the County.
- All adjacent property owners will be notified.
- A tab on the Gates county website will be utilized for listing all foreclosed properties available for sale and the opening bid amount.
- The property will be listed with a local realtor and sold using the negotiated offer and upset bid process as outlined in North Carolina General Statute 160A-269.

Old Business

Bert Banks, Albemarle Commission Director, presented two responses for the amended 2008 Scattered Site Housing Project CDBG contractor bids which included performance bonds: Tim Phelps and Company, \$68,000 each for two (2) houses and Godfrey Brothers Builders, \$58,992.28 each for two (2) houses.

Commissioner Jordan made a motion to accept Godfrey Brothers Builders as the CDBG housing contractor and to build both houses simultaneously. Commissioner Nickens seconded the motion, motion carried without opposition.

New Business

Linda McNair-Moore, Project Chairperson for the Martin Luther King, Jr. March in Hertford County, extended an invitation to the Commissioners to participate in the MLK March to be held on January 17, 2011.

Chairman Twine requested the December Commissioners' Meeting be held on December 6 according to NCGS 153A-26.

Commissioner Jordan made a motion to move the December Commissioners' Meeting from December 1 to December 6. Commissioner Askew seconded the motion, motion carried without opposition.

Commissioner Jernigan, representative on the East Carolina Behavioral Health Board, stated the consensus of the board was to propose all counties contribute equally at \$2.79 per capita.

Commissioner Jernigan made a motion to accept the new distribution formula for East Carolina Behavioral Health of \$2.79 per capita. Commissioner Askew seconded the motion, motion carried without opposition.

Citizen Comments

J. E. Harrell, Gates, stated citizens should have their concerns heard regarding a new library.

Joe Greene, Eure, thanked Commissioner Askew for his years of dedication and service on the Board.

Commissioner Comments

Commissioner Jordan discussed the process of marketing Sunbury School with Preservation North Carolina.

Chairman Twine presented plaques to Commissioners Askew and Nickens for their dedication to the County.

Commissioner Askew made a motion to enter Closed Session as authorized by NCGS 143-318.11(a)(4).

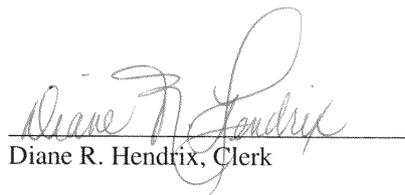
Commissioner Nickens made a motion to exit Closed Session and enter Regular Session. Commissioner Jernigan seconded the motion, motion carried without opposition.

Commissioner Askew made a motion to waive the re-zoning application fees discussed in Closed Session. Commissioner Nickens seconded the motion, motion carried without opposition.

Commissioner Nickens made a motion to adjourn. Commissioner Askew seconded the motion, motion carried without opposition.



Graham L. Twine, Chairman



Diane R. Hendrix, Clerk

GATES COUNTY BOARD OF COMMISSIONERS

