

August 17, 2021 (Regular)

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

The Burke County Board of Commissioners held a regular meeting on August 17, 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 August 17, 2021 due to the global COVID-19 pandemic. Those present were:

COMMISSIONERS PRESENT: Scott Mulwee, Vice Chairman
Wayne F. Abele, Sr.
Maynard M. Taylor

COMMISSIONERS ABSENT: Jeffrey C. Brittain, Chairman (Work appointment.)
Johnnie W. Carswell (Family illness.)

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

CALL TO ORDER

Vice Chairman Mulwee called the meeting to order at 6:00 p.m. He expressed appreciation to the attendees for complying with COVID-19 safety measures and for social distancing.

INVOCATION

Pastor David Bridges, First Apostolic Church, delivered the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

Motion: To approve the agenda.

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

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes of the July 6, 2021 (pre-agenda) meeting as written.

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

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PRESENTATIONS

ASC - SIX MONTH UPDATE FOR 2021

Before presenting the six (6) month update for 2021, Kaitlin Settlemyre, Animal Services Director, presented a puppy named Bear, who needs adopting. Ms. Settlemyre then presented the following information:

DOGS					
Date	Intake	Adopted	Transfer to Rescue	Return to Owner	Euthanized
Jan. – June 2019	515	24	259	111	112
Jan. – June 2020	352	77	144	94	36
Jan. – June 2021	332	50	138	114	23

CATS						
Date	Intake	Adopted	TNR	Transferred to Rescue	Returned to Owner	Euthanized
Jan. – June 2019	663	3	N/A	288	16	304
Jan. – June 2020	397	119	N/A	74	7	141
Jan. – June 2021	569	91	87	225	7	84

LIVE RELEASE RATE DOGS & CATS		
Year	Dogs	Cats
2019	78%	50%
2020	90%	59%
2021	93%	83%

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Animal Enforcement Monthly Calls – April 2021

Area	Number of Calls
Brendletown	2
Burke County	40
Chesterfield	0
Connelly Springs	13
Drexel	4
Glen Alpine	3
Hickory	1
Hildebran	1
Icard	1
Jonas Ridge	0
Lake James	0
Long View	0
Lower Fork	0
Morganton	4
Oak Hill	1
Rhodhiss	0
Rutherford College	0
Salem	11
Valdese	4
Total Calls:	85

Nature of Call	Number of Calls
Welfare Check	9
Running at Large	22
Bite Reports	20
Trap Requests	4
Injured Animals	5
Livestock at Large	1
Noise/Barking	1
Nuisance	18
Strays	16
Aggressive Animals	8
Rechecks	4
Total Calls:	108

Animal Enforcement Monthly Calls – May 2021

Area	Number of Calls
Brendletown	3
Burke County	2
Chesterfield	3
Connelly Springs	10
Drexel	3
Glen Alpine	4
Hickory	3
Hildebran	2
Icard	1
Jonas Ridge	0
Lake James	2
Long View	0
Lower Fork	1
Morganton	9
Oak Hill	6
Rhodhiss	2
Rutherford College	1
Salem	10
Valdese	6
Total Calls:	68

Nature of Call	Number of Calls
Welfare Check	5
Running at Large	9
Bite Reports	23
Trap Requests	8
Injured Animals	5
Livestock at Large	2
Noise/Barking	1
Nuisance	17
Strays	5
Aggressive Animals	0
Rechecks	0
Total Calls:	75

Animal Enforcement Monthly Calls – June 2021

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Area	Number of Calls	Nature of Call	Number of Calls
Brendletown	3	Welfare Check	12
Burke County	1	Running at Large	9
Chesterfield	2	Bite Reports	19
Connelly Springs	14	Trap Requests	14
Drexel	7	Injured Animals	6
Glen Alpine	5	Livestock at Large	2
Hickory	2	Noise/Barking	0
Hildebran	7	Nuisance	13
Icard	1	Strays	16
Jonas Ridge	0	Aggressive Animals	6
Lake James	5	Rechecks	8
Long View	0	Total Calls:	105
Lower Fork	1		
Morganton	8		
Oak Hill	5		
Rhodhiss	3		
Rutherford College	1		
Salem	15		
Valdese	10		
Total Calls:	90		

Vice Chairman Mulwee commended Ms. Settlemire for the report and then opened the floor for questions and comments from the Board. Commissioner Taylor said he was surprised to see "bite reports" being the largest complaint and asked if there is a way to see which breed is biting people the most. Ms. Settlemire said dog bites are not breed specific and noted it is more of a situational issue. A brief discussion ensued.

Motion: To accept the report as presented.

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

FINANCE - RECOGNITION OF EMPLOYEE FOR COMPLETION OF SOG CERTIFIED GOVERNMENT CHIEF INFORMATION OFFICERS PROGRAM

Margaret Pierce, Deputy County Manager / Finance Director, reported 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

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covers strategic technology planning, communication, emerging technology trends, risk assessment and management, acquisition management, change management, leadership, cybersecurity, and legal issues related to technology.

Ms. Pierce presented Mr. Black with the certificate. Vice Chairman Mulwee invited Mr. Black to say a few words. Mr. Black expressed appreciation for being able to complete the course. Commissioner Taylor and Vice Chairman Mulwee, on behalf of the Board, congratulated Mr. Black on his accomplishment. Mr. Black then took a photo with the Board and his family.



Scott Black, IT Director, third from the right.

RESULT: NO ACTION TAKEN.

CM - SPECIAL PRESENTATION

County Manager Steen presented retired Local Health Director, Rebecca McLeod, with the Order of the Long Leaf Pine award.



County Manager Bryan Steen presenting Ms. McLeod with the Order of the Long Leaf Pine.

Ms. McLeod expressed her appreciation for the award. Vice Chairman Mulwee, on behalf of the Board, congratulated Ms. McLeod on the accomplishment.

RESULT: NO ACTION TAKEN.

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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. 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.

Commissioner Abele suggested tabling this item until the August 24, 2021 recessed meeting so all Commissioners can be present to vote on the item. Following a brief discussion, Vice Chairman Mulwee said the public hearing would still need to be opened and closed at this meeting, but a decision could be made at the August 24 recessed meeting.

Alan Wood, BDI President & CEO, reported Project Husky II is the second grant effort for Synergy Labs. They received a Building Reuse grant previously, met all the terms and conditions of that grant, which is closed. This \$500,000 grant is being submitted by the Town of Hildebran. They have asked Burke County to partner with them and share in the five (5) percent match, \$25,000 (\$12,500 each). There are 60 jobs tied to this grant which will pay higher than the average county wage and will pay for at least half of employees' health care expenses. He noted that currently the company pays for all of their employees' health care expenses. Mr. Wood said the company saw 100 percent growth last year and noted he has no doubt that they will continue to see this type of growth.

Vice Chairman Mulwee opened the floor for questions and comments from the Board. Commissioner Taylor commended the company and said he is happy to see they are continuing to grow and chose Burke County. Vice Chairman Mulwee asked if the Board decides to defer this item to the August recessed meeting, would that hinder any timelines. Mr. Wood said no. A brief discussion ensued on how to proceed.

At 6:25 p.m. Vice Chairman Mulwee opened the public hearing. The Public Hearing Notice was published in THE NEWS HERALD on August 5, 2021. It was also posted to the County's website, www.burkenc.org, on August 5, 2021. There was no one present to address the Board; therefore, Vice Chairman Mulwee closed the public hearing.

Vice Chairman Mulwee asked the pleasure of the Board. Commissioner Abele said they did most of the work for the item so they might as well make a motion.

Motion: To approve a General Fund, Fund Balance appropriation of up to \$12,500 for an economic development incentive for Project Husky II for the County's portion of

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the local grant match, pending notification of a Building Reuse Grant award.

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

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 described as follows:

The parcel is further 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

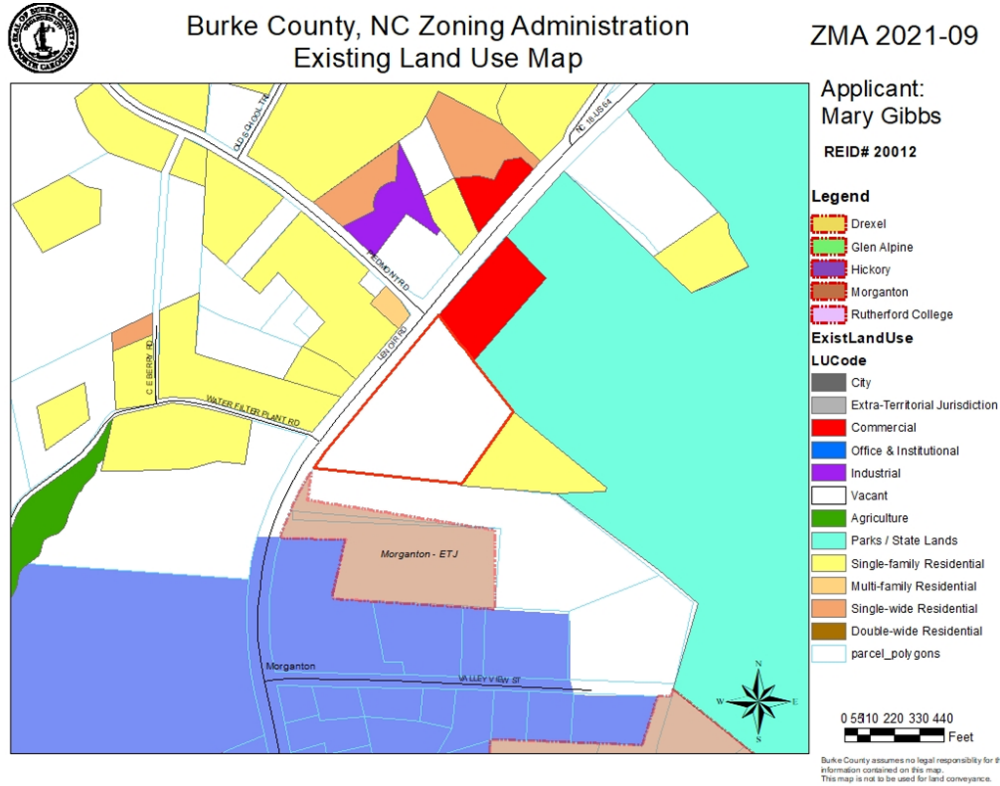
There is a mixture of county and municipal zoning in this area. The subject parcel is in close proximity to the City of Morganton's Extra-Territorial Jurisdiction (to the south). The Morganton zoning is the Low Intensity District (LID). This district is established primarily for single-family residential 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

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West	R-2	Residences / Public School / Vacant
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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.

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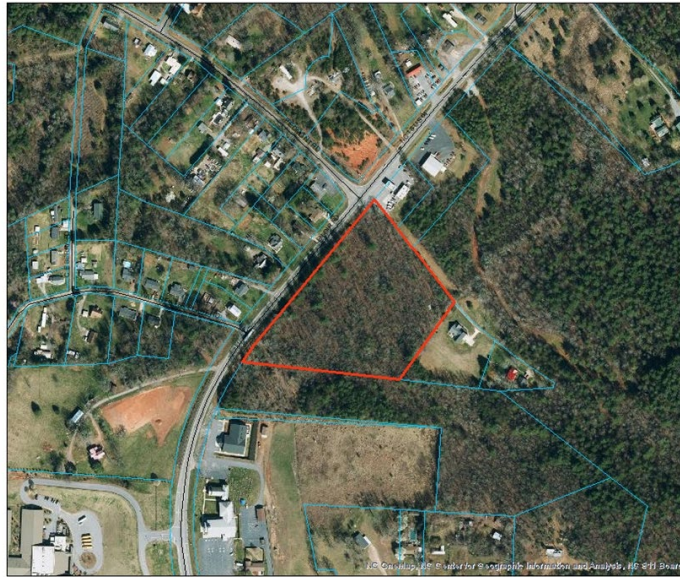


Burke County, NC Zoning Administration
Aerial Land Use Map

ZMA 2021-09

Applicant:
Mary Gibbs

REID#
20012



0 40 80 160 240 320 Feet

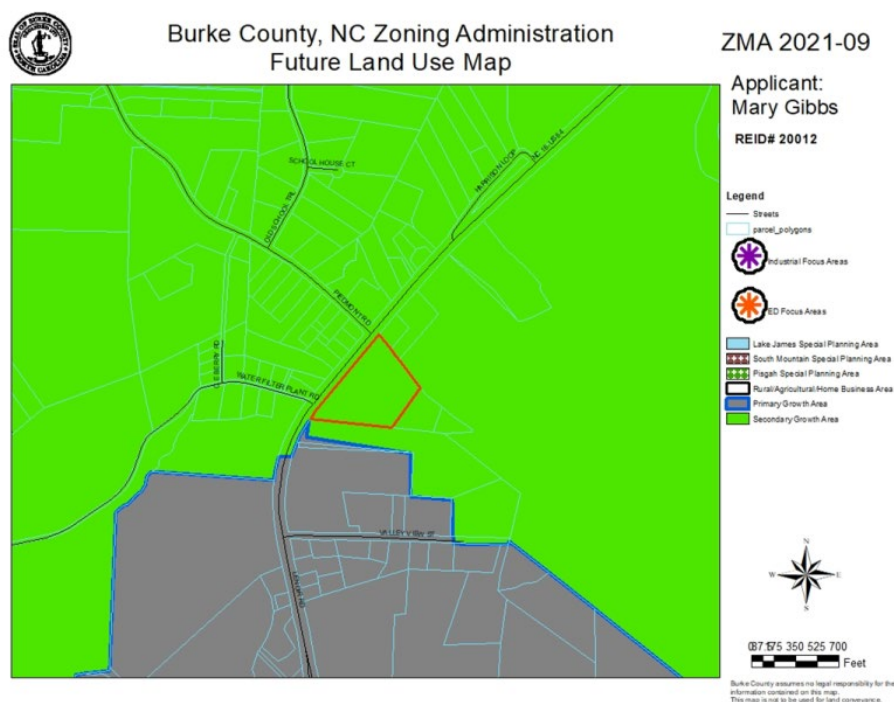
Burke County assumes no legal responsibility for the information contained on this map. This map is not to be used for land conveyance.

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.

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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 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”. The table is hereby incorporated into the meeting minutes by reference.

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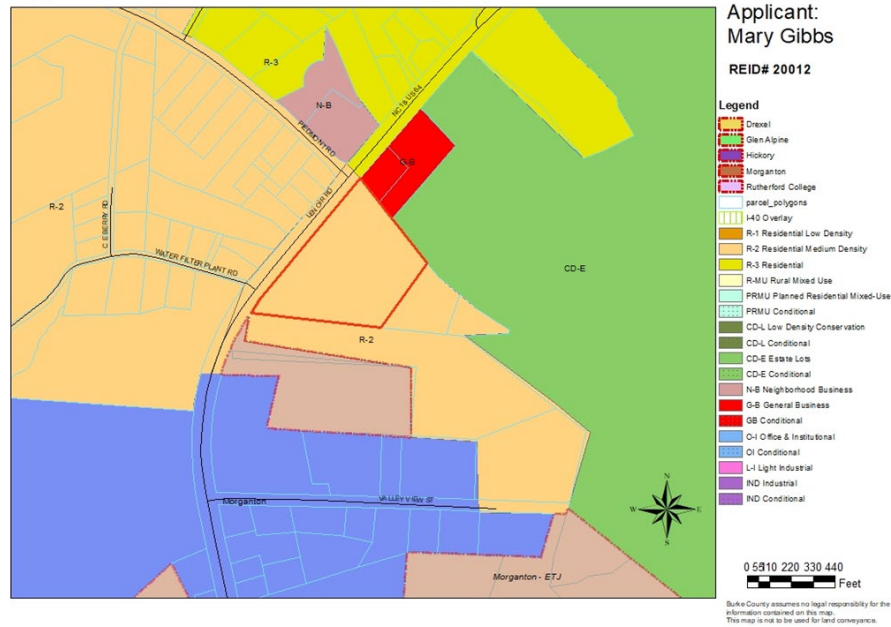


Burke County, NC Zoning Administration
Current Zoning Map

ZMA 2021-09

Applicant:
Mary Gibbs

REID# 20012



STAFF COMMENTS

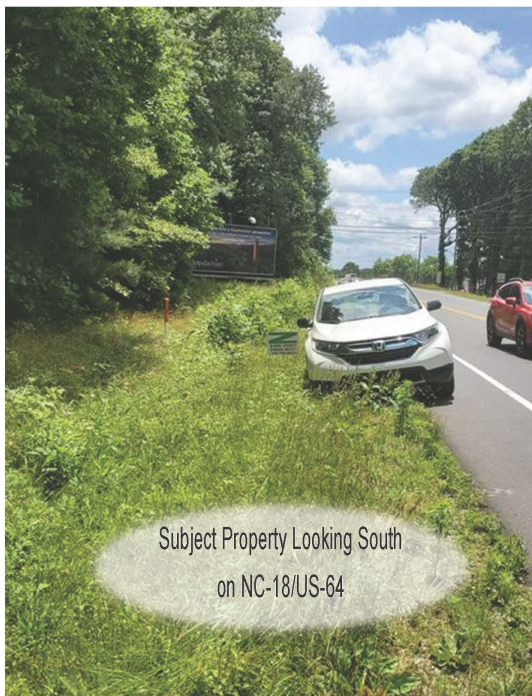
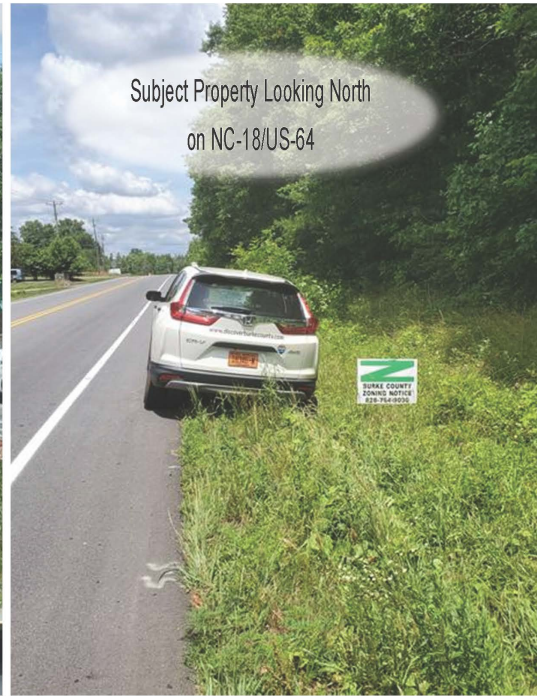
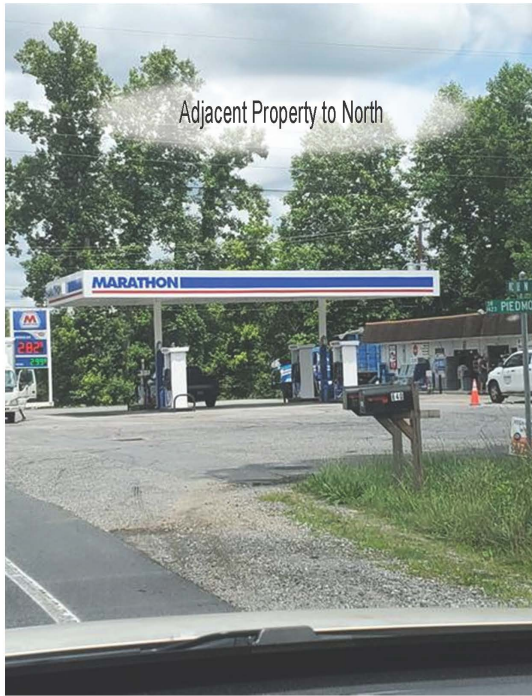
In staff's opinion, rezoning the 8.48-acre to the General Business zoning district would not change the overall character of the area. Staff can foresee the potential for additional commercial uses along this corridor in the future. Alternatively, if the property were developed as a residential subdivision,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

ADDITIONAL INFORMATION

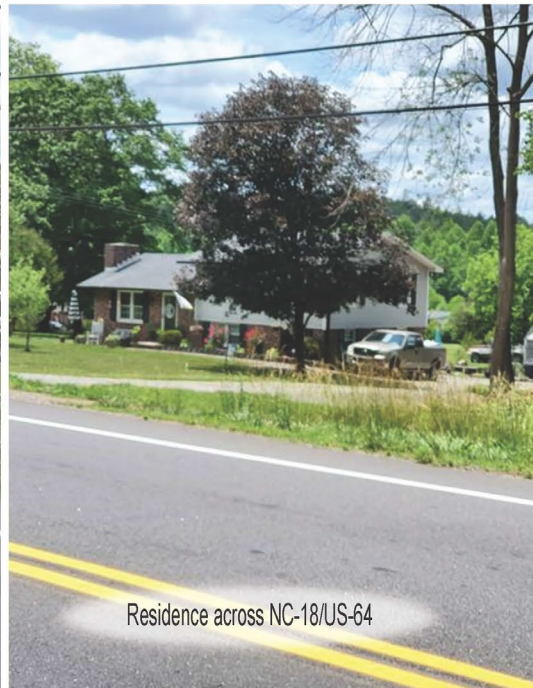
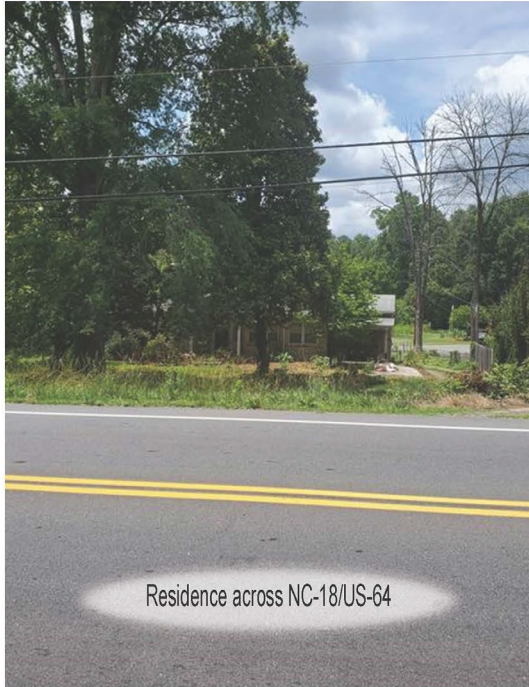
Please refer to the application, driving directions, photos, and map(s) for more information.

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PLANNING BOARD RECOMMENDATION

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 have been two (2) emails submitted to the Board which opposed the rezoning. The Planning Board voted 5-1 to recommend approval of the rezoning request.

Opposition emails:

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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 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

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From: Sherry Cooke <beachdreamer1973@gmail.com>
Sent: Monday, June 21, 2021 9:34 AM
To: karnett@caldwellcountync.org
Subject:

I am sending this email to let you know of my displeasure in this property possibly being rezoned from residential to general business. This property is directly across the highway from my property, and I believe it becoming anything other than use for residential purposes is absolutely a detriment to this community and this county. The person who owns this property doesn't even live in Burke County and could obviously care less about what goes on here. I believe her only care is about the amount of money she MAY be paid if this property is bought by someone to start a business there. I think that is an ultimate shame that all she cares about is what her monetary gain will be. It is up to you as the committee to look out for the best interest for the citizens and taxpayers of this county and do what is best for us. Also, this property partially borders NC Game land property. I believe that too should have an impact on your decision to leave this property zoned as residential. I have lived across the highway from this property for my entire life. My parents owned and paid taxes here and now my husband and I have owned the property we currently live on for 48 years. Does our opinion not matter at all when these decisions come about? I hope and pray you will carefully take into account the concerns of the people who live around this property and make the decision to leave it as it is, a Residential Two District.

Thank you,
 Sherry & Danny Cooke
 805 Lenoir Rd.

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?

Mr. Prisby further reported there is a mix of residential and non-residential uses immediately around the parcel and it is situated next to the property owned by Tyler Campbell that the Board rezoned a portion of (to General Business) at last month's regular meeting. It is the Staff's opinion that this rezoning request would not change the overall character of the area. There are several parcels in the immediate vicinity zoned General and Neighborhood Business, as well as an existing gas station and convenience store. The mixed residential use of the area is in keeping with the goals outlined in the Strategic Land Use plan for this area.

Vice Chairman Mulwee opened the floor for questions and comments from the Board. In response to a question from Commissioner Taylor, Mr. Prisby said he is unsure as to the status of the right-of-way (ROW) for the Arnet's property because he was unable to locate the ROW in the deeds. Commissioner Taylor asked if the Board approves this request, would it be possible for the business owners to block the driveway to the nearby homes. Mr. Prisby said it would depend on if there is an existing ROW or not. If there is no legal ROW, then they technically could block the driveway, but the residents behind the subject parcel could bring a civil suit to get a ROW to their homes. Commissioner Taylor asked if the Board could, as a part of the approval, stipulate that there be an open ROW. Mr. Prisby said with the adoption of NC's unified zoning statute 160D, conditional rezonings are no longer allowed, but noted there are standards that do need to be met for subdivisions. Mr. Prisby then responded to additional questions from Commissioner Taylor and advised that signage and road markings at the gas station /

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convenience store would clarify that the driveway is a private access. Vice Chairman Mulwee said if the Board wants more information, they can move this item to the Board's recessed meeting on August 24.

Vice Chairman Mulwee opened the public hearing at 6:35 p.m. The Public Hearing Notice was published in THE NEWS HERALD on August 5, 2021 and August 12, 2021. It was also posted to the County's website, www.burkenc.org, on August 5, 2021. There was one (1) person who signed up to address the Board.

Susan Lail spoke on behalf of the owners of the subject property. She said there are six (6) stakeholders, four (4) being cousins and noted their family has been in Burke County a long time. Ms. Lail said she will try to answer any questions the Board may have regarding the rezoning. Commissioner Taylor asked what are the general plans for the property. Ms. Lail said at this time, there is no specific use planned and noted they have discussed possible residential and commercial uses for the property. She said it was suggested to their family to hire a planning company to see what the community needs are and gather community input. In response to another question from Commissioner Taylor, Ms. Lail said she and her family want to be good neighbors and they do not want to deny anyone access to their homes.

With there being no other speakers, Vice Chairman Mulwee closed the public hearing.

Discussion ensued about moving the item to the August 24 recessed meeting so that all the Commissioners could be present to vote on the rezoning. Commissioner Taylor requested that Mr. Prisby work with the parties to see if a ROW solution could be reached.

Motion: To table ZMA 2021-09 to the August 24, 2021 recessed meeting.

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

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 further 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

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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 Drive. Ashton Drive 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 Rd. 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.

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Burke County, NC Zoning Administration
Existing Land Use Map

ZMA 2021-10

Applicant:
Mickey Evans

REID# 59577 & 59578

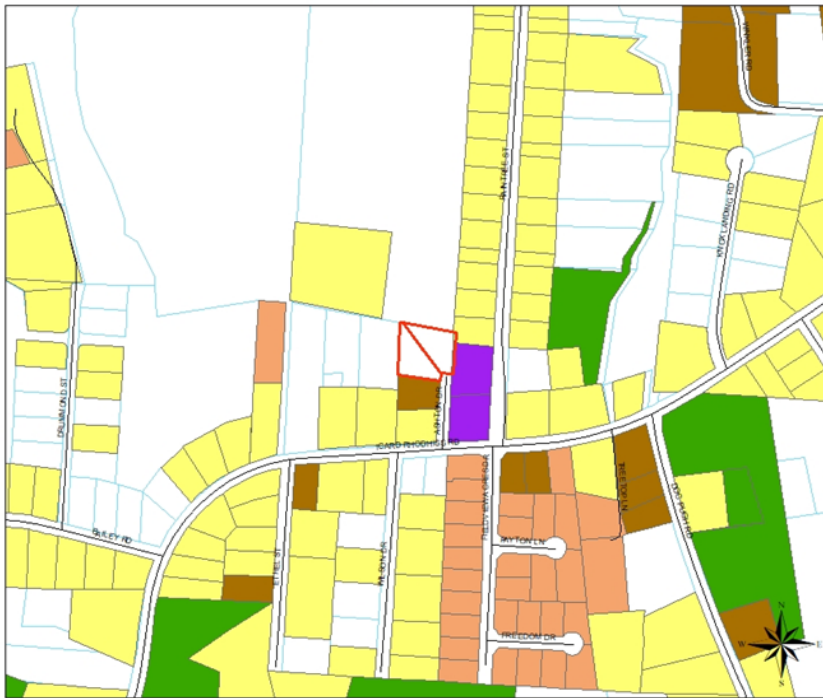
Legend

Existing Land Use

<all other values>

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
- Drexel
- Glen Alpine
- Hickory
- Morganton
- Rutherford College
- parcel_polygons



0 5810 220 330 440
Feet

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

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.

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August 17, 2021 (Regular)

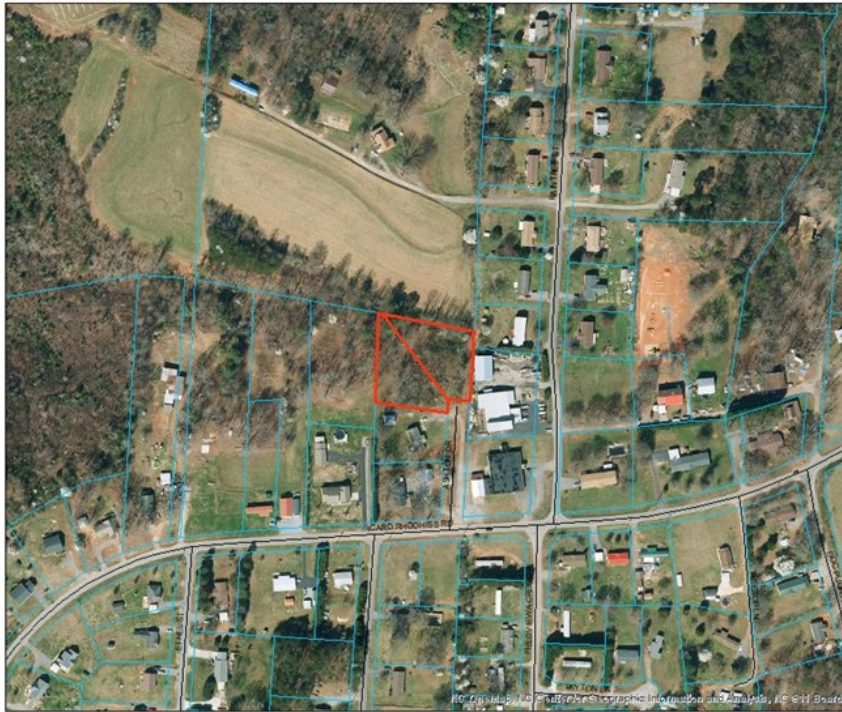


Burke County, NC Zoning Administration
Aerial Land Use Map

ZMA 2021-10

Applicant:
Mickey Evans

REID#'s
59578 & 59577



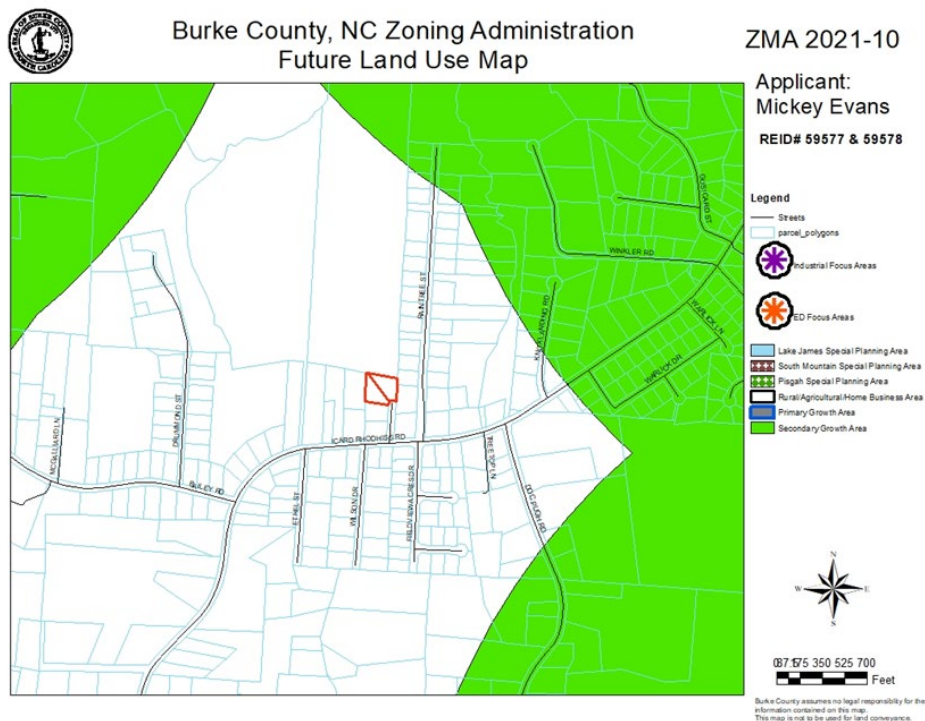
Burke County assumes no legal responsibility for the information contained on this map. This map is not to be used for land conveyance.

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 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.

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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.

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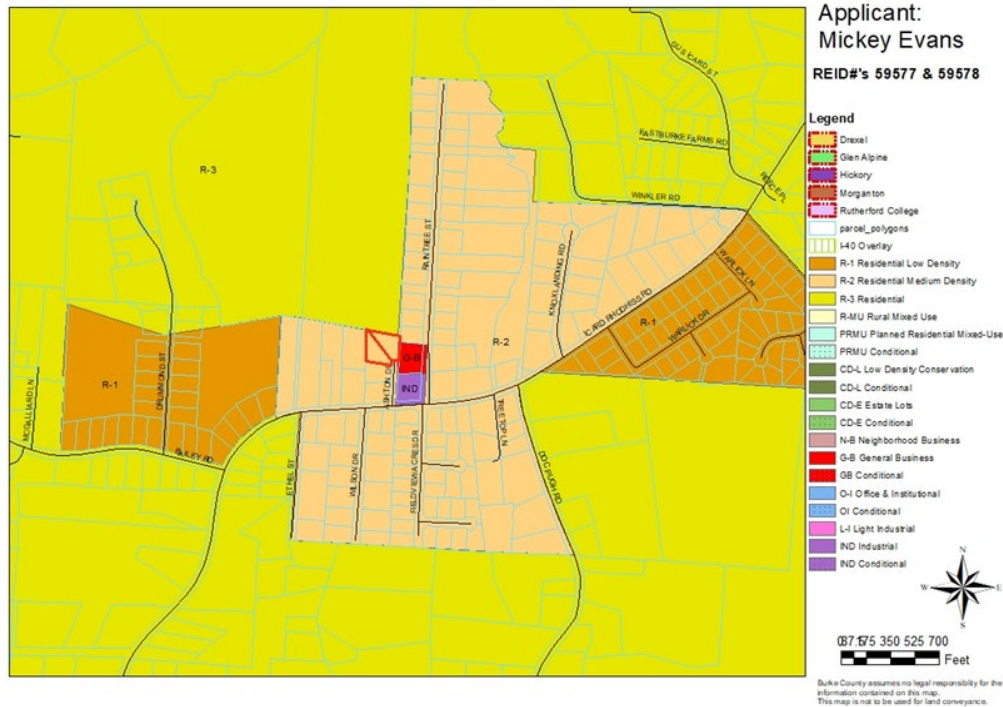


Burke County, NC Zoning Administration
Current Zoning Map

ZMA 2021-10

Applicant:
Mickey Evans

REID#'s 59577 & 59578



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 Dr. 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 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?

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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.

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 Residential 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 "Residential" 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

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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

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?

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- 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.



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Vice Chairman Mulwee opened the floor for questions and comments from the Board. Commissioner Taylor said this request is slightly different than the previous request because the applicant wants to comply with the zoning ordinance. He noted the applicant has been in his current location for over 20 years and is not new, and the concerns that were submitted are not new. Commissioner Taylor said for this rezoning, the evidence of longevity of the business mandates that the Board let the applicant come into compliance. Commissioner Abele asked how many houses are in the surrounding area. Mr. Prisby estimated the number of homes to be about two dozen. Commissioner Taylor commented that most of the traffic uses the main highway. Mr. Prisby advised that if the property was rezoned, the chain link fence surrounding the construction company's outdoor storage yard would not be in compliance with the zoning ordinance which requires an 8-foot fence or masonry wall. Commissioner Taylor asked if the Planning Board voted to approve this item. Mr. Prisby responded in the affirmative. Vice

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Chairman Mulwee said just because someone has been out of compliance for years it does not mean that the Board must put them into compliance.

Vice Chairman Mulwee opened the public hearing at 6:51 p.m. The Public Hearing Notice was published in THE NEWS HERALD on August 5, 2021 and August 12, 2021. It was also posted to the County's website, www.burkenc.org, on August 5, 2021. There were two (2) people who addressed the Board.

Terri Swanson said she lives beside the applicant's business. She said the applicant purchased the lot approximately a year ago and converted the lot from residential into commercial himself without any zoning when he most likely knew it needed to be rezoned. Ms. Swanson reviewed her plans for their property, including having their daughter and son-in-law to build a home behind them, however, the increasing price of lumber and the applicant's plans, have delayed them. She said there are large pieces of equipment on the lot, and they make noise all day, in addition to dumping 20-foot-high mounds of commercial waste. Ms. Swanson said the applicant's business also makes it difficult for her and her grandchildren to use their pool due to the chemical odors coming from the property. She asked the Board to deny the rezoning request and distributed pictures of the property to the Board. In response to a question from Commissioner Taylor, Ms. Swanson said she is not in a housing development, her parcel adjoins applicant's property.



Mickey Evans, applicant, said the construction company has been in its current location for 50 years and they have never had a complaint from the neighbors. Mr. Evans described his business practices and noted he tries to be a good neighbor but because his business is growing, they need the space store materials. Mr. Evans offered to erect a barrier.

With there being no other speakers, Vice Chairman Mulwee closed the public hearing.

In response to a question from Commissioner Taylor, Mr. Evans said he could put up a fence or a barrier or evergreen trees to accommodate the neighbors. Ms. Swanson said unless it was a 15 ft. - 20 ft. cement barrier, it would not help with the noise, dust, or the view. Mr. Evans advised the material is ground-up asphalt and offered to relocate the material to another part of the property.

After additional discussion, Commissioner Taylor made the following motion:

Motion: To adopt an Ordinance (No. 2021-17) as it relates to ZMA 2021-10 and the following consistency statement:

Consistency Statement: The rezoning is consistent with the County Land Use Plan and would allow an existing business to expand and further serve the citizens of Burke County.

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RESULT:	FAILED [2 TO 1]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Maynard M. Taylor
NAYS:	Scott Mulwee and Wayne F. Abele, Sr.
ABSENT:	Jeffrey C. Brittain and Johnnie W. Carswell

Motion to deny the rezoning request and approve the following consistency statement:

Although the Burke County Land Use Plan expects various uses, including non-residential uses within the Rural/Agricultural Planning Area, the proposed General Business zoning has strong potential to negatively impact the surrounding residential properties and residential area due to the specific use proposed or the multitude of allowed uses-by-right within the Table of Uses.

RESULT:	APPROVED [2 TO 1]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Scott Mulwee and Wayne F. Abele, Sr.
NAYS:	Maynard M. Taylor
ABSENT:	Jeffrey C. Brittain and Johnnie W. Carswell

INFORMAL PUBLIC COMMENTS

At 7:06 p.m., Vice Chairman Mulwee opened the floor for informal public comments. There were several citizens that signed up to address the Board.

John Flood, 2411 Mountain Laurel Trail, said he has lived in Burke County since 1984 and said removing the confederate statue is a very important decision for the community and reflects a sense of welcoming and inclusion of all citizens of Burke County, which the presence of the statue precludes for many people. He said he is a child of the south and had relatives fight for the confederacy and said what he was told about the civil war growing up. He relayed his experiences growing up in Florida being partially raised by a black woman and the generosity of black men who helped him with his work in the tobacco and watermelon fields. Mr. Flood relayed the racism he experienced growing up and said it was a result of slavery, America's original sin. He spoke about the period after the civil war, known as reconstruction, noting that there was a lot of mob violence during that time when many were killed and various schemes to keep blacks from voting. He said that was the time that the statue was raised, and it took South Carolina 200 years to remove the confederate flag from their capital grounds. Mr. Flood said there was almost violence in this community when people came to the County armed with automatic weapons in front of the confederate statue and were willing to take human life over the statue. He said the Board needs to step outside of their white experience and put themselves in the shoes of a black person for whom the statue represents people who fought for keeping their people in bondage, and it is time for that statue to go.

Carla Kincaid, Oakhill Community, read an excerpt from an article from the Southern Poverty Law Center entitled "Whose Heritage? Public Symbols of the Confederacy."

Pastor George Logan, 101 Inglewood Drive, read the following statement:

Dear County Commissioners,

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John 15:13 Says "Greater love has no one than this, that someone lay down his life for his friends." It has now been approximately 7 months since we've approached you all petitioning you to remove the Confederate Monument along with the soldier that sits atop it. We've heard passionate arguments from both sides; most of us who dare to speak, and share are putting our lives on hold for those few minutes we stand before you. But, I wonder what it would be like if we all took a step back and considered what it would be like if we laid our lives down for our community. I wonder what it would be like if we took the time to get to know those who are in opposition to us. If we met on neutral ground to find out more about one another. It would be wonderful to know what we have in common with one another, could it be that we attended the same schools, have children the same age, share the same love of the outdoors, cars, golf, shopping, etc. And, perhaps even share the same faith and the same love for Christ. After having approached one another for the purposes of getting to know one another, we may be more inclined to listen to one another with hearts of compassion and understanding. And, quite possibly, we may even dare to "lay down our lives" and choose to become friends rather than enemies. Our end game should be that of unity without sacrificing our values. While it seems as though the world around us is "hemorrhaging" because of so many divides. Maybe, just maybe we can show our nation and quite possibly the world how we chose to "walk in love" in order to make Morganton and Burke County "THE MOST LOVING PLACE ON EARTH". Commissioners, would you please consider helping us with the task of establishing a commission to discuss this and then present a way to move forward together?

Pastor Logan said he understands that state law prevents the Board from removing the monument, but the question should not be what they cannot do, but what we can do. He encouraged the Board to establish a commission representing everyone in the community and they can sit down, talk, and let the chips fall where they may.

With there being no others, Vice Chairman Mulwee closed this portion of the meeting.

CONSENT AGENDA

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

CLERK - REAPPOINTMENT TO BURKE CO. SMART START (PARTNERSHIP FOR CHILDREN)

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.

Motion: To reappoint Julia Terrell (DSS Designee) to the Smart Start, Inc. (Burke Partnership for Children) Board of Directors to complete the remainder of a 3-year term ending June 30, 2024.

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

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CLERK - APPOINTMENTS TO REGIONAL AGING ADVISORY COMMITTEE

Tina Miller, WPCOG Area Aging Director, requests the removal of Karen Robinson and Eleanor Summers from the Regional Aging Advisory Committee. These two (2) 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 and Stephanie Workman is reapplying for Seat No. 4. There are no applications on file for Seat No. 2.

Motion: To remove the following names from the Regional Aging Advisory Committee and thank them for their service to the community: Karen Robinson and Eleanor Summers. To appoint Mary Wright to the RAAC, Seat No. 1, for the remainder of a 2-year term ending June 30, 2023. To reappoint Stephanie Workman to the RAAC, Seat No. 4, for the remainder of a 2-year term ending June 30, 2023.

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

CLERK - APPOINTMENTS / REMOVAL TO THE ANIMAL ADVISORY BOARD

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. Her removal is requested. An application was received from Gwen Stephens who represents Rusty's Legacy. An application was received from Dr. Jennifer McGrady for Seat No. 2.

Motion: To remove Megan Bradley from the Animal Advisory Board and thank her for her service to the community. To appoint Gwen Stephens to the Animal Advisory Board, Seat No. 1, for the remainder of a term ending July 31, 2022. To appoint Dr. Jennifer McGrady to the Animal Advisory Board, Seat No. 2, for the remainder of a term ending July 31, 2023.

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

CLERK - APPOINTMENT TO BURKE SENIOR CENTER ADVISORY COUNCIL

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.

Motion: To reinstate Ms. Barbara Huffman to the Burke (Morg.) Senior Center Advisory Council, Seat No. 3, to complete a 2nd term ending March 31, 2023.

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

CLERK - REMOVAL OR SEAT MODIFICATION TO PLANNING BOARD

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

Motion: To approve the "at-large" designation for Seat No. 5 and the "west" designation for Seat No. 7.

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

FM - CONTRACT FOR FIRE PROTECTION SERVICES FOR ENOLA VOLUNTEER FIRE DEPARTMENT, INC. AND DROWNING CREEK VOLUNTEER FIRE DEPARTMENT, INC.

Approval of 10-year contracts for fire protection services for Enola Volunteer Fire Department, Inc. and Drowning Creek Volunteer Fire Department, Inc. are requested. 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.

Motion: To approve contracts for fire protection services between Burke County and the Enola Volunteer Fire Department, Inc. and Drowning Creek Volunteer Fire Department, Inc. Further, authorize the Chairman to execute the agreements on behalf of the Board, subject to review and/or revision by the County Attorney.

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

GENERAL SERVICES - PHASE 2 HVAC CONTROLS AT HRC BUILDING

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 need to both be completed before the entire system can function properly. Phase 2 also includes control support. Funding is included in the FY 21-22 budget. Contracts over \$90,000 require Board approval.

Motion: Approve the proposal with Trane US Inc for Phase 2 HVAC Controls at the HRC Building for \$128,650.00. Furthermore, authorize the County Manager, subject to review and/or revision by the County Attorney, to execute the proposal on behalf of the Board.

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

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

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 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.

Note: Commissioner Taylor said the County did end up getting a one (1) year warranty at no additional cost.

Motion: To approve a contract with Sage Security Solutions for \$128,782, subject to review and/or revision by the County Attorney and authorize the County Manager to execute the contract on behalf of the Board.

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

JCPC - APPOINTMENTS AND REMOVALS TO THE JCPC

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.

Motion: To remove Dr. Mike Swan and appoint Sara LeCroy to JCPC Seat No. 1, School Superintendent/Designee, to complete the remainder of a term ending June 30, 2022. To remove Mackenzie Pritchard from JCPC Seat No. 13, Student Under 18, and thank her for her service to the community. To appoint Tammy Miller, JCPC Seat No. 17, Health Director/Designee, to complete the remainder of a term ending June 30, 2023.

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

JCPC - JCPC BYLAWS MODIFICATION FOR REVIEW & FUNDING APPLICATIONS

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

August 17, 2021 (Regular)

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;

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- 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.

Motion: To approve the amendments to the JCPC's bylaws, Policy for Review and Funding of Burke JCPC Applications, Sections 13 & 14, and JCPC Program Revisions as presented.

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

SHERIFF - CONTRACT FOR INMATE MEDICAL SERVICES

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.

Motion: Authorize the County Manager to execute the contract for inmate medical services with IMS Correctional Healthcare, LLC for \$318,000 for FY 21-22 on behalf of the Board, subject to review and/or revision by the County Attorney.

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

TAX DEPT. - TAX COLLECTION REPORT FOR JULY 2021

The Board of Commissioners is presented with the Tax Collection Report for the period between July 1, 2021 and July 31, 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	%	Balance to Collect
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		YTD	Collected	
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

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

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

TAX DEPT. - RELEASE REFUND REPORT FOR JULY 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)	\$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.

The tax reports read as follows:

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TR-304 BILL RELEASE REPORT JULY 2021

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
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TAX DISTRICT: BURKE COUNTY RELEASE REASON: Adjustment

0000017804-2021-2021-0000-00-REG	WILLIAMS, DANIEL	7/1/2021	RENEE AUSTIN	7/9/2021	800.50	10.50	790.00	0.00
0000035036-2021-2021-0000-00-REG	FISHER, DONNA RENEE	7/1/2021	LINDA WLBUR	7/6/2021	503.01	5.56	497.45	0.00
0000042787-2021-2021-0000-00-REG	BOWMAN, WAYNE E	7/1/2021	CONNIE HOLDER	7/28/2021	383.70	383.70	0.00	296.82
0000046566-2021-2021-0000-00-REG	HILDEBRAN, RONALD EUGENE	7/1/2021	RENEE AUSTIN	7/23/2021	926.10	12.40	913.70	0.00
0000060476-2021-2021-0000-00-REG	MULL, TRAVIS JONATHAN	7/1/2021	CONNIE HOLDER	7/21/2021	1,691.78	129.09	1,562.69	0.00
0000077567-2015-2015-0000-00-REG	FUENTES, JOSE LUIS SANCHEZ	9/15/2015	LINDA WLBUR	7/29/2021	80.90	80.90	0.00	80.90
0000084330-2021-2021-0000-00-REG	FIRST DATA MERCHANT SERV CORP	7/1/2021	RENEE AUSTIN	7/26/2021	69.68	0.52	69.16	0.00
0000092423-2021-2021-0000-00-REG	BURRIS, LOY R	7/1/2021	LINDA WLBUR	7/20/2021	35.40	35.40	0.00	0.00
0024009871-2021-2021-0000-00-PRV	MCCORMICK, DAVID H	2/4/2021	RENEE AUSTIN	7/2/2021	0.00	10.43	-10.43	10.43
0024009871-2021-2021-0000-00-REG	MCCORMICK, DAVID H	7/1/2021	RENEE AUSTIN	7/2/2021	10.43	10.43	0.00	0.00
0024009871-2021-2021-0000-01-PRV	MCCORMICK, DAVID H	2/4/2021	RENEE AUSTIN	7/2/2021	0.00	86.43	-86.43	86.43
0024009871-2021-2021-0000-01-REG	MCCORMICK, DAVID H	7/1/2021	RENEE AUSTIN	7/2/2021	86.43	86.43	0.00	0.00
0024020463-2021-2021-0000-00-REG	JONES, DANIEL R	7/1/2021	LINDA WLBUR	7/6/2021	48.58	27.56	21.02	0.00
0024052234-2021-2021-0000-00-REG	STILWELL, TIMOTHY SCOTT	7/1/2021	CONNIE HOLDER	7/13/2021	115.54	76.45	39.09	0.00
0024055865-2021-2021-0000-00-REG	FECTEAU ROBERT	7/1/2021	LINDA WLBUR	7/20/2021	3,975.40	361.40	3,614.00	0.00
0024055968-2021-2019-0000-00-REG	BARNETTE, ROBERT ELVIN JR	7/30/2021	RENEE AUSTIN	7/30/2021	0.00	4.07	-4.07	4.88
0024055968-2021-2020-0000-00-REG	BARNETTE, ROBERT ELVIN JR	7/30/2021	RENEE AUSTIN	7/30/2021	44.92	44.92	0.00	49.37

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
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Subtotal

1,366.19

528.83

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Adjustment Release

0000015284-2021-2021-0070-00-DLD	COLE, VICKIE CARSWELL	7/9/2021	AMANDA CONLEY	7/9/2021	98.58	98.58	0.00	408.11
0000074538-2021-2021-0000-00-REG	BUTLER, TRAVIS	7/1/2021	SCOTT BLACK	7/1/2021	2.30	2.30	0.00	0.00
0000074538-2021-2021-0000-00-REG	BUTLER, TRAVIS	7/1/2021	BARBARA HARTLEY	7/8/2021	-2.30	0.00	-2.30	0.00
0024009871-2021-2021-0000-00-PRV	MCCORMICK, DAVID H	2/4/2021	SCOTT BLACK	7/1/2021	10.43	10.43	0.00	10.43
0024009871-2021-2021-0000-01-PRV	MCCORMICK, DAVID H	2/4/2021	RENEE AUSTIN	7/2/2021	86.43	86.43	0.00	86.43
0024009871-2021-2021-0000-02-PRV	MCCORMICK, DAVID H	2/4/2021	RENEE AUSTIN	7/2/2021	87.95	87.95	0.00	87.95
0024055968-2021-2019-0000-00-REG	BARNETTE, ROBERT ELVIN JR	7/30/2021	RENEE AUSTIN	7/30/2021	4.07	4.07	0.00	4.88

Subtotal

289.76

597.80

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Amended Listing

0000000452-2021-2021-0000-00-REG	HEDRICK, CHARLES M	7/1/2021	LINDA WLBUR	7/21/2021	914.84	5.56	909.28	0.00
0000073258-2021-2021-0000-00-REG	CLARK, JERRY LEE	7/1/2021	LINDA WLBUR	7/8/2021	102.22	102.22	0.00	0.00
0000075436-2021-2021-0000-00-REG	LAIL BUILDERS INC	7/1/2021	RENEE AUSTIN	7/16/2021	548.13	23.58	524.55	0.00
0024020444-2021-2021-0000-00-REG	TOYOTA INDUSTRIES COMMERCIAL FINANCE INC	7/1/2021	LINDA WLBUR	7/19/2021	996.50	996.50	0.00	1,287.61
0024020445-2021-2021-0000-00-REG	TOYOTA INDUSTRIES COMMERCIAL FINANCE INC	7/1/2021	LINDA WLBUR	7/19/2021	3,950.71	3,950.71	0.00	4,034.66
0024033513-2021-2021-0000-00-REG	LAMBERT, ALFRED H	7/1/2021	LINDA WLBUR	7/16/2021	21.89	2.08	19.81	0.00
0024034313-2021-2021-0000-00-REG	SMARTPAY LEASING LLC	7/1/2021	LINDA WLBUR	7/16/2021	24.80	6.80	18.00	6.15

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Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0024034314-2021-2021-0000-00-REG	SMARTPAY LEASING LLC	7/1/2021	LINDA WILBUR	7/16/2021	7.51	5.44	2.07	0.00
0024034315-2021-2021-0000-00-REG	SMARTPAY LEASING LLC	7/1/2021	LINDA WILBUR	7/16/2021	9.74	2.53	7.21	0.00
0024034316-2021-2021-0000-00-REG	SMARTPAY LEASING LLC	7/1/2021	LINDA WILBUR	7/16/2021	51.53	27.98	23.55	0.00
Subtotal					5,123.40		5,328.42	

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Discovery Billing

0024041630-2021-2021-0000-00-REG	MARTYS RIDGE RLLP	7/1/2021	AMANDA CONLEY	7/14/2021	271.20	271.20	0.00	347.20
Subtotal					271.20		347.20	

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Duplicate Billing

0000030395-2021-2021-0000-00-REG	COLE, SHERRILL L	7/1/2021	CONNIE HOLDER	7/12/2021	51.92	10.91	41.01	0.00
0000036394-2021-2021-0000-00-REG	MILLIGAN, JACKSON PERCY	7/1/2021	AMANDA CONLEY	7/29/2021	336.68	336.68	0.00	0.00
0000051089-2021-2021-0000-00-REG	FISHER, DONNA RENEE	7/1/2021	RENEE AUSTIN	7/29/2021	138.33	138.33	0.00	0.00
0000070626-2021-2021-0000-00-REG	ROMERO, SIDNEY JOSEPH	7/1/2021	LINDA WILBUR	7/13/2021	90.91	90.91	0.00	0.00
0000073647-2021-2021-0000-00-REG	BONNER, ROBERT	7/1/2021	CONNIE HOLDER	7/15/2021	9.02	9.02	0.00	0.00
0024009512-2021-2021-0000-00-REG	ROMERO, FAWN ELAINE	7/1/2021	LINDA WILBUR	7/13/2021	307.40	15.74	291.66	33.64
0024043749-2021-2021-0000-00-REG	ROMERO, SIDNEY JOSEPH	7/1/2021	LINDA WILBUR	7/13/2021	94.73	94.73	0.00	0.00
0024047066-2021-2021-0000-00-REG	MERRILL, CATHY M	7/1/2021	BARBARA HARTLEY	7/14/2021	36.54	34.24	2.30	0.00
0024052790-2021-2021-0000-00-REG	ROBINSON, ROBERT A	7/1/2021	BARBARA HARTLEY	7/13/2021	28.50	28.50	0.00	0.00
0024055817-2021-2021-0000-00-REG	RICHARD, MICHAEL BRUCE JR	7/1/2021	BARBARA HARTLEY	7/6/2021	68.05	68.05	0.00	0.00

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0024055837-2021-2021-0000-00-REG	RAYMER OIL CO	7/1/2021	LINDA WILBUR	7/19/2021	1,032.08	1,032.08	0.00	0.00
0024056306-2021-2021-0000-00-REG	ICARD, MORDEN DEAN	7/19/2021	LINDA WILBUR	7/23/2021	107.37	107.37	0.00	0.00
0024057182-2021-2021-0000-00-REG	HILDEBRAN, RONALD EUGENE	7/19/2021	CONNIE HOLDER	7/23/2021	21.43	21.43	0.00	0.00
Subtotal					1,987.99		33.64	

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Exempt Property

0000015284-2021-2021-0000-00-REG	COLE, VICKIE CARSWELL	7/1/2021	AMANDA CONLEY	7/9/2021	1,234.48	1,234.48	0.00	1,135.90
0000015284-2021-2021-0000-01-REG	COLE, VICKIE CARSWELL	7/1/2021	AMANDA CONLEY	7/9/2021	1,135.90	1,135.90	0.00	0.00
0000015284-2021-2021-0070-00-DLD	COLE, VICKIE CARSWELL	7/9/2021	AMANDA CONLEY	7/9/2021	0.00	98.58	-98.58	826.38
0000040828-2021-2021-0000-00-REG	GOINS, JOSHUA	7/1/2021	AMANDA CONLEY	7/27/2021	423.94	423.94	0.00	91.35
0000041602-2021-2021-0000-00-REG	PENTECOSTAL CHURCH ROSA DESARON, INC	7/1/2021	AMANDA CONLEY	7/6/2021	4,179.05	4,179.05	0.00	0.00
Subtotal					7,071.95		2,053.63	

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Late Listing

0000079786-2021-2021-0000-00-REG	CASE FARMS LLC	7/1/2021	RENEE AUSTIN	7/27/2021	12,748.57	1,158.96	11,589.61	0.00
0024047520-2021-2021-0000-00-REG	OREILLY AUTOMOTIVE STORES INC 5390	7/1/2021	RENEE AUSTIN	7/14/2021	1,017.13	92.47	924.66	0.00
Subtotal					1,251.43		0.00	

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Listed In Error

0000078572-2021-2021-0000-00-REG	FISHER, JESSE L	7/1/2021	LINDA WILBUR	7/12/2021	5,484.41	263.32	5,221.09	0.00
Subtotal					263.32		0.00	

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Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
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TAX DISTRICT: BURKE COUNTY RELEASE REASON: Mapping Correction

0000017547-2021-2021-0000-00-REG	CLARK, ROMER W	7/1/2021	AMANDA CONLEY	7/13/2021	1,221.19	35.11	1,186.08	0.00
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Subtotal 35.11 0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Not in Burke County

0000018482-2021-2021-0000-00-REG	CROWE, MACK EDWARD JR	7/1/2021	CONNIE HOLDER	7/12/2021	519.79	3.48	516.31	0.00
0000074428-2014-2014-0000-00-REG	YINGST, ALBERT LEE	7/1/2014	CONNIE HOLDER	7/13/2021	7.85	7.85	0.00	0.00
0000074428-2015-2015-0000-00-REG	YINGST, ALBERT LEE	7/1/2015	CONNIE HOLDER	7/13/2021	7.07	7.07	0.00	0.00
0000074428-2016-2016-0000-00-REG	YINGST, ALBERT LEE	7/1/2016	CONNIE HOLDER	7/13/2021	7.07	7.07	0.00	0.00
0000074428-2017-2017-0000-00-REG	YINGST, ALBERT LEE	7/1/2017	CONNIE HOLDER	7/13/2021	6.53	6.53	0.00	0.00
0000074428-2018-2018-0000-00-REG	YINGST, ALBERT LEE	7/1/2018	CONNIE HOLDER	7/13/2021	5.89	5.89	0.00	0.00
0000074428-2019-2019-0000-00-REG	YINGST, ALBERT LEE	7/1/2019	CONNIE HOLDER	7/13/2021	5.31	5.31	0.00	0.00
0000074428-2020-2020-0000-00-REG	YINGST, ALBERT LEE	7/1/2020	CONNIE HOLDER	7/13/2021	4.77	4.77	0.00	0.00
0000074428-2021-2021-0000-00-REG	YINGST, ALBERT LEE	7/1/2021	CONNIE HOLDER	7/13/2021	4.32	4.32	0.00	0.00
0000074538-2021-2021-0000-00-REG	BUTLER, TRAVIS	7/1/2021	BARBARA HARTLEY	7/8/2021	0.00	2.30	-2.30	0.00
0024009820-2021-2021-0000-00-REG	WHISNANT, ROCKY LANG	7/1/2021	LINDA WILBUR	7/23/2021	55.43	5.55	49.88	0.00
0024024775-2021-2021-0000-00-REG	ICARD, MORDEN DEAN	7/1/2021	LINDA WILBUR	7/26/2021	33.87	33.87	0.00	0.00
0024055859-2021-2021-0000-00-REG	TGAIR LLC	7/1/2021	RENEE AUSTIN	7/13/2021	4,701.68	4,701.68	0.00	0.00
0024057172-2021-2021-0000-00-REG	COX, KIM	7/19/2021	LINDA WILBUR	7/28/2021	33.21	33.21	0.00	0.00

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
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Subtotal 4,828.90 0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Over Assessment

0000007446-2021-2021-0000-00-REG	SEALS, EUGENE	7/1/2021	RENEE AUSTIN	7/21/2021	1,600.56	8.20	1,592.36	0.00
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Subtotal 8.20 0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Release LFUF

0000018266-2021-2021-0000-00-REG	SHADE, HOWARD H	7/1/2021	AMANDA CONLEY	7/15/2021	291.50	76.00	215.50	0.00
0000032206-2019-2019-0000-00-REG	STATE OF NORTH CAROLINA	7/1/2019	AMANDA CONLEY	7/28/2021	72.00	72.00	0.00	0.00
0000032206-2020-2020-0000-00-REG	STATE OF NORTH CAROLINA	7/1/2020	AMANDA CONLEY	7/28/2021	72.00	72.00	0.00	0.00
0000032206-2021-2021-0000-00-REG	STATE OF NORTH CAROLINA	7/1/2021	AMANDA CONLEY	7/28/2021	76.00	76.00	0.00	0.00
0000045568-2020-2020-0000-00-REG	SHIELDS, MODENNA J	7/1/2020	AMANDA CONLEY	7/9/2021	163.89	72.00	91.89	0.00
0000045568-2021-2021-0000-00-REG	SHIELDS, MODENNA J	7/1/2021	AMANDA CONLEY	7/9/2021	167.89	76.00	91.89	0.00
0000060216-2019-2019-0000-00-REG	STATE OF NORTH CAROLINA	7/1/2019	AMANDA CONLEY	7/28/2021	72.00	72.00	0.00	0.00
0000060216-2020-2020-0000-00-REG	STATE OF NORTH CAROLINA	7/1/2020	AMANDA CONLEY	7/28/2021	72.00	72.00	0.00	0.00
0000060216-2021-2021-0000-00-REG	STATE OF NORTH CAROLINA	7/1/2021	AMANDA CONLEY	7/28/2021	76.00	76.00	0.00	0.00
0000078505-2021-2021-0000-00-REG	CARROLL, GRADY IV	7/1/2021	RENEE AUSTIN	7/21/2021	186.85	76.00	110.85	0.00
0024041626-2021-2021-0000-00-REG	MARTYS RIDGE RLLP	7/1/2021	AMANDA CONLEY	7/14/2021	90.85	76.00	14.85	0.00

Subtotal 816.00 0.00

TAX DISTRICT: BURKE COUNTY RELEASE REASON: Situs Correction

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Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0024047904-2021-2021-0000-00-REG	ROPER, VINCE ELTON	7/1/2021	CONNIE HOLDER	7/19/2021	89.10	86.01	3.09	0.00

Subtotal**86.01****0.00****TAX DISTRICT: BURKE COUNTY RELEASE REASON: Sold/Traded**

0000003262-2021-2021-0000-00-REG	MORRISON, KATHY D	7/1/2021	CONNIE HOLDER	7/13/2021	373.45	5.01	368.44	0.00
0000011989-2021-2021-0000-00-REG	CRANFORD, MICHAEL D	7/1/2021	LINDA WILBUR	7/9/2021	1,181.53	51.68	1,129.85	0.00
0000037626-2021-2021-0000-00-REG	JOHNSON, DONNIE R	7/1/2021	LINDA WILBUR	7/9/2021	1,247.39	13.28	1,234.11	0.00
0000079453-2021-2021-0000-00-REG	JOHNSON, MARSHALL C	7/1/2021	RENEE AUSTIN	7/14/2021	26.76	26.76	0.00	0.00
0000079483-2017-2017-0000-00-REG	COOK, JONATHAN	7/1/2017	CONNIE HOLDER	7/26/2021	7.23	3.10	4.13	0.00
0000079483-2017-2017-0000-00-REG	COOK, JONATHAN	7/1/2017	CONNIE HOLDER	7/26/2021	4.13	4.13	0.00	0.00
0000079483-2018-2018-0000-00-REG	COOK, JONATHAN	7/1/2018	CONNIE HOLDER	7/26/2021	7.38	2.79	4.59	0.00
0000079483-2018-2018-0000-00-REG	COOK, JONATHAN	7/1/2018	CONNIE HOLDER	7/26/2021	4.59	4.59	0.00	0.00
0000079483-2019-2019-0000-00-REG	COOK, JONATHAN	7/1/2019	CONNIE HOLDER	7/26/2021	7.11	7.11	0.00	0.00
0000079483-2020-2020-0000-00-REG	COOK, JONATHAN	7/1/2020	CONNIE HOLDER	7/26/2021	6.89	6.89	0.00	0.00
0000079483-2021-2021-0000-00-REG	COOK, JONATHAN	7/1/2021	CONNIE HOLDER	7/26/2021	6.89	6.89	0.00	0.00
0024007933-2021-2021-0000-00-REG	HANG, YEE NA	7/1/2021	CONNIE HOLDER	7/20/2021	29.20	29.20	0.00	0.00
0024025553-2021-2021-0000-00-REG	LAMBERT, ROBERT C	7/1/2021	CONNIE HOLDER	7/13/2021	28.90	28.90	0.00	0.00
0024044937-2021-2021-0000-00-REG	REECE, LOGAN MCKINLY	7/1/2021	CONNIE HOLDER	7/9/2021	23.55	23.55	0.00	0.00
0024045766-2021-2021-0000-00-REG	CRUMP, LEE	7/1/2021	CONNIE HOLDER	7/9/2021	46.98	46.98	0.00	0.00

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0024047599-2021-2021-0000-00-REG	CLAY, DENNIS JACKSON	7/1/2021	CONNIE HOLDER	7/13/2021	80.05	80.05	0.00	0.00
0024047885-2021-2021-0000-00-REG	POTEAT, CODY	7/1/2021	LINDA WILBUR	7/9/2021	315.93	38.07	277.86	0.00
0024052656-2021-2021-0000-00-REG	TALLENT, DUANE	7/1/2021	CONNIE HOLDER	7/20/2021	34.21	17.01	17.20	0.00
0024055870-2021-2021-0000-00-REG	SHELL JOHN J SR	7/1/2021	RENEE AUSTIN	7/9/2021	206.42	206.42	0.00	0.00

Subtotal**602.41****0.00****TAX DISTRICT: BURKE COUNTY RELEASE REASON: Update Description**

0000052520-2021-2021-0000-00-REG	CARTER, KEVIN LEE	7/1/2021	AMANDA CONLEY	7/15/2021	447.08	86.84	360.24	0.00
Subtotal						86.84	0.00	
Total						24,088.71	8,889.52	
Net Release Amount						15,199.19		

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NCVTS PENDING REFUND REPORT OVER \$100
DESC VTS: JULY 2021

Payee Name	Primary Owner	Address 1	Address 3	Refund Type	Bill #	Refund Description	Tax Jurisd.	Levy Type	Change	Interest Change	Total Change
CATAWBA COUNTY TAX OFFICE	SHORE, TYLER DEAN	PO BOX 368	NEWTON, NC 28658	Adjustment >= \$100	0062141668	[AS0168] - Refund Generated due to adjustment on abstract # : 0062141668-2021-2021-0000 RMV	01	Tax	(\$69.57)	\$0.00	(\$69.57)
							57	Tax	(\$57.06)	\$0.00	(\$57.06)
							57	Vehicle Fee	(\$20.00)	\$0.00	(\$20.00)
										Refund	\$146.63
FORBES, LYLE EVERETT	FORBES, LYLE EVERETT	103 NORTHWOOD CT	MORGANTON, NC 28655	Adjustment >= \$100	0024447347	Refund Generated due to adjustment on Bill #0024447347-2020-2020-0000-00	01	Tax	(\$90.35)	\$0.00	(\$90.35)
							57	Tax	(\$74.10)	\$0.00	(\$74.10)
							57	Vehicle Fee	\$0.00	\$0.00	\$0.00
										Refund	\$164.45
										Refund Total	\$311.08

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

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

TAX DEPT. - COLLECTIONS ANNUAL SETTLEMENT REPORT FOR 2020/2021

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.

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- Section 7 – Additional Revenues Collected
- Sections 8 thru 11 – Delinquent Taxpayers List
- Section 12 – Enforced Collection Activity

The following represents a summary tax system report:

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)	<u>\$ 813,824.99</u>	
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	<u>\$45,744,689.52</u>
Total	\$48,931,409.74

SECTION 2 – Vehicle Tax – County Only

(From NCVTS Distribution Report)

• VTS Interest	\$ 25,849.75
• VTS Tax	<u>\$ 5,567,806.77</u>
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

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- 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 (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 IList	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:

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• 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

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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: A complete list of delinquent taxes was included in the agenda packet.

Motion: To accept the Tax Collection Settlement Report for 2020/2021 as presented.

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

TAX DEPT. - ORDER TO COLLECT 2021 TAXES

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 | <u>\$ 218,143.82</u> |
| • 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.

Motion: Order the Tax Administrator to collect the current and prior years' delinquent taxes on real and personal property. Further, authorize the Chairman to execute the Order on behalf of the Board.

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

The order to collect the current and prior years delinquent taxes on real and personal property 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 Statutes 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.

WITNESS my hand and official seal, this the 17th day of August 2021.

/s/: Scott Mulwee
Scott Mulwee, Vice Chairman
Burke Co. Board of Commissioners

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Attest:

/s/: Kay Honeycutt Draughn

Kay Honeycutt Draughn, CMC, NCMCC

Clerk to the Board

TAX DEPT. - TAX FORECLOSURE REPORT PROGRESS THROUGH JUNE 2021

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 (NCGS105-369).

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 Asheville 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

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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
# Forebearance/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 identified as needing 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
Forebearance 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				
<i>* Please note that the Burke Mountain Southeast parcels are only indicated as ONE parcel in the above numbers.</i>					

Motion: To accept the Tax Foreclosure Report through June 2021 as presented.

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

KIA - OWNERSHIP & MAINTENANCE AGREEMENT FOR VETERAN'S MEMORIAL

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

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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.

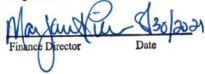
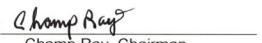
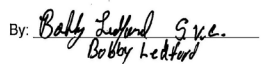
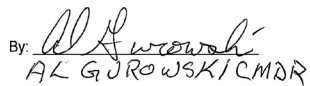
Motion: To approve the gift and transfer agreement between Burke County and the Killed In Action Memorial Committee and authorize the County Manager to execute the agreement on behalf of the Board.

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

The agreement reads as follows:

NORTH CAROLINA BURKE COUNTY GIFT AND TRANSFER AGREEMENT THIS AGREEMENT is made and entered into as of the <u>17</u> day of August, 2021 (the "Effective Date"), by and between BURKE COUNTY, a body politic and corporate of the State of North Carolina (the "County"); and BURKE COUNTY VETERANS KILLED IN ACTION MEMORIAL COMMITTEE, a North Carolina-based joint venture with an office and place of business as set forth in Section 9 below (the "Committee"), made up of AMERICAN LEGION POST 21 NC, a North Carolina nonprofit corporation, DISABLED AMERICAN VETERANS, INC. MORGANTON, CHAPTER #43, a North Carolina nonprofit corporation, VETERANS OF FOREIGN WARS TABLE ROCK-POST-5362-INC., a North Carolina nonprofit corporation, and VIETNAM VETERANS OF AMERICA CHAPTER #1116, INC., a North Carolina nonprofit corporation; WITNESSETH: WHEREAS, the 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 "Memorial"); and WHEREAS, the Memorial has now been designed, created and delivered, and is ready for installation; and WHEREAS, a suitable location has been agreed upon, on the grounds of the Old Burke County Courthouse, and footings have been poured, and electricity has been extended to the location; and WHEREAS, upon the installation of the Memorial, the Committee wishes to gift the Memorial to the County; and WHEREAS, the County desires to accept this gift, upon certain terms and conditions; NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the parties hereto agree as follows: 1. TRANSFER. The Committee hereby transfers, gifts, releases and remits the Monument to the County, upon the completion of installation and payment therefor, to become the sole property of the County in fee simple absolute. 2. ACCEPTANCE. The County hereby accepts this gift on behalf of the people of Burke County, upon the completion of installation and payment therefor.	3. MAINTENANCE. The County accepts responsibility for maintenance and repair of the Monument from moment of acceptance forward, including cleaning, lighting upkeep, and electricity cost. 4. DONATION. The Committee agrees to donate to the County any amount raised by the Committee in excess of the costs of the Monument and earmarked for maintenance, to help defray the costs that the County is undertaking. 5. REPRESENTATIONS AND WARRANTIES. The Committee hereby represents and warrants that: (a) The Committee is duly organized and existing. (b) The execution and delivery of this Agreement has been duly authorized by all necessary action, and is not in contravention of law nor in contravention of any certificate of authority, bylaws, or other applicable organizational documents of such party. (c) The Committee is solvent. 6. INDEMNIFICATION. The Committee agrees to indemnify and hold the County harmless from any and all claims, damages, costs and expenses, including attorneys fees, arising from any unknown or undisclosed bills incurred prior to the acceptance of the Monument. 7. NOTICES. All notices, requests, consents, claims, demands, waivers and other communications under this Agreement must be in writing and addressed to the other party at its address set forth below (or to such other address that the receiving party may designate from time to time in accordance with this section). All Notices must be delivered by personal delivery, nationally recognized overnight courier or certified or registered mail (in each case, return receipt requested, postage prepaid), or electronic mail. A Notice is effective only on receipt by the receiving party. Notice to the County: Burke County 200 Avery Avenue P.O. Box 219 Morganton, N.C. 28680 Attention: County Manager Notice to the Committee: Burke County Veterans Killed In Action Memorial Committee Gary Jennings, Treasurer 101 Heritage Lane Morganton, N.C. 28655 8. BINDING EFFECT. This Agreement is binding upon the parties hereto and their respective successors and assigns.
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August 17, 2021 (Regular)

9. RELATIONSHIP. The execution of this Agreement, and the performance of any act pursuant to the terms and conditions hereof, shall not be deemed or construed to have the effect of creating between the parties the relationship of principal and agent, or partnership or of joint venture, and the relationship between them shall be that of County and donor only. The parties acknowledge that the protection of the Memorial may require the consultation of the parties hereto, or consultation with other local veterans groups in the future. 10. INFORMALITIES. Informalities observed in the administration of this Agreement or the observance of its provisions on one date or occasion shall not be a waiver of the right of the parties to insist upon strict performance of this Agreement on any other date or any subsequent occasion. 11. MERGER. All prior representations, negotiations and agreements between the parties are hereto merged into this Agreement and this Agreement alone sets forth the full understanding of the parties. Any amendments to this Agreement shall be set forth in writing, shall refer to this Agreement and shall be signed by the parties. 12. CONTROLLING LAW. This Agreement shall be construed and enforced under the laws of the State of North Carolina. IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first above written. This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.  Margaret Pierce, Finance Director _____ Date BURKE COUNTY By:  Kenneth B. Steen, County Manager THE COMMITTEE: BURKE COUNTY VETERANS KILLED IN ACTION MEMORIAL COMMITTEE By:  Champ Ray, Chairman (Signatures Continued On Following Page)	AMERICAN LEGION POST 21 NC By:  George McIntosh, Adj. DISABLED AMERICAN VETERANS, INC. MORGANTON, CHAPTER #43 By:  Bobby Lefter VETERANS OF FOREIGN WARS TABLE ROCK-POST-5362-INC. By:  AL GJROWSKI, CMDR VIETNAM VETERANS OF AMERICA CHAPTER #1116, INC. By:  Gary Jennings, Treasurer
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ITEMS FOR DECISION – NONE.**REPORTS AND COMMENTS**

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

Margaret Pierce, Deputy County Manager / Finance Director, thanked the Board for recognizing Scott Black, IT Director, for his accomplishment.

J.R. Simpson, II, County Attorney, provided an update on the projects he has worked on since the Board's last meeting.

County Manager Steen showed pictures of the KIA monument, Commissioner Carswell, along with other NC Commissioners, receiving the Commissioners of the Year award from the North Carolina Association of County Commissioners (NCACC), and a picture of a dump truck similar to the one the Board authorized to be purchased for General Services.

August 17, 2021 (Regular)



Commissioner Carswell – fourth from the left.

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August 17, 2021 (Regular)



Commissioner Taylor expressed his appreciation for the well wishes he received when he was in the hospital.

Vice Chairman Mulwee, on behalf of the Board, said he is glad Commissioner Taylor is back and doing well. He said Commissioner Carswell, along with four (4) other county commissioners, received the M.H. "Jack" Brock Outstanding County Commissioner Award from the North Carolina Association of County Commissioners (NCACC) for their work on the Opioid 555 Committee, noting that Commissioner Carswell spends a lot of time at the state level behind the scenes. He requested that everyone please keep Commissioner Carswell's family in their thoughts and prayers. Vice Chairman Mulwee reported that the NCACC annual conference went well and he along with Chairman Brittain and Commissioner Abele were able to attend. He also reminded everyone to please not litter and if they see any litter, pick it up, adopt / foster a pet from the Animal Services Center, spay / neuter their pets, and to get a COVID-19 vaccine if they are able. He also reminded everyone that the Board will hold a recessed meeting on August 24 at 3:00 p.m. in the BOC Room. Vice Chairman Mulwee also wished County Manager Steen a happy birthday.

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

August 17, 2021 (Regular)

- Regional Aging Advisory Committee

Vice Chairman Mulwee encouraged interested citizens to consider joining a board or committee.

RESULT: NO ACTION TAKEN.

CLOSED SESSION

Vice Chairman Mulwee said a closed session is needed to prevent the disclosure of information that is privileged or confidential, 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)(1),(3),(4), (5) and (6).

Motion: To go into closed session.

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

Motion: To come out of closed session.

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

RETURN TO OPEN SESSION

APPROVAL OF CLOSED SESSION MEETING MINUTES

Vice Chairman Mulwee announced that a proper motion to come out of closed session was made and the following closed session meeting minutes were approved and sealed in accordance with NCGS 143-318.10 (e):

- February 21, 2017
- March 21, 2017
- May 30, 2017
- August 15, 2017
- September 5, 2017
- September 19, 2017
- October 17, 2017
- November 21, 2017

RECESS

Motion: To recess to August 24, 2021 at 3:00 p.m.

August 17, 2021 (Regular)

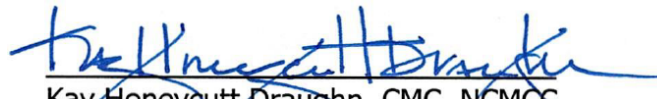
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Scott Mulwee, Wayne F. Abele, Sr. and Maynard M. Taylor
ABSENT:	Jeffrey C. Brittain and Johnnie W. Carswell

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