

August 24, 2021 (Recessed)

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

The Burke County Board of Commissioners held a recessed meeting on August 24, 2021 at 3:00 p.m. in the County Board Room, Burke Services Building, 110 N. Green Street in Morganton, N.C. The meeting was streamed live on the County's YouTube channel, BurkeCountyNC, and it was broadcast later on the local cable systems. The agenda, in its entirety, was posted to the County's website, www.burkenc.org, several days prior to the meeting as usual. Both Burke County and the state of North Carolina had previously declared a state of emergency which was ongoing as of August 24, 2021 due to the global COVID-19 pandemic. Those present were:

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

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

CALL TO ORDER

Vice Chairman Mulwee called the meeting to order at 3:00 p.m., noting that while Chairman Brittain was in attendance, he will be facilitating the meeting. Chairman Brittain underwent an extensive dental procedure earlier in the day.

Motion: To approve the agenda.

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

ITEMS FOR DECISION

Note: At its August 17, 2021 regular meeting and after holding the required public hearing, the Board tabled consideration of Zoning Map Amendment 2021-09 until August 24, 2021 at 3:00 p.m.

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2021-09

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.

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BACKGROUND AND SITE ANALYSIS

The applicant is requesting the rezoning to market the property for commercial use. The applicant has no proposed business use for the property at this time. 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

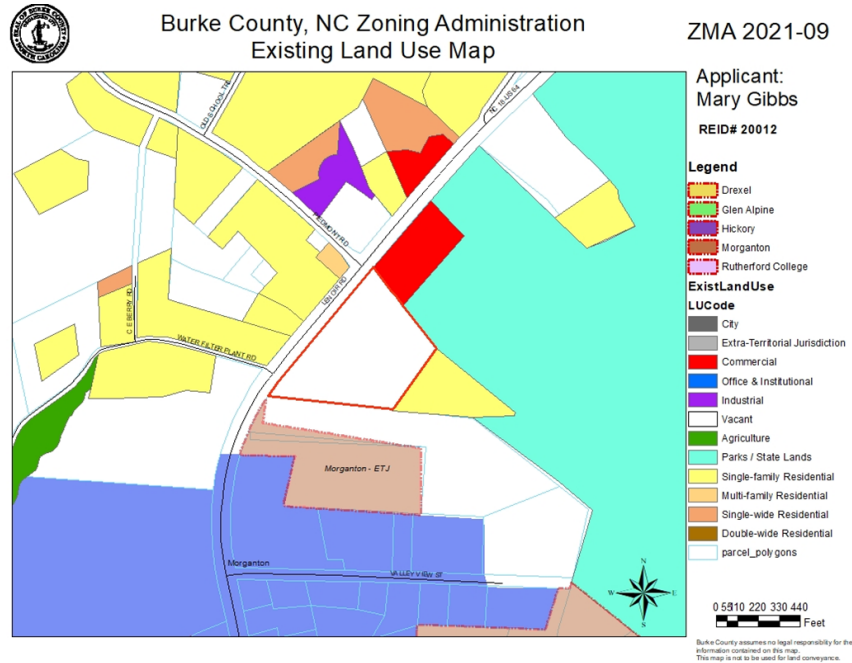
There is a mixture of county and municipal zoning in this area. The subject parcel is in close proximity to the City of Morganton's Extra-Territorial Jurisdiction (to the south). The Morganton zoning is the Low Intensity District (LID). This district is established primarily for single-family residential 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
West	R-2	Residences / Public School / Vacant

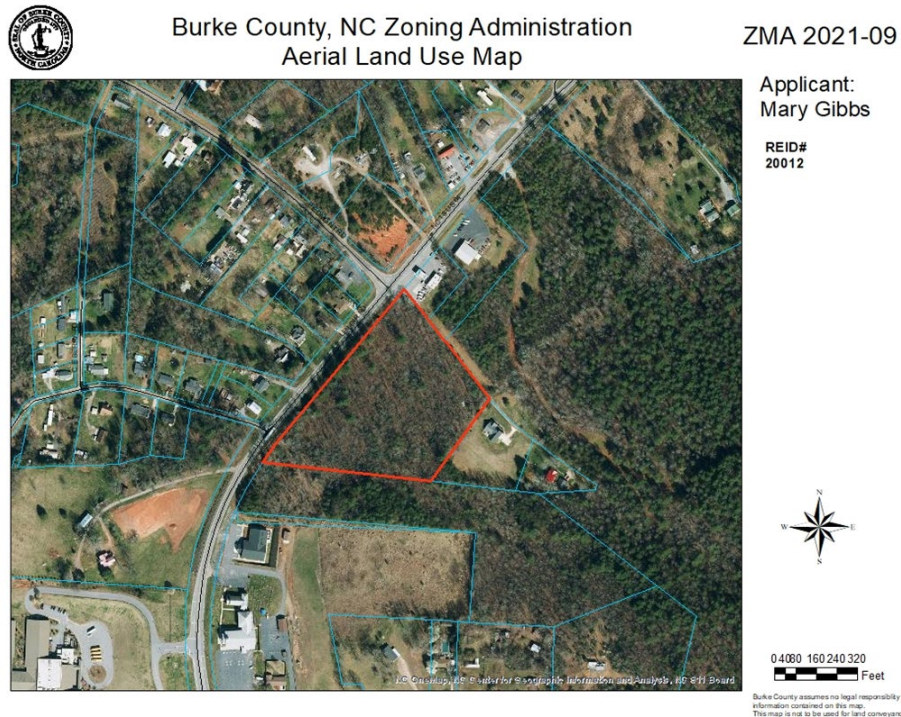
The Existing Land Use Table (above) and the Existing Land Use Map (Below) provide information concerning the existing uses within the surrounding area.

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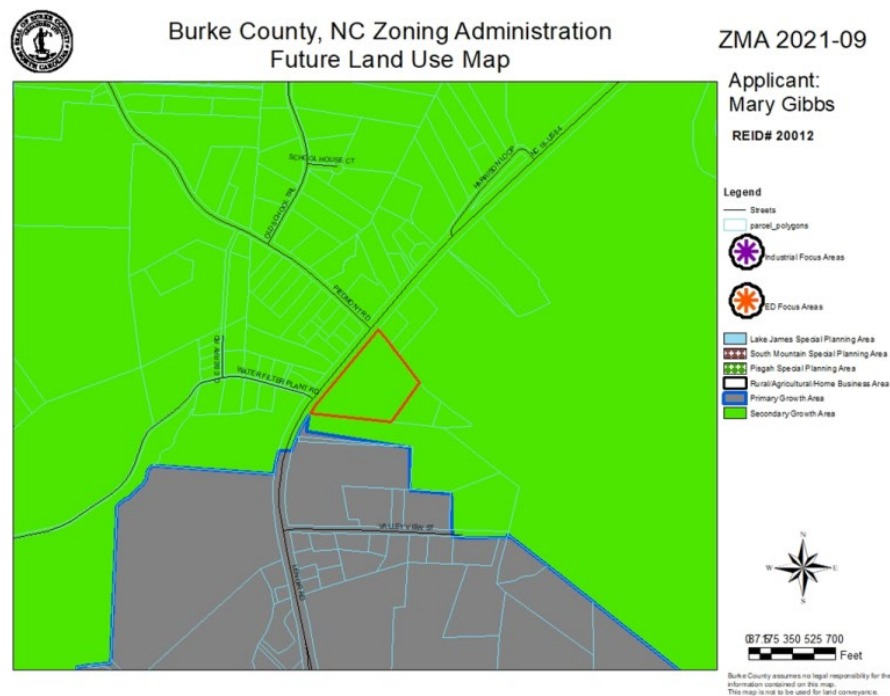
The Aerial Land Use Map (below) depicts several residences to the east, a vacant parcel (*subject parcel from last month's rezoning*), a church and multiple residences to the south (Morganton ETJ). There is a small unnamed subdivision and a Public School (Walter Johnson) to the west. To the north is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



CONFORMITY WITH THE COMPREHENSIVE PLAN

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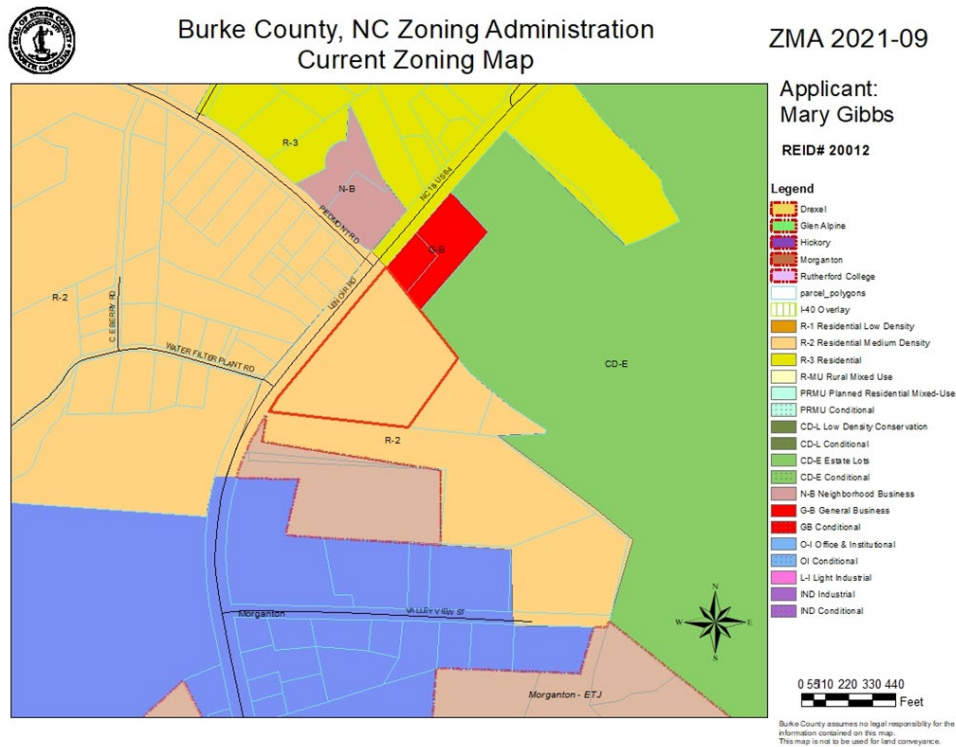
The current land use plan for Burke County is the 2016-2030 Blueprint Burke Strategic Land Use Plan. The subject parcel is located in the Secondary Growth Area (see map below). Secondary Growth Areas have many of the same attributes as Primary Growth Areas such as infrastructure, utilities, and transportation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



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 incorporated into the meeting minutes by reference.



STAFF COMMENTS

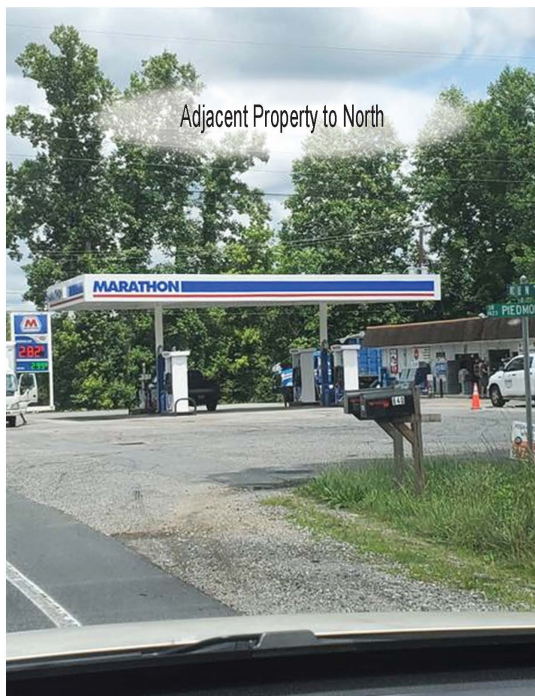
In staff's opinion, rezoning the 8.48-acre to the General Business zoning district would not change the overall character of the area. Staff can foresee the potential for additional commercial uses along this corridor in the future. Alternatively, if the property were developed as a residential subdivision,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

ADDITIONAL INFORMATION

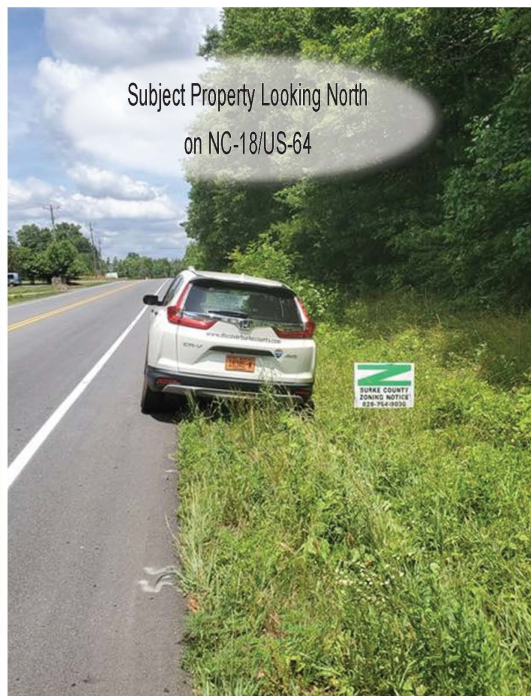
Please refer to the application, driving directions, photos, and map(s) for more information.

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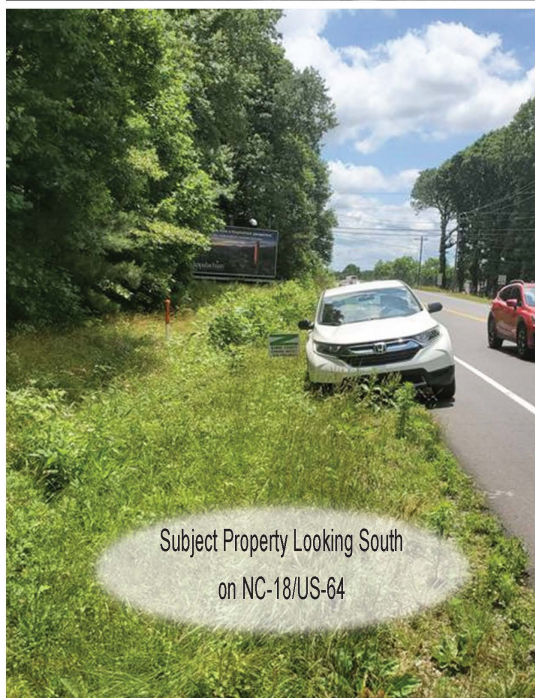
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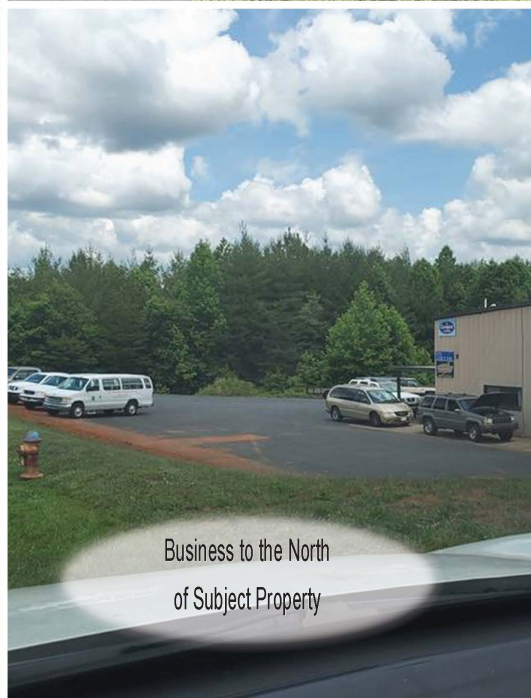
Adjacent Property to North



Subject Property Looking North
on NC-18/US-64



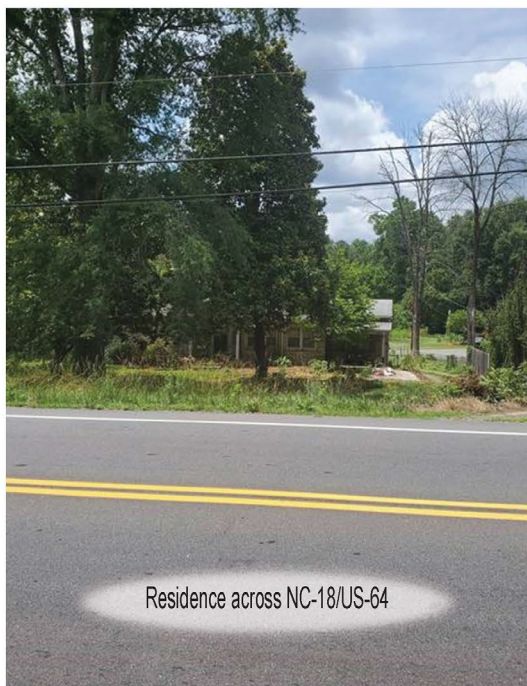
Subject Property Looking South
on NC-18/US-64



Business to the North
of Subject Property

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Residence across NC-18/US-64



Residence across NC-18/US-64



Residence across NC-18/US-64



Residence across NC-18/US-64

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

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

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- 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?

Opposition emails:

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.

Mr. Prisby further said after the August regular meeting, and at the request of Commissioner Taylor, Susan Lail, one of the property owners, provided him with right-of-way (ROW) documentation for their parcel as well as a survey that was completed which shows the road. Mr. Prisby discussed ROW for the surrounding area and noted the family that raised concerns about access to their property would have permanent access, but there is a question of if they would have a right of access to use the existing driveway that comes onto the Gibbs parcel. He said he spoke with both parties regarding the ROW issue and the applicant is looking into the situation with their attorney to see how they can sort everything out. Mr. Prisby noted the applicant would not be able to remove or block the existing road and the family who raised concerns about ROW would functionally have access, but it would be beneficial to have it documented legally. Mr. Prisby reminded the Board that the County is no longer able to do conditional rezonings due to NCGS 160D.

Commissioner Taylor asked what is the difference between a ROW easement and a deed of easement and which one has more weight behind it. J.R. Simpson, II, County Attorney said an easement is the right of one landholder to have some use of the land of another. A ROW is a subset of an easement to allow the crossing over of another's property at a certain point. He continued, the technical difference between the two is if the grantor expects some kind of obligation from the other party. A deed of easement, Attorney Simpson said, would state that a party has the right to travel on a property, an easement agreement would state someone has the right to travel on a property, but they have to help maintain the road or other obligations. After additional comments from Commissioner Taylor, he expressed support for approving the rezoning.

Motion: To adopt an Ordinance (No. 2021-16) amending the Burke County Zoning Map as it relates to ZMA 2021-09 and the following consistency statement:

Consistency Statement: Rezoning the 8.48-acre property from Residential Two (R-2) to the General Business (G-B) District would be appropriate because, the property fronts on US Highway Route where new commercial development would be expected. Another commercial development at this location could support of the existing residential development within this area.

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

Ord No. 2021-16 reads as follows:

Burke County
North Carolina

An Ordinance Amending the Official Burke County Zoning Map
ZMA 2021-09

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

An 8.48-acre parcel of land corresponding to REID# **20012** is hereby re-zoned **from** the Residential Two (R-2) Zoning District **to** the General Business (G-B) District.

Adopted this 24th day of August 2021.

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

Attest:

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

FINANCE - ARPA GRANT PROJECT(S) DISCUSSION & ADOPTION OF PROJECT ORDINANCE

Margaret Pierce, Deputy Co. Manager/Finance Director, presented the following information:

Burke County's portion of the ARPA (American Rescue Plan Act) is \$17,575,650 and the first tranche in the amount of \$8,787,825 was received. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of

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- their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

The following project ordinance appropriates \$11,575,650 for public health projects in category 1 and \$6,000,000 for water / sewer projects in category 5. I

She stated this is just a starting point and the suggested projects are ones that they are certain will be eligible under the ARP Act. She requested input from the Commissioners on other possible projects so staff can start the evaluation eligibility process. She also requested adoption of the draft project ordinance.

The proposed projects were as follows:

Category 1 (public health):

- HVAC improvements and replacements including controls upgrades and cleaning of ductwork in all buildings \$1,500,000
- Hands free water coolers \$30,000
- EMS equipment upgrades \$700,000
- Additional AED units in County buildings \$63,000
- Whole body security scanner for Jail \$150,000
- Temperature scanner for Jail \$20,000
- Surveillance Equipment \$30,000
- Jail parking lot fence in staff area \$35,000
- Throwbot-SWAT equipment \$17,000
- Building renovations at Health Dept \$3,000,000
- Health Dept equipment upgrades \$200,000
- Time limited position to manage reporting, oversee projects from bidding to completion, total cost for up to 5 years \$275,000
- Specific deep cleanings for County buildings \$200,000

Category 2:

- Funding to outside agencies or directly to citizens has numerous limitations and stipulations. No funding is recommended at this time; however, staff will continue reviewing the guidelines for options.

Category 3:

- The County does not qualify for this area based on the formula provided.

Category 4:

- Funding is only eligible for the specific situations and requires extensive record keeping. No funding is recommended at this time; however, staff will continue reviewing the guidelines for options.

Category 5 (water / sewer):

- Line replacements in multiple areas \$1,250,000
- Pump station improvements/increase capacity \$4,000,000

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- SCADA alarm and monitoring system upgrade \$100,000
- Water and sewer line cleaning \$250,000

Vice Chairman Mulwee opened the floor for questions and comments from the Board.

Chairman Brittain expressed concern that most of the money has been appropriated into sections 1 and 5, (public health and water / sewer), noting it may be too early to put all the money into those sections due to other projects the Board may want to pursue. Ms. Pierce said: (1) this is a 6-year project, with three (3) years to spend / obligate the funds, and three (3) years to complete the projects; (2) changes to the grant ordinance are anticipated; (3) the draft ordinance is just a starting point in the initial process; (4) input from the Commissioners on potential projects is needed; (5) the rules for ARP funds have not been finalized; (6) currently, broadband infrastructure improvements (Category 5) are not eligible because of conflicts with North Carolina laws; (7) if pending authorizing legislation is approved by the Legislature, then broadband improvements will be reconsidered; and (8) funding for categories 2 and 4 could be added to the ordinance today or later when the specific projects are known. Chairman Brittain said his preference to allot funds in categories 2 and 4 is due to the potential negative message it sends to County's community partners. He suggested adding a million dollars to each of those categories. Discussion continued and Ms. Pierce commented on the need to upgrade water / sewer pump stations with each one taking a year or more to complete. However, the process cannot begin until a grant ordinance is adopted.

Commissioner Taylor stated: 1) regarding behavioral health, the Board will not know how much ARP money Partners Behavioral Health is getting until they get further into the program; 2) there needs to be a fair, easy to understand formula for fund distribution to ensure fairness; 3) money was promised for broadband expansion and the Board needs to be flexible with the ARP funds in case the promised money is not delivered; 4) the Board does not just serve government employees, they serve the entire citizenship of Burke County and if they are not careful, they will be accused of not being fair and equitable to everyone; 5) his recommendation is to keep the ARP funding / budget flexible and reserve the right to move budget items if the government supplements some of the categories; 6) some of these items do not directly help the citizens of Burke County; 7) a work session on this topic would have been beneficial prior to this meeting; and 8) biannual work sessions on the ARP projects would be beneficial.

Commissioner Taylor asked at what point will the County receive the rest of the ARP funding and would it be better to budget the \$17 million over several budget years. Ms. Pierce responded the entire amount needs to be budgeted regardless of when they get funded, noting that for most grants, the money is received at the end of the grant, but this time, the County received half of the funding upfront, and the other half will come by June 2022.

Ms. Pierce further commented that: 1) they were told the funds needed to be budgeted in addition to having a grant project ordinance adopted before moving forward; 2) based on the county's revenues as a whole, the county is not eligible for the category 3 lost revenue funds; 3) behavioral health services and broadband infrastructure funding will be revisited when the final rules are published and/or when pending legislation is approved; 4) staff receives periodic updates on rule changes / rule modifications via webinars; 5) there is not an organization that will tell them specifically whether a proposed project is or is not eligible; 6) staff is working hard to determine the eligibility of submitted projects while utilizing evolving rules; 7) projects that

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improve drinking water, improve the quality of existing waterlines or eliminate wastewater spills are eligible projects, however, fire hydrant replacement is not eligible; 8) concerning category 2, mitigating negative economic impacts, there is a significant amount of reporting required and very limited qualifications on these funds; 9) the costs for the health department projects are best guesses; and, 10) and any contracts over \$90,000 require Board approval anyway.

Commissioner Taylor reiterated the importance of staying flexible, recommended the Board be kept informed regularly as this project proceeds and requested that the Board be provided a quarterly expense report. Regarding reporting requirements, Ms. Pierce said they (Finance and Human Resources) are requesting a time limited position to assist with the extensive ARP and OSHA reporting requirements.

Commissioner Abele said the majority of calls he has received over the last 20 years have been regarding fresh water and investing in water / sewer infrastructure is the most important project / category to him which also ties into the public health category. Ms. Pierce responded that the General Services Director sent her a revised list of projects to review and after they have been vetted, if eligible, they will come to the Board for approval due to cost. Commissioner Abele said he does not see how a county can be proud of themselves when their citizens have subpar water. Commissioner Taylor concurred with Commissioner Abele and said for years he has requested a formula / process to help get citizens on the County's water system. A short discussion ensued on the number of customers added to the water system with the completion of the Hwy. 18 South CDBG project.

Chairman Brittain said based on what he is hearing from the Board, they would like to know how the ARP monies are to be spent before it is spent and asked what needs to be included in the project ordinance to ensure the Board is kept apprised as the project proceeds. Discussion continued and Ms. Pierce advised that a quarterly report will be provided as stipulated in the draft ordinance. In response to a question from Chairman Brittain, J.R. Simpson, II, County Attorney, said they could include a provision that states that before actual funds are spent or any contracts are entered into that it will come back before the Board. Commissioner Taylor asked if the Board approves the project ordinance as written, is everything set in stone and cannot be changed. Ms. Pierce said no, changes can be made at any meeting. Vice Chairman Mulwee expressed support for approving the projects before the funding is spent.

In response to a question from Commissioner Carswell, Ms. Pierce said they would like to begin procuring bids to bring to the Board because contractors will be busy, and the County has an advantage because the municipalities will not receive their funding for another month. She said they would like to begin now so the County can be at the front of the line with contractors, especially for HVAC and water / sewer projects. Ms. Pierce responded to several questions from Commissioner Carswell regarding the eligibility of ARP projects such as: money for business assistance, upgrading communication systems in county buildings, grants to volunteer fire departments, new ambulances, etc. (All of these projects were ineligible.) Ms. Pierce then reviewed several items on EMS's equipment wish list that are eligible and noted that much of their equipment is outdated and could be replaced with the ARP funding over a 3-year period. She then addressed the reporting and eligibility requirements for nonprofits for services and recipients. Chairman Brittain, regarding nonprofits, asked if ARP funds could be used to assist them because they have lost fundraising income due to the COVID-19 pandemic. Ms. Pierce said no, the County can only contract with nonprofits / businesses for services the County would normally provide. Ms. Pierce further noted that additional funding outside of the ARP

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funds will be coming to DSS, Health, and Senior Services. Commissioner Carswell asked if funds can be provided to General Services for equipment. Ms. Pierce said no, but the funds can be used for ventilation, cleaning ductwork, and certain HVAC projects. Following further discussion, Commissioner Taylor said he would like to see an explanation for each suggested project. Ms. Pierce clarified that the items on the list are just ideas at this point. Discussion continued during which Ms. Pierce provided a proposed amendment to Section 4 of the draft ordinance. Discussion continued. Commissioner Carswell said the Governor announced that they will spend state funds to partner with counties for projects counties would like to undertake and asked if Ms. Pierce has heard from the Governor's Office. Ms. Pierce said nothing specific, only that they are not releasing any guidelines yet, and noted that could be one of the things the County wants to explore when more details are provided. Commissioner Carswell said he wants to make sure Burke County gets its share of the matching funds in the State's budget which also includes \$10 million dollars to the North Carolina Association of County Commissioners to help all 100 counties with the ARP process. He asked that these possibilities be explored and expressed support for water / sewer projects.

Discussion continued. Vice Chairman Mulwee said the County needs to wait until the building assessment project is completed before funds are committed for building improvements. Ms. Pierce advised that the building assessment will be completed in the spring and that is why the items on the lists are only ideas.

Commissioner Carswell asked if there is anything the County must do to assist the municipalities in this process. Ms. Pierce said no, and noted she is glad to assist in helping to determine if certain projects are eligible for ARP funding, but the County cannot provide them anything other than opinions. Discussion continued on the ARP process for municipalities, which is different than the county's process and what their plans may be.

Vice Chairman Mulwee asked if a new EMS station would be eligible under the ARP funds. Ms. Pierce said she does not see where it is eligible and noted that the only buildings specifically mentioned are healthcare facilities and renovations / improvements to them. Discussion continued and Ms. Pierce noted funds cannot be spent on permanent courthouse structures, but temporary structures may be allowed to reduce backlogs. Vice Chairman Mulwee asked if ARP funds can be spent on affordable housing. Ms. Pierce said yes and there are specific restrictions and guidelines. However, the County cannot build houses, but it can assist with getting community partners, like the County's relationship with BDI for economic development. Ms. Pierce then responded to an additional question from Vice Chairman Mulwee concerning the use of ARP funds to complete the second phase of the Community College's Trades building. Ms. Pierce said she would look into it.

County Manager Steen said the County is at the beginning of this process and he wonders as time goes on, if the rules will evolve because no one can foresee what may happen in the future. He said these initial projects are eligible for ARP funding and are needed. As time goes on, they will make changes that are desired by the Board and to the benefit of Burke County citizens. He said at this point, there is nothing set in stone and like the CARES Act funding, the rules will probably change. Ms. Pierce advised that if the grant project ordinance is approved, then she will return with quotes and hard facts for some of the items on the list. Commissioner Taylor express support for having flexibility when it is advantageous to the citizens. Discussion continued.

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Commissioner Carswell requested that the Board be provided with small ARP reports every two (2) weeks so the Board can answer questions and quell rumors. Ms. Pierce said she would send the FAQ (Frequently Asked Questions) document to the Board and that she did not want to overload the Commissioners with too much information.

Clerk Draughn distributed an amended ordinance based on the discussion and revisions desired by the Board. Ms. Pierce stated her intent to come back later with hard data for some of the projects/purchases for EMS, etc., if the grant project ordinance is approved.

Motion: To adopt Ord. No. 2021-18 as amended.

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

Ord. No. 2021-18 reads as follows:

Burke County
North Carolina

Grant Project Ordinance
Burke County Coronavirus State and Local Fiscal Recovery Funds

BE IT ORDAINED by the Commissioners of Burke County, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF). The County has received the first tranche in the amount of \$8,787,825 of CSLRF funds. The total allocation is \$17,575,650, with the remainder to be distributed to the County within 12 months. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

August 24, 2021 (Recessed)

Section 2: The following amounts are appropriated for the project and authorized for expenditure:

Public health projects – cat. 1	\$ 9,575,650
Address negative economic impact - cat. 2	\$ 1,000,000
Premium pay for essential workers - cat. 4	\$ 1,000,000
Water / sewer projects – cat. 5	\$ 6,000,000

Section 3: The following revenues are anticipated to be available to complete the project:

CSLRF Funds	\$17,575,650
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Section 4: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements. Prior approval by the Board of Commissioners is required for all expenditures and before contracts are entered into.

Section 5: The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

Section 6: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to the Board.

Section 7: This grant project ordinance expires on December 31, 2026, or when all the CSLRF funds have been obligated and expended by the County, whichever occurs sooner.

Adopted this 24th day of August 2021.

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

Attest:

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

CLOSED SESSION

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

Motion: To go into closed session.

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

August 24, 2021 (Recessed)

Motion: To come out of closed session.

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

RETURN TO OPEN SESSION

Vice Chairman Mulwee said a proper motion to come out of closed session was made.

PURCHASE OF REAL PROPERTY

Vice Chairman Mulwee called for a motion.

Motion: To approve the purchase of real property (REID#'s 38040 and 38041) located on Kirksey Drive and appropriate up to \$45,000 of General Fund, Fund Balance for property acquisition (\$35,000) and soil testing (\$10,000). Further, authorize the Chairman or County Manager to execute the purchase agreement on behalf of the Board.

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

ADJOURN

Motion: To adjourn at 4:42 p.m.

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

Approved this 19th day of October 2021.


 Jeffrey C. Brittain, Chairman
 Burke County Board of Commissioners

Attest:


 Kay Honeycutt Draughn, CMC, NCMCC
 Clerk to the Board