

July 20, 2021 (Regular)

**MINUTES
BURKE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING**

The Burke County Board of Commissioners held a regular meeting on July 20, 2021 at 6:00 p.m. in the County Board Room, Burke Services Building, 110 N. Green Street in Morganton, N.C. The meeting was streamed live on the County's YouTube channel, BurkeCountyNC, and it was broadcast later on the local cable systems. The agenda, in its entirety, was posted to the County's website, www.burkenc.org, several days prior to the meeting as usual. Both Burke County and the State of North Carolina had previously declared a state of emergency which was ongoing as of July 20, 2021 due to the global COVID-19 pandemic. Face coverings were not required for attendees that were fully vaccinated against the virus. Those present were:

COMMISSIONERS PRESENT: Jeffrey C. Brittain, Chairman
Scott Mulwee, Vice Chairman
Wayne F. Abele, Sr.
Johnnie W. Carswell
Maynard M. Taylor

STAFF PRESENT: Bryan Steen, County Manager
Margaret Pierce, Deputy County Manager/Finance Director
J.R. Simpson, II, County Attorney
Kay H. Draughn, Clerk to the Board

CALL TO ORDER

Chairman Brittain called the meeting to order at 6:00 p.m.

INVOCATION

Pastor Ed Stephenson, Arneys Fairview UMC, delivered the invocation

PLEDGE OF ALLEGIANCE

J.R. Simpson, II, County Attorney, led the Pledge of Allegiance to the American flag.

APPROVAL OF AGENDA

Motion: To approve the agenda.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes of the May 18, 2021 (regular), June 1, 2021 (pre-agenda), and June 15, 2021 (regular) meetings as written.

July 20, 2021 (Regular)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

PRESENTATIONS

HEALTH - INTRODUCTION OF NEW LOCAL HEALTH DIRECTOR

County Manager Steen announced that the County has a new Local Health Director and invited Susan Bingham, Chair of the Board of Health, to introduce him. Chairperson Bingham introduced Mr. Danny Scalise, II, who said he is thankful to be with Burke County. Chairman Brittain welcomed Mr. Scalise to Burke County.

RESULT: NO ACTION TAKEN.
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SCHEDULED PUBLIC HEARINGS

COMM. DEV. - ZONING TEXT AMENDMENT ZTA 2021-02 & PUBLIC HEARING - 6:00 PM

Shane Prisby, Interim Planning Director, presented information regarding ZTA 2021-02 as follows:

Shortly after the Board of Commissioners' June 15th regular meeting, the Community Development Department was made aware of an issue with the newly adopted County Zoning Ordinance. While the new County Zoning Ordinance was formally adopted at the meeting, it did not contain the recommended additions and changes from the Planning Board.

Upon learning of the issues, Community Development Staff conducted a review of the adoption process and confirmed that all required procedures were followed, and all legal benchmarks were met for the adoption of the Zoning Ordinance. The error occurred between the Planning Board Meeting and Commissioner's meeting when the agenda packet was not updated with the recommended changes approved by the Planning Board. Ultimately, the board approved the earlier edition of the new County Zoning Ordinance as shown in the agenda packet. This does not affect the legality or enforceability of the newly enacted Zoning Ordinance, but it does mean that some of the language is out of sync with intended changes and minor clerical updates.

The Community Development Department did not update the agenda packet with the recommended changes approved by the Planning Board and accepts full responsibility for the mistake. The department consulted the UNC School of Government on what could be done to rectify the situation. Staff was informed that because the Planning Board had already voted on the intended copy of the Zoning Ordinance, the Board of Commissioners could amend the County Zoning ordinance to reflect what the Planning Board approved. The amendment may only contain the changes between the two (2) documents. However, the amendment also includes a few proposed changes recommended by the County Manager and Clerk.

July 20, 2021 (Regular)

The department has prepared a list of all the text changes between the two (2) documents for consideration of adoption by the Board of Commissioners.

At 6:08 p.m., Chairman Brittain opened the public hearing. The Public Hearing Notice was published in THE NEWS HERALD on July 8, 2021 and July 15, 2021. It was also posted to the County's website, www.burkenc.org, on July 8, 2021. No one signed up to address the Board, therefore Chairman Brittain closed the public hearing.

Clerk Draughn noted that the ordinance was updated to include the text changes made by County staff.

Motion: To adopt Ordinance No. 2021-13 in reference to Zoning Text Amendment ZTA 2021-02 and to adopt the following consistency statement:

Zoning Text Amendment ZTA 2021-02 is reasonable, conforms with the County's adopted Comprehensive Plan, and is in the public interest.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Mulwee, Vice Chairman
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

Ord. No. 2021-13 reads as follows:

Burke County
North Carolina

An Ordinance Amending the Official Burke County Zoning Ordinance
ZTA 2021-02

Be it ordained that the Burke County Zoning Ordinance is hereby amended as follows:

The Burke County Zoning Ordinance is amended to include the changes as shown in Exhibit A to include the recommended changes as approved by the Burke County Planning Board at their May 27, 2021 meeting as well as changes recommended by the Manager and Clerk.

Adopted this 20th day of July 2021.

/s/: Jeffrey C. Brittain
Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

Attest:
/s/: Kay Honeycutt Draughn
Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

ZTA 2021-02 Exhibit A reads as follows:

July 20, 2021 (Regular)

New text is shown in **red font**. Text to be removed contains a strike-through mark. Text changes recommended by the County Manager & Clerk are highlighted in gray.

Article 5.0 - Use Standards

Section 5.1 - Accessory Dwellings

(Addition and correction of alphabetical sequence in this section. No other changes to items a - i.)

(j) Accessory dwelling shall not be used as short-term rentals.

Section 5.4 – Short-term Rentals

Zoning Compliance Permit Regulations (Revised and corrected numbering sequence for this section.)

3. **7.** All Dedicated STRs existing before the adoption of this ordinance shall have **one (1) year** three ~~(3)~~ years to come into compliance and obtain the proper permits.

4. **8.** Grounds for Denial: Burke County may deny an application for a STR permit if any of the following has occurred:

- A. The property owner submits an incomplete application; or
- B. The proposed STR fails to meet a specified standard set forth in this ordinance.

A property owner may appeal the denial of a STR permit to the Board of Adjustment pursuant to the Article 9 **8**, Administration & Appeals of this Ordinance.

Section 5.4 – Short-term Rentals

Owner Occupied STR Operational Requirements

5. Maximum Rental Duration. (Revised)

The maximum rental duration shall be **eighty-nine (89)** ninety ~~(90)~~ consecutive days.

Section 5.4 – Short-term Rentals

Events (Revised)

Short-term rentals shall not be used to hold events. This includes parties, weddings, reunions, **and large gatherings that exceed the occupancy limits of the dwelling or permit.**

Section 5.4 – Short-term Rentals

Verified Complaints (Addition)

Short-term rental complaints should be accompanied by a complaint form and submitted in person, via mail, or online on the County's website. Short-term rental complaints shall be verified by the Zoning Administrator or their designee. All STR complaints will be investigated within seventy-two (72) hours or within three business days of receipt.

Section 5.19 - Advertising Signs and Structures

Signs Exempt from A Zoning Permit – Temporary Signs (Revised)

(No changes to items 1 & 2.)

July 20, 2021 (Regular)

3. The posting and removal of political signs shall comply with NC General Statutes
~~Political signs may be erected sixty (60) days prior to the election and removed promptly sixty (60) days afterward and shall not exceed sixteen (16) square feet. (see example below);~~

(No changes to items 4 and 5.)



Note (Addition)

Signs erected on personal property that display personal expressions or opinions and that do not exceed the size limitation for exempt signs are not subject to enforcement from this ordinance.

Article 6 - Non-Residential Design Standards

Section 6.1 Non-Residential Building Design Standards

Building Setbacks and Height

Building Height (Revised)

Non-residential buildings that exceed ~~thirty-five (35)~~ **fifty (50)** feet in height require a special use permit.

Section 6.2 Industrial Design Standards

Building Setbacks and Height

Building Height (Revised)

Non-residential buildings that exceed ~~thirty-five (35)~~ **fifty (50)** feet in height require a special use permit.

Article 8 - Administration, Appeals, and Enforcement

Section 8.16 The Board of Adjustment (Revised)

~~A Board of Adjustment consisting of seven (7) members shall be appointed by the Board of Commissioners, with appointments and terms of office as follows.~~

~~1. The Board of Adjustment members appointed shall serve for terms of one (1) year for one (1) member, two (2) years for three (3) members, and three (3) years for three (3) members. Subsequent appointments shall be for terms for three (3) years each. Members may be re-appointed to succeed themselves but may not serve more than four (4) consecutive terms.~~

~~2. The members of the Board of Adjustment shall be residents of the County.~~

~~3. A member whose term expires shall continue to serve until a successor is appointed.~~

~~4. The secretary of the Board of Adjustment shall notify the Board of Commissioners in advance of the expiration of any term of office, if a vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term.~~

~~5. Any member may be removed for misconduct while in office, failure to perform the duties of office, or for other just cause, in a hearing held by the Board of Commissioners at least fifteen (15) days of the notice.~~

Note: The County Manager and Clerk recommend the following changes shown in gray to clarify that the membership is 7, not 9.

July 20, 2021 (Regular)

A Board of Adjustment consisting of seven (7) members (5 regular & 2 alternate members) shall be appointed by the Board of Commissioners, with appointments and terms of office as follows.

1. The five (5) Board of Adjustment members appointed shall serve for terms of one (1) year for one (1) member, two (2) years for two (2) members, and three (3) years for two (2) members. Subsequent appointments shall be for terms for three (3) years each. Members may be re-appointed to succeed themselves but may not serve more than four (4) consecutive terms.
2. The Board of Commissioners shall also appoint two (2) alternate members to serve on the Board of Adjustment in the absence, of any regular member. The alternate members shall be appointed for three (3) year terms. In the case of the first appointment of alternate members, one (1) shall be appointed for a two (2) year term, and one (1) shall be appointed for a three (3) year term. Alternate members of the Board of Adjustment serving in the absence of any regular member shall have and exercise all the powers and duties of the absent member.
3. The members of the Board of Adjustment shall be residents of the county. Two (2) members shall be from the eastern portion of the County and two (2) members shall be from the western portion of the County. The fifth (5th) member shall serve at large. The alternates will be at-large seats.
4. A member whose term expires shall continue to serve until a successor is appointed.
5. The secretary of the Board of Adjustment shall notify the Board of Commissioners in advance of the expiration of any term of office, and if a vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term.
6. Any member may be removed for misconduct while in office, failure to perform the duties of office, or for other just cause, by the Board of Commissioners once a hearing is held at least fifteen (15) days of after the notice.

Section 8.25 - The Planning Board (Revised) ~~Planning Board Membership and Duties~~

~~A Planning Board consisting of seven (7) members shall be appointed by the Board of Commissioners with appointments and terms of office as follows:~~

- ~~1. The Planning Board members appointed shall serve for terms of one (1) year for one member, two (2) years for three members, and three (3) years for three members. Subsequent appointments shall be for terms of three (3) years each. Members can be re-appointed to succeed themselves but may not serve more than two consecutive terms.~~
- ~~2. The members of the Planning Board shall be residents of the County.~~
- ~~3. A member whose term expires shall continue to serve until a successor is appointed.~~

July 20, 2021 (Regular)

~~4. The secretary of the Planning Board shall notify the Board of Commissioners in advance of the expiration of any term of office, if a vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term;~~

~~5. Any member may be removed for misconduct while in office, failure to perform the duties of office, or for other just cause, by the Board of Commissioners once a hearing is held at least fifteen (15) days of after notice.~~

Planning Board Membership and Duties

A Planning Board consisting of seven (7) members shall be appointed by the Board of Commissioners with appointments and terms of office as follows:

1. The Planning Board members appointed shall serve for terms of one (1) year for one (1) member, two (2) years for three (3) members, and three (3) years for three (3) members. Subsequent appointments shall be for terms of three (3) years each. Members can be re-appointed to succeed themselves but may not serve more than two (2) consecutive terms.

2. The members of the Planning Board shall be residents of the County. Three (3) members shall be from the eastern portion of the County and three (3) members shall be from the western portion of the County. The seventh (7th) member shall serve at large.

3. A member whose term expires shall continue to serve until his successor qualifies and is appointed.

4. The secretary of the Planning Board shall notify the Board of Commissioners in advance of the expiration of any term of office, and if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term.

5. Any member may be removed for misconduct while in office, failure to perform the duties of office, or for other just cause, by the Board of Commissioners once a hearing is held at least fifteen (15) days of after notice.

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2021-02 & PUBLIC HEARING - 6:00 P.M.

Shane Prisby, Interim Planning Director, presented information regarding ZMA 2021-02 as follows:

In 2005 the Venture Capital, LLC (property owner) petitioned Burke County to rezone approximately 243 acres of land off NC Highway 126 and Gwaltney Road in the Linville Township into a Parallel Conditional Planned Mixed-Use District (PRMU-CD). The petition also included a Master Development Plan for five (5) phases of development.

The rezoning and development plan was approved (*with conditions*) by the Burke County Planning Board on October 27, 2005, and by the Board of Commissioners

July 20, 2021 (Regular)

on November 1, 2005. The final plat for Phase I of the subdivision was approved by the Planning Board in October of 2006.

Development of Phase I took place between 2007-2008. The American economy went into a deep recession in late 2007, early 2008. The recession for the most part remained in Burke County until late 2011, early 2012. As such, sales of lots within Phase I of the Hawksbill subdivision were, and have remained, stagnate with few exceptions.

Venture Capital has since sold off some of the land that was originally platted as "Future Phases" of the Hawksbill subdivision. Venture Capital and another majority land holder of the remaining "Future Phase" of the Hawksbill property holdings (High Country Lumber & Mulch), now wish to sell off those parcels.

Because these parcels are being sold to separate individuals/companies not related to the Hawksbill subdivision, Venture Capital, High County Lumber, and Morganton Federal Savings are petitioning the County to rezone those parcels from the Planned Residential Mix-Use Parallel Conditional District (PRMU-CD) and remove the approved zoning standards and conditions under the original ZMA 2005-06 rezoning as stated within Section 9A13 of the Zoning Ordinance.

REZONING REVISION – per County Commission

On June 4, 2019, the Burke County Commission heard an earlier rezoning petition at their pre-agenda meeting. During the meeting, the Board asked why all parcels within Hawksbill were not included in the rezoning. Staff stated that their rationale was that the parcels would remain Planned Use Residential Mixed Use-Conditional District since they were already platted that way.

The Commissioners suggested those parcels also be rezoned to the Residential One (R-1) zoning district to be consistent with surrounding parcels. The rezoning petition was sent back to the Planning Board for reconsideration but was withdrawn by the applicant before the Planning Board took the matter up again.

CURRENT REZONING REQUEST

Now two (2) years later, the applicant is making the same rezoning request for all parcels that are part of the original Hawksbill Subdivision. The Community Development Dept. is requesting that those parcels no longer owned by Venture Capital, LLC also be rezoned for the area to have consistent zoning for the community and the surrounding area.

The Hawksbill properties are proposed to be rezoned as follows:

REQUEST #1

Burke County Community Development staff is requesting the rescission of the Hawksbill Master Development Plan and to remove "all" development "standards" and "conditions" approved under the original rezoning ZMA 2005-06, approved by the Burke County Board of County Commissioners on November 1, 2005. Removal of the subsequent amendment to the original "Conditions" approved on April 6, 2010, by the Board of County Commissioners.

July 20, 2021 (Regular)

REQUEST #2

Rezone thirty-five (35) parcels of land in the Linville Township. All parcels are currently zoned Planned Residential Mixed Use-*Conditional* District. The proposed zoning is Residential One (R-1). The attached parcel list specifically identifies all parcels to be rezoned.

REQUEST #3

Rezone two parcels (2) parcels corresponding to (REID# 63769) and (REID# 54237) from Planned Residential Mixed-Use *Conditional* District (PRMU-CD) to the General Business (G-B) Zoning District.

REQUEST #4

Rezone the parcel corresponding to (REID# 63485) from Planned Residential Mixed-Use *Conditional* District to the Planned Residential Mixed-Use District (PRMU).

If the rezoning is approved, the land use of the subject properties will be regulated under the zoning standards of each proposed "General" Zoning District and the "Scenic Overlay" District.

SURROUNDING AREA

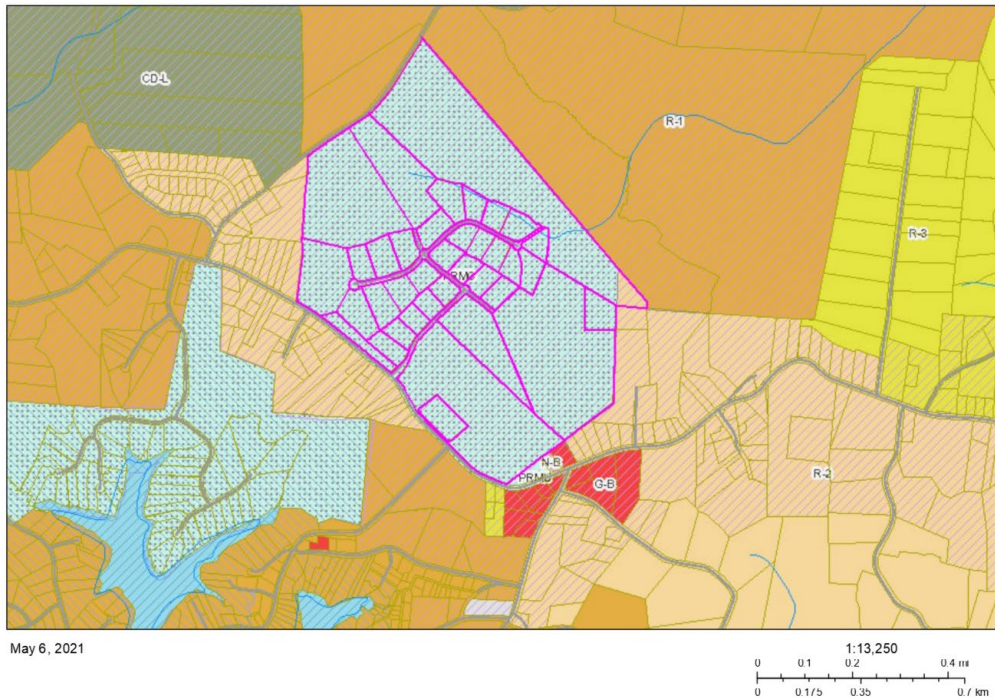
The subject parcels are surrounded by a mixture of land uses and zoning districts. Most of this area was rezoned as a result of recommendations made within the 2002 Lake James Phase I Land Use Plan and 2004 Phase II Small Area Plan. Crescent Resources subsequently rezoned several thousand acres surrounding Lake James. For the most part, those re-zoned districts remain the same today.

Existing Zoning and Land Uses within the Surrounding Area		
	Current Zoning	Existing Land Uses
North	R-1	Vacant / Wooded
South	R-1 / R-2 / G-B	Scattered site residences / Vacant wooded land
East	N-B / G-B / R-2	Mixed Commercial / Public Utility / Scattered residential
West	PRMU-CD / R-2 / CD-L	Scattered residential / Vacant wooded land

This space is intentionally left blank.

July 20, 2021 (Regular)

Parcels Subject to ZMA 2021-02 Hawsbill Rezoning Map



The Existing Land Use Map below shows all but one of the subject parcels as vacant land.

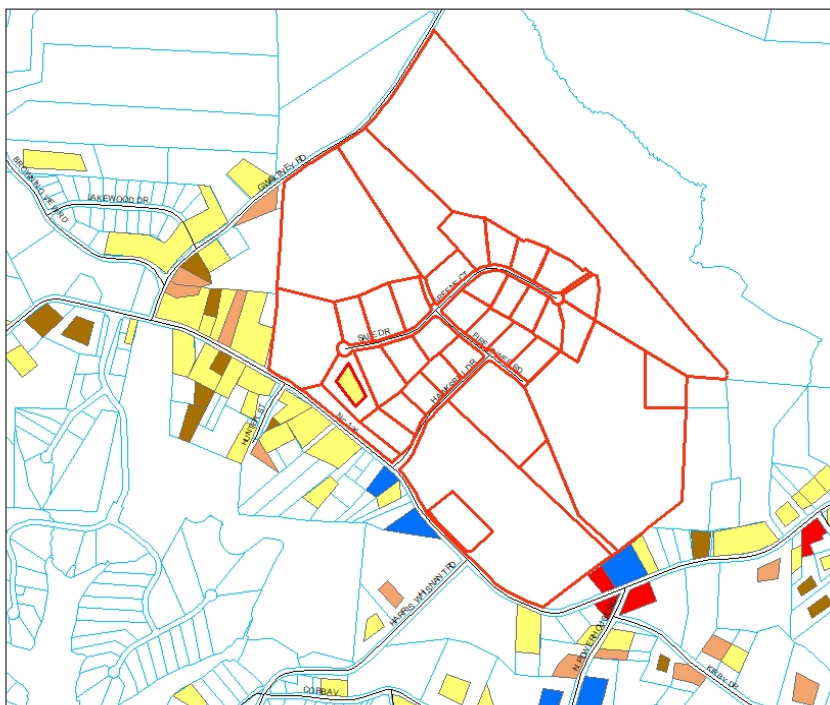


Burke County, NC Zoning Administration Existing Land Use Map

ZMA 2021-02

Applicant:
Venture Capital

REID#
Multiple



Legend

ExistLandUse

LUCode

- City
- Extra-Territorial Jurisdiction
- Commercial
- Office & Institutional
- Industrial
- Vacant
- Agriculture
- Parks / State Lands
- Single-family Residential
- Multi-family Residential
- Single-wide Residential
- Double-wide Residential
- parcel_polygons



Burke County assumes no legal responsibility for the information contained on this map. This map is not to be used for land conveyance.

July 20, 2021 (Regular)



Burke County, NC Zoning Administration
Aerial Land Use Map

ZMA 2021-02

Applicant:
Venture Capital

REID#
Multiple



011020 440 660 880
Feet

Burke County assumes no legal responsibility for the
information contained on this map.
This map is not to be used for land conveyance.

CONFORMITY WITH THE BURKE COUNTY ZONING ORDINANCE

Section 9A13 of the Zoning Ordinance is the guiding standard for how this rezoning is to be addressed. In order for the Board to understand the context of this section, the language is provided below.

"It is intended that the property shall be reclassified to a parallel conditional zoning district only in light of firm plans to develop the property. Therefore, subject to any vested right in favor of the property owner and no sooner than two (2) years after the date of approval of the application, the Planning Board may examine the progress made toward developing the property in accordance with the approved application and any conditions attached to the approval. If the Planning Board determines that progress has not been made toward developing the property in accordance with the approved application and conditions, the Planning Board shall forward to the Board of Commissioners a report, which may recommend that the property be rezoned. The Board of Commissioners may then hold a duly noticed public hearing and vote to rezone the property to a general zoning district".

The developers of the Hawksbill Subdivision have not proposed any development of this land since 2010. That proposal never made it beyond the preliminary review stage. That was almost eleven (11) years ago. Venture Capital has since sold off some of the parcels shown as "Future Development" on the original Subdivision Plan. As there are no plans to develop the subject parcels, it is clear that the subject parcels should be rezoned to a "general" zoning district.

July 20, 2021 (Regular)

The zoning request would then take on the usual review for appropriateness. The proposed rezoning request is outlined in the two aforementioned requests.



Burke County, NC Zoning Administration Current Zoning Map

ZMA 2021-02

Applicant:
Venture Capital

REID#
Multiple

Legend

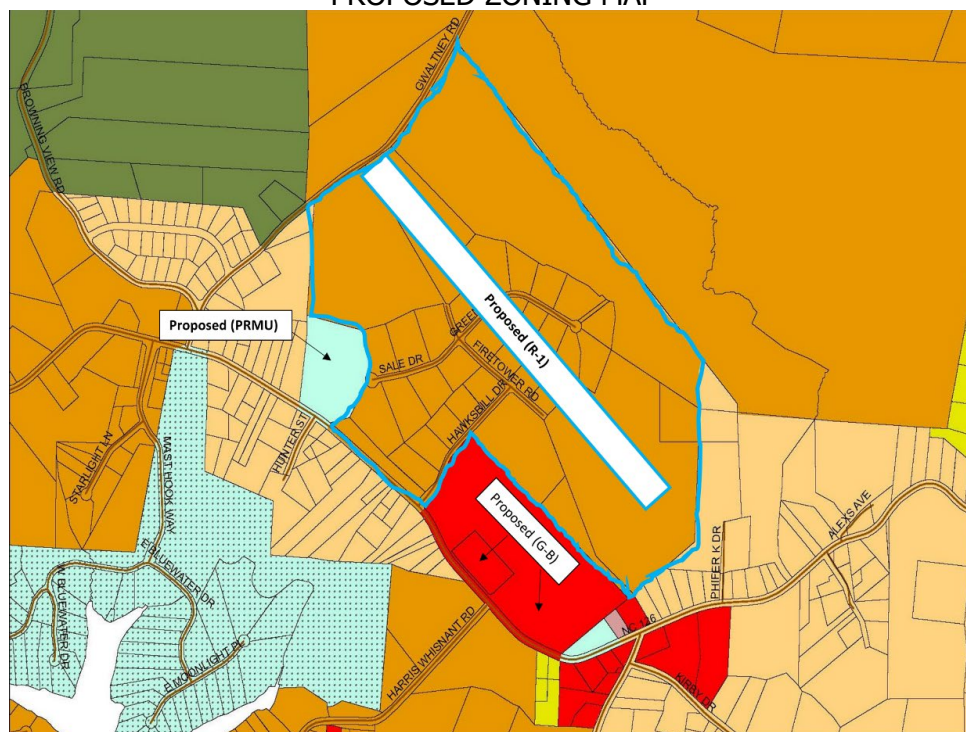
- Streets
- parcel_Polygons
- Lake Overlay
- Scenic Overlay
- I-40 Overlay
- Airport Overlay
- R-1 Residential Low Density
- R-2 Residential Medium Density
- R-3 Residential
- R-MU Rural Mixed Use
- PRMU Planned Residential Mixed-Use
- PRMU Conditional
- CD-L Low Density Conservation
- CD-L Conditional
- CD-E Estate Lots
- CD-E Conditional
- N-B Neighborhood Business
- G-B General Business
- GB Conditional
- O-I Office & Institutional
- O-I Conditional
- L-I Light Industrial
- IND Industrial
- IND Conditional

011220 440 660 880

Feet

Burke County assumes no legal responsibility for the information contained on this map. This map is not to be used for land conveyance.

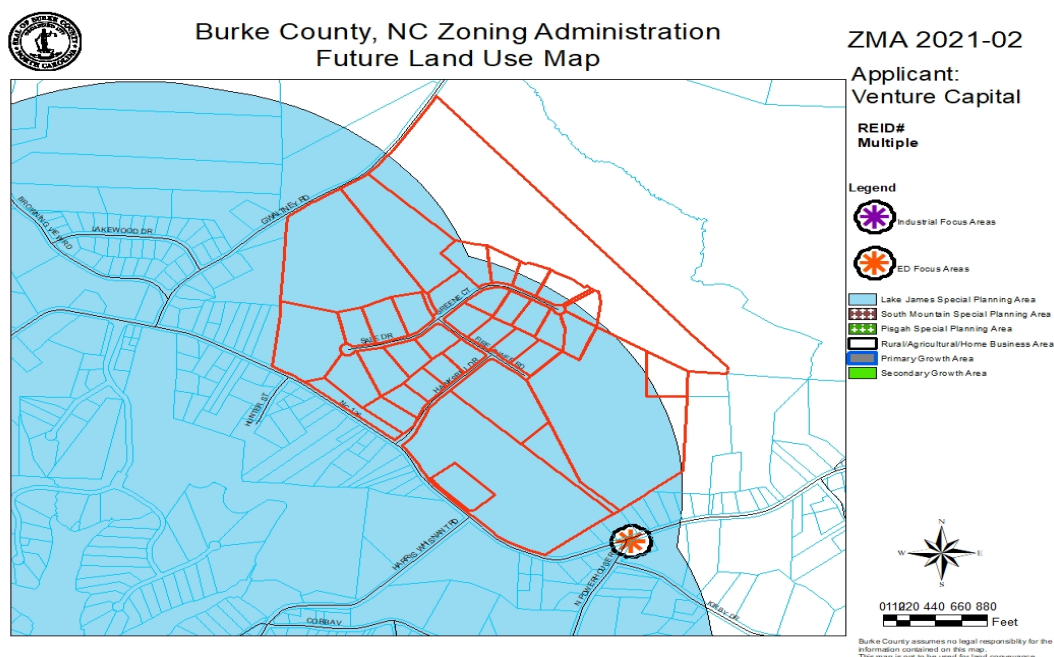
PROPOSED ZONING MAP



CONFORMITY WITH THE COMPREHENSIVE PLAN

July 20, 2021 (Regular)

The 2016-2030 Burke County Strategic Land Use Plan is the most recent planning document to guide future development of Burke County. Within that Plan, all but two of the subject parcels are shown to be within the Lake James Special Planning Area. This area includes Lake James and parts of the surrounding lake overlay and scenic overlay zoning districts as well as Lake James State Park and some lands belonging to North Carolina Wildlife. It is necessary to balance development and recreational uses while maintaining the area's natural resources. The Future Land Use Map (below) also shows an "Economic Development Area" or "node" at the corner of N. Powerhouse Rd. and NC 126. At the request of those property owners, County staff has proposed (REID# 54237) and (REID# 63769) be rezoned from PRMU-CD to the General Business (G-B) Zoning District. The property owner of (REID# 63486) is requesting the Planned Residential Mixed-Use District as they have future intentions to use the property for mixed use development.



PLANNING BOARD RECOMMENDATION

The Burke County Planning Board Met on May 27, 2021 to hear this rezoning case. There was no one present at the Public Comment portion of the meeting. The Planning Board voted 6/0 to recommend approval of all proposed rezonings.

STAFF COMMENTS

The proposed rezoning is primarily being initiated in order to bring the subject parcels into compliance with G.S. 160D, compatibility with surrounding zoning, and property owner requests. All property owners subject to the rezoning have been notified of the proposed rezoning by mail. Staff recommends approval of the proposed rezonings.

ADDITIONAL INFORMATION

Please refer to the application, driving directions, and map(s) for more information.

July 20, 2021 (Regular)

Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Taylor asked how many parcels have been sold under the old zoning. Mr. Prisby said he does not have that information in front of him. Commissioner Taylor relayed an example of a similar situation that occurred with a development on Rhodhiss Airport Road. He asked if someone purchased property under the present zoning ordinance, how does this rezoning impact their property / property values. Mr. Prisby said projects with a vested right prior to the new ordinance would have the option of choosing which ordinance to follow, projects that do not currently have a vested right or have not been developed would be under the guidance of the new zoning ordinance. Commissioner Taylor asked if any property owners were present at the Planning Board's public hearing. Jennifer Forney, Planner, said two (2) homeowners were present and Community Development received several calls from citizens with questions. In reference to an earlier question from Commissioner Taylor, Ms. Forney said she does not have the exact number of lots that were sold, but most of the subdivision is still under the ownership of the developer. Ms. Forney also responded to additional questions from Commissioner Taylor.

At 6:19 p.m., Chairman Brittain opened the public hearing. The Public Hearing Notice was published in THE NEWS HERALD on July 8, 2021 and July 15, 2021. It was also posted to the County's website, www.burkenc.org, on July 8, 2021. One (1) person addressed the Board, and one (1) comment was submitted by email.

Adjoining property owner, Christian Hall, spoke in opposition to the proposed rezoning. He questioned what the specific use of the proposed commercial property would be and advised that he plans to build a home near that area. He also questioned whether any covenants would restrict wood siding and conform to what is currently used at the Lake. He also inquired about landscaping requirements for the commercial property and expressed concern that proposed commercial development could be a big box retailer next door to his future home.

Chairman Brittain, responding to Mr. Hall said, when the County receives rezoning requests, they often do not know what the ultimate use of the property will be, but when that time comes, the developer has to go through the proper vetting process. Mr. Prisby said the general zoning districts would allow for the general categories as defined by the zoning ordinance and noted the zoning ordinance does include aesthetic aspects as well as commercial and industrial rules that were formally just in the I-40 overlay, but now apply county-wide. Ms. Forney advised that the general business portion of the plan is not new and it was part of the original Hawksbill Development.

Mr. Hall, looking at the map, expressed concern that the proposed general business property is located within the gates of the community, and suggested a buffer zone between the homes and commercial properties if it goes in that direction. He then expressed his concern about the impact to property values if commercial goes in the area.

Clerk Draughn advised that an email opposing the rezoning was received from the Carpenters and asked if the Board wanted it read aloud or just included in the official record. After discussion, the Chair asked Clerk Draughn to read the following email from Scott and Susan Carpenter.

Dear Commissioners, we just received notice that ZMA 2021-02 request has been changed from what was originally requested. We are opposed to two new

July 20, 2021 (Regular)

provisions: rezoning a 30.56 parcel to GB. There is no demand for commercial uses in this area. There was no notification by applicant or notice provided to rezone this large tract to commercial. Morganton will not allow sewer access at this location. This tract should be R-1 Residential. We oppose rezoning 9.15-acre tract to PRMU. This is not what was requested or notification sent out on. This is a spot zone. PRMU must be associated with an approved master plan. This tract must be rezoned to R-1. Planning Board and Staff should know better than to send these two requests forward to the BOC! Also, where is the open space required in Hawksbill Subdivision as part of PRMU original approval?

Mr. Prisby responded to additional questions from Commissioner Taylor. With there being no one else to address the Board, Chairman Brittain closed the public hearing.

Motion: to adopt Ord. No. 2021-15 amending the Burke County Zoning Map as it relates to ZMA 2021-02 and approve the following Statement of Consistency / Rationale:

Rationale for Decision

To comply with G.S. 160D and to blend the subject parcels into compatible zoning districts within the surrounding area.

Statement of Consistency

The proposed rezonings are consistent with the current land use plan because: They will allow additional commercial land uses within the Economic Focus Area of the Lake James Planning Area and continue the single-family residential land use pattern which is outside of that Focus Area.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Johnnie W. Carswell and Maynard M. Taylor
NAYS:	Wayne F. Abele, Sr.

Ord. No. 2021-15 reads as follows:

Burke County
North Carolina

An Ordinance Amending the Official Burke County Zoning Map
ZMA 2021-02

Be it ordained that the Official Burke County Zoning Map is hereby amended as follows:

The Hawksbill Master Development Plan originally approved under ZMA 2005-06 is hereby rescinded.

The thirty-five (35) parcels of land listed in Exhibit A are hereby rezoned **from** the Planned Residential Mixed-Use Conditional District **to** the Residential One (R-1) Zoning District.

July 20, 2021 (Regular)

Two (2) parcels of land corresponding to REID#'s **63769 and 54237** are hereby rezoned **from** the Planned Residential Mixed-Use Conditional District **to** the General Business (G-B) Zoning District.

One (1) parcel of land corresponding to REID# **63485** is hereby rezoned **from** the Planned Residential Mixed-Use Conditional District **to** the Planned Residential Mixed-Use District.

Adopted this 20th day of July 2021.

/s/: Jeffrey C. Brittain
Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

Attest:

/s/: Kay Honeycutt Draughn
Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2021-03 & PUBLIC HEARING - 6:00 P.M.

Shane Prisby, Interim Planning Director, presented information regarding ZMA 2021-03 as follows:

REQUEST

Staff has received a rezoning application from Tyler Campbell to rezone a 1.23 portion of one parcel of land totaling 9.86 acres. The request is to rezone the property from its current zoning of Residential Two (R-2) to the General Business (G-B) zoning district.

BACKGROUND AND SITE ANALYSIS

The applicant is requesting the rezoning in order to establish a commercial use of the front portion of the property. The applicant has a Tree Service business. The parcel is described as follows: The parcel is further identified in county records as (REID# 20749). The parcel 911 address is: 796 NC18/US64 Morganton, NC 28655. The parcel is located within the Quaker Meadows Township and the Chesterfield Fire District of Burke County. The parcel is located within a WS-IV PA Water Supply Watershed. Records indicate that the property can be served by public water and private onsite septic. The parcel has approximately 217 linear feet of frontage on NC18/US64. This road is a state-maintained US Route. The parcel is not located within any Overlay District.

SURROUNDING AREA

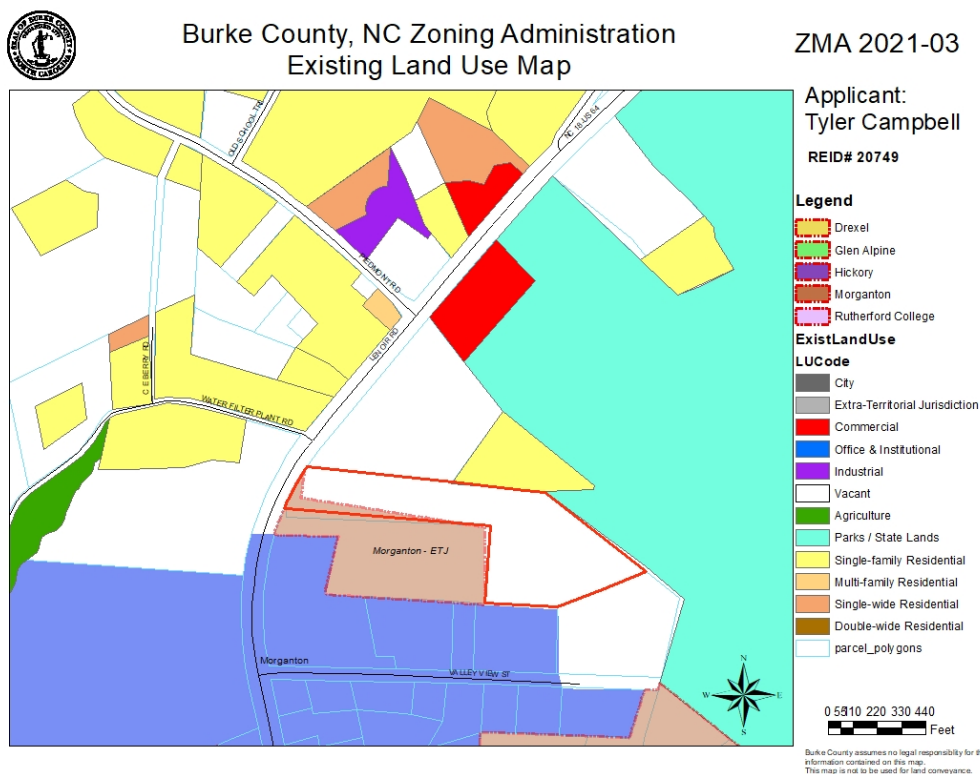
There is a mixture of county and municipal zoning in this area. The subject parcel borders the City of Morganton's Extra-Territorial Jurisdiction to the south. The Morganton zoning is the Low Intensity District (LID). This district is established primarily for single-family residential uses at a variety of densities. It is also the intent of this district to allow for certain types of nonresidential community facilities and services that would not be detrimental to the residential character of the district.

July 20, 2021 (Regular)

The county zoning in this area consists of Residential-Two (R-2), Residential Three (R-3), Estate Lot Conservation, General Business, and Neighborhood Business Districts.

Existing Zoning and Land Uses within the Surrounding Area		
	Current Zoning	Existing Land Uses
North	R-2, G-B, N-B, R-3	Vacant Land / Residences / Businesses
South	LID-Morganton, R-2 County	Church / Residences / Vacant Land
East	CD-E	Vacant Land / State of North Carolina
West	R-2	Residences / Public School / Vacant

The Existing Land Use Map (Below) provides a visual representation of the existing uses outlined in the "Existing Zoning and Land Uses within the Surrounding Area" table (Above).



The Aerial Land Use Map (below) depicts the vacant state of North Carolina land to the east, the church and residences to the south (Morganton ETJ). There is a small unnamed subdivision and a Public School (Walter Johnson) to the west. To the north is a convenience store, a small manufacturing facility, a used car sales lot, and a telecommunications tower.

July 20, 2021 (Regular)



Burke County, NC Zoning Administration
Aerial Land Use Map

ZMA 2021-03



Applicant:
Tyler Campbell

REID#
20749



0 50 100 200 300 400
Feet

Burke County assumes no legal responsibility for the information contained on this map. This map is not to be used for land conveyance.

CONFORMITY WITH THE COMPREHENSIVE PLAN

The current land use plan for Burke County is the 2016-2030 Blueprint Burke Strategic Land Use Plan. The subject parcel is located in the Secondary Growth Area (see map below). Secondary Growth Areas have many of the same attributes as Primary Growth Areas such as infrastructure, utilities, and transportation corridors. The Primary Growth Area (gray color) is within the city of Morganton's city limits and ETJ.

One of the fundamental policies of the Land Use Plan is to allow and promote multiple types of economic development opportunities. A diverse economy can appeal to a wide range of population groups. This could be achieved through higher density and mixed-use type developments. In addition to residential uses, commercial, institutional, and industrial development can be expected in these areas as needed to support the other uses within this area.

This space is intentionally left blank.

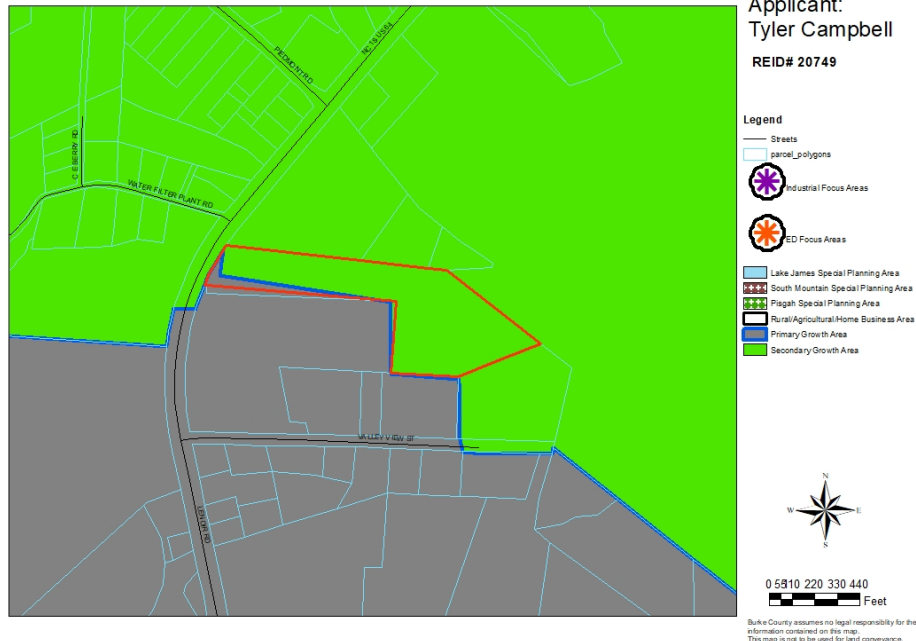


Burke County, NC Zoning Administration
Future Land Use Map

ZMA 2021-03

Applicant:
Tyler Campbell

REID# 20749



CONFORMITY WITH THE BURKE COUNTY ZONING ORDINANCE

The current Zoning Map (below) shows the zoning for the subject parcel and surrounding area. As stated earlier, the "current" zoning district for this parcel is Residential Two (R-2). The applicant wishes to keep the majority of the parcel in the R-2 district as they have future plans to reside there one day.

As mentioned earlier, the subject parcel has frontage on NC18/US64. This route is a vital corridor in Burke County. This road classification is primarily designed to move medium volumes of traffic back and forth from Morganton to Lenoir. The Burke County Thoroughfare Plan classifies this state route as a minor arterial road.

Minor arterials serve to connect activity centers, but they also serve less intense development areas like small retail centers, office centers, and industrial/business parks. Minor arterials provide traffic service for moderate trip lengths. Although residences have been established along this route, commercial development can be expected along this corridor as well.

This space is intentionally left blank.

July 20, 2021 (Regular)

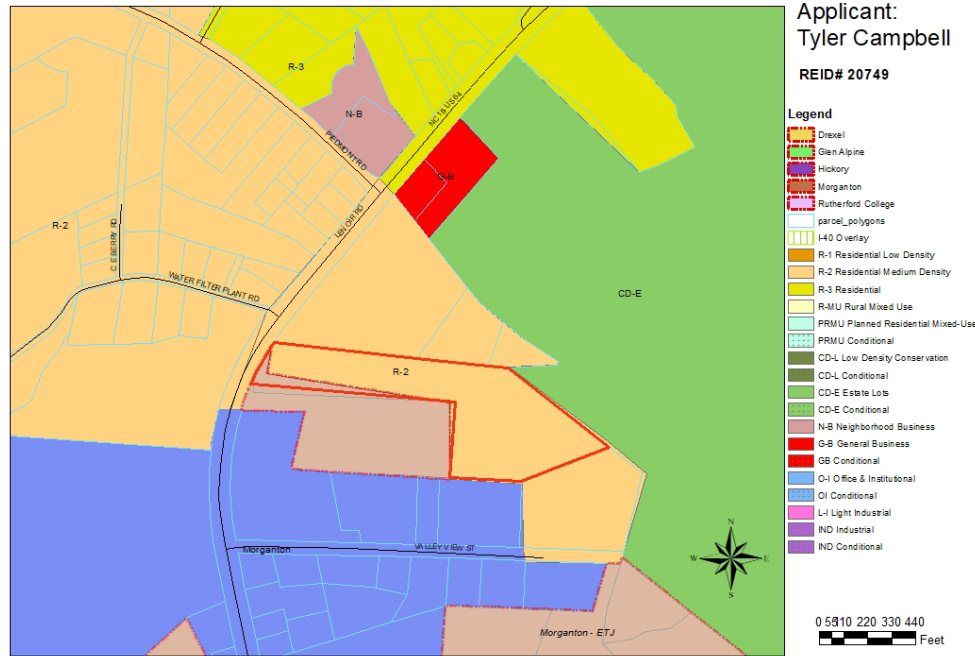


Burke County, NC Zoning Administration Current Zoning Map

ZMA 2021-03

Applicant:
Tyler Campbell

REID# 20749



PLANNING BOARD RECOMMENDATION

The Burke County Planning Board met to hear this rezoning request on May 27, 2021. There was no one from the public present to speak during the public comment portion of the meeting. The Planning Board voted 6/0 to recommend Approval of the rezoning request.

STAFF COMMENTS

The majority of the subject parcel will maintain its current zoning of Residential Two. In staff's opinion, rezoning the 1.2-acre portion of the parcel fronting on NC18/US64 to the General Business zoning district would not change the overall character of the area. Staff can foresee the potential for additional commercial rezoning applications along this corridor in the future.

To assist the Board in their decision, staff has provided the following considerations:

- Is there a public need for additional land to be zoned to the requested classification?
- What is the impact on public services, facilities, infrastructure, fire and safety, and topography?
- What are the nearby development/zoning patterns?
- Consider the full range of uses allowed by the proposed district versus the uses allowed within the current zoning district.
- Is the rezoning request compatible with the character of the surrounding area and suitable with the property for certain use?

STATEMENT OF CONSISTENCY

July 20, 2021 (Regular)

When a local government adopts development regulations, including zoning maps, there must be a rational basis for determining what those regulations should be. To make rational and informed choices in adopting and later amending these regulations, there should be careful consideration of many factors, including what infrastructure is needed to support development, how the land uses relate to one another, what the community's goals, objectives, and vision for the future are, and so forth.

The statement must take one of three forms:

1. A statement approving the proposed zoning amendment and describing its consistency with the plan;
2. A statement rejecting the proposed zoning amendment and describing its inconsistency with the plan; or
3. A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community taken into account in the zoning amendment.

ADDITIONAL INFORMATION

Please refer to the application, driving directions, photos, and map(s) for more information.

At 6:32 p.m., Chairman Brittain opened the public hearing. The Public Hearing Notice was published in THE NEWS HERALD on July 8, 2021 and July 15, 2021. It was also posted to the County's website, www.burkenc.org, on July 8, 2021. There was no one present to address the Board; therefore, Chairman Brittain closed the public hearing.

Motion: To adopt Ord. No. 2021-14 regarding ZMA 2021-03 and the following Statement of Consistency / Rationale for Decision:

Rationale for Decision

The County Land Use Plan recognizes the potential for additional commercial rezoning applications along this corridor in the future. Rezoning the 1.2-acre portion of the parcel fronting on NC18/US64 to the General Business zoning district would not change the overall character of the area.

Statement of Consistency

The Burke County Board of Commissioners recommends "Approval" of the proposed rezoning request because:

- **The proposed zoning reclassification is consistent with the purposes, goals, objectives, and policies, of the adopted land use plan, and other plans for the physical development of the County as adopted by the Board of Commissioners.**
- **The proposed zoning reclassification is compatible with the overall character of existing development in the immediate vicinity of the subject property.**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Johnnie W. Carswell, Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

Ord. No. 2021-14 reads as follows:

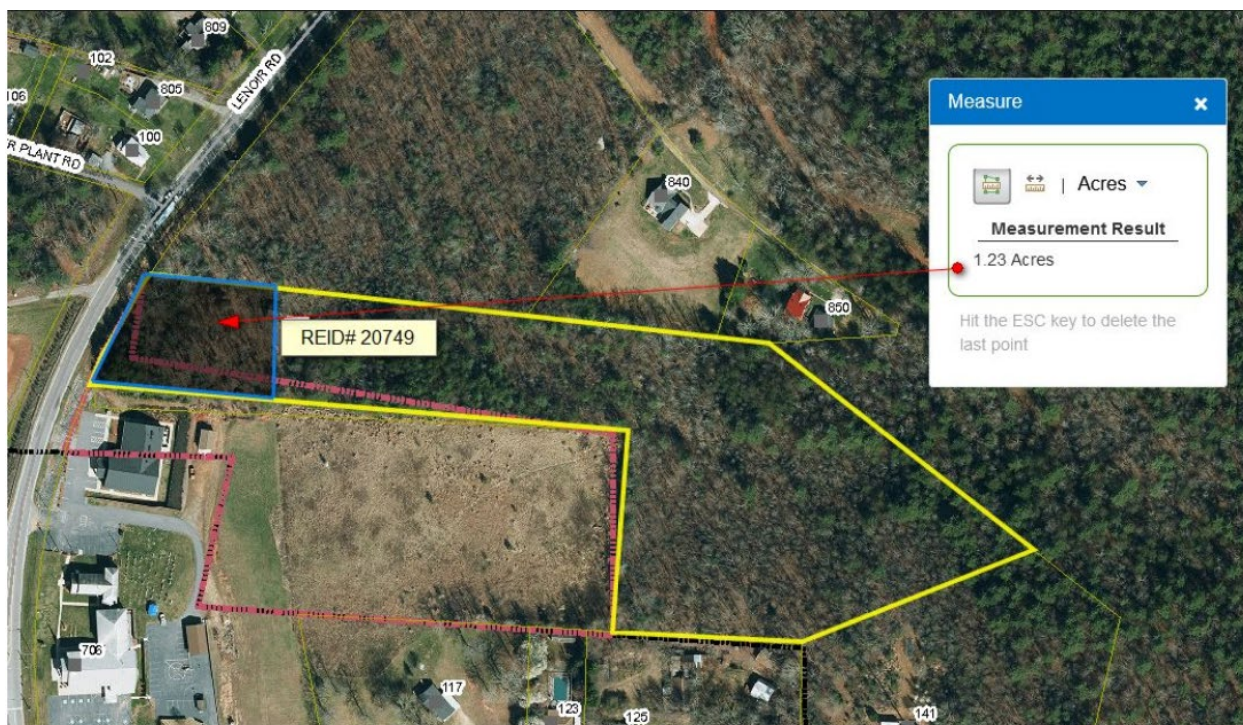
July 20, 2021 (Regular)

Burke County
North Carolina

An Ordinance Amending the Official Burke County Zoning Map
ZMA 2021-03

Be it ordained that the Official Burke County Zoning Map is hereby amended as follows:

A 1.23-acre portion of one (1) parcel of land corresponding to REID# 20749 is hereby re-zoned from the Residential Two (R-2) Zoning District to the General Business District. The following map represents the portion of property to be rezoned.



Adopted this 20th day of July 2021.

/s/: Jeffrey C. Brittain
Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

Attest:

/s/: Kay Honeycutt Draughn
Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

INFORMAL PUBLIC COMMENTS

At 6:34 p.m., Chairman Brittain opened the floor for informal public comments. There were several citizens that signed up to address the Board.

Gwen Veazey, 103 La Bellevue Street, read the following statement:

July 20, 2021 (Regular)

My husband and I are natives of North Carolina and have lived in Burke County since 1978. I'm adding my voice to those who want the Confederate memorial removed from public county property. My great-grandfather, William G. Dillingham, fought for the Confederacy. In January of 1862, He enlisted in Company C, 60th Regiment, N.C. State Troops and was injured in the hip in the first Murpheysborough Battle. So, I know about heritage, and though that's part of my family history, I believe that we can show respect for dead Confederate soldiers without glorifying their cause. Without showing public government support for their cause. They fought to continue enslaving a race of human beings. (Or if you prefer to think of it another way: they fought to continue states' rights to enslave a race of human beings.) The memorial represents that wrong cause and has represented white supremacy, from the time erected to now. I'm told the monument was established in 1911 and the statue placed atop it in 1918. Driving from Hickory west on I-40 as you enter our county, you pass a sign that says, "Welcome to Burke County, All About Advancing." A hundred yards further down the highway flies one of the huge Confederate battle flags displayed in the county, and then when you get to Morganton, you see a Confederate statue towering over the public square in the middle of town. Maybe you can't do anything about the flag on private property, but if our county is sincere about advancing, it's time to move that monument to a museum or a cemetery. I'll be contacting our state representatives to let them know my feelings as well. Thank you.

Dr. Kevin Frederick read the following statement:

County Commissioners and staff, it is an honor to be here this evening to address you. My name is Kevin Frederick and I have been a Presbyterian pastor for more than 35 years, including 13 years at the Waldensian Presbyterian Church in Valdese. I've worked for racial harmony throughout my life. My father, who was a Presbyterian minister began working in 1966 to integrate his white congregation of 250 members with a black congregation of 40 members in Johnson City, Tennessee, that merger actually occurred in 1967. More recently when the Charlottesville, Virginia incident occurred in August of 2017, with the torches lining the night and the death and violence the next day, something inside me changed, and I felt called to step up. In the following weeks I approached Dr. Michael Helmick, President of Western Piedmont Community College at the time, to plan an educational forum that would promote a community dialogue regarding racial issues in our community, together with Dr. Leslie McKesson, we began planning the Symbols of the South Symposium in January and February of last year. The forum included a historian from UNC Charlotte and a sociologist from Appalachian State University. During both nights we had crowds in excess of 200 people. We examined the historical factors and events that led to the erection of hundreds of Confederate monuments across the south. The United Daughters of the Confederacy were organized a generation after the Civil War and worked to redefine history around defending the lost cause of the Confederacy and specifically to preserve the supremacy of white Southerners. During the second session, we explored the meanings that had been ascribed to the Confederate battle flag over the years, and how that symbol is interpreted by different groups today. Our third session involved

July 20, 2021 (Regular)

numerous community leaders, including representatives from the Sons of the Confederacy and the NAACP, but it was cancelled due to COVID-19. We can all agree that violence and anarchy are not the paths to a better future. But I contend that neither is avoiding addressing the current tensions surrounding the issues of racial inequity and expressions of white supremacy. The historian Arthur Schlesinger wrote the whole of history is the weapon of democracy; I would say it this way, truth telling, and transparent history provide this nation the strength and backbone, to further its wellbeing, and to preserve the principles of democracy. Future generations will not measure us by how we defend the past, but by how we respond to the critical social issues we face today. I am committed to that solution. Thank you.

Karla Kincaid, Oak Hill Community, presented the following information:

Nash County - The City Council of Rocky Mount voted to remove the confederate monument and placed it in storage. Pitt County – The confederate soldier monument in Greenville was removed by the county, who owned the statue, for public safety. Buncombe County - The Zebulon Baird Vance monument in Asheville was removed by passage of a joint resolution by the Asheville City Council and the Buncombe County Board of Commissioners. The Robert E. Lee Dixie Highway, Colonel John Connolly Walker, was removed jointly by the Buncombe County Commissioners and Asheville City Council. The monument to the 60th Regiment NC Volunteers and Battle of Chickamauga, also in Asheville, was removed by the Buncombe County Commissioners. Wake County - The statue of Henry Lawson Wyatt in Raleigh was removed by the Governor's office. The monument to the North Carolina Women of the Confederacy was removed by the Governor's order. Lewisburg, NC - The Confederate Dead Monument was relocated to the Oakwood Cemetery by the Lewisburg Town Council. Warrenton County – The Confederate soldiers' monument was removed by the county commissioners and placed in storage. In closing, Ms. Kincaid also commented that there is still a lot of progress to be made in this area.

With there being no other speakers to address the Board, Chairman Brittain closed this portion of the meeting.

CONSENT AGENDA

At the request of Chairman Brittain, County Manager Steen reviewed the items on the consent agenda:

BOC - DESIGNATION OF VOTING DELEGATE FOR THE NCACC ANNUAL CONFERENCE

The 114th Annual Conference of the North Carolina Association of County Commissioners will be held in New Hanover County, August 12-14, 2021. The Business Session will be held on Saturday, August 14, at 12:45 p.m. Each county is asked to designate one (1) voting delegate prior to the conference to vote on items that come before the membership. An alternate voting delegate may also be assigned.

Motion: To designate Chairman Brittain as the voting delegate and Vice Chairman Mulwee as the alternate voting delegate for the 114th Annual Conference of the North Carolina Association of County Commissioners.

July 20, 2021 (Regular)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

CLERK - RECOMMENDATION FOR REAPPOINTMENT TO HICKORY REGIONAL PLANNING COMMISSION

Robert L. Weaver currently serves on the Hickory Regional Planning Commission and is willing to serve another term. The Hickory Planning Director reports Mr. Weaver is an excellent member, and the Hickory City Council will reappoint him once a favorable recommendation from the County Commissioners is received.

Motion: To recommend that the Hickory City Council reappoint Robert L. Weaver to the Hickory Regional Planning Commission.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

FINANCE - ACCEPTANCE OF AMERICAN RESCUE PLAN FUNDS

The American Rescue Plan Act awarded funds to Burke County in the amount of \$17,575,650. Per NCGS 160A-17.1, the Board is required to accept these funds and delegate authority to the manager to execute any contracts or agreements on behalf of the Board to secure the funds. Staff plans to hold a work session with the Board once the final restrictions are released, July 16, 2021, to determine the appropriate projects to be funded.

Motion: To ratify the acceptance of the American Rescue Plan Act funds in the amount of \$17,575,650 and delegate the responsibility to execute any necessary agreements on behalf of the Board to the County Manager, subject to review and/or revision by the County Attorney.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

FINANCE - MASTER PLAN/SPACE NEEDS ASSESSMENT CONTRACT

On April 5, 2021, a Request for Qualifications (RFQ) was posted on the County website requesting submissions for the creation of a Master Facility Plan/Space Needs Assessment. The purpose of the plan is to seek a comprehensive vision for space allocation that will address needs for a minimum of 5 years and maximum of 50 years. This vision must lay out the most efficient, effective, and functional plan for space needed by County employees for the provision of County and related agencies or services. The vision will evaluate the best and highest use for our existing buildings, land holdings, and available space and offer alternatives for the use of any vacated County-owned asset. The comprehensive vision thus encompasses the best arrangement of the physical environment and building facilities where with such arrangement form follows function, to the extent possible, and produces the highest level of excellence in the delivery of services to Burke County citizens.

Submissions were received from six (6) companies and after evaluating all the proposals the

July 20, 2021 (Regular)

selection committee has selected Moseley Architects as the preferred vendor for the project.

Motion: Authorize the County Manager to execute a contract on behalf of the Board with Moseley Architects for completing a master facility plan/space needs assessment for Burke County in the amount of \$185,000, subject to review and/or revision by the County Attorney.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

GENERAL SERVICES - SOLID WASTE DIVISION - LABELLA ASSOCIATES ANNUAL SERVICES FY21-22

Burke County has operated a Construction and Demolition (C&D) landfill at the John's River Waste Management Facility since 1998. The operation of a C&D landfill comes with State requirements for monitoring and reporting. These services are necessary to continue the operation of the landfill. The services are provided on an annual basis by LaBella Associates. Additional work required by the State includes quarterly landfill gas monitoring at Johns River, East Burke and Kirksey Drive Landfills; and design of Landfill Gas remediation at East Burke/Kirksey Dr. Landfills. A contract is needed to perform the engineering tasks required by NCDEQ Division of Waste Management. The proposed contract is attached to this item for review. (Note: Contracts over \$90,000 require Board approval.) Funding for this expenditure was included in the FY 21-22 budget.

Task 01 - General Consulting (estimated)	\$ 20,000
Task 02 - Semiannual Water Quality Sampling & Analysis (fixed)	\$ 67,000
Task 03 - Semiannual Water Quality Reporting (fixed)	\$ 26,500
Task 04 - Quarterly Landfill Gas Monitoring (fixed)	\$ 9,000
Task 05 - Landfill Gas Extraction System O&M (fixed)	\$ 5,500
Task 06 - Landfill Gas Remediation for East Burke and Kirksey Drive Landfills (estimated)	\$ 30,000
Total of proposed tasks	\$158,000

Motion: To approve a contract with LaBella Associates for \$158,000, subject to review and/or revision by the County Attorney and authorize the County Manager to execute the contract on behalf of the Board.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

PARTNERS' - JOINT RESOLUTION OF THE BOARDS OF COUNTY COMMISSIONERS OF BURKE, CATAWBA, CLEVELAND, GASTON, IREDELL, LINCOLN, RUTHERFORD, SURRY AND YADKIN COUNTIES & APPROVAL OF AMENDED BYLAWS

Partners' Board on May 20, 2021, approved revised bylaws to add a voting member for each new county joining Partners' Catchment Area or Region, which would include as of September 1, 2021, Cabarrus, Union, and Stanly Counties and foreseeably one more county, thereafter, bringing the total catchment population to over the 1,250,000 minimum needed for a statutory exception. The revised Partners bylaws would thereby exceed that maximum of 21

July 20, 2021 (Regular)

voting members, but otherwise make no other substantive changes and would continue with compliance with the other legal board requirements in that statute. The following resolution states that the Boards of County Commissioners of Burke, Catawba, Cleveland, Gaston, Iredell, Lincoln, Rutherford, Surry, and Yadkin Counties do not object to this statutory exception. Further, the resolution also states that Partners' board of directors may be appointed in a manner or with a composition other than as required by N.C. Gen. Stat. 122C-118.1, including that the voting members of Partners' board of directors may exceed the twenty-one (21) maximum stated in that statute and as reflected in the Partners-approved bylaws.

Motion: To adopt Res. No. 2021-11 and accept Partners' bylaws as amended and approved on May 20, 2021.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

Res. No. 2021-11 reads as follows:

JOINT RESOLUTION
OF THE BOARDS OF COUNTY COMMISSIONERS
OF BURKE, CATAWBA, CLEVELAND, GASTON, IREDELL, LINCOLN, RUTHERFORD,
SURRY, AND YADKIN COUNTIES

WHEREAS, Partners Health Management ("Partners") is the Area Authority and Local Management Entity/Managed Care Organization (LME/MCO) for Burke, Catawba, Cleveland, Gaston, Iredell, Lincoln, Rutherford, Surry, and Yadkin Counties, consistent with N.C. Gen. Stat. §§ 122C-3(1), (20b) and (20c) and -116(a);

WHEREAS, current state law at N.C. Gen. Stat. §122C-118.1 limits the maximum number of voting members of an Area Authority board of directors to twenty-one (21), absent approval by the Boards of County Commissioners of that Area Authority and the Secretary of the North Carolina Department of Health and Human Services (NCDHHS) "to appoint members of the area board in a manner or with a composition other than as required by [that statute]";

WHEREAS, Partners' Board on May 20, 2021, approved revised bylaws to add a voting member for each new county joining Partners' Catchment Area or Region, which would include as of September 1, 2021, Cabarrus, Union, and Stanly Counties and foreseeably one more county thereafter, bringing the total catchment population to over the 1,250,000 minimum needed for a statutory exception;

WHEREAS, the revised Partners bylaws would thereby exceed that maximum of 21 voting members, but otherwise make no other substantive changes and would continue with compliance with the other legal board requirements in that statute.

WHEREAS, the Boards of County Commissioners of Burke, Catawba, Cleveland, Gaston, Iredell, Lincoln, Rutherford, Surry, and Yadkin Counties do not object to this statutory exception;

July 20, 2021 (Regular)

NOW, THEREFORE, BE IT RESOLVED JOINTLY THAT Partners' board of directors may be appointed in a manner or with a composition other than as required by N.C. Gen. Stat. 122C-118.1, including that the voting members of Partners' board of directors may exceed the twenty-one (21) maximum stated in that statute and as reflected in the Partners-approved bylaws.

This Joint Resolution shall be effective immediately when signed, and no later than September 1, 2021.

ADOPTED AND RATIFIED in counterparts by the Boards of County Commissioners of Burke, Catawba, Cleveland, Gaston, Iredell, Lincoln, Rutherford, Surry, and Yadkin Counties.

BOARD OF COMMISSIONERS OF BURKE COUNTY

Approved: July 20, 2021.

By: /s/: Jeffrey C. Brittain
Chairman

This the 20th day of July 2021.

ATTEST: /s/: Kay Honeycutt Draughn
Clerk to the Board

BOARD OF COMMISSIONERS OF CATAWBA COUNTY

Approved: _____, 2021.

By: _____
Chairman

This the ____ day of ____ 2021.

ATTEST: _____
Clerk to the Board

BOARD OF COMMISSIONERS OF CLEVELAND COUNTY

Approved: _____, 2021.

By: _____
Chairman

This the ____ day of ____ 2021.

ATTEST: _____
Clerk to the Board

BOARD OF COMMISSIONERS OF GASTON COUNTY

Approved: _____, 2021.

By: _____
Chairman

July 20, 2021 (Regular)

This the _____ day of _____ 2021.

ATTEST: _____
Clerk to the Board

BOARD OF COMMISSIONERS OF IREDELL COUNTY

Approved: _____, 2021.

By: _____
Chairman

This the _____ day of _____ 2021.

ATTEST: _____
Clerk to the Board

BOARD OF COMMISSIONERS OF LINCOLN COUNTY

Approved: _____, 2021.

By: _____
Chairman

This the _____ day of _____ 2021.

ATTEST: _____
Clerk to the Board

BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY

Approved: _____, 2021.

By: _____
Chairman

This the _____ day of _____ 2021.

ATTEST: _____
Clerk to the Board

BOARD OF COMMISSIONERS OF SURRY COUNTY

Approved: _____, 2021.

By: _____
Chairman

This the _____ day of _____ 2021

ATTEST: _____
Clerk to the Board

BOARD OF COMMISSIONERS OF YADKIN COUNTY

Approved: _____, 2021.

By: _____
Chairman

July 20, 2021 (Regular)

This the _____ day of _____ 2021.

ATTEST: _____

Clerk to the Board

TAX DEPT. - TAX COLLECTION REPORT FOR JUNE 2021

The Board of Commissioners is presented with the Tax Collection Report for the period between July 1, 2020, and June 30, 2021. This reflects the status of collections by the Burke County Tax Collection's Staff. This information is a supplement to the Annual Settlement Report.

Category	Annual Budget	Amount Collected YTD	% Collected	Balance to Collect
Property Tax	\$44,250,000.00	\$44,920,556.79	101.52%	\$670,556.79
Motor Vehicle Tax	\$4,600,000.00	\$5,529,970.38	120.22%	\$929,970.38
Current Year Taxes	\$48,850,000.00	\$50,450,527.17	103.28%	\$1,600,527.17
Delinquent Taxes	\$700,000.00	\$813,824.99	116.26%	\$113,824.99
Late List Penalty	\$300,000.00	\$462,947.64	154.32%	\$162,947.64

The Tax Levy is the total property tax value not including motor vehicles times the tax rate. This amount changes monthly with the addition of discoveries, other changes, or corrections, and when Public Utility Values are added, typically during September.

Category	Tax Levy	Amount Collected YTD	% Collected	Balance to Collect
Property Tax	\$45,571,384.00	\$44,920,556.79	98.57%	\$649,923.98

Motion: To accept the Tax Collection Report for June 2021 as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

TAX DEPT. - RELEASE REFUND REPORT FOR JUNE 2021

Releases in value and/or refunds of taxes typically occur when:

- ☐ Taxpayers submit information that creates a reduction in value.
- ☐ Situs is corrected between counties and/or municipalities.
- ☐ Valuation appeals reduce the value for real or personal property.
- ☐ The postmark reveals a payment was timely sent.

The Board of Commissioners is presented with the following list of releases and refunds for consideration. The Net Release is a result of the Report Amount minus the Rebilled Amount.

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	\$4,186.72	\$2,242.55	\$1,944.17	\$239.49

Motion: To approve the Tax Releases and Refunds for June 2021 as presented.

July 20, 2021 (Regular)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

The tax reports read as follows:

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Adjustment								
0000004574-2020-2020-0000-00-REG	NORMAN E. FOY AND ALMEDA J. FOY REVOCABLE LIVING TRUST	7/1/2020	CONNIE HOLDER	6/14/2021	399.19	399.19	0.00	741.03
0000004574-2020-2020-0000-01-REG	NORMAN E. FOY AND ALMEDA J. FOY REVOCABLE LIVING TRUST	7/1/2020	CONNIE HOLDER	6/14/2021	741.03	741.03	0.00	435.19
0000004574-2020-2020-0000-02-REG	NORMAN E. FOY AND ALMEDA J. FOY REVOCABLE LIVING TRUST	7/1/2020	CONNIE HOLDER	6/14/2021	435.19	435.19	0.00	399.19
0000004927-2020-2020-0000-00-REG	HEMMINGS, TRUDIE G	7/1/2020	CONNIE HOLDER	6/24/2021	667.14	667.14	0.00	667.14
Subtotal						2,242.55		2,242.55
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Amended Listing								
0000099235-2018-2018-0000-00-REG	FRENCH, PAUL NAAMAN	7/1/2018	LINDA WILBUR	6/18/2021	47.48	47.48	0.00	0.00
0000099235-2019-2019-0000-00-REG	FRENCH, PAUL NAAMAN	7/1/2019	LINDA WILBUR	6/18/2021	42.74	42.74	0.00	0.00
0000099235-2020-2020-0000-00-REG	FRENCH, PAUL NAAMAN	7/1/2020	LINDA WILBUR	6/18/2021	38.49	38.49	0.00	0.00
Subtotal						128.71		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Duplicate Billing								
0024053877-2021-2020-0000-00-REG	BRYANT, REBA CANTRELL	3/29/2021	CONNIE HOLDER	6/8/2021	18.53	18.53	0.00	0.00
Subtotal						18.53		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Mapping Correction								
0000061286-2019-2019-0000-00-REG	LR ACQUISITIONS LLC	7/1/2019	AMANDA CONLEY	6/23/2021	230.91	230.91	0.00	0.00
0000061286-2020-2020-0000-00-REG	LR ACQUISITIONS LLC	7/1/2020	AMANDA CONLEY	6/23/2021	230.91	230.91	0.00	0.00
0000061545-2019-2019-0000-00-REG	LR ACQUISITIONS LLC	7/1/2019	AMANDA CONLEY	6/23/2021	209.72	209.72	0.00	0.00
0000061545-2020-2020-0000-00-REG	LR ACQUISITIONS LLC	7/1/2020	AMANDA CONLEY	6/23/2021	209.72	209.72	0.00	0.00
0000061546-2019-2019-0000-00-REG	LR ACQUISITIONS LLC	7/1/2019	AMANDA CONLEY	6/23/2021	137.61	137.61	0.00	0.00
0000061546-2020-2020-0000-00-REG	LR ACQUISITIONS LLC	7/1/2020	AMANDA CONLEY	6/23/2021	137.61	137.61	0.00	0.00
0000061547-2019-2019-0000-00-REG	LR ACQUISITIONS LLC	7/1/2019	AMANDA CONLEY	6/23/2021	112.59	112.59	0.00	0.00
0000061547-2020-2020-0000-00-REG	LR ACQUISITIONS LLC	7/1/2020	AMANDA CONLEY	6/23/2021	112.59	112.59	0.00	0.00
0000061548-2019-2019-0000-00-REG	LR ACQUISITIONS LLC	7/1/2019	AMANDA CONLEY	6/23/2021	133.44	133.44	0.00	0.00
0000061548-2020-2020-0000-00-REG	LR ACQUISITIONS LLC	7/1/2020	AMANDA CONLEY	6/23/2021	133.44	133.44	0.00	0.00
Subtotal						1,648.54		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Not in Burke County								
0024053150-2021-2020-0000-00-REG	KINCAID, CARLA PATRICE	3/29/2021	BARBARA HARTLEY	6/3/2021	116.51	116.51	0.00	0.00
Subtotal						116.51		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Sold/Traded								
0000093118-2020-2020-0000-00-REG	WATSON, HUGH LEO JR	7/1/2020	CONNIE HOLDER	6/29/2021	31.88	31.88	0.00	0.00
Subtotal						31.88		0.00
Total						4,186.72		2,242.55
Net Release Amount							1,944.17	

VTS Refunds Over \$100	
	Refund Amount

July 20, 2021 (Regular)

VTS Adjustments	\$149.60
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Payee Name	Primary Owner	Address 1	Address 3	Refund Type	Bill #	Refund Description	Tax Jurisd.	Levy Type	Change	Interest Change	Total Change
LONGINO, JUDY BEASLEY	LONGINO, JUDY BEASLEY	PO BOX 6057	STATESVILLE, NC 28687	Adjustment >= \$100	0057492807	Refund Generated due to adjustment on Bill #0057492807-2020-2020-0000	01	Tax	\$0.00	\$0.00	\$0.00
							57	Tax	(\$153.90)	\$0.00	(\$153.90)
							57	Vehicle Fee	(\$20.00)	\$0.00	(\$20.00)
							30	Tax	\$24.30	\$0.00	\$24.30
										Refund Refund Total	\$149.60

*Note: The net loss amount is a result of the report amount minus the rebilled amount.

ITEMS FOR DECISION

CLERK - APPOINTMENTS OR REAPPOINTMENTS TO ANIMAL ADVISORY BOARD

Clerk Draughn reported the terms for the following seats on the Animal Advisory Board (AAB) end on July 31, 2021:

Seat # 2: Veterinarian, Dr. Linda Schilkowsky
Dr. Schilkowsky, Seat # 2, did not apply for reappointment so her removal is requested.

Seat # 4: At-large Pet Owner, Debbie Hawkins
Ms. Hawkins is willing to serve another term. However, there are other applications on file for this seat from Felicia Cobb and Denise Smith. The term ends July 31, 2023.

The Commissioners added/modified the following seats to the AAB on June 15th and they are vacant:

Seat # 6: At-large, Breeder
An application from Liz Boyd-Oliver was received for the breeder seat (No. 6) and the term ends July 31, 2023.

Seat # 8: At-large, Large Animal Owner
An application was received from Tamara Robinson. Ms. Robinson, Director of Animal Assisted Therapy at the J. Iverson Riddle Development Center, works with horses daily in her career, however, she does not actually own any large animals currently. If the Board wants to appoint her, then they should consider making an exception to the ownership provision of that seat.

Due to the number of appointments, Chairman Brittain called for a vote for each seat individually.

Motion: to remove Dr. Schilkowsky from the AAB roster and thank her for her service to the community.

July 20, 2021 (Regular)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

Chairman Brittain opened the floor for nominations for Seat No. 4. Commissioner Abele nominated Debbie Hawkins and Commissioner Taylor nominated Denise Smith. With there being no others, Chairman Brittain closed the floor for nominations.

Motion: To reappoint Debbie Hawkins to the Animal Advisory Board, Seat No. 4, (at-large pet owner) for a 2-year term ending July 31, 2023.

RESULT:	APPROVED [4 TO 1]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr. and Johnnie W. Carswell
NAYS:	Maynard M. Taylor

Motion: To appoint Denise Smith to the Animal Advisory Board, Seat No. 4, (at-large pet owner) for a 2-year term ending July 31, 2023.

RESULT:	FAILED [1 TO 4]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Maynard M. Taylor
NAYS:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr. and Johnnie W. Carswell

Motion: To appoint Liz Boyd-Oliver to the Animal Advisory Board, Seat No. 6 (breeder), for a 2-year term ending July 31, 2023.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

Chairman Brittain opened the floor for discussion regarding Seat No. 8 and consideration of approving an exception to the large animal ownership provision. Despite extensive outreach efforts, this was the only application received.

Motion: To appoint Tamara Robinson to the Animal Advisory Board, Seat No. 8 (large animal owner), for a 2-year term ending July 31, 2023, and approve an exception to the ownership provision of Seat No. 8.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeffrey C. Brittain, Chairman
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

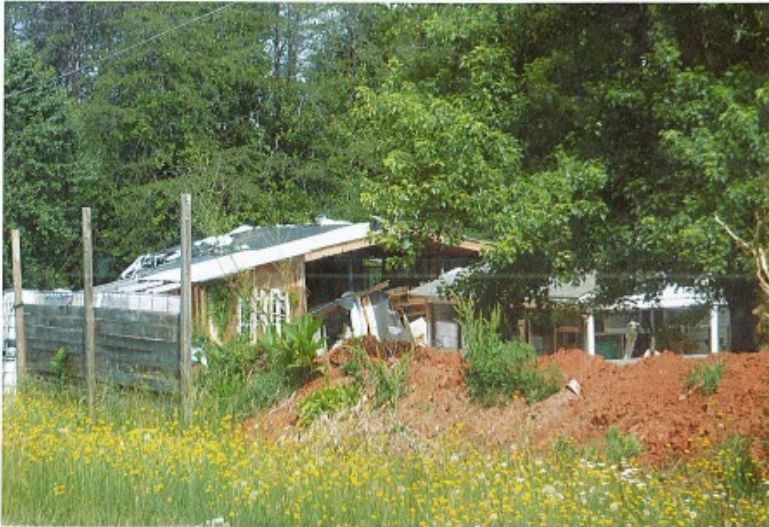
Commissioner Taylor asked Chairman Brittain to clarify that this exception is not a permanent change to the seat and just for the applicant. Chairman Brittain responded in the affirmative.

COMM. DEV. - REMEDIATION AUTHORITY REQUEST FOR COMPLIANCE OF CONDEMNATION ORDER - CASE FILE 072-19

Bradley Kirkley, Zoning Administrator, and Steve Holden, Chief Building Inspector, presented

July 20, 2021 (Regular)

information regarding the remediation authority request for compliance of a condemnation order as follows:



In reference to failing to complete the required demolition and cleanup requested by the Board of Commissioners on April 20, 2021 concerning the Condemnation of a dwelling damaged by fire at 2372 Ridgecreek Drive (PIN 1782634121), the Community Development is requesting the authority to seek remediation and cleanup of the property to remove the remaining damaged portions of the structure, and all solid waste from the property, as originally ordered by Building Inspections on March 30, 2021. The property owner, Jerry Lee Flynn, has completed some demolition on the site since the decision of the Commissioners was issued. Mr. Flynn, to the knowledge of staff, rented equipment, removed the center portion of the dwelling, and had some debris removed from the site via Republic Services. Mr. Flynn also moved portions of dirt to create a buffer along

the fence/property line, which has now caused damage to the existing fence along Ridgecreek Drive. With work failing to be completed within the allotted sixty (60) daytime frame, and with continued reports of trash, debris, and nuisances reported for the site, Community Development is requesting the authority to seek demolition bids for the site, remove all solid waste, and close this long-standing violation file.

Budgetary Effect: The total cost for removal or demolition of the structure is unknown at this time. If approved by the Board, bids would be sought with multiple demolition contractors. The cost for removal shall include all demolition work, solid waste removals, and cleanup for the parcel lot.

Due to the amount of trash on the property, Mr. Kirkley asked for \$25,000 to avoid coming back to the Commissioners to ask for additional funding.

July 20, 2021 (Regular)

Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Taylor said the County has rules and policies and noted they were asked to be lenient on this situation, which they were, and if they are not seeing any improvements, then they have no choice but to follow the County's policies / ordinances. Mr. Kirkley said since the order was upheld, Mr. Flynn did some demolition work on the property, but he did not meet the stipulations of the original order. He said if the Board decides to allow staff the opportunity to move forward with the order, the Board is requested to specifically state what will be removed. Chairman Brittain said as far as he is concerned, it is the extent of the property, fence, and entire property. Vice Chairman Mulwee concurred. Commissioner Taylor asked will the County be able to recuperate the money spent on the demolition / cleanup of the property. Mr. Kirkley reported: (1) there are outstanding taxes that are owed on the property; (2) foreclosure proceedings have not been filed; (3) his goal is to be well below the \$25,000 allotment and he provided an example of a similar situation that came in lower than anticipated. Mr. Kirkley, speaking on behalf of Community Development staff, said he does not know what is on the other side of the fence, noting that he feels like there will be a large amount of trash on the other side.

Motion: To uphold the condemnation ruling for the abandoned/damaged dwelling and authorize up to \$25,000 of Fund Balance from the General Fund for Burke County Code Enforcement to remove the violations and nuisances from the property located at 2372 Ridgecreek Drive (PIN # 1782634121). Further, authorize the County Manager to execute the demolition contract on behalf of the Board, subject to review and/or revision by the County Attorney. Any direct costs, via cleanup, demolition, or removal will be placed within a property lien by the County Attorney and recorded within the Register of Deeds Office.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Scott Mulwee, Vice Chairman
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

REPORTS AND COMMENTS

Chairman Brittain opened the floor for reports and comments from Commissioners and staff.

Attorney Simpson provided an update on the projects he has worked on since the Board's last meeting.

Commissioner Taylor reported there were over four (4) generations at his family reunion, they have 262 family members, with 172 being in Burke County and with his extended family being in Burke County, they generated a lot of sales tax revenue from their spending.

Vice Chairman Mulwee reported a Tourism Development Authority (TDA) meeting was held this morning. Occupancy tax revenues and hotel occupancy rates are increasing, and he expects that trend to continue.

Commissioner Carswell reminded the Board that the North Carolina Association of County Commissioners (NCACC) convention will be held in Wilmington. He said Frank Williams of Brunswick County, will be sworn in as president. He asked the Board to keep track of the bills

July 20, 2021 (Regular)

that are moving through the General Assembly, particularly a bill concerning the legalization of medical marijuana.

Clerk Draughn requested a technical correction to the Commissioners' notes for the motion to go into closed session.

Chairman Brittain reminded everyone to visit the Burke County Animal Services Center and encouraged interested citizens to adopt / foster a pet. Further, he asked citizens to not litter, secure their trash, and he encouraged anyone who has not had their COVID-19 vaccine to consider getting the vaccine.

RESULT: NO ACTION TAKEN.

VACANCY ANNOUNCEMENTS

CLERK - BOARDS AND COMMITTEES VACANCY REPORT

Clerk Draughn reviewed the vacancy list as follows:

- Adult Care & Nursing Home Community Advisory Committee
- Animal Advisory Board
- Council on Aging
- Juvenile Crime Prevention Council
- City of Morganton - Board of Adjustment (ETJ)
- City of Morganton - Planning Board (ETJ)
- Burke Senior Center Advisory Council
- Recreation Commission
- Child Protection & Child Fatality Prevention Team
- East Burke Senior Center Advisory Board
- Board of Health

Chairman Brittain encouraged citizens to get involved with a board or committee.

RESULT: NO ACTION TAKEN.

CLOSED SESSION

Chairman Brittain said a closed session is needed to discuss threatened or pending litigation, to preserve the attorney-client privilege, to discuss economic development matters, to discuss contractual matters (land acquisition) and to discuss personnel matters as authorized by NCGS 143-318.11(a)(3),(4), (5) and (6).

Motion: To go into closed session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

Motion: To come out of closed session.

July 20, 2021 (Regular)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

RETURN TO OPEN SESSION

Chairman Brittain reported that no action was taken in closed session.

ADJOURN

Motion: To adjourn at 7:34 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

Approved this 21st day of September 2021.


 Jeffrey C. Brittain, Chairman
 Burke Co. Board of Commissioners

Attest:


 Kay Honeycutt Draughn, CMC, NCMCC
 Clerk to the Board