MINUTES
BURKE COUNTY BOARD OF COMMISSIONERS
PRE-AGENDA MEETING

The Burke County Board of Commissioners held a pre-agenda meeting on August 3, 2021 at 3:00 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 August 3, 2021 due to the global COVID-19 pandemic. Those present were:

COMMISSIONERS PRESENT:	Jeffrey C. Brittain, Chairman Scott Mulwee, Vice Chairman Johnnie W. Carswell Maynard M. Taylor
COMMISSIONERS ABSENT:	Wayne F. Abele, Sr. (Medical appointment.)
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 3:01 p.m. and noted the meeting room complies with COVID-19 safety measures.

APPROVAL OF AGENDA
Motion: To approve the agenda.

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

PRESENTATIONS

ASC - 2021 SIX MONTH UPDATE FOR 2021
Kaitlin Settlemyre, Animal Services Director, stated a 6-month update on shelter activities for 2021 will be presented at the regular meeting.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

FINANCE - RECOGNITION OF EMPLOYEE FOR COMPLETION OF SOG CERTIFIED GOVERNMENT CHIEF INFORMATION OFFICERS PROGRAM
Information from the agenda packet:

> Scott Black, Information Technology Director, has successfully graduated from the 2020-2021 Certified Government Chief Information Officers Program™ at the University of North Carolina at Chapel Hill's School of Government. Scott Black is one of the 45 local government, state agency, community college, and K-12 education IT leaders in the state of North Carolina who successfully completed the course this year.
>
> The CGCIO™ program is the first local government specific program for CIOs in the nation and began in 2005. The program is designed for local government Information Technology Directors and Chief Information Officers whose challenging responsibilities require a broad understanding of management, leadership, legal, regulatory, and enterprise topics. The course is approximately 240 hours in length and course instruction covers strategic technology planning, communication, emerging technology trends, risk assessment and management, acquisition management, change management, leadership, cybersecurity, and legal issues related to technology.

Margaret Pierce, Deputy County Manager/Finance Director, reviewed the scope of the Certified Government Chief Information Officers Program at the University of North Carolina at Chapel Hill's School of Government, and said she will present Scott Black, IT Director, with his diploma at the regular meeting.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

SCHEDULED PUBLIC HEARINGS

BDI - BUILDING REUSE GRANT FOR PROJECT HUSKY II AND PUBLIC HEARING - 6:00 PM

Information from the agenda packet:

> Burke Development Inc. requests the County's support for Project Husky II, a local company, through a Building Reuse grant. Project Husky II will focus on building improvements to assist with their growth. A grant application for $500,000 has been submitted by the Town of Hildebran. Burke County and the Town of Hildebran will provide the 5 percent match of $25,000 or $12,500 each. Project Husky II will create 60 new jobs with the project. The jobs will meet or exceed the average county wage and will include healthcare benefits. Furthermore, the Town of Hildebran will be contracting with the WPCOG to administer the grant, if awarded.
>
> Budgetary Effect: The County's portion of the local match, $12,500, was not included in the FY 2021-22 budget. The local match funds would need to be appropriated from Fund Balance.

Alan Wood, BDI President & CEO, reported: (1) this Building Reuse grant application is for an existing industry, Synergy Labs, which grew almost 100 percent last year and continues to add personnel and product to their line; (2) the Town of Hildebran is the applicant; (3) the five (5) percent local grant match ($25,000) will be split between the County and Town of Hildebran;

(3) after completing the first phase of the review process, the N.C. Department of Commerce approved the grant application for $500,000; (4) the application date is August 25, and the award date is in October; and (5) sixty (60) new jobs are projected with each job paying above the average county wage and covers at least half of the health care costs for employees.

Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Taylor asked how much grant funding the company received last time. Mr. Wood said it was $500,000, and the grant has already been completed, they met the required number of jobs, and the grant is closed. Commissioner Taylor said he is happy the company continues to grow.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2021-09 & PUBLIC HEARING - 6:00 P.M.

Shane Prisby, Interim Planning Director, presented information regarding ZMA 2021-09 as follows:

REQUEST

Burke County has received a rezoning application from Mary Gibbs to rezone one parcel of land totaling 8.48-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

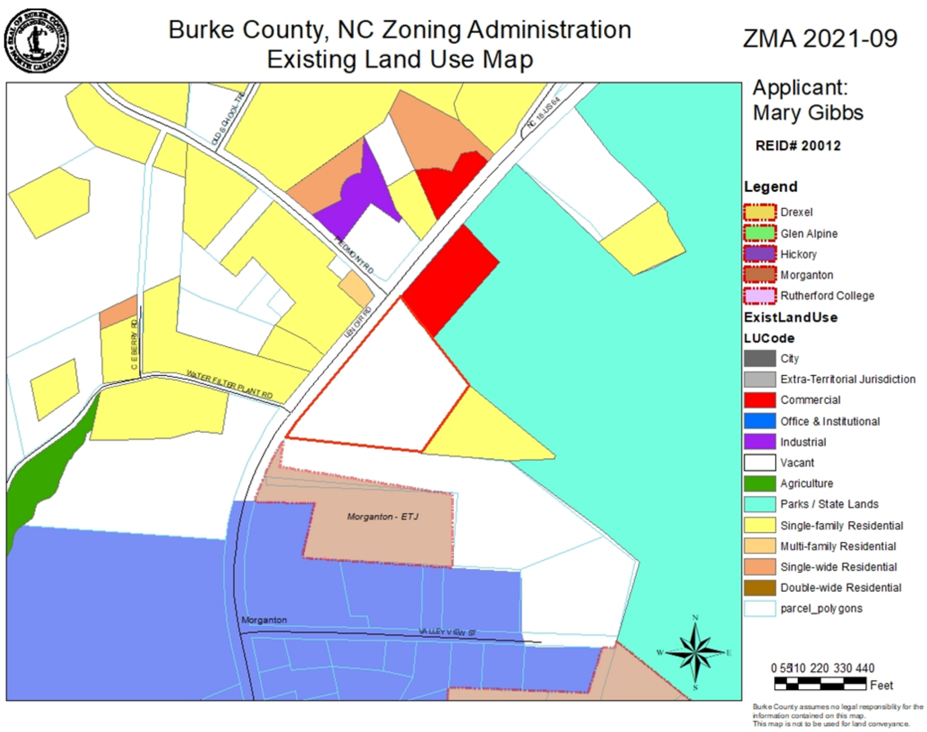
The applicant is requesting the rezoning in order to market the property for commercial use. The applicant has no proposed business use of the property at this time. The parcel is identified in county records as (REID# 20012). The parcel is vacant; therefore a 911 address has not been established. However, the property is located adjacent to an existing convenience store located at 900 Lenoir Road, Morganton, NC 28655. The state road numbers for Lenoir Road are NC-18/US-64. 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 870 linear feet of frontage on NC-18/US-64. This road is a state-maintained US Route. The parcel is not located within any Overlay District.

SURROUNDING AREA

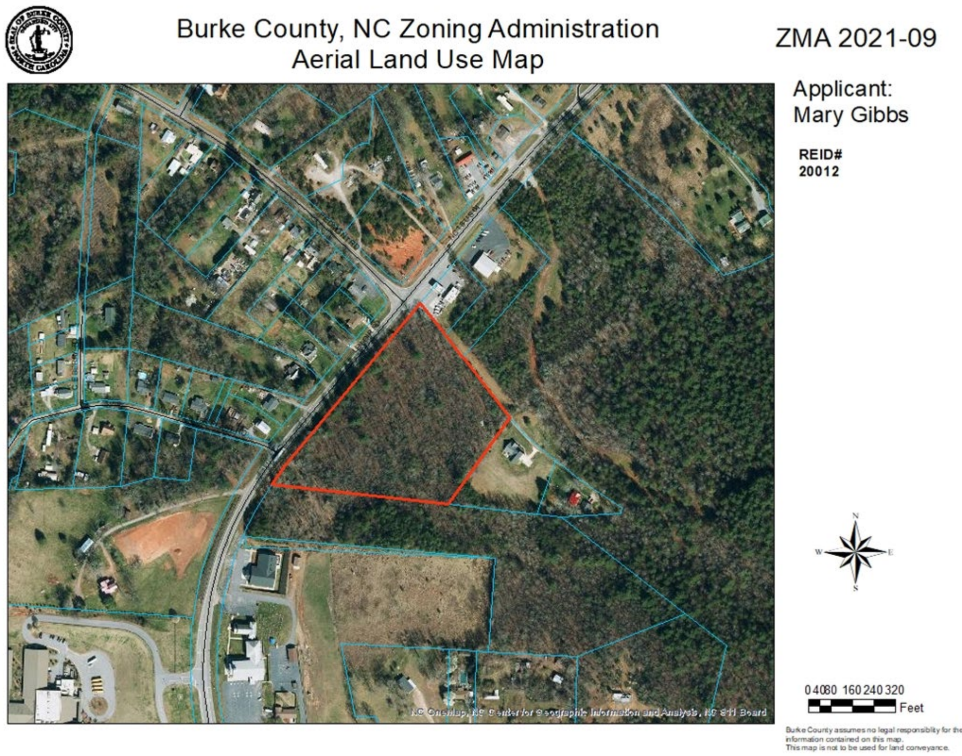
There is a mixture of county and municipal zoning in this area. The subject parcel is in close proximity to the City of Morganton's Extra-Territorial Jurisdiction (to the south). The Morganton zoning is the Low Intensity District (LID). This district is established primarily for single-family residential 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. 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	G-B, N-B, R-3, CD-E	Businesses / Residences
South	R-2 County / LID-Morganton	Vacant Land / Church / Residences
East	R-2 / CD-E	Residences / State of North Carolina Land
West	R-2	Residences / Public School / Vacant

The Existing Land Use Table (above) and the Existing Land Use Map (Below) provide information concerning the existing uses within the surrounding area.



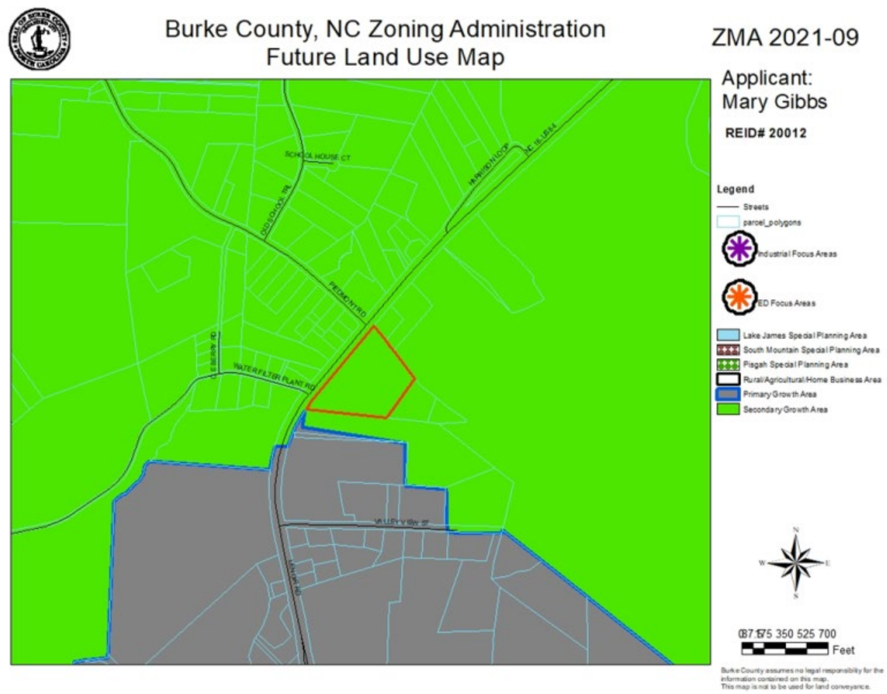
The Aerial Land Use Map (below) depicts several residences to the east, a vacant parcel (*subject parcel from last month's rezoning*), a church and multiple residences to the south (Morganton ETJ). There is a small unnamed subdivision and a public school (Walter Johnson) to the west. To the north is a convenience store, a small manufacturing facility, a used car sales lot, and a telecommunications tower.



<u>CONFORMITY WITH THE COMPREHENSIVE PLAN</u>

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.

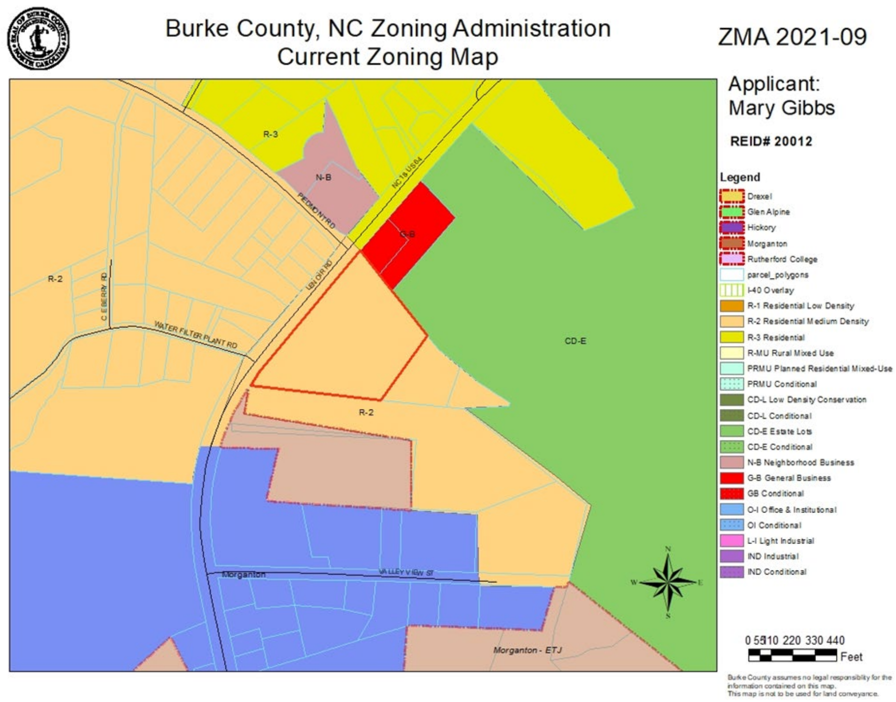
This space is intentionally left blank.



<u>CONFORMITY WITH THE BURKE COUNTY ZONING ORDINANCE</u>

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 rezone the parcel to market the property for commercial development. As mentioned earlier, the subject parcel has frontage on NC-18/US-64. 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. Section 920 of the Zoning Ordinance represents the Table of Permitted and Permissible Uses-By-District. All uses indicated by an "X" would be a "use-by-right".

This space is intentionally left blank.



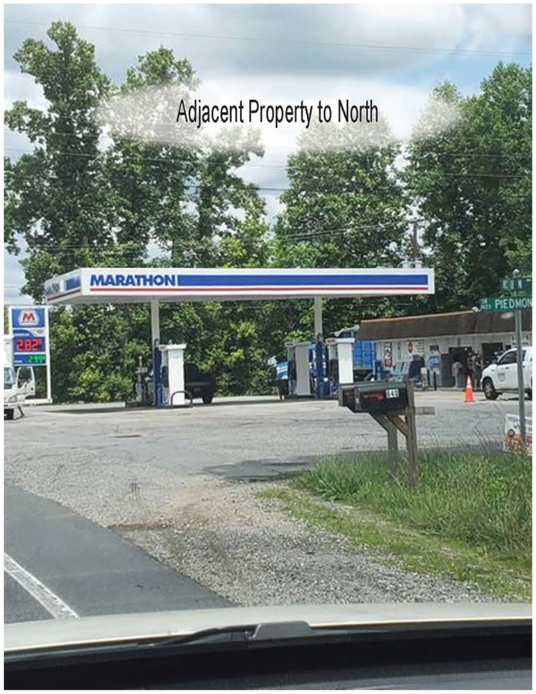
STAFF COMMENTS

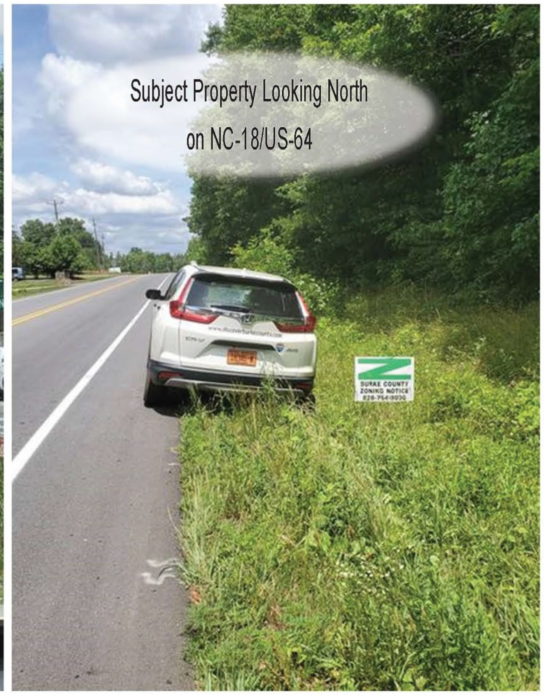
In staff's opinion, rezoning the 8.48-acre to the General Business zoning district would not change the overall character of the area. Staff can foresee the potential for additional commercial uses along this corridor in the future. Alternatively, if the property were developed as a residential subdivision, the land area would potentially allow fourteen (14) residential lots.

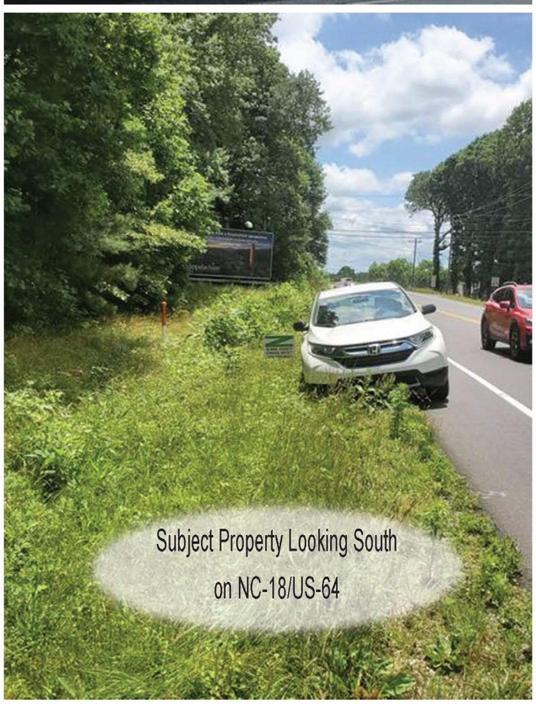
ADDITIONAL INFORMATION

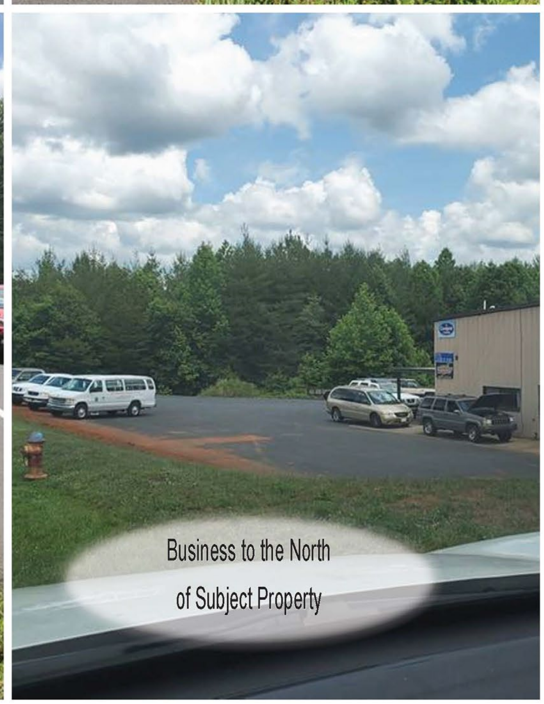
Please refer to the application, driving directions, photos, and map(s) for more information.

This space is intentionally left blank.









This space is intentionally left blank.

This space is intentionally left blank.

<u>PLANNING BOARD RECOMMENDATION</u>

The Planning Board met on June 24, 2021, to hear the rezoning request. The Planning Board heard from staff and the applicant. The Chairman then opened to floor for Public Comment. There was no one from the public to speak at the meeting, however, there was one email submitted to the Board which opposed the rezoning. The Planning Board voted 5-1 to recommend approval of the rezoning request.

Opposition email:

From: karnett@caldwellcountync.org <karnett@caldwellcountync.org>
Sent: Thursday, August 5, 2021 11:31 AM
To: Peter Minter <peter.minter@burkenc.org>
Cc: jarnett@tgsengineers.com
Subject: Rezoning Concerns ZMA 2021-09

CAUTION: Don't be quick to click! We're counting on you! This email is from an external sender! **Don't click** on links or open attachments from unknown sources. If you know this is spam delete the message. If you believe this message is a phish attack, Click the Phish Alert button above. If you are unsure what to do, contact the helpdesk @ support@burkenc.org.

Good Morning,

As requested, since I am not able to attend the August 17th meeting, I am contacting you by email. Our property will be directly and significantly affected by the rezoning of this parcel land and I wish to present my significant concerns regarding the 8.48 acres owned by M. Gibbs. Below, is an outline of those concerns.

1. Our property borders this land on the north and east side with only approximately 45-50 feet between that property and our house. There is significant probability our privacy and value of our home will be diminished by this rezoning.
2. My family has owned this property and lived in the 2 homes on this side of the parcel of land since 1933-1938 as my great-grandfather built the home at 850 Lenoir Rd. and my great-great aunt built our house (840 Lenoir Rd) in 1938. We have personally lived in this home for 25 years and have intentions to remain here as we are lifelong residents of Burke County.
3. Our right of way is often blocked by traffic from the Marathon store since they have paved over part of the Gibbs property and our right of way splits the two properties. Customers think the entire paved area is part of the store parking lot. There are at least 5 out of 7 days we have to ask people to move their vehicles in order to access our road. It has, at times, also been a safety issue for our family as cars enter the area at high speeds without knowing the right of way exists and park in areas which block our view of oncoming traffic. Rezoning this parcel will only make that worse.
4. Ms. Gibbs does not live in our county and has no investment in the betterment of our community. This is simply something they are asking for in order to make more of a profit, which I certainly understand. However, they have given no thought or consideration as to how this will impact the residents of this community. Approximately, 11 years ago we requested to purchase a small strip of land from Ms. Gibbs to create our own driveway to eliminate the concerns with the right of way and were told, it will not be sold until it is zoned commercial so more profit can be made. The property was listed on the market recently and then removed to rezone.
5. Traffic is another concern. Hwy 18 is only a two lane road with traffic issues at times and another business in this area would only worsen that.

It is my request, the effect this rezoning will have not only on our property, but all of our community neighbors and residents will be thoroughly evaluated and given more consideration than someone's profit who has no investment or stake in the improvement or enhancement of our county and community.

After this important decision is made, I would request if the is rezoning is approved, it be required that a wooded buffer between our two properties be mandated.

Thank you for your consideration.

Jamie & Kimberly B. Arnett
840 Lenoir Rd.
Morganton, NC 28655
828-443-6188

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?

Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Taylor asked why the one (1) email Community Development received was opposed to the rezoning request. Mr. Prisby said the person opposing the rezoning owns an adjoining parcel to the subject parcel and does not want it to be rezoned to General Business. Mr. Prisby responded to an additional question from Commissioner Taylor.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2021-10 & PUBLIC HEARING - 6:00 P.M.

Shane Prisby, Interim Planning Director, presented information regarding ZMA 2021-10 as follows:

REQUEST

Burke County has received a rezoning application from Mickey Evans to rezone two parcels of land totaling 1.14 acres. NOTE: The two parcels have been combined into one parcel, however, the property records have not been updated as yet. 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

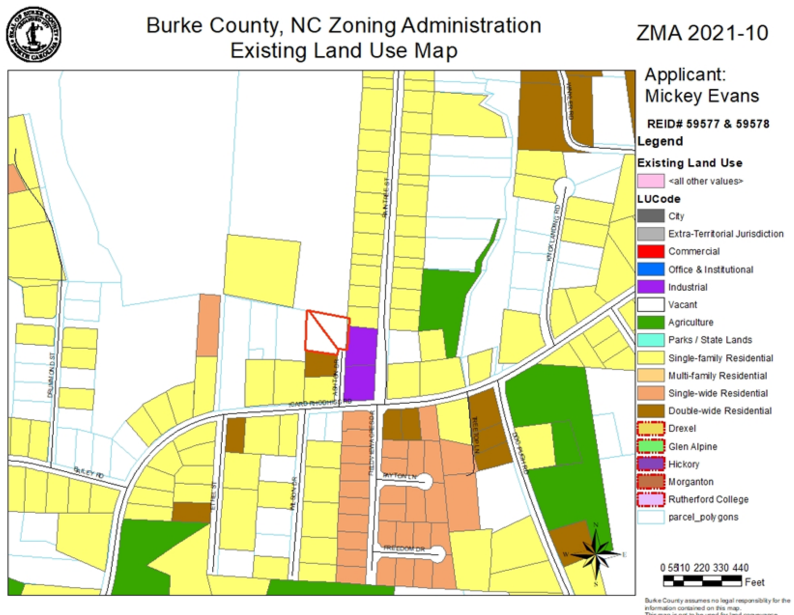
The applicant is requesting the rezoning in order to establish a contractor's storage yard for his existing business which is adjacent to the two subject properties. The parcel is identified in county records as (REID# 59578 and REID# 59577). The parcels do not have a 911 address however, Mr. Evans' business address is 2646 Raintree St., Connelly Springs, NC 28612. The parcel is located within the Icard Township and Fire District of Burke County. The parcel is located within a WS-IV PA Water Supply Watershed. Records indicate that the properties are served by public water and private onsite septic. The parcels are at the end of a dead-end street, Ashton Dr., which is a private road with a 45' right-of-way. The parcel is not located within any Overlay District.

SURROUNDING AREA

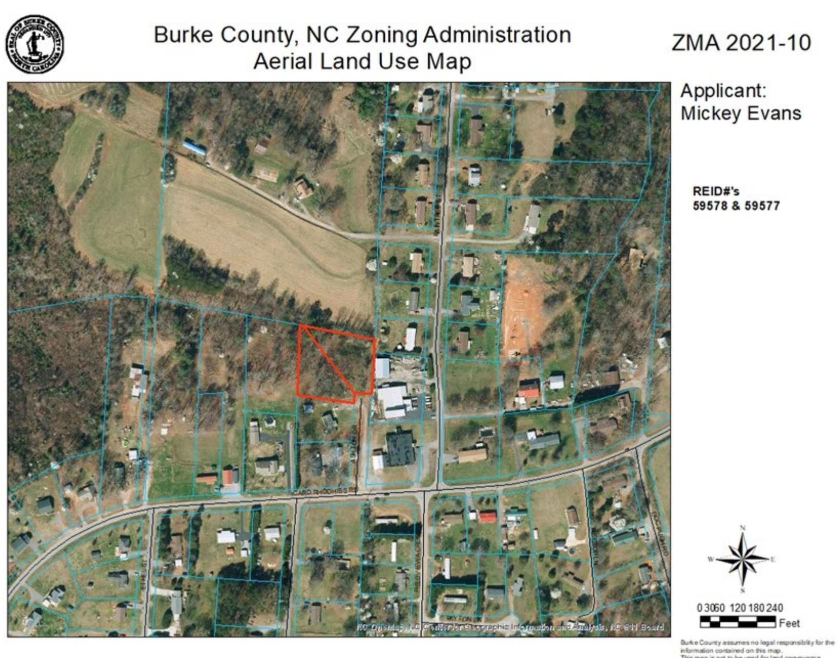
The surrounding area is predominantly high density residential in character. Mr. Evans' existing business and one other business on the corner of Icard Rhodhiss Road and Raintree St. are the only non-residential uses in the area. Mr. Evans' business is zoned General Business and the other parcel is zoned Industrial. 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, R-3	Residences / Vacant land
South	R-2, R-3	Residences
East	R-2, R-1	Vacant, Residences
West	R-2, R-1	Vacant, Residences

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 subject parcels are outlined in red and are shown as vacant land. The two properties adjacent to the right are shown as Industrial, although Mr. Evans property is actually zoned General Business. The remaining parcels are shown as either residential or agriculture uses or vacant.

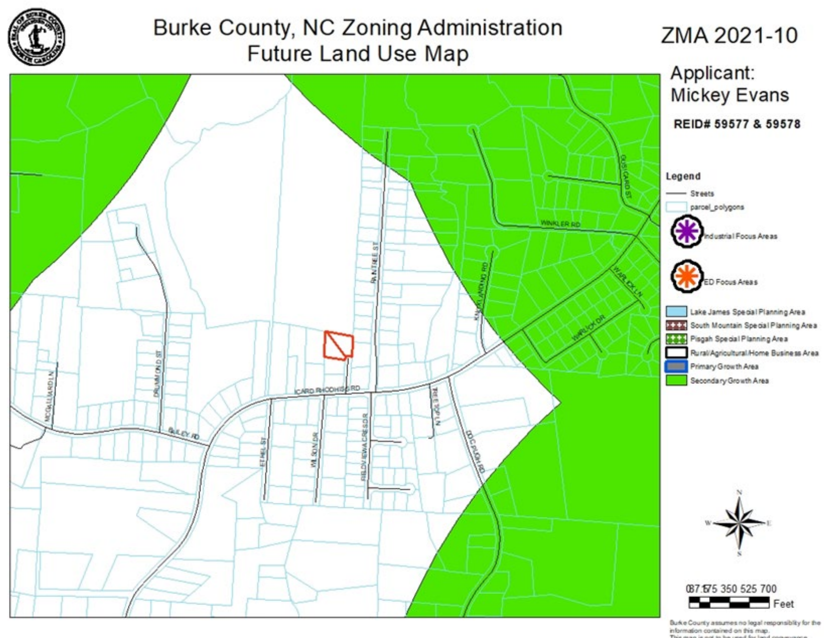


The Aerial Land Use Map (below) coincides with the Existing Land Use Map. Within this map, you are able to visually see the actual structures within the area.



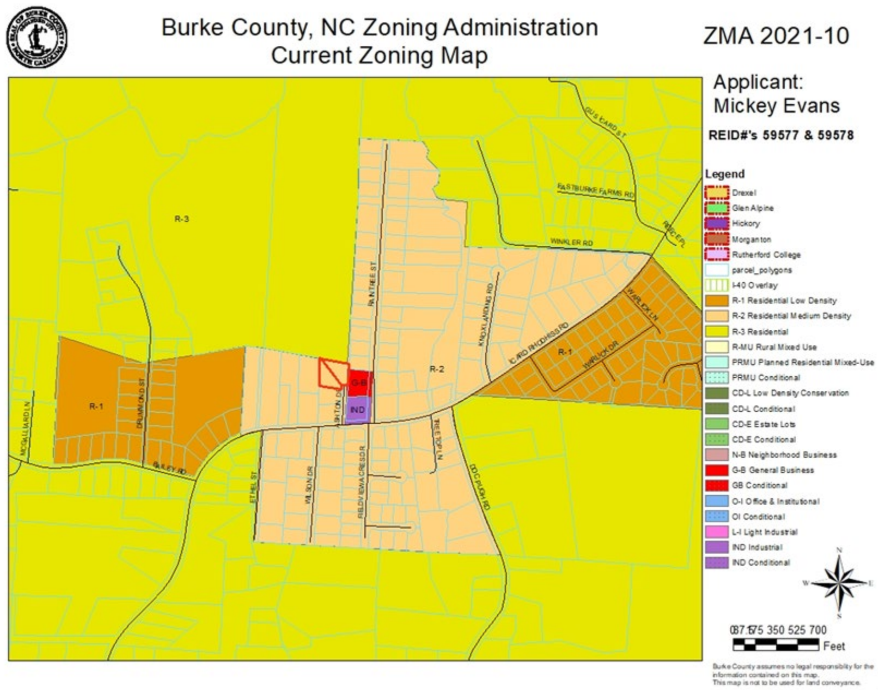
CONFORMITY WITH THE COMPREHENSIVE PLAN

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 Rural/Agricultural Area (see map below). This designation is given to all areas of the county which are not designated as Primary Growth or Secondary Growth Areas. These areas are typically considered rural in nature and may allow a variety of land uses, although non-residential uses will be limited by the infrastructure and utilities found within the area.



CONFORMITY WITH THE BURKE COUNTY ZONING ORDINANCE

The current Zoning Map (below) shows the zoning for the subject parcels and surrounding area. As stated earlier, the "current" zoning district for this parcel is Residential Two (R-2). The applicant wishes to establish a contractor's storage yard on this property in order to park equipment used for the existing business which adjoins these properties. The subject properties are adjacent to residential zoning and single-family residential dwellings. Although the existing business is well established, there was a complaint from a property owner when Mr. Evans expanded the business use onto the properties proposed in the rezoning. Code Enforcement investigated the complaint and found the properties to be in violation of the R-2 zoning allowances. This prompted Mr. Evans to seek rezoning of the subject properties. Although the Land Use Plan classifies the area rural and expects a variety of different land uses to take place, consideration must be given to the residential character and uses in the area. Although screening would be required for the proposed storage yard, there may be other components of the operation which could impact the neighbors.



STAFF COMMENTS

The applicant has an existing construction business and would like to expand the business to two adjoining parcels in his ownership. This seems reasonable rather than seeking to locate the business to another area. The fact that the business is surrounded by residential development creates a conflict. The question is, will the proposed storage yard create a negative impact on the surrounding property owners? State Statutes no longer allow the Board to place any conditions on a rezoning approval.

If the rezoning were approved, a Site Development Plan would be required to meet the County's non-residential development standards. However, there are several potential issues that a site plan would not address.

- Will the traffic down Ashton Drive increase by approving the rezoning? Would the road deteriorate more quickly if the property is used for the proposed use?

There is no data or insight to share other than the county has no control over roads. Ashton Drive is a private road and therefore, NCDOT would have no involvement either.

- Will the required screening be sufficient to visually and audibly negate the impact of the contractor's storage yard to the surrounding property owners?

The zoning ordinance requires the non-residential use to be screened from all residential zoning and uses. Article 5 of the zoning ordinance requires either a vegetative buffer or a fence to be installed. The vegetation must reach seven (7) feet in height within five (5) years. A fence would need to be seven (7) feet in height. The fence must have opaque slats in order to provide a visual screen.

- Will the contractor's storage yard create any odors which might impact the surrounding property owners?

There is nothing in the zoning ordinance that addresses odors generated from a use of property. A possible enforcement agency would be NCDEQ Dept. of Air Quality.

- Would it negatively impact the values of the surrounding properties?

Only a licensed real estate professional could make that determination.

PLANNING BOARD RECOMMENDATION

The Planning Board met on June 24, 2021 to hear this rezoning request. Planning staff provided their report, and the applicant presented their request. The Chairman then opened the floor for public comment. There was no one in attendance to speak, however, the Planning Board was presented with one emailed statement opposing the rezoning request. The Planning Board voted 4-2 to recommend approval of the rezoning request.

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?

ADDITIONAL INFORMATION

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

This space is intentionally left blank.

This space is intentionally left blank.

This space is intentionally left blank.

Mr. Prisby further reported:

The question at the heart of this rezoning request is whether the proposed storage yard will have a negative impact on the surrounding property owners. On one hand, the land use plan allows for a variety of residential and non-residential uses and Mr. Evan's existing Business has been in its current location for a long time. On the other hand, the area has become a dense cluster of single-family homes and even with the screening requirements, the daily operations of the contractor's storage yard could bring additional impact that did not previously exist such as dust, odor, and noise.

The planning board voted 4-2 to approve and recommend the rezoning request to the Board for consideration. There were no public comments for or against the request at the meeting however, the Planning Board was presented with an email opposing the rezoning.

From: SWANSON Terri <Terri.Swanson@essity.com>
Sent: Tuesday, June 22, 2021 12:35 PM
To: Peter Minter <peter.minter@burkenc.org>
Subject: Rezoning Request: ZMA 2021-010

CAUTION: Don't be quick to click! We're counting on you! This email is from an external sender! **Don't click** on links or open attachments from unknown sources. If you know this is spam delete the message. If you believe this message is a phish attack, Click the Phish Alert button above. If you are unsure what to do, contact the helpdesk @ support@burkenc.org.

Burke County Community Development,

I received a letter yesterday (22 June) that was dated 7 June. The letter states you have received a request from Mickey Evans to rezone two (2) parcels of land totaling 1.14 acres that adjoin my property from Residental Two (R-2) to General Business (G-B).

When we purchased our land, we were told with the R-2 zoning that only a modular or single family home could be placed on the property. We were informed that the previous owner (Tommy Blanton) had his lots separated into .5 acre lots prior to a change, but ours lots and others would now be required to be 1 acre for each single family dwelling.

Instead Mr Evans has already placed fencing and been using the property as General Business for some time (approximately 1 year). Very large commercial vehicles (dump trucks and excavation equipment) begins moving in the mornings and continues throughout the day to "dump" loads of debris (dirt, gravel, paving materials) onto this "Residental" property. The operators "beat out" the dump beds cause very loud "clanking" that can be heard inside my residence. If it is dry outside the traffic in and around the work site causes significant dust to be raised which seems to end up inside our pool. Please note pool installation is still underway; fencing and landscaping is in process.

Currently Mr Evan's has erected a commercial height chain length fence around the property to protect his equipment, but which does not help at all to prevent negative impact to our property (Photos as follows).

I respectfully request you deny the petition to rezone and have the commercial use stopped immediately due to the following:

1) Negative impact to our property (noise / dirt).
2) Requestor violated the zoning ordinance by moving forward by using residential property commercially prior to a rezone request.
3) Requestor has continued to utilize the property commercially, even after being contacted by the county and formally notified, property was not zoned for Commercial use.

Thank you in advance for your consideration.

Terri Swanson

Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Taylor said he was a young boy when the applicant's father constructed the development, and he is just trying to get the parcels into compliance. For compliance, Commissioner Taylor said he supports the rezoning request.

Referencing an email the Board received in opposition to the rezoning request from Terri Swanson, Commissioner Carswell asked if it would be of any significance if the applicant erected a barrier / fence close to the adjoining home. Mr. Prisby said they do require screening as a part of the zoning ordinance but there are other considerations beyond the visual impacts that cannot be totally mitigated with screening such as dust, noise, etc. In response to follow-up questions from Commissioner Carswell, Mr. Prisby advised that screening with evergreens would help keep the noise and dust down as would implementing activity controls to lesson the impact on neighboring properties.

Vice Chairman Mulwee asked how specific can the County be with screening / vegetation requirements. Mr. Prisby said the existing zoning ordinance does have some guidelines for vegetation. It must reach a height of seven (7) feet within five (5) years. Fencing must be at least seven (7) feet and have some type of visual screening like opaque slats.

Commissioner Taylor stated trees that grow 60-70 feet tall also get 40-50 feet wide which reduces the amount of useable space on a small lot. Mr. Prisby advised there are other options that could be utilized to reduce noise and visual impacts and referenced barriers used by NCDOT on highways as an example. A short discussion on tree pruning ensued.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

CONSENT AGENDA

CLERK - REAPPOINTMENT TO BURKE CO. SMART START (PARTNERSHIP FOR CHILDREN)
Clerk Draughn reported Julia Terrell is the DSS Designee on the Smart Start, Inc. (Burke Partnership for Children) Board of Directors and is willing to serve another 3-year term ending June 30, 2024.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

CLERK - APPOINTMENTS TO REGIONAL AGING ADVISORY COMMITTEE
Clerk Draughn reported Tina Miller, WPCOG Area Aging Director, requests the removal of Karen Robinson and Eleanor Summers from the Regional Aging Advisory Committee. These two members have served the maximum number of terms and are to be commended for their service. An application was received from Mary Wright for Seat No. 1, for the remainder of a two (2) year term ending June 30, 2023. There are no applications on file yet for Seat No. 2. However, an application is expected from Ms. Workman, Seat No. 4, for the remainder of a two (2) year term ending June 30, 2023.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

CLERK - APPOINTMENTS / REMOVAL TO THE ANIMAL ADVISORY BOARD
Clerk Draughn reported Megan Bradley occupies Seat No. 1, 501-c3 rescue or foster agency, on the Animal Advisory Board, but due to momentous life events, has not been able to comply with the County's attendance requirements. Therefore, her removal is requested. An application was received from Gwen Stephens who represents Rusty's Legacy for Seat No. 1. The term would be for the remainder of a term ending July 31, 2022. Seat No. 2, veterinarian, is vacant and an application was received from Dr. Jennifer McGrady. The term would be for the remainder of a term ending July 31, 2023.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

CLERK - APPOINTMENT TO BURKE SENIOR CENTER ADVISORY COUNCIL
Clerk Draughn reported Seat No. 3 on the Burke (Morg.) Senior Center Advisory Council was formerly held by Ms. Barbara Huffman whose term expired in March. Because an application was not received for reappointment, her removal was approved in May. However, after the meeting it was determined that Ms. Huffman did want to serve again, but her application was lost in transit. This is a request to reinstate Ms. Huffman to Seat 3 to complete the remainder of a 3-year term ending March 31, 2023.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

CLERK - REMOVAL OR SEAT MODIFICATION TO PLANNING BOARD
Clerk Draughn reported Dorian Palmer occupies Seat No. 5, West, on the Burke Co. Planning Board. Mr. Palmer recently notified the Clerk that he moved to Connelly Springs in June. Due to a change in residency, he is no longer eligible to represent the west and there are no seats available representing the east. As such, his removal is requested. Mr. Palmer will be notified if an east seat or an at-large seat becomes available in the near future.

5	West	Dorian Palmer	A	10/15/2019
			R	
			TE	9/30/2022

There is a creative solution that allows Mr. Palmer to remain on the Planning Board without modifying term expirations. His seat (No. 5 - west) could become the "at-large" seat and Seat No. 7 would become the "west" seat. (Seat No. 7 was changed to an "at-large" seat when the new zoning ordinance was adopted recently.) Joyce Counihan occupies Seat No. 7 and resides in the west. Planning staff reports that Mr. Palmer and Ms. Counihan are good members that fulfill their duties, and this option allows the Planning Board to remain intact.

7	At-Large	Joyce Counihan	A	8/18/2020
			TE	9/30/2023

Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Taylor asked does the request change the makeup of the Planning Board. Clerk Draughn said the Planning Board would still have three (3) east seats and three (3) west seats, and one (1) at large. This request, Clerk Draughn said, would make Mr. Palmer hold the at large seat. Clerk Draughn responded to an additional question from Commissioner Taylor.

The Board preferred the creative option which allowed Mr. Palmer to remain on the Planning Board.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

FM - CONTRACT FOR FIRE PROTECTION SERVICES FOR ENOLA VOLUNTEER FIRE DEPARTMENT, INC. AND DROWNING CREEK VOLUNTEER FIRE DEPARTMENT, INC.
Mike Willis, Fire Marshal / Emergency Management Director, reported approval of 10-year contracts for fire protection services for Enola Volunteer Fire Department, Inc. and Drowning Creek Volunteer Fire Department, Inc. are requested and that only minor changes were made to the contracts. A contract with the County is one of the requirements by which all fire departments in North Carolina must meet and/or retain to be certified for their rating for re-inspection and insurance grading purposes.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

GENERAL SERVICES - PHASE 2 HVAC CONTROLS AT HRC BUILDING
Information from the agenda packet:

> Phase 1 of the controls work for the HRC Building was budgeted for in fiscal year 2020-2021. Phase 1 was bid out and awarded to TRANE US Inc. and is set to begin soon. Phase 1 has been delayed due to a COVID-19 related issue with the availability of components. It is hopeful that TRANE US Inc. could begin the Phase 2 installation immediately following the completion of Phase 1. Phase 1 and Phase 2, $128,650, need to both be completed before the entire system can function properly. Phase 2 also includes control support.
>
> Budgetary Effect: None. Funding is included in the FY 21-22 budget. Contracts over $90,000 require Board approval.

Mark Delehant, General Services Director, said TRANE is currently working on the phase 1 installation and should be done by the end of the month and then begin phase 2, depending on the availability of components.

Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Taylor asked if bids were received for this project and if so, was TRANE the lowest responsible bidder. Mr. Delehant responded in the affirmative. In response to another question from Commissioner Taylor, Mr. Delehant said the bidding process took place before he came to work for the County, but both phases were bid together, but split over two phases / budget years.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

IT - COURTHOUSE SECURITY CAMERA PROJECT - APPROVAL OF CONTRACT WITH SAGE SECURITY SOLUTIONS

Scott Black, IT Director, reported the security camera system at the courthouse is well past end of life and has needed both the cameras and recorders replaced for several years. There are currently three (3) different camera systems throughout the courthouse, with some monitored from the courthouse lobby and some monitored from the detention level on the bottom floor. Another current issue is the delay in the camera feed that exists in areas where detainees are moved. By replacing the existing three (3) systems with one (1) connected system, all cameras, 100 total, would be monitored in both locations and there would be no delay in the camera feed, leading to a more secure and safe environment for officers, employees, and the public. This camera system will be separated from the county's main network to enhance the security of the network and will be under a maintenance contract for service and support for any issues that may arise over the lifetime of the system. Staff proposes to have the county's existing access control vendor, Sage Security Solutions, complete this project. They have submitted a proposal for $128,782. The reoccurring annual service contract will total $17,268 beginning July 1, 2022.

(Note: Contracts over $90,000 require Board approval.) Funding for this expenditure was included in the FY 21-22 budget.

Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Taylor asked if the 90-day warranty, instead of one (1) year, is normal for this type of installation. Mr. Black said he believes it is standard, noting that they have not had any issues with the vendor regarding service calls, and said he is not concerned because of the quality of the company. A brief discussion ensued, and Commissioner Taylor requested that Mr. Black investigate possibly extending the 90-day warranty.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

JCPC - APPOINTMENTS AND REMOVALS TO THE JCPC
AJ Coutu, JCPC Administrator, reported this is a request to modify appointments for the following JCPC seats:

Seat No. 1, School Superintendent or Designee
An application was received from Sara LeCroy, Dr. Swan's designee, to complete the remainder of a term ending June 30, 2022.

Seat No. 13, Student Under 18
Mackenzie Pritchard is going off to college this fall; therefore, her removal is requested.

Seat No. 17, Health Director Designee
An application was received from Tammy Miller, Danny Scalise's designee, to complete the remainder of a term ending June 30, 2023.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

JCPC - JCPC BYLAWS MODIFICATION FOR REVIEW & FUNDING APPLICATIONS
AJ Coutu, JCPC Administrator, presented information regarding modified JCPC bylaws as follows:

> The JCPC approved the following amendments to the Council's bylaws on July 14, 2021:
>
> Policy for Review and Funding of Burke JCPC Applications
>
> 13. Application Process and Deadline Dates: Deadline dates for submission of the program application will be listed on the Burke County JCPC Timeline and RFP given to programs at the December Council meeting.
>
> Programs must submit application and supporting documentation by the deadline in order to be considered for funding. This includes hard copies and NC ALLIES submissions as required by the RFP.
>
> Upon Approval by the Finance Committee for recommendation to the Council and approved by the Council, programs must make any revisions to their application in NC ALLIES by the deadline noted in the Timeline. Failure to submit the information into the State NC ALLIES program by the deadline given will result in the following consequences: Upon review of the circumstance by the Finance Committee, each program funded by the Burke JCPC may be allowed one discrete waiver of a deadline during their tenure with the Burke JCPC; by recommendation of the Finance Committee or by having previously been granted a waiver, an automatic 10% reduction in their budget recommendation to the

Council and County Commissioners will be incurred; Submission of the documents into NC ALLIES will automatically be required within (5) five working days of the previous deadline; Said 10% funds will be set aside in the funding allocation plan and open to use by funded programs during that fiscal year. Failure to meet the deadline of the grace period will require the total budget to be set aside in the funding recommendations to the Council and County Commissioners and said funds will be open to applications for use by the current or previously funded programs.

14. After adoption of the annual funding plan and approval by the County Commissioners, all budget revisions will adhere to the attached budget revision policy supplied by the state Department of Public Safety. In addition, a copy of the NC ALLIES Budget Revision form must also be emailed to the Finance Chair and the Administrative Assistant a minimum of five (5) working days prior to the Council meeting at which the program would like the matter considered.

Furthermore, the Council added the following information to their bylaws:

JCPC Program Agreement Revisions

Procedures for 2 Types of Revisions:

1. Notification Revision
Program Agreement Revisions for the following reasons require only notification of the JCPC and the County and do not require approval of the JCPC.
a) Adjustments in non-JCPC/DPS revenues
b) Line-item adjustments, including adjustments between cost centers; however, EXCLUDING any items a) through f) listed below requiring prior approval.

PROCEDURE
• Programs will send an email to the JCPC Chair, County Finance Officer, and Area Consultant alerting them that a program agreement revision for one of the above stated reasons has been submitted in NC ALLIES.
• The consultant will review and send a return email indicating the revision has been accepted.
• Signatures of the JCPC Chair and the County signer acknowledge receipt of the notification revision.

FOR PROGRAMS WITH MULTI-COUNTY AGREEMENTS: If the program is part of a multi-county agreement, the multi-county revision should be attached to the e-mail indicated above. If only a multi-county revision is being submitted, the program must send an e-mail with the attached multi-county revision to the same parties indicated above. The program will upload the multi-county revision after consultant review and receipt of e-mail indicated above.

2. Revisions which require approval of the JCPC
Program Agreement Revisions for the following reasons require approval of the JCPC and the County before expenditures are made.
a) Elimination of a function or modification of staffing of the program;

including any significant changes to salary or benefits;
b) Assignment of a staff member to a service delivery function not included in the previous program agreement or revision;
c) Proposed purchase of any equipment with a unit cost of over $500;
d) Change in JCPC revenues;
e) In-County transfers (shift of JCPC funds from one DPS JCPC funded program in the County to another DPS JCPC funded program in the County); and
f) Adding DPS discretionary or other DPS funds.

PROCEDURE
• The program will create and submit a program agreement revision in NC ALLIES, notify the JCPC Chair and the Area Consultant of the revision.
• The JCPC and the County will review the revision according to its local protocol.
• The JCPC Chair will notify the Area Consultant that the JCPC and the County consent to the revision and the dates of approval.

FOR PROGRAMS WITH MULTI-COUNTY AGREEMENTS: If the program is part of a multi-county agreement, the multi-county revision should be provided to the Chair and Consultant at the same time as notification of the county revision.
[Burke County JCPC By-Laws and Policy for Review and Funding of Burke JCPC Applications Section 13 and 14 address the local protocol.]

Approval of the modification to the Council's bylaws is requested in compliance with Article IV, Section 2-87 of the Burke Co. Code of Ordinances.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

SHERIFF - CONTRACT FOR INMATE MEDICAL SERVICES
Note: Sheriff Whisenant was unable to attend the meeting. Margaret Pierce, Deputy County Manager/Finance Director, presented the Sheriff's Office item.

The Sheriff's Office is requesting the renewal of the contract between the Burke County Jail and IMS Correctional Healthcare, LLC to provide medical services to inmates housed in the jail facility. This contract renewal will extend from 7/01/21 to 6/30/22. The cost of the contract remains the same as last year at $318,000 per year or $26,500 per month. Funding was included in the FY 21-22 budget.

Chairman Brittain opened the floor for questions and comments from the Board. Vice Chairman Mulwee said it looks like the scope of service and price will be the same and noted he is fine with leaving it on the consent agenda. Ms. Pierce said the Sheriff's Office is pleased with everything and after a conversation with the Sheriff earlier in the week, noted her only recommendation would be to consider making this contract auto renewable for at least two (2) years if they will lock-in the price. She noted that changing to a different provider would cost the County, and since they are pleased with the current company and are seeing cost savings with not having to take inmates to the emergency room and other outside costs, she recommended considering making this a two (2) year contract. She also recommended limiting any price increase to a CPI (Consumer Price Index) increase. Ms. Pierce then responded to questions from Commissioner Taylor on the cost per inmate. County Manager Steen said this contract pays for the medical staff to be at the jail and see the patients. Discussion continued on inmate medical services and Ms. Pierce advised that this contract is much less than what the County paid for medical services at the BCDCF (Burke-Catawba District Confinement Facility).

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

TAX DEPT. - TAX COLLECTION REPORT FOR JULY 2021

Danny Isenhour, Tax Administrator, presented the tax collection report for July 2021 as follows:

Category	Annual Budget	Amount Collected YTD	% Collected	Balance to Collect
Property Tax	$45,000,000	$23,258,736.40	51.69%	$21,741,263.60
Motor Vehicle Tax	$5,200,000	$534,367.15	10.28%	$4,665,632.85
Current Year Taxes	$50,200,000	$23,793,103.55	47.4%	$26,406,896.45
Delinquent Taxes	$700,000	$125,315.55	17.9%	$574,684.45
Late List Penalty	$315,000	$36,576.27	11.61%	$278,423.73

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	$44,391,494	$23,258,736.43	52.39%	$21,132,757.22

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

TAX DEPT. - RELEASE REFUND REPORT FOR JULY 2021

Danny Isenhour, Tax Administrator, presented the release refund report for July 2021 as follows:

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	$24,088.71	$8,889.52	$15,199.19	$98.63

VTS Refunds Over $100	
	Refund Amount
VTS Adjustments	$311.08

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

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

TAX DEPT. - COLLECTIONS ANNUAL SETTLEMENT REPORT FOR 2020/2021
Danny Isenhour, Tax Administrator, reported in compliance with NCGS 105-373 (a) (1) & (3), included are the amounts collected using the Property Tax System (PTS) and the Vehicle Tax System (VTS) for the county and fire districts. These amounts include current taxes, delinquent taxes, current and delinquent tax related charges, and vehicle taxes. Amounts collected for municipalities where the county tax collector also serves as the municipal tax collector.

- Connelly Springs
- Glen Alpine
- Hildebran
- Long View
- Rhodhiss

This settlement also includes the amounts charged back to the collector and the write-off of 2010 taxes and charges. The charge back allows the collector to use enforced collection remedies on taxes for current and the prior ten years. The write-off removes the collector's responsibility to collect taxes 2010 and prior where the collector cannot use enforced collection remedies.

This settlement is arranged by the following sections:
- Section 1 -Taxes and charges for Burke County only.
- Section 2 – Vehicle Tax for Burke County only.
- Section 3 –Property Taxes and charges for all other jurisdictions.
- Section 4 – Vehicle Tax for all other jurisdictions.
- Section 5 - Delinquent taxes and related charges to be charged back.
- Section 6 – Amount not charged back.
- Section 7 – Additional Revenues Collected
- Sections 8 thru 11 – Delinquent Taxpayers List
- Section 12 – Enforced Collection Activity

The following represents a summary tax system reports:

SECTION 1 – Property Tax
(From NCPTS Report TR-401E)
Total Tax Collections (County Only)
(July 1, 2020 – June 30, 2021)

• Tax - Future (2021)	$	10,307.74 (prepayments)
• Tax - Current (2020)	$	44,920,556.79
• Delinquent Tax (1996-2019)	$	813,824.99
Total	$	45,744,689.52

Total of Taxes and Tax Related Collections (County Only)
(July 1, 2020 – June 30, 2021) (All Years)

• Advertisement Fee	$	21,645.51
• Garnishment	$	31,057.00
• Interest	$	237,779.53

• Land Fill User Fee	$ 2,651,561.64
• Land Fill User Fee Sr.	$ 67,762.81
• Late List penalty	$ 168,184.94
• Migrated LFUF	$ 3,804.91
• Migrated Cost	$ 56.82
• Miscellaneous Cost	$ 0.00
• NSF penalty	$ 4,867.06
• Tax All Years	$45,744,689.52
Total	$48,931,409.74

SECTION 2 – Vehicle Tax – County Only
(From NCVTS Distribution Report)

• VTS Interest	$ 25,849.75
• VTS Tax	$ 5,567806.77
Total	$ 5,593,656.52

SECTION 3 – Property Taxes and Charges for all Other Jurisdictions
(From NCPTS Report TR-401E)
Total of Tax and Tax Related Collections (All years, all other jurisdictions)
(July 1, 2020 – June 30, 2021)

- Total Tax Collections $4,955,937.74

SECTION 4 – Tag &Taxes and Charges for all Other Jurisdictions
(From NCVTS Distribution Report)

• VTS Tax	$ 1,797,708.59	
• VTS Interest	$ 7,967.18	
• Vehicle Fee	$ 605.00	$ 5.00 - Hickory
• Vehicle Fee	$ 287,840.00	$20.00 - Morganton
Total	$ 2,094,120.77	

SECTION 5 – Property Tax Charge Back of Delinquent Taxes and Related Charges – Report
(From NCPTS Report TR-401E)

• County Only	$1,981,606.51
• All other Jurisdictions	$ 218,143.82
Total	$2,199,750.33

Tax Year	Advertise Fee	Garnishment Fee	LFUF	LFUF Sr	Late List	M_LFUF	M_ Cost	NSF Penalty	Taxes	Totals
2020	$ 9,988.07	$ 7,551.52	$ 99,716.51	$ 1,980.00	$ 4,397.43	$ -	$ -	$ 161.63	$ 649,923.98	$ 773,719.14
2019	$ 8,280.00	$ 944.34	$ 45,625.80	$ 930.28	$ 4,194.16	$ -	$ -	$ 37.50	$ 244,934.94	$ 304,947.02
2018	$ 6,706.20	$ 441.19	$ 32,514.80	$ 540.00	$ 3,795.87	$ -	$ -	$ -	$ 139,397.73	$ 183,395.79
2017	$ 6,268.64	$ 30.00	$ 25,245.66	$ 297.69	$ 3,377.70	$ -	$ -	$ -	$ 100,833.99	$ 136,053.68
2016	$ 6,063.58	$ 90.00	$ 22,082.03	$ 396.00	$ 3,109.30	$ -	$ -	$ 6.25	$ 84,964.23	$ 116,711.39
2015	$ 5,855.42	$ 138.92	$ 16,963.80	$ 310.00	$ 2,329.79	$ -	$ -	$ 6.25	$ 67,824.36	$ 93,428.54
2014	$ 5,715.00	$ 66.65	$ 15,183.40	$ 272.70	$ 2,977.31	$ -	$ -	$ 6.25	$ 69,701.02	$ 93,922.33
2013	$ 5,486.16	$ 1,436.72	$ -	$ -	$ 2,947.69	$ 12,382.33	$ 420.00	$ -	$ 88,412.73	$ 111,085.63
2012	$ 5,355.00	$ 1,462.60	$ -	$ -	$ 1,779.93	$ 11,115.08	$ 900.00	$ -	$ 71,432.77	$ 92,045.38
2011	$ 4,455.00	$ 780.00	$ -	$ -	$ 2,186.61	$ 10,847.96	$ 1,493.75	$ -	$ 56,534.29	$ 76,297.61
Amount Charged Back	**$ 64,173.07**	**$ 12,941.94**	**$ 257,332.00**	**$ 4,726.67**	**$ 31,095.79**	**$ 34,345.37**	**$ 2,813.75**	**$ 217.88**	**$1,573,960.04**	**$1,981,606.51**

ALL OTHER JURISDICTIONS										
Tax Year	**Advertise Fee**	**Garnishment Fee**	**LFUF**	**LFUF Sr**	**Late lList**	**M_LFUF**	**M_ Cost**	**NSF Penalty**	**Taxes**	**Totals**
2020	$ -	$ -	$ -	$ -	$ 521.80	$ -	$ -	$ -	$ 82,831.43	$ 83,353.23
2019	$ -	$ -	$ -	$ -	$ 409.22	$ -	$ -	$ -	$ 29,970.57	$ 30,379.79
2018	$ -	$ -	$ -	$ -	$ 400.68	$ -	$ -	$ -	$ 17,380.75	$ 17,781.43
2017	$ -	$ -	$ -	$ -	$ 275.83	$ -	$ -	$ -	$ 11,676.31	$ 11,952.14
2016	$ -	$ -	$ -	$ -	$ 323.83	$ -	$ -	$ -	$ 11,003.00	$ 11,326.83
2015	$ -	$ -	$ -	$ -	$ 259.64	$ -	$ -	$ -	$ 9,230.10	$ 9,489.74
2014	$ -	$ -	$ -	$ -	$ 270.04	$ -	$ -	$ -	$ 9,117.36	$ 9,387.40
2013	$ -	$ -	$ -	$ -	$ 12.22	$ -	$ -	$ -	$ 17,349.27	$ 17,361.49
2012	$ -	$ -	$ -	$ -	$ 3.18	$ -	$ -	$ -	$ 15,364.33	$ 15,367.51
2011	$ -	$ -	$ -	$ -	$ 3.20	$ -	$ -	$ -	$ 11,741.06	$ 11,744.26
Amount Charged Back	**0.00**	**0.00**	**0.00**	**0.00**	**2,479.64**	**0.00**	**0.00**	**0.00**	**215,664.18**	**218,143.82**

SECTION 6 – Property Tax Amount not charged Back to Collector
(From NCPTS Report TR-401E)

By NCGS 105-378, the tax office cannot use enforced collection methods on delinquent bills and charges over 10 years old unless the action was instituted prior. Therefore, the amount of uncollected taxes and other charges for 2010 that are not charged back to the Tax Collector for enforced collection are:

- County $ 73,468.97
- All Other Jurisdictions $ 12,227.83

Total $ 85,696.80

COUNTY ONLY										
Amount Not Charged Back (2010)	**$ 4,405.00**	**$ 501.28**	**$ -**	**$ -**	**$ 1,856.20**	**$ 8,394.72**	**$ 457.68**	**$ -**	**$ 57,854.09**	**$ 73,468.97**

ALL OTHER JURISDICTIONS										
Amount Not Charged Back (2010)	$ -	$ -	$ -	$ -	$ 3.69	$ -	$ -	$ -	$ 12,224.14	$ 12,227.83

SECTION 7 – Additional Revenues Collected
(From NCPTS TR-426 & TR-430 Reports)

- Rental Vehicle (County) $ 50,140.09
- Rental Vehicle (Hickory) $ 15,547.62
- Occupancy Tax $ 586,957.92
- Occupancy Additional Tax $ 0.00
- Occupancy Tax (Late Penalty) $ 1,334.24
- Occupancy Filing (Penalty) $ 3,034.18
- Beer/Wine Late Fee $ 46.50
- Beer (Off Premises) $ 460.00
- Beer On/Off Premises $ 1,625.00
- Wine (Off Premises) $ 1,775.00
- Wine (On Premises) $ 1,375.00

Total $ 662,295.55

SECTIONS 8 thru 11 – 2020 Delinquent Taxpayers
(From NCPTS Report TR-452)
In accordance with N.C.G.S. 105-373 (a)(1), a list of all persons owning real and personal property for 2020, whose taxes remain unpaid, as of 7/9/2021 are included in this report. These lists are broken down by property types. The chart below locates, identifies, and totals these different property types. These totals include Taxes, Late List Penalty, Land Fill User Fee, Land Fill User Fee Sr. and GAP bills.

	Source Type	Property Type	# Bills	Totals
Section 8	BUS	Business Personal Property	110	$ 25,058.98
Section 8 G	BUS GAP	Business Per. Property GAP	5	$ 61.71
Section 9	IND	Personal Property	821	$ 67,255.98
Section 9 G	IND GAP	Personal Property GAP	727	$ 14,232.12
Section 10	REI	Real Property	2,182	$ 615,623.88
Section 11	PUB	Public Utilities	0	$ 0.00
	Total		6,425	$ 722,232.67

All reports are unaudited and are compiled using the Burke County Tax System (NCPTS) & NCVTS.

SECTION 12 – Summary of Enforced Collection Activity
Enforced collections of delinquent tax bills can use several different remedies as allowed by NCGS 105-367, 368, 374, and 375.

- Debt Setoff
- Bank Attachment/garnishment
- Wage Garnishment
- Foreclosure

I certify that the collections staff has made diligent efforts using the collection remedies available by statute (notices, second notices, wage garnishment, bank attachment, debt set-off, foreclosure, and delinquent collection service) to collect all delinquent debts. These delinquent debts are for tax years 2010 through 2019 including those 2020 taxes that became delinquent after January 5th, 2021.

I respectfully request the Burke County Board of Commissioners to accept this report as the Annual Settlement for Fiscal Year Ending June 30, 2021.

/s/: Danny Isenhour
Danny Isenhour, Tax Administrator

Note: The list of delinquent taxes was included in the agenda packet.

Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Taylor asked if someone would pay double the taxes if they buy a new car, decide they do not want it and then buy another one. Mr. Isenhour said not if they transfer the tag between the new cars. If they do not transfer the tag, Mr. Isenhour said, they would take the old tag, turn it in at the tag office and get the taxes prorated. A brief discussion ensued. In response to a question from Commissioner Carswell, Mr. Isenhour said the municipalities are all charged the same rate (1 ½ percent) for tax collection services.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

TAX DEPT. - ORDER TO COLLECT 2021 TAXES
Danny Isenhour, Tax Administrator, reported General Statute 105-321 requires the Governing Body to order the Tax Collector to collect the taxes charged in the tax records. This includes current taxes and any delinquent taxes and associated charges for the previous 10 years. The amounts charged back from prior years are:

· County Taxes and other charges	$1,981,606.51
· All other jurisdictions taxes and other charges	$ 218,143.82
· Total amount	$2,199,750.33

A breakdown of these amounts is contained in the 2020/2021 Tax Collectors Settlement. The Tax Administrator requests the Board to adopt this order for the current tax year ending June 30, 2022. The proposed order reads as follows:

STATE OF NORTH CAROLINA
BURKE COUNTY

ORDER OF THE BOARD OF COUNTY COMMISSIONERS
IN ACCORDANCE WITH G.S. 105-373, G.S. 105-321 AND 105-330.3

TO: TAX COLLECTOR OF BURKE COUNTY, TOWN OF CONNELLY SPRINGS, TOWN OF GLEN ALPINE, TOWN OF HILDEBRAN, TOWN OF LONG VIEW, AND TOWN OF RHODHISS

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2011 through 2020 tax records filed in the office of the Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2021 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Burke County, Town of Connelly Springs, Town of Glen Alpine, Town of Hildebran, Town of Long View, Town of Rhodhiss and fire districts of Brendletown, Carbon City, Chesterfield, Drowning Creek, Enola, George Hildebran, Glen Alpine, Icard, Jonas Ridge, Lake James, Longtown, Lovelady, Oak Hill, Salem, Smokey Creek, South Mountain, Triple Community, and West End. This order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and they have authority to perform those functions authorized by the Machinery Act of Chapter 105 of North Carolina General Statues and other applicable laws for current and previous year's taxes. County personnel presently in the Tax Collector's office continue to serve in their respective positions. Taxes on classified Motor Vehicles for 2016 and prior years are deemed uncollectible; therefore, the County Commissioner, pursuant to G.S. 105-373 (h) do hereby relieve the tax collector of the charge of collecting taxes on classified motor vehicles listed pursuant to G.S. 105-330.3 (a) (1) for 2016 and prior years.

RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

TAX DEPT. - TAX FORECLOSURE REPORT PROGRESS THROUGH JUNE 2021
Danny Isenhour, Tax Administrator, reported a brief description of the Tax Collection process begins with a Tax Notice mailed annually in July. Taxpayers have from July 1 till September 1 to pay early and take advantage of a discount. Taxes become due on September 1st (NCGS 105-360). They become delinquent after January 5th of the following year In January delinquent notices are mailed for current year delinquent taxes along with any prior year delinquent taxes for real and personal property. This notice gives taxpayers until the end of February to pay and avoid being advertised in the local newspaper (NCGS 105-369).

Once delinquent, after January 5th, staff begin using enforced collection procedures as allowed by North Carolina General Statute (105-367,368,374). These procedures include wage garnishment, bank attachment, debt setoff, and foreclosure which is used as a last resort. Prior to submitting the property to the attorney for foreclosure, staff send pre-foreclosure letters by certified mail warning the taxpayer of the pending action. This letter also notifies the taxpayer, cost can add up to several thousand dollars in addition to the taxes. From this letter some taxpayers will pay the bill, some will begin making payments and others will do nothing.

In January 2019 tax office staff began sending delinquent taxpayer accounts to Kania Law in Ashville for foreclosure action. Before beginning the legal process, Kania gives the taxpayer one additional chance to pay. This begins with a Demand Letter sent by certified mail to the taxpayer's last known address. Taxpayers have three options.

- Pay the bill in full. Then no further action is taken.
- Arrange a Forbearance Agreement. This is a special payment arrangement between Kania and the taxpayer typically giving the taxpayer 4-6 monthly payments to pay taxes and attorney cost. Failure to comply with this agreement, nullifies the agreement and the foreclosure process can begin.
- Do or pay nothing and let the foreclosure process begin.

Kania and tax office staff communicate several times a week along with a monthly status report for the properties they have. Included in the packet is the June 2021 Report.

For this report Richard Kania was asked to report on the following:

- Collections from the beginning to June 30, 2021. $940,262.36
- Collections 7/1/2020 – 6/30/2021 (fiscal year). $424,756.35
- Update on Burke Mountain Southeast. Still under Chapter 11 Bankruptcy protection.
- Update on other delinquent owners located at Pine Mountain. Six (6) lots owned by Mountain Overlook were sold in September. Two (2) were sold to a third party and four (4) are remaining. Kania would like to move forward with the other properties but is hesitant since there are no bidders.
- Update on the court situation with foreclosures. Richard wrote:

"The situation with the court has improved a bit--- District Court is now holding court once per month, instead of the previous once every two months; this has allowed us to schedule more hearings so we can obtain our Judgments for Sale. We've pushed the limit, too; they limited us to 5 cases per court session, but we pushed it to 6, then 7, and now we have 8 scheduled for this month (but I think that's probably as far as we want to push it at this point). We have another 30 (!) or so cases that are ready to go to judgment, but for now all we can do is schedule 8 a month.

Because of this bottleneck with the Court, we tried filing some of our more recent actions in Superior Court, in order to give us the option of more court hearing dates; we've done this in other counties with no issue, but the Senior Resident judge for Burke County pushed back on this and told us he does not want us filing the tax foreclosures in Superior Court in order not to clog his docket---so those cases were remanded back to District Court.

In sum, we have lots of properties, ready to go to sale, as soon as we can obtain the judgments from the Court, but for the time being it look as though we will be limited to 8 a month."

This bottle neck in the court system is delaying our enforced collection of delinquent properties. Staff fields calls daily from individuals interested in bidding on these properties, wondering on why they have not been sold yet.

Kania, even thru COVID-19 and judicial delays, has still managed to successfully collect delinquent taxes for Burke County.

		6/30/2021	12/31/2020	12/31/2019	10/8/2019	7/12/2019
Total number of parcels referred		799	672	529	520	480
#	Number of taxpayers this represents	595	506	408	403	376
Number of closed		473	363	202	142	102
Number active		326	309	327	378	378
Active not on hold		228	227	241	261	295
Active parcels on hold for		98	82	86	119	83
#	Forbearance/Repayment Agreements	34	32	43	46	47
#	Low value/currently marketing to obtain a buyer	35	36	28	65	28
#	Other including bankruptcy	29	14	15	8	8
Status of Pre-sale marketing for low-value/ difficult to sell parcels						
Parcels itentified asneeding pre-sale marketing efforts		58	54	58	65	40
#	Number with interested buyers identified	23	22	30	17	12
#	number waiting on an interested buyer	35	31	28	48	28
Forearance Agreements negotiated to date			104	66	54	48
#	Agreement still active/collecting payments	40	32	44	46	47
#	Agreements terminated due to default	27	26	9	6	1
Amount of taxes remitted to Tax Office since start.		**$940,262.36**	**$616,696.78**	**$ 299,164.84**	**$ 245,707.79**	**$ 147,173.54**
Amount of taxes collected 7/1/2020 -6/30/2021		**$424,756.35**				
	** Please note that the Burke Mountain Southeast parcels are only indicated as ONE parcel in the above numbers.*					

Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Carswell requested that Mr. Isenhour investigate Sliding Rock in the Burke Mountain Southeast area due to numerous citizen complaints he has received. Commissioner Carswell also requested that the Chairman ask the County Manager and County Attorney to have a conversation with court personnel about moving some of these foreclosure cases forward. Chairman Brittain asked J.R. Simpson, II, County Attorney, what is the best approach the County can take to compel the courts to process more cases. Attorney Simpson said they could always speak with the chief district court judge, but if they are satisfied with the way everything is proceeding, the situation will not change much. After further discussion, Chairman Brittain requested that Mr. Isenhour and Attorney Simpson draft a letter requesting the availability of more time for the foreclosure cases. Commissioner Carswell commented on the need for judicial compliance. Commissioner Taylor commented on a prevailing trend that citizens believe they do not have to respect the law. Chairman Brittain also suggested meeting with court officials if staff believes that is the best way to proceed.

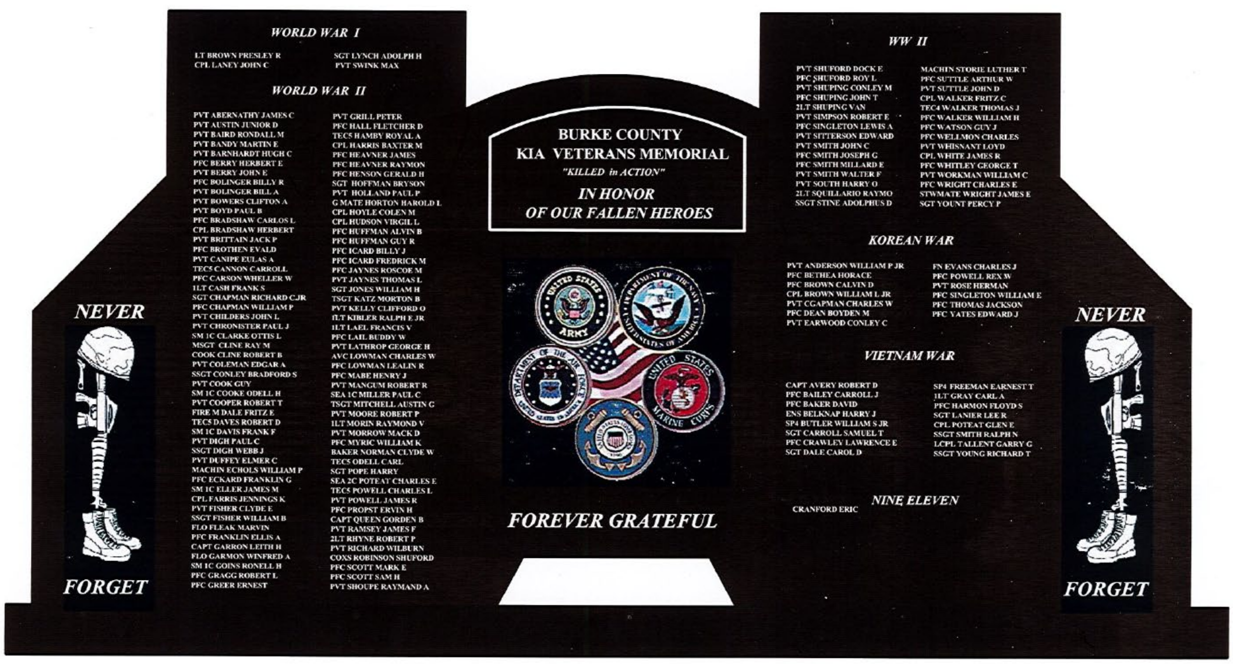
RESULT: MOVED WITHOUT OBJECTION TO THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

ITEMS FOR DECISION

KIA - OWNERSHIP & MAINTENANCE AGREEMENT FOR VETERAN'S MEMORIAL
Information from the agenda packet:

> The Killed in Action Committee has raised funds to erect a memorial to Burke County veterans who were killed in action in every engagement since World War I. The following agreement accepts the veteran’s memorial and a contribution for maintenance costs. The memorial will be installed on the grounds of the Old Burke County Courthouse.

County Manager Steen introduced Gary Jennings and Champ Ray, both retired career military personnel, Airforce, and Navy respectively and members of the Killed in Action Committee. Mr. Jennings said the memorial has been etched and now they are waiting for the concrete to set, and then the memorial will be installed by next week. Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Taylor commended Mr. Jennings and the Killed in Action (KIA) Committee for their work. Discussion ensued on the location of the memorial and Mr. Jennings noted it will be on the south side of the civil war memorial. The Commissioners expressed their support and appreciation of the KIA Committee and for the memorial. It was the consensus of the Board to move this item to the consent agenda for the regular meeting.



RESULT: MOVED WITHOUT OBJECTION TO THE CONSENT AGENDA FOR THE REGULAR MEETING ON AUGUST 17, 2021 AT 6:00 PM

REPORTS

Chairman Brittain reminded the Board / audience of the following:

- Send your reports to Clerk Draughn for inclusion in the agenda packet for the regular meeting.
- Please spay / neuter your pets.
- Do not litter.
- There may be a work session to discuss the American Rescue Plan (ARP) funds on August 24.
- County offices will be closed for Labor Day on September 6.
- A recessed meeting will be held on September 7 after the pre-agenda meeting to discuss the ARP funds. Another ARP meeting may take place on September 22 if needed.

OTHER DISCUSSION ITEMS

Chairman Brittain asked if the Board was agreeable to the addition of a presentation item for a retired employee at the regular meeting, there was no objection. Chairman Brittain then asked County Manager Steen for an update on any COVID-19 response changes for the County. County Manager Steen said he became aware of a situation in Albemarle, NC where multiple fire department personnel contracted COVID-19 which equated to approximately 30 percent of their department and they had difficulty manning their stations and had to call in personnel from surrounding local governments to help staff their stations. County Manager Steen said he shared this information with the City of Morganton, Town of Valdese and other first responders / department heads. He has asked the first responder department heads to speak with their employees about getting the COVID-19 vaccine and other measures to prevent people from contracting the virus. County Manager Steen said he does not want to mandate anything but hopes first responders will seriously consider that they are part of the critical foundation of the community and sometimes they may be asked to do things they are initially not inclined to do for the betterment and well-being of the community that they serve.

Commissioner Carswell thanked Clerk Draughn for her work in getting the Commissioners ready for the North Carolina Association of County Commissioners (NCACC) convention. He congratulated Vice Chairman Mulwee for being elected NCACC District 13 Director. Chairman Brittain thanked Vice Chairman Mulwee and Commissioner Carswell for their willingness to serve and for all that they do for the NCACC.

ADJOURN

Motion: To adjourn at 4:15 p.m.

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

Approved this 19th day of October 2021.

Jeffrey C. Brittain, Chairman
Burke County Board of Commissioners

Attest:

Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board