

October 19, 2021 (Regular)

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

The Burke County Board of Commissioners held a regular meeting on October 19, 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 October 19, 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

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

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

Chairman Brittain called for a motion to approve the agenda with the addition of Presentation Item No. 5, Introduction of the New Planning Director and Decision Item No. 2, Letters Opposing House Bill 865.

Motion: To approve the agenda as amended: Added Presentation Item No. 5, Introduction of the New Planning Director and Decision Item No. 2, Letters Opposing House Bill 865.

RESULT:	APPROVED [4 TO 0]
MOVER:	Wayne F. Abele, Sr., Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr. and Johnnie W. Carswell
AWAY:	Maynard M. Taylor

Note: Commissioner Taylor stepped away to address an electronic technical difficulty.

APPROVAL OF MEETING MINUTES

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Motion: To approve the minutes of the August 3, 2021 (pre-agenda), August 17, 2021 (regular), and August 24, 2021 (recessed) meetings as written.

RESULT: ACCEPTED [4 TO 0]

MOVER: Scott Mulwee, Vice Chairman

AYES: Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr. and Johnnie W. Carswell

AWAY: Maynard M. Taylor

Note: Commissioner Taylor stepped away to address an electronic technical difficulty.

PRESENTATIONS

AS - PET OF THE MONTH

Kaitlin Settlemyre, Animal Services Director, presented Spooky, a cat, and Meatball, a dog, who are in need of their “forever” homes. She then promoted Animal Service’s Halloween adoption event and encouraged anyone who is interested to consider adopting or fostering a pet.

Ms. Settlemyre then reviewed the circumstances regarding a recent animal abuse case where Animal Enforcement personnel seized two (2) neglected horses from a farm in Valdese. She generally reviewed the case history, timeline, efforts to bring the owner into compliance with the animal ordinance and the numerous health concerns / prognosis of each seized horse.



Photo credits:
Burke Co. Animal Services
Morganton News Herald



Chairman Brittain opened the floor for questions and comments from the Board. Vice Chairman Mulwee asked if interested citizens can donate to the care of the horses. Ms. Settlemyre said they can and noted the J. Iverson Riddle Development Center is hosting the horses. Commissioner Taylor asked is consideration given to individuals who re-home animals who may have been given an unhealthy animal, and if she knows who those individuals are. Ms.

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Settlemyre said they do have those discussions with people and in those situations, they inform Animal Services. Regarding the seized horses, she said they were in the care of this individual for 30 to 60 plus days, or longer, and they never received veterinary care. In response to a question from County Manager Steen, Ms. Settlemyre noted that before the decision was made to euthanize, two (2) veterinarians examined the horse, and both recommended euthanasia as the kindest option.

Chairman Brittain expressed appreciation for the presentations and the report.

RESULT: NO ACTION TAKEN.

UW - PROCLAMATION DECLARING NOV. 30 AS "1 BURKE GIVES" DAY IN BURKE COUNTY

Alan Wood, with the Burke County United Way, said this is the second annual "1BurkeGives" Day and last year they raised over \$50,000 in online donations. He said this event is open to any nonprofit that wants to participate at no charge, the United Way covers the costs and they hope to exceed the amount raised last year by at least 10 percent.

Motion: To adopt proclamation No. 2021-07.

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

Proc. No. 2021-07 reads as follows:

Proclamation
Burke County, NC Nonprofit Day
(a.k.a. 1BurkeGives)

Whereas, charitable nonprofit organizations throughout Burke County save taxpayers thousands of dollars through their services and contribute significantly to the high quality of life for all citizens; and

Whereas, these organizations are committed to serving the educational, cultural, civic, health, religious, human and animal services, recreational, philanthropic, environmental, and other diverse needs of Burke County; and

Whereas, the staff and volunteers of all Burke County nonprofit organizations are dedicated to upholding the highest standards of community service, donating their time and effort to making a difference in the lives of others; and

Whereas, Tuesday, November 30, 2021, observance of "Burke County, NC Nonprofit Day" (a.k.a. 1BurkeGives) provides a unique opportunity for the citizens of Burke County to join together in appreciation and support of the many contributions made by nonprofit organizations to our continued wellbeing while boosting awareness for continued growth.

Now, therefore, on behalf of the Board, I, Jeffrey C. Brittain, Chairman of the Burke County Board of Commissioners, do hereby proclaim Tuesday, November 30, 2021, as Burke County,

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NC Nonprofit Day (a.k.a. 1BurkeGives) and encourage all citizens to recognize the positive impact nonprofit organizations have on the quality of life of the citizens of Burke County.

Adopted this 19th day of October 2021.

/s/: Jeffrey C. Brittain

Jeffrey C. Brittain, Chairman

Burke Co. Board of Commissioners

TMPM - NATIONAL HUNGER & HOMELESSNESS AWARENESS WEEK

Suzie Fitzgerald, TMPM (The Meeting Place Mission), promoted "1BurkeGives" Day and noted that their organization benefited from this event last year. She then noted that November 13-21, 2021 will be National Hunger and Homelessness Awareness Week in Burke County.

Chairman Brittain opened the floor for questions and comments from the Board. Vice Chairman Mulwee commended TMPM for their work. Regarding housing placement, Ms. Fitzgerald said they placed more than 35 families in homes this year and for the past four (4) years, 98% of their clients have stayed in their homes. Ms. Fitzgerald then introduced Katy Fox, Vice Chair of TMPM, who was also in attendance.

Commissioner Taylor asked Ms. Fitzgerald to provide contact information for TMPM for donation purposes.

Motion: To adopt Proclamation No. 2021-08.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Wayne F. Abele, Sr., Commissioner

AYES: Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

Proc. No. 2021-08 as follows:

A PROCLAMATION DECLARING NOVEMBER 13-21, 2021 AS NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK IN BURKE COUNTY, NORTH CAROLINA

WHEREAS, for over 27 years the National Coalition for the Homeless and National Student Campaign Against Hunger and Homelessness have sponsored National Hunger and Homelessness Awareness Week; and

WHEREAS, the purpose of the proclamation is to educate the public about the many reasons people are hungry and homeless including the shortage of affordable housing in Burke County for very low-income residents; and to encourage support for homeless assistance service providers as well as community service opportunities for students and school service organizations; and

WHEREAS, there are many organizations committed to sheltering and providing supportive services as well as meals and food supplies to people experiencing homelessness including: The Meeting Place Mission, Burke United Christian Ministries, Partners Behavioral Health Management, The Outreach Center, Burke County United Way, The House of Refuge, Options,

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Inc., North Carolina Vocational Rehabilitation, Burke Recovery, Veteran's representatives and many more community partners; and

WHEREAS, the County Commissioners recognize that hunger and homelessness continues to be a serious problem for many individuals and families in Burke County.

NOW, THEREFORE BE IT PROCLAIMED that the Burke County Board of Commissioners hereby proclaims November 13-21, 2021 as National Hunger and Homelessness Awareness Week.

BE IT FURTHER PROCLAIMED that the County Commissioners of Burke County encourage all citizens to recognize that many people do not have housing and need support from citizens, and private/public nonprofit service entities.

Adopted the 19th day of October 2021.

/s/ Jeffrey C. Brittain

Jeffrey C. Brittain, Chairman

Burke Co. Board of Commissioners

BOC - RECOGNITION OF TAX ADMINISTRATOR

Chairman Brittain reported Danny Isenhour received the Tax Collector of the Year Award from the NC Tax Collectors' Association for his outstanding work in Burke County. He was nominated by the Tax Office employees, which Chairman Brittain said, speaks highly of Mr. Isenhour's leadership. Honorees of this award are selected on the basis of individual leadership in county or municipal government, as evidenced by outstanding performance of duties and responsibility of office and performance of services of value to other counties or municipalities of the state. The award was presented at the Association's recent conference in Cary, N.C. Chairman Brittain congratulated Mr. Isenhour and then took a commemorative photo with him.



Danny Isenhour & 2021 NCTCA
President, Allison Snell



Chairman Brittain and Danny Isenhour

RESULT: NO ACTION TAKEN.

CM - INTRODUCTION OF NEW PLANNING DIRECTOR

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County Manager Steen introduced Alan Glines as the new Planning Director, and said they shared with him that in Burke County, we dream big and expect results. He then invited Mr. Glines to say a few words of introduction.

Mr. Glines stated the following:

Thank you, Mr. Chairman, Members of the Commission and members of the public. I am thankful to join the team here in Burke County. I want to take a moment to thank Shane Prisby for the leadership he has provided to the department during the time after Mr. Carpenter retired. It is clear that the department has been keeping up with the workload and important projects continue. Shane and all of the staff have provided me with a warm welcome and important background. So, thank you all for that. I grew up on the west side of Charlotte, but I have many fond memories in Burke County with my family and friends camping and spending time outdoors. It is a pleasure to serve here in a formal capacity. I have been in the Planning field for about 26 years. I spent 21 years in Asheville. Some of that time was in the Parks and Recreation Department where I worked as a park planner and assistant landscape architect. I worked on small neighborhood parks and several large community parks and greenways. I will be here to help Shane with the Fonta Flora Trail, and the Recreation Department for projects if they need me as these efforts continue. I have also spent a number of years developing zoning codes and reviewing development plans. I was in Asheville when the second brewery submitted plans to operate. I realized then that we needed to have a code change to actually permit that use, to make a brewery a legal use in the downtown area. Well, you can see where things are now in Asheville with probably 10 or more breweries in the downtown area alone. Most recently I worked in Conover and we focused on supporting the expansion of manufacturing uses and encouraging additional housing in the community. Catawba County is doing quite well with landing additional manufacturing facilities. I hope there are opportunities for that here in Burke as well, to expand and re-shore needed manufacturing. As to the housing need, the Unifour region is well documented for having some of the oldest housing stock in the state and also a shortage of available housing. We need additional housing at all price points. Most of the available housing is on the market for days not weeks or months and housing prices are up. We need to look at what we can do to support housing. The results of the 2020 census show a loss of population in Burke County. Additional housing will support population stabilization here and starter homes could bring families to the area. This would raise up the next generation for our schools and more workers to support the manufacturing and other sectors of the economy. The work the County is doing to create a strong quality of life for residents and visitors focused on outdoor activities and placemaking is on target to meet the expectations of millennials. Millennials are the largest segment of the workforce now and they are in their prime years for having children. As I was preparing some thoughts for you today, it occurred to me that Planning is the intersection of opportunities, resources, insights, and dreams. Opportunities are the things that people aspire to do; resources are the inherent qualities and attributes in place in the community, insights are the trendlines that staff and community experience and recognize and dreams are the ideas and goals that the Commissioners and

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community want for their future. I look forward to working with you to plan for Burke County.

Chairman Brittain welcomed Mr. Glines to Burke County.

RESULT: NO ACTION TAKEN.

SCHEDULED PUBLIC HEARINGS

BDI - BUILDING REUSE GRANT FOR PROJECT T2 AND PUBLIC HEARING - 6:00 PM

Information from the agenda packet:

Burke Development Inc. requests support from the County for Project T2, a local company, through a Building Reuse grant. Project T2 will focus on building improvements to assist with their growth. A grant application for up to \$500,000 is being submitted. Burke County will provide the 5 percent match of up to \$25,000. Project T2 will create 30 new jobs which will meet or exceed the average county wage as well as include healthcare benefits. A grant administration contract with the WPCOG (Western Piedmont Council of Governments) is necessary if a grant award is received.

Budgetary Effect: The County's local match, up to \$25,000, was not included in the FY 2021-22 budget. The local match funds would need to be appropriated.

Alan Wood, BDI President & CEO, said this is a Building Reuse grant for an existing industry that is relocating into a different facility in Burke County and the company will create at least 30 new jobs. Mr. Wood said BDI asked the State for \$500,000, the maximum grant amount, but they are uncertain as to how much they will grant per job. Although the maximum match could be up to \$25,000, it is likely to be less than that. He further stated that the new location is in the unincorporated area of Burke County which is why the grant match is solely coming from the County. Mr. Wood said this is a good company and that he has been working with them for six (6) years on trying to find a suitable location.

At 6:30 p.m., Chairman Brittain opened the public hearing. The Public Hearing Notice was published in the News Herald on October 4, 2021. Further, it was posted to the county's website, www.burkenc.org on October 7, 2021. There was no one to address the Board; therefore, Chairman Brittain closed the public hearing.

Motion: To adopt Res. No. 2021-14. To approve a grant administration contract with the WPCOG, pending a Building Reuse grant award for Project T2. To approve a General Fund, Fund Balance appropriation of up to \$25,000 for an economic development incentive for Project T2 for the local grant match, pending notification of a Building Reuse Grant award. To approve the related agreement for a Building Reuse Grant and authorize the Chairman to execute it on behalf of the Board, subject to a grant award.

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

Res. No. 2021-14 reads as follows:

Burke County, North Carolina
 Authorizing Resolution
 Rural Economic Development Division
 North Carolina Department of Commerce
 Building Reuse Program
 2021 Project T2 Building Reuse Application

WHEREAS, the North Carolina General Assembly authorized in 2013 funds to the North Carolina Department of Commerce Rural Economic Development Division to stimulate economic development and job creation. A portion of the funding authorized the making of grants to aid eligible units of government to stimulate the creation of jobs through the expansion and renovation of buildings that will spur economic activity; and

WHEREAS, Burke County desires to assist through grant funding the economic renovation of an existing building located in the county to assist Project T2 with an expansion; and

WHEREAS, Burke County intends to request grant assistance from the NC Department of Commerce, Rural Economic Development Division, Building Reuse Program for the renovation of the facility:

NOW THEREFORE BE IT RESOLVED, BY THE BURKE COUNTY COMMISSIONERS:

That Burke County will provide the minimum 5 percent match (\$25,000) for an estimated \$500,000 grant request, if approved for a grant.

That Kenneth B. Steen, County Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of Burke County with the NC Department of Commerce, Rural Economic Development Division for a grant to assist in the pre-development of the project described above.

That Kenneth B. Steen, County Manager, and successors so titled, is hereby authorized and directed to furnish such information as the NC Department of Commerce, Rural Economic Development Division may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Burke County has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this 19th day of October 2021.

/s/: Jeffrey C. Brittain

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

COM. DEV. - RESOLUTIONS TO WITHDRAW PARTF & STBG-DA GRANTS & PUBLIC HEARING - 6:00 P.M.

Information from the agenda packet for reference:

The Community Development Department is proposing the dissolution of the Fonta Flora Trail - N. Powerhouse Road and Cobb Avenue project and the withdrawal from both the Parks and Recreation Trust Fund (PARTF) and Surface Transportation Block Grant - Direct Attributable (STBG-DA) grants associated with the project.

The North Powerhouse Rd/Cobb Ave. project is to design and construct a multi-use side path along the roadside to connect the Fonta Flora Trail on the southeast side of Lake James. Burke County sought and was awarded a \$300,000 PARTF grant for right-of-way (ROW) acquisition along the corridor. The County then sought and was awarded a \$570,000 STBG-DA grant from the Western Piedmont Council of Governments for Preliminary Engineering (PE) and ROW. The County applied for the STBG-DA grant using the PARTF grant as the local match. The intent was that the grants would match each other, and no County funding would be used.

The STBG-DA grant is funded through the Federal Highway Administration and dictates the design parameters, as well as the process and order in which the project can proceed. The STBG-DA grant requires that the trail be built as a paved 10-foot-wide multi-use path. This is significantly larger for the 5-foot-wide natural surface sections of the rest of the Fonta Flora Trail at Lake James. The current construction estimate for the 10-foot-wide side path is around \$3.5 million, not including engineering or ROW acquisition costs. In addition to the cost, there would be a significant impact to the residents of the area given the amount of ROW needed to build a trail of this size and scope.

STBG-DA projects are slow moving and generally have long timelines that they operate under. The PARTF grant however has a 3-year timeline. Community Development realized that it would not be allowed to progress into the ROW phase for the STBG-DA grant in time to complete the PARTF grant, and subsequently sought and was granted a 1-year extension in January of 2020.

By October of 2020, it became clear that the two (2) grants were not going to be able to match each other with their different timetables and funding mechanisms. In order to meet the PARTF deadline, the projects would need to be run separately. Community Development sought and was granted a scope change for the project to route the trail down St. Paul's Church Road capitalizing on existing NCDOT ROW. This reduced the number of parcels needed.

The Department made progress on the ROW acquisitions but was not able to get verbal commitments for all of the ROW needed. During this time, instability in the housing market, NCDOT's financial issues, and the pandemic contributed to

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delays in the project as well as difficulty in hiring appraisers or surveyors. Ultimately it was no longer possible for the Department to complete the PARTF grant.

The Community Development Department is proposing the withdrawal from both the PARTF and STBG-DA grants. The County has the ability to withdraw from the grant with no financial penalty as no PARTF funds were expended. In order to withdraw from the STBG-DA project, the County would be required to absorb the entirety of the \$262,875 spent to date on engineering.

Withdrawing from both grants would allow the County time to make a new trail plan, conduct landowner outreach, and apply for future grants that are better suited to the project. A public hearing is required.

Budgetary Effect: A \$262,875 appropriation of General Fund, Fund Balance is necessary.

Note: Since the pre-agenda meeting, staff received a flurry of calls encouraging the County to find a way to succeed. These conversations included the Friends of Fonta Flora Trail and the Director of State Parks, Dwayne Patterson. Staff reassessed the situation and now sees a path forward for the project. A meeting with the State Park officials is set for Friday, Oct. 15th to discuss the possibility of an additional 1-year extension of the PARTF grant. An update on the outcome of this meeting will be provided at the regular meeting.

Shane Prisby, Community Development Operations Manager, reported:

As we discussed at the pre-agenda meeting, the Fonta Flora Trail – North Powerhouse Road and Cobb Avenue project has run into issues. The project which is funded by a Surface Transportation Block Grant – Direct Attributable grant from the Western Piedmont Council of Governments is matched by a Parks and Recreation Trust Fund grant from North Carolina Parks.

STBG-DA grants are funded through the Federal Highway Administration which dictates the process and design parameters that a project must follow. The Community Development Department began the running the project through the process required by the Federal Highway program, but ran into issues concerning the scope, scale, and timing. Because of delays associated with NCDOT's financial crisis, the Department ultimately had to separate the STBG-DA and PARTF grants into separate projects.

The Department sought and was awarded a scope change for the PARTF grant which was authorized in March 2021. Given this short timeline, staffing changes, and issues scheduling appraisers and surveyors, it became clear that the Department would not be able to complete the project by the October 31st deadline. This resulted in the Department submitting the resolutions to withdraw from the project for your consideration.

Since the pre-agenda meeting, the Department has received a flurry of calls encouraging the County to find a way to succeed with the project. These

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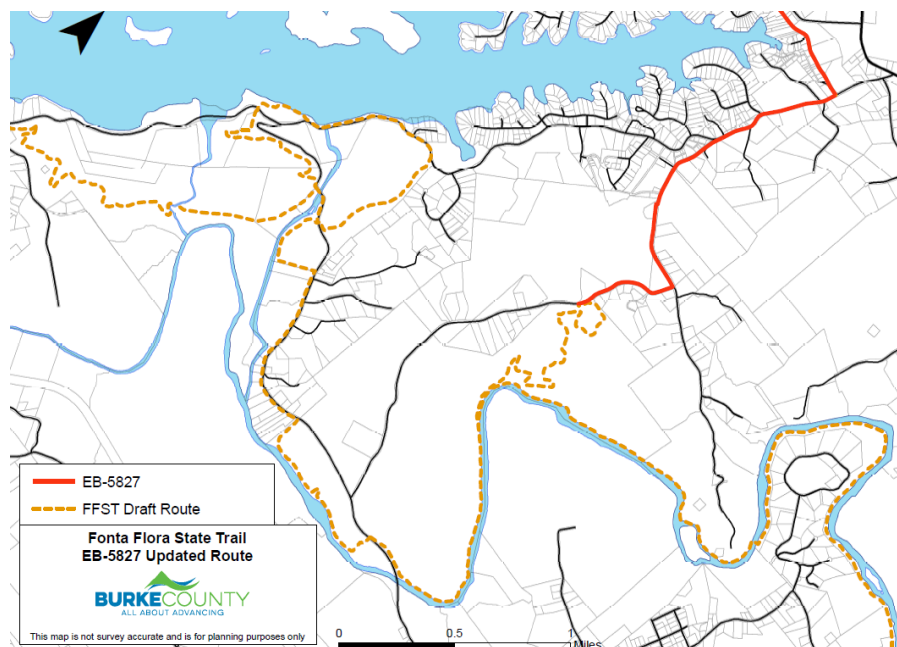
conversations included the Friends of Fonta Flora Trail and the Director of State Parks, Dwayne Patterson.

To complete the PARTF grant project, the County would need right-of-way on a minimum of eight (8) properties from six (6) different landowners. The biggest issues that the Department ran into were timing and staff capacity. These issues were exacerbated by the lingering effects of the pandemic, NCDOT's financial issues, and other factors beyond our control. With additional time and our new Planning Director, Alan Glines, we feel that there is a path forward for the PARTF grant project. While the Department cannot guarantee success, we feel confident that we can complete the project.

Success with the PARTF grant would help offset expenses from the STBG-DA grant and allow us additional time to explore any alternatives. The STBG-DA grant does not have the same hard deadlines as the PARTF Grant.

The Department met with Raleigh PARTF staff to discuss the situation and the possibility of a second one-year extension to October 31, 2022. The meeting was very positive, and they outlined what we would need to submit for the PARTF board to vote on.

The Commissioners have the option to table the votes on these two resolutions and the general fund appropriation after the public hearing and pursue a second extension on the PARTF grant. If the extension is not awarded, the Board would be able to vote on the withdrawal and not be in breach of contract. If the extension is awarded, the Department can complete the PARTF grant project and reassess the STBG-DA grant at a future date.



Chairman Brittain opened the floor for questions and comments from the Board. Vice Chairman Mulwee said if there is a way forward with the PARTF project, he supports requesting an

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extension. Further, he asked Mr. Prisby to confirm there is a way to move forward with the project. Mr. Prisby responded in the affirmative and advised he did not have enough capacity during a very short window to complete the project and that no landowner gave the Department a hard no. Now that the Department has a fulltime Planning Director, the necessary conversations with the landowners can be held and the rights-of-way obtained. Commissioner Abele concurred with Vice Chairman Mulwee about moving forward with the project. Commissioner Taylor asked if the County continues with the project, what happens to the \$262,875 that was originally slated to be repaid. Mr. Prisby said the amount will not increase and noted that is a separate grant and contract from the PARTF grant entirely. He continued, saying one of the advantages of trying to make the PARTF grant work is that whatever is not spent on completing the PARTF project, up to \$120,000 can be used for associated costs and offset expenses already incurred on the STBG-DA grant for appropriate expenditures. Commissioner Taylor asked what is the approximate percentage of success for the project now that they have this new information. Mr. Prisby conservatively, estimated 75 percent, and noted it came down to working with two (2) landowners regarding a road crossing and if they can pass that hurdle, then they can complete the project. Mr. Prisby then responded to additional questions from Commissioner Taylor concerning the proposed path toward completion.

At 6:42 p.m., Chairman Brittain opened the public hearing. The Public Hearing Notice was published in the News Herald on October 7, 2021 and October 14, 2021. Further, it was posted to the county's website, www.burkenc.org on October 7, 2021. One (1) citizen signed up to address the Board.

Beth Heile, Executive Director of Friends of the Fonta Flora State Trail (F3ST), said F3ST supports Community Development's extension request for the current PARTF grant and reviewed actions the F3ST took to help the project and Mr. Prisby. Ms. Heile said she spoke with NC State Parks Director, Dwayne Patterson, and after a conference call with Mr. Patterson and Mr. Prisby, Mr. Patterson strongly encouraged Mr. Prisby to meet with PARTF representatives to present new information to them, such as having a new Planning Director. Further, Ms. Heile said F3ST sent letters of support to Mr. Patterson and PARTF representatives. She highlighted the importance of the section of trail in question and said F3ST believes it is worth completing. She noted they will support the County in this endeavor in any way they can.

Clerk Draughn announced she received a phone call earlier in the day from Eric Jenkins who expressed support for moving forward with the PARTF grant extension request. With there being no others to address the Board, Chairman Brittain closed the public hearing and suggested tabling the matter to the February 2022 meeting.

Motion: To table this item until the February 15, 2022 regular meeting.

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

Chairman Brittain expressed appreciation for everyone's work on this item.

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Note: On October 21, 2021, the PARTF (Parks and Recreation Trust Fund) Board approved the County's formal request for a 1-year extension. The new grant completion date is Oct. 31, 2022.

INFORMAL PUBLIC COMMENTS

At 6:47 p.m., Chairman Brittain opened the floor for informal public comments. One (1) citizen signed up to address the Board.

Carla Kincaid, Oak Hill, said she wanted to let the Board know why she continues to speak during informal public comments. She said she is very adamant about anything she does, she is not a quitter and always believes there is something to discuss regarding unity in the community. Ms. Kincaid recounted some of her experiences while working in Washington D.C. with the D.C. Statehood Committee. She also reviewed her relatives / visitors' experiences when they visited Morganton / Burke County, their embarrassment / shock regarding the confederate flags on I-40 and how other visitors feel when they see the flags on I-40. Ms. Kincaid then mentioned a negative encounter she had with an older white woman while walking on the Greenway.

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

CONSENT AGENDA

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

CLERK - APPOINTMENT TO RAAC & COA

Seat No. 2 on the Regional Aging Advisory Committee (RAAC) is vacant as well as Seat No. 6 on the Council on Aging (COA). RAAC Seat No. 2 has the remainder of a 2-year term ending June 30, 2023. COA Seat No. 6 has the remainder of a 3-year term ending November 30, 2022. Page Pitts has applied to serve on both boards. Seat No. 10 on the COA is also vacant and has a term expiration of November 30, 2023. An application was received from Kimberly Wilson.

Motion: To appoint Page Pitts to the Regional Aging Advisory Committee, Seat No. 2, to complete the remainder of a 2-year term ending June 30, 2023, and to appoint her to the Council on Aging, Seat No. 6, for the remainder of a 3-year term ending November 30, 2022. To appoint Kimberly Wilson to the Council on Aging, Seat No. 10, to complete the remainder of a 3-year term ending November 30, 2023.

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

CLERK - APPOINTMENT / REMOVAL BURKE CO. PLANNING BOARD

William Tunstill, Seat No. 1, East, on the Burke County Planning Board resigned recently and his removal is requested. Applications are being solicited to fill this vacancy.

Richard Evey occupies Seat No. 6, West, on the Planning Board. This term ended September 30 and he is willing to serve another 3-year term. Mr. Evey has served on the Planning Board since Dec. 2014, occupying the former alternating seat that switched from east to west every 3-year term and his current position in Seat No. 6. Staff reports that Mr. Evey is a good member,

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and his reappointment is requested along with an exception to the 2-term limit set forth in Section 8.25 of the Zoning Ordinance.

Motion: To remove Mr. William Tunstill's name from the official roster for the Burke Co. Planning Board and thank him for his service to the community. To reappoint Mr. Richard Evey to the Burke Co. Planning Board, Seat No. 6, to complete the remainder of a 3-year term ending Sept. 30, 2024 and approve an exception to Section 8.25 of the Zoning Ordinance for term limitation.

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

CLERK - REAPPOINTMENT / REMOVAL FROM BURKE CO. BOARD OF ADJUSTMENT

Rick McClurd's term on the Burke Co. Board of Adjustment, Seat 2, East, ended on September 30. Mr. McClurd is not seeking reappointment; therefore, his removal is requested. Applications are being solicited for his replacement.

Mario Sacchetti occupies Seat No. 7, Alternate / At-large, and his term ended on September 30th. Mr. Sacchetti is seeking reappointment. Planning staff reports that Mr. Sacchetti is a good member and recommends his reappointment to the Board of Adjustment.

Motion: To remove Mr. Rick McClurd's name from the official roster for the Burke County Board of Adjustment and thank him for his service to the community. To reappoint Mario Sacchetti to the Burke Co. Board of Adjustment, Seat 7, Alternate / At-large, for the remainder of a 3-year term ending September 30, 2024.

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

CLERK - RESOLUTION UPDATING PLAT REVIEW OFFICERS

Community Development staff, the Clerk and the Register of Deeds audited the list of plat review officers on file at the ROD's office. The following resolution updates the list of plat review officers.

Motion: To adopt Resolution No. 2021-17.

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

Resolution No. 2021-17 reads as follows:

RESOLUTION UPDATING PLAT REVIEW OFFICERS

WHEREAS, the North Carolina General Statutes (GS 47-30.2) requires the board of commissioners in each county, by resolution, to appoint persons to serve as Plat Review Officers to review each plat before it is presented to the register of deeds for recording; and

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WHEREAS, the list of plat review officers was recently audited and updates to the list are required; and

WHEREAS, in 2016 the Board adopted Res. No. 2016-02 which updated the list of review officers for Burke County and the municipal jurisdictions. This resolution removed certain review officers from the County's list instead of from the Town's list.

WHEREAS, the following additions and removals to the list of plat review officers are requested:

Entity	Add	Remove	Notes
Burke County		Teresa Kinney	Correct Res. No. 2016-02
		Sherri Bradshaw	Correct Res. No. 2016-02
		Tamara Brooks	Correct Res. No. 2016-02
		Marc Collins	
Connelly Springs	Tamara Brooks		Correct Res. No. 2016-02
		Laurie LoCicero	Correct Res. No. 2016-02
		Jeanine Barus	Correct Res. No. 2016-02
		Susan Baumann	
Drexel	Sherri Bradshaw	Matt Settlemeyre	Correct Res. No. 2016-02
	Teresa Kinney		Correct Res. No. 2016-02
		Hunter Nester	
Glen Alpine		Jerry Causby	Requested by Glen Alpine
Hickory	Brian Burgess	David Leonetti	Requested by Hickory
	Brian Frazier		Requested by Hickory
Hildebran	Todd Justice	Dustin Millsaps	Requested by Hildebran
		John Kinley	Correct Res. No. 2016-02
Rutherford College		John Wear, III	Correct Res. No. 2016-02
Valdese		Jeanine Barus	Correct Res. No. 2016-02
		Laurie LoCicero	Correct Res. No. 2016-02
		Hunter Nester	

NOW, THEREFORE, BE IT RESOLVED, that after these changes have been made in the Register of Deeds office, the authorized Plat Review Officers for Burke County and its municipal counterparts reads as follows:

Burke County	Scott Black
Burke County	Peter Minter
Burke County	Jennifer Forney
Connelly Springs	Tamara Brooks

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Drexel	Sherri Bradshaw
Drexel	Teresa Kinney
Glen Alpine	Melissa Lalonde
Glen Alpine	William Max Boliek
Hickory	Brian Burgess
Hickory	Brian Frazier
Hickory	Cal Overby
Hildebran	Todd Justice
Long View	Charles T. Mullis
Morganton	Mark Hall
Morganton	Jesse James
Morganton	Phillip Lookadoo
Rutherford College	Kenneth Geathers, Jr.
Valdese	Larry Johnson

BE IT FURTHER RESOLVED THAT, a copy of this resolution designating the Plat Review Officers for Burke County and its municipal counterparts be recorded in the Burke County Register of Deeds Office and indexed in the name of the Review Officers.

Adopted this 19th day of October 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

CM - FUNDING FOR ANIMAL SHELTER CONCEPTUAL DESIGN & UPDATE NEEDS ASSESSMENT

This is a request for a fund balance appropriation to update the 2019 animal shelter needs assessment and develop a preliminary design plan for a new animal shelter on Kirksey Drive. A lot of things have changed since the initial assessment was completed. Animal control (enforcement) is now a division of Animal Services, the shelter has been operated on a managed-intake basis, the "live release rate" has increased dramatically and the latest census data needs to be incorporated into the study along with intake / disposition data from the local rescues.

A proposal from PNP Design Group (Items 1-3: Needs Assessment Study Update, Conceptual Design and 3D Color Rendering) is in the agenda packet and Mike Barnard, Shelter Planners of America, is the lead shelter architect with PNP Design Group. The proposal requires that the County provide a survey of the property.

Budgetary Effect: An appropriation of up to \$25,000 General Fund, Fund Balance is necessary to move forward with updating the needs assessment and development of the preliminary designs for a new animal shelter. An appropriation of up to \$10,000 for a survey is also requested.

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Motion: To appropriate up to \$35,000 of General Fund, Fund Balance for the purpose of updating the needs assessment, preparing the preliminary designs for a new animal shelter and a survey of the property.

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

FINANCE - APPLICATION FOR PUBLIC SCHOOL BUILDING CAPITAL LOTTERY FUNDS

A portion of lottery proceeds are deposited into a special fund administered by the North Carolina Department of Public Instruction called the Public School Building Capital fund. This fund is used by counties in addressing their school capital needs. Monies deposited into the fund accumulate and earn interest until drawn down by the county. In order to draw down funds, the Board of County Commissioners and the Board of Education must approve and submit an application for an eligible project. Historically, the County has used debt service on school construction as their projects. Included in the agenda packet for the Board's consideration is an application for debt service on Patton and Draughn High Schools. This application was approved by the Board of Education on September 20th, 2021.

Motion: To approve the Public School Building Capital Fund, North Carolina Education Lottery application in the amount of \$2,065,000 and authorize the Chairman to execute the application 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

FM - REQUEST FOR APPROVAL OF A WRITTEN AGREEMENT BETWEEN HOME TRUST BANK AND LONGTOWN VOLUNTEER FIRE DEPARTMENT, INC.

Longtown Volunteer Fire Department, Inc. is entering into an agreement with Home Trust Bank for the purchase of new a fire apparatus and related equipment. The Board of Directors of the fire department believes the department is fiscally responsible and financially able to buy the fire apparatus and respectfully requests the Burke County Board of Commissioners to endorse the verification document from Home Trust Bank pertaining to the loan agreement. The endorsement would not in any way constitute a financial obligation to the County of Burke.

Motion: To support Longtown Volunteer Fire Department, Inc.'s effort to upgrade its fire apparatus and endorse the verification documents for purchase and finance of a new fire apparatus through Home Trust Bank.

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

GS - SITE PLAN FOR HWY 70 CONVENIENCE CENTER / GS COMPLEX

Funding for the development of a site plan for the new convenience center and a water / sewer maintenance facility on Hwy 70 in eastern Burke County is requested. West Consultants estimates the design cost for the convenience site portion of the property to be \$35,000. For

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maximum site utilization, a site plan for the remainder of the property is recommended, including a water / sewer maintenance facility, and funding for that is also requested.

Budgetary Effect: \$60,000. A transfer of \$35,000 from the General Fund to the Solid Waste Fund is necessary for the convenience center portion of this initiative to move forward in the development process as well as a \$25,000 appropriation of water / sewer funds for the maintenance facility portion.

Motion: To transfer \$35,000 of General Fund, Fund Balance to the Solid Waste Fund for development of a convenience center site plan on Highway 70 in Connelly Springs and appropriate \$25,000 of Water / Sewer Funds for the design of a water / sewer maintenance facility.

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

TAX DEPT. - LATE APPLICATIONS FOR 2021 AGE EXCLUSION AND VETERAN'S EXCLUSION

The Tax Department has received late applications for the Age Exclusion and the Veteran's Exemption.

Persons qualifying for the Age Exclusion receive a reduction in value of \$25,000 or 50% of the home and prime site value, whichever is greater. See NCGS 105-277.1. To qualify,

- The home must be their primary residence.
- The primary owner must be at least 65 years old or totally and permanently disabled.
- The owner or household income cannot exceed \$31,500 for the previous year.

The Disabled Veteran's Exclusion reduces the taxable value by \$45,000. See 105-277.1C. To qualify,

- The home must be their primary residence.
- One must be a disabled veteran with an honorable discharge or the surviving spouse.
- The disability must be service related and considered 100% disabled or receive housing benefits under 38 U.S.C.2101. Partial disabilities do not qualify.
- Must submit Certification for Disabled Veteran's Property Tax Exclusion (NCDVA-9) along with Application for Property Tax Relief (AV-9). Form NCDVA-9 must be completed by US Department of Veterans Affairs.

The application period for these exclusions is January 2nd through June 1st each year (NCGS 105-277.1(c)). Due to the applications being late, the assessor's only option was to deny the applications for the current year. These applicants now have the right to either reapply next year or appeal the assessor's decision to the Board of Commissioners (see last paragraph of the application).

First Appeal:

Veteran's Exclusion – Parcel 43928 - Terry A. and Susan King are appealing the Tax Assessor's decision to the Board of Commissioners. Their application was received on June 16, 2021. The Board must decide if the reason for not applying in a timely manner demonstrates "Good Cause" (105-282.1(a1)). If the BOC believes the applicant has proven good cause, then they

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can grant authority to the Tax Assessor to accept the application. If not, then Mr. and Mrs. King can reapply next year.

Mr. King's reason for filing late: *"This letter is a request to waive the June 1 deadline for submitting the application for Property Tax Relief. We purchased our home at the above address October 2020. After paying the applicable taxes at closing, I contacted a gentleman in the Property listings who advised me that I did not need to file until 2022. I went ahead and applied at the VA for Property Tax Relief and received a certified NCDVA-9 in May 2021. On June 13, after receiving the VA form I visited the tax office and was told the application was due by June 1, 2021. I am sure I misunderstood the rules. Please accept my application which is attached, thank you for your kind consideration."*

If the application had been mailed or received prior to June 1st, it would have been approved by the Tax Dept.

Second Appeal:

Veteran's Exclusion – Parcel 6846 – Ruby Huffman is appealing the Tax Assessor's decision to the Board of Commissioners. Her application was received on June 17, 2021. The Board must decide if the reason for not applying in a timely manner demonstrates "Good Cause" (105-282.1(a1)). If the BOC believes the applicant has proven good cause, then they can grant authority to the Tax Assessor to accept the application. If not, then Mrs. Huffman can reapply next year.

Mrs. Huffman's reason for filing late: *My Name is Megan Huffman. I am writing on behalf of my grandmother-in-law, Ruby Huffman, to request your consideration in acceptance of the disabled veteran tax exemption form. My husband Curtis Huffman is the legal designated HCPOA for Ruby, as she suffers from dementia. I prepared the exemption request form and faxed it to the Veteran's Administration around the first week of May. They graciously completed the form and mailed it back within a few days. However, the mail that goes to Ruby's home is supposed to be forwarded to our house, but this did not happen. When the VA mailed it back to Ruby's home address, she did not know what it was and laid it off to the side. I found the letter yesterday and now it is past the June 1st deadline. If there is any way that you would be willing to accept the form, we would be greatly appreciative. I apologize for any inconvenience and thank you for your time.*

If the application had been mailed or received prior to June 1st, it would have been approved by the Tax Dept.

Third Appeal:

Veteran's Exclusion – Parcel 12665 – Skippy W. Sparks is appealing the Tax Assessor's decision to the Board of Commissioners. His application was received on July 13, 2021. The Board must decide if the reason for not applying in a timely manner demonstrates "Good Cause" (105-282.1(a1)). If the BOC believes the applicant has proven good cause, then they can grant authority to the Tax Assessor to accept the application. If not, then Mr. Sparks can reapply next year.

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"I was notified that I was given 100% VA disability on 08/14/2020. In the following year I received this NC DVA-9form that granted "Certification for Disabled Veteran's Property Tax Exclusion for the State of North Carolina". I received this in March of 2021. Shortly thereafter, I mailed a copy of this letter to the Burke County Tax Office. When we received our tax statement this past Saturday, July 10, 2021; the tax exclusion had not been applied. I realize there had been a problem with the mail being slower since COVID-19. I assume this may have a lot to do with the situation. I'm sending a copy of my retirement check that I was supposed to receive on 01/01/2021. When I did not receive it on that date, I called about it a week later. The company told me to wait another week to see if I got it. In the meantime, I went ahead and had them start sending my check by direct deposit to my account. The 1st of Feb., the amount for 2 checks was deposited into my account. Around 2 days later, I received the check for 01/01/2021 in the mail. I called the company, and they told me to just mark "VOID" on the check. Would it be possible for you to apply the tax exclusion to the 2021 tax year."

If the application had been mailed or received prior to June 1st, it would have been approved by the Tax Dept.

Forth Appeal:

Veteran's Exclusion – Parcel 27591 – Charles Edward Evans is appealing the Tax Assessor's decision to the Board of Commissioners. His application was received on July 26, 2021. The Board must decide if the reason for not applying in a timely manner demonstrates "Good Cause" (105-282.1(a1)). If the BOC believes the applicant has proven good cause, then they can grant authority to the Tax Assessor to accept the application. If not, then Mr. Evans can reapply next year.

Letter sent by Angela Hall – Processing Assistant Veterans Affairs.

In regards to the Tax Reductions Program IAW General Statute 105-277.1C, Mr. Charles Evans xxx-xx-xxx, is rated at 100% Permanent and Total IAW 38 U.S.C. 2101.b. and it therefore entitled to the property tax reduction program, reducing his property taxable evaluation by \$45,000.00. Mr. Evans submitted his NC DVA Form-9 in a timely manner to the State Service Office. The State Service Office certified his eligibility on March 23,2021. The attempted mailed transmission was returned on April 6th as undeliverable, at no fault of the veteran. Please allow approval for the application at this time."

If the application had been mailed or received prior to June 1st, it would have been approved by the Tax Dept.

Fifth Appeal:

Age Exclusion – Parcel 26958 – Lewis Stallings is appealing the Tax Assessor's decision to the Board of Commissioners. Mr. Stallings filed a timely application for the Age Exclusion on May 11, 2021. A denial letter was sent to Mr. Stallings on June 28, 2021. The reason for the denial is, he and his wife are receiving homestead type exemptions for their home Duval County, Florida. Typically, if one is receiving an exemption in one state, they would not qualify in

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another. He is claiming to be a resident of NC, registered to vote in NC, car licensed in NC, have NC Driver's License, and live here more than 6 months. Staff have verified he is registered to vote in Burke County and has a vehicle registered here. Staff contacted NC Department of Revenue concerning this matter. Their answer is, it does not matter if one is receiving an exemption in another state if they can provide information showing they have permanent residence in NC. The decision should go to the Board of Commissioners.

Letter from Mr. Stallings,

"REID 26958 -6040 Mortimer Road, Jonas Ridge

I am a resident of North Carolina, spending more than six months of the year in residence. I am registered to vote in NC. My car is licensed in NC. I have a NC driver's license. My bank is in Newland, NC. I request that I be granted the old age exemption. Thank you for your consideration,"

Budgetary Effect: Minimal impact on FY 21-22 property tax collection.

Appeal 1 - The value exclusion is \$45,000. This equates to a reduction in county taxes of \$312.75 in taxes and \$36 for the landfill user fee, for a total of \$348.75.

Appeal 2 - The value exclusion is \$45,000. This equates to a reduction in county taxes of \$312.75 in taxes and \$36 for the landfill user fee, for a total of \$348.75.

Appeal 3 - The value exclusion is \$45,000. This equates to a reduction in county taxes of \$312.75 in taxes and \$36 for the landfill user fee, for a total of \$348.75.

Appeal 4 - The value exclusion is \$45,000. This equates to a reduction in county taxes of \$312.75 in taxes and \$36 for the landfill user fee, for a total of \$348.75.

Appeal 5 - The value exclusion is \$25,000. This equates to a reduction in county taxes of \$173.75 in taxes and \$36 for the landfill user fee, for a total of \$209.75.

Motion: To accept the late applications for the Veteran's Exclusion Program submitted by Terry and Susan King, Ruby Huffman, Skippy and Lynette Sparks, and Charles and Diane Evans, authorize the Tax Assessor to accept these applications for 2021 and grant the Veteran's Exclusion. Further, authorize the Tax Assessor to grant the Age Exclusion to Lewis Stallings.

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

TAX DEPT. - TAX COLLECTION REPORT FOR SEPTEMBER 2021

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

Category	Annual Budget	Amount Collected YTD	% Collected	Balance to Collect
Property Tax	\$45,000,000.00	\$31,593,515.89	70.21%	\$13,406,484.11
Motor Vehicle Tax	\$5,200,000.00	\$1,463,798.44	28.15%	\$3,736,201.56
Current Year Taxes	\$50,200,000.00	\$33,057,314.33	65.85%	\$17,142,685.67
Delinquent Taxes	\$700,000.00	\$289,843.76	41.41%	\$410,156.24
Late List Penalty	\$315,000.00	\$95,349.43	30.27%	\$219,650.57

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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	\$46,280,334.00	\$31593515.89	68.27%	\$14,686,817.68

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

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

TAX DEPT. - RELEASE REFUND REPORT FOR SEPTEMBER 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)	\$34,189.18	\$34,113.39	\$75.79	\$124.35

VTS Refunds Over \$100	
	Refund Amount
VTS Adjustments	\$211.64

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

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

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

The tax reports read as follows:

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TR-304 BILL RELEASE REPORT SEPTEMBER 2021

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Adjustment								
0000003201-2021-2021-0000-00-REG	WARD, AMANDA	7/1/2021	CONNIE HOLDER	9/29/2021	592.31	592.31	0.00	1,170.08
0000003214-2021-2021-0000-01-REG	THE DALE FAMILY TRUST	7/1/2021	CONNIE HOLDER	9/3/2021	703.33	703.33	0.00	741.33
0000027153-2021-2021-0000-00-REG	STILLWELL, EULA EPLEY	7/1/2021	CONNIE HOLDER	9/1/2021	346.71	346.71	0.00	558.46
0000029857-2021-2021-0000-00-REG	BURNS, DORIS	7/1/2021	CONNIE HOLDER	9/10/2021	243.73	243.73	0.00	439.97
0000029857-2021-2021-0000-01-REG	BURNS, DORIS	7/1/2021	CONNIE HOLDER	9/10/2021	439.97	439.97	0.00	477.97
0000030606-2021-2021-0000-00-REG	DAY, MICHELLE C	7/1/2021	CONNIE HOLDER	9/16/2021	569.15	569.15	0.00	780.90
0000073373-2021-2021-0000-00-REG	BURKE INTERNATIONAL TOURS INC	9/13/2021	RENEE AUSTIN	9/13/2021	1,704.62	90.19	1,614.43	0.00
0000074095-2021-2021-0000-00-REG	CENTRAL TELEPHONE CO	9/13/2021	RENEE AUSTIN	9/13/2021	6,479.24	56.33	6,422.91	0.00
0024007620-2021-2021-0000-00-REG	DUKE ENERGY CAROLINAS LLC	9/13/2021	RENEE AUSTIN	9/13/2021	26,070.34	26,070.34	0.00	26,105.09
0024010026-2021-2021-0000-00-REG	AT&T MOBILITY LLC	9/13/2021	RENEE AUSTIN	9/13/2021	3,900.77	1,533.22	2,367.55	0.00
0024010069-2021-2021-0000-00-REG	SPRINT WIRELESS	9/14/2021	RENEE AUSTIN	9/14/2021	131.22	14.45	116.77	0.00
0024033253-2021-2021-0000-00-REG	MCI METRO ACCESS TRANS SERV INC	9/13/2021	RENEE AUSTIN	9/13/2021	240.28	240.28	0.00	245.75
0024033253-2021-2021-0000-01-REG	MCI METRO ACCESS TRANS SERV INC	9/13/2021	RENEE AUSTIN	9/13/2021	245.75	2.74	243.01	0.00
Subtotal						30,902.75		30,519.55
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Late Listing								
0000074127-2021-2021-0000-00-REG	RUTHERFORD EMC	9/14/2021	RENEE AUSTIN	9/14/2021	7,842.57	712.96	7,129.61	0.00
Subtotal						712.96		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
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Mapping Correction								
0000042667-2021-2021-0000-00-REG	MCKINNEY, DONALD R	7/1/2021	AMANDA CONLEY	9/21/2021	92.78	92.78	0.00	99.60
Subtotal						92.78		99.60
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Not in Burke County								
0024057063-2021-2021-0000-00-REG	WOLFGANG, DIANE CAROL	7/19/2021	PEGGY SEATON	9/22/2021	187.80	187.80	0.00	0.00
Subtotal						187.80		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Situs Correction								
0000078105-2021-2021-0000-00-REG	REED, DANNY E	7/1/2021	RENEE AUSTIN	9/22/2021	31.28	31.28	0.00	31.28
0024055796-2021-2021-0000-00-REG	ORCAOCEANSTRAWS LLC	7/1/2021	RENEE AUSTIN	9/22/2021	823.07	823.07	0.00	823.07
Subtotal						854.35		854.35
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Sold/Traded								
0000002109-2021-2021-0000-00-REG	ROBINSON, LOUISE F	7/1/2021	CONNIE HOLDER	9/16/2021	491.39	491.39	0.00	981.29
0000003947-2021-2021-0000-00-REG	FARRINGTON, FLORENCE W	7/1/2021	CONNIE HOLDER	9/15/2021	440.20	440.20	0.00	722.57
0000009893-2021-2021-0000-00-REG	BENFIELD, ANTHONY LEE	7/1/2021	CONNIE HOLDER	9/15/2021	496.94	496.94	0.00	936.03
0000082947-2021-2021-0000-00-REG	SETZER, MONTY	7/1/2021	CONNIE HOLDER	9/22/2021	10.01	10.01	0.00	0.00
Subtotal						1,438.54		2,639.89
Total						34,189.18		34,113.39
Net Release Amount							75.79	

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Payee Name	Primary Owner	Address 1	Address 3	Refund Type	Bill #	Refund Description	Tax Jurisd.	Levy Type	Change	Interest Change	Total Change
ROPER, TODD RICHARD	ROPER, TODD RICHARD	242 W PARK DR	MORGANTON, NC 28655	Adjustment >= \$100	0036343583	Refund Generated due to adjustment on Bill #0036343583-2020-2020-0000-00	01	Tax	(\$58.78)	\$0.00	(\$58.78)
							57	Tax	(\$48.21)	\$0.00	(\$48.21)
							57	Vehicle Fee	\$0.00	\$0.00	\$0.00
										Refund	\$106.99
SPEARS, GARRY VAN	SPEARS, GARRY VAN	3976 SCOTT RD	MORGANTON, NC 28655	Adjustment >= \$100	0059859051	Refund Generated due to adjustment on Bill #0059859051-2020-2020-0000-00	01	Tax	(\$90.35)	\$0.00	(\$90.35)
							21	Tax	(\$14.30)	\$0.00	(\$14.30)
										Refund	\$104.65
										Refund Total	\$211.64

ITEMS FOR DECISION

FINANCE - DISCUSSION / APPROVAL OF ARP ITEMS

Chairman Brittain requested that the four (4) ARP (American Rescue Plan) categories be reviewed / acted on one at a time.

NO. 1 - EMS ARP (AMERICAN RESCUE PLAN) EXPENDITURES

Margaret Pierce, Deputy County Manager / Finance Director, briefly reviewed the proposed ARP purchases for EMS. Chairman Brittain opened the floor for questions and comments from the Board. For clarity, Vice Chairman Mulwee said the Board reviewed these items during their pre-agenda meeting and asked Ms. Pierce to confirm that these are needed items, not just a wish list, and that the County would be purchasing them anyway in the next three (3) – five (5) years. Ms. Pierce responded in the affirmative and said the items will enhance and improve the quality of patient care. Vice Chairman Mulwee also noted that being able to buy all the ventilators at one time is very advantageous. Commissioner Taylor asked what will happen to the items that are being replaced and Ms. Pierce said they will be utilized as spares for as long as possible.

Motion: To approve the EMS ARP (American Rescue Plan) expenditures up to \$865,000 as presented.

ARP Cat.	Type	Location, if applicable	Item/Project Description	Est. Cost	Determined Eligible Per:
#1	EMS	Various bldgs	Additional AED units in County buildings	\$63,000	FAQ 2.1 - medical care
#1	EMS	For Each Unit	*Zoll Ventilators (13)	\$253,479	FAQ 2.1 - medical care
#1	EMS	For Each Unit	*Zoll AutoPulse (13)	\$206,835	FAQ 2.1 - medical care
#1	EMS	Various Units	*Zoll X Series Batteries (20)	\$12,076	FAQ 2.1 - medical care
#1	EMS	For Each Unit	IV Pumps (transport) (13)	\$30,752	FAQ 2.1 - medical care
#1	EMS	For Each Unit	Scoop Stretchers (13)	\$15,470	FAQ 2.1 - medical care
#1	EMS	For Each Unit	iStat Specimen Machines (13)	\$148,356	FAQ 2.1 - medical care
#1	EMS	For Each Unit	Cufflator (13)	\$5,525	FAQ 2.1 - medical care
#1	EMS	For Each Unit	Temporal Thermometer (13)	\$2,158	FAQ 2.1 - medical care
#1	EMS	Various Units	New Gear Bags for all units and gear (15)	\$12,690	FAQ 2.1 - medical care
#1	EMS	For Each Unit	S-Scort III Suction units with chargers (13)	\$8,552	FAQ 2.1 - medical care
#1	EMS	Various Units	Long Spine Boards (10)	\$1,450	FAQ 2.1 - medical care
#1	EMS	Various Units	KEDs (10)	\$780	FAQ 2.1 - medical care
#1	EMS	For Each Unit	Pedi Immobilizer (13)	\$1,625	FAQ 2.1 - medical care
#1	EMS	Various Units	King Vision (6)	\$7,043	FAQ 2.1 - medical care
#1	EMS	Various Units	Stair-PRO Model 6252 (6)	\$23,000	FAQ 2.1 - medical care
#1	EMS	Various Units	ResQPods (100)	\$11,300	FAQ 2.1 - medical care
#1	EMS	Various Units	Surgical Cric Kits (30)	\$3,750	FAQ 2.1 - medical care
#1	EMS	For Each Unit	Severe Hemorrhage Kit (13)	\$2,974	FAQ 2.1 - medical care
#1	EMS	Various Units	Board splint kits (13)	\$442	FAQ 2.1 - medical care
#1	EMS	For Each Unit	All Size Stretcher Car Seat (13)	\$9,672	FAQ 2.1 - medical care
#1	EMS	For Each Unit	HARE Traction Splints (26)	\$3,900	FAQ 2.1 - medical care
#1	EMS	Various Units	Halligan Bar (20)	\$2,600	FAQ 2.1 - medical care
#1	EMS	Various Units	Protective Turn-out Gear (20)	\$24,408	FAQ 2.1 - medical care
#1	EMS	Various Units	Cardiac Monitor Carrying Case (13)	\$6,957	FAQ 2.1 - medical care
Subtotal:				\$858,794	

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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

Note: The difference between the amount in the list and the amount in the motion is to account for minor price fluctuations or shipping costs, etc.

NO. 2 - HVAC ARP (AMERICAN RESCUE PLAN) EXPENDITURES

Margaret Pierce, Deputy County Manager / Finance Director, briefly reviewed the proposed ARP purchases for various HVAC projects. Chairman Brittain opened the floor for questions and comments from the Board. In response to a question from Commissioner Taylor, Ms. Pierce said the new HVAC units should last approximately 10 plus years. For clarity, Vice Chairman Mulwee asked if these items were going to be budgeted anyway before the County received ARP funding. Ms. Pierce said yes but they would have been a "one-to-one" replacement excluding any air flow or air quality improvements. However, due to the receipt of the ARP funds, she said system improvements can be made without using County funds.

Motion: To approve the HVAC ARP (American Rescue Plan) expenditures up to \$650,000 as presented.

ARP Cat.	Type	Location, if applicable	Item/Project Description	Est. Cost	Determined Eligible Per:
#1	HVAC	Sheriff's Office	Boiler Replacement	\$115,000	FAQ 2.1
#1	HVAC	Courthouse	Chiller Loop Replacement with Insulation	\$120,000	FAQ 2.1
#1	HVAC	Courthouse	HP Replacement-1 unit	\$6,000	FAQ 2.1
#1	HVAC	Valdese Library	HP Replacement-2 units	\$48,000	FAQ 2.1
#1	HVAC	Morganton Library	HP Replacement-1 unit	\$18,000	FAQ 2.1
#1	HVAC	AG Building	HP Replacement-2 units	\$48,000	FAQ 2.1
#1	HVAC	EMS 3	HP Replacement-1 unit	\$10,000	FAQ 2.1
#1	HVAC	Foothills Higher Ed Center	HP Replacement-11 units	\$250,000	FAQ 2.1
Estimated Subtotal:				\$615,000	

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

Note: The difference between the amount in the list and the amount in the motion is to account for minor price fluctuations or shipping costs, etc.

NO. 3 – WATER/SEWER ARP (AMERICAN RESCUE PLAN) EXPENDITURES

Margaret Pierce, Deputy County Manager / Finance Director, briefly reviewed the proposed ARP purchases for various water / sewer projects. She noted that these are items that would have been included in the regular budget, but County funds will not have to be utilized due to receiving the ARP funding. Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Taylor asked what is the warranty on the pumps and how long will they last. Benjie Thomas, West Consultants, said five (5) years is a typical warranty for pumps even though they are expected to last 10 – 15 years. In response to another question from Commissioner Taylor, Mr. Thomas said there will be no capacity increase for these replacements. Mr. Thomas then answered an additional question from Commissioner Taylor and noted Mineral Springs Mountain (MSM) is one of the oldest stations and was installed in the early to mid-1990s. Commissioner Taylor asked what will happen to the pumps that are

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replaced. Ms. Pierce said they will most likely be sold for scrap metal and noted in reference to a previous question, that capacity of the pumps is not an issue which is why they have lasted longer than anticipated.

Motion: To approve the Water / Sewer ARP (American Rescue Plan) expenditures up to \$230,000 as presented.

ARP Cat.	Type	Location, if applicable	Item/Project Description	Est. Cost	Determined Eligible Per:
#5	Sewer	East Burke High School	Line Replacement	\$46,500	CWSRF Elig. - Cat. #4 - WW systems
#5	Sewer	All Locations	SCADA	\$12,300	CWSRF Elig. - Cat. #4 - WW systems.
#5	Water	All Locations	SCADA	\$58,000	DWSRF Elig. - Cat. #2 - Transmission & Dist.
#5	Water	MSM Pump Station 1	Pump Replace	\$16,000	DWSRF Elig. - Cat. #2 - Transmission & Dist.
#5	Water	MSM Pump Station 2	Pump Replace	\$10,750	DWSRF Elig. - Cat. #2 - Transmission & Dist.
#5	Water	MSM Pump Station 3	Pump Replace	\$16,000	DWSRF Elig. - Cat. #2 - Transmission & Dist.
#5	Water	MSM Pump Station 4	Pump Replace	\$6,500	DWSRF Elig. - Cat. #2 - Transmission & Dist.
#5	Water	Music Mountain Pump Station	Pump Replace	\$21,400	DWSRF Elig. - Cat. #2 - Transmission & Dist.
#5	Water	Piney Mountain Pump Station	Pump Replace	\$21,850	DWSRF Elig. - Cat. #2 - Transmission & Dist.
#5	Water	Owens Mountain Pump Station	Pump Replace	\$6,700	DWSRF Elig. - Cat. #2 - Transmission & Dist.
Estimated Subtotal:				\$216,000	

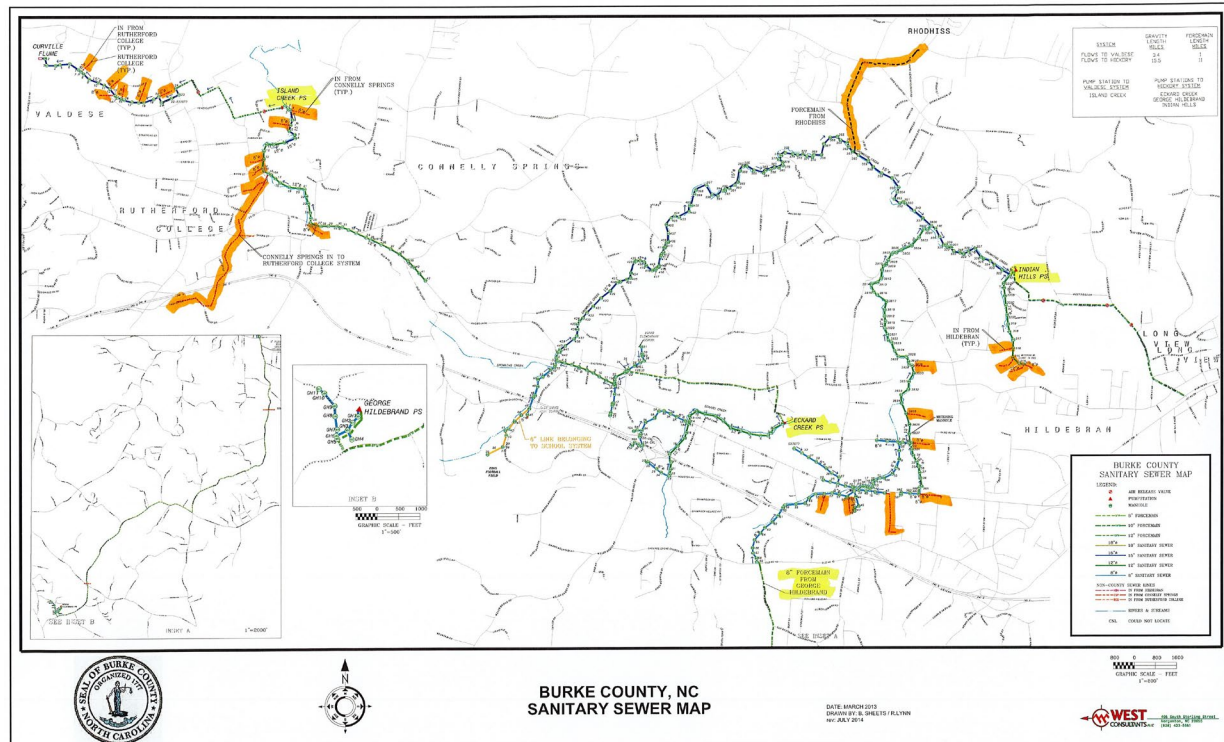
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Wayne F. Abele, Sr., Johnnie W. Carswell and Maynard M. Taylor

Note: The difference between the amount in the list and the amount in the motion is to account for minor price fluctuations or shipping costs, etc.

NO. 4 – PUMP STATIONS ARP (AMERICAN RESCUE PLAN) EXPENDITURES

Mark Delehant, General Services Director, highlighted the following information regarding the Island Creek and Indian Hills Pump Stations, including the sanitary sewer map and pictures of the Indian Hills Pump Station. He noted the proximity of the Indian Hills station to the creek which is why it is prone to flooding. Mr. Delehant also referenced a diagram of the proposed Indian Hills Pump Station improvements, including replacement of 9,300 LF of 10" force main with 14" force main, and a cost estimate for the Indian Hills project. Further, he referenced an email exchange between himself and Sherry Long at the WPCOG concerning possible grant funding and timelines. He then turned the presentation over to Benjie Thomas of West Consultants.

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Indian Hills Pump Station Photos



Indian Hills Sewer Pump Station Improvements – Alternative No. 1

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**BURKE COUNTY
INDIAN HILLS SEWER PUMP STATION UPGRADES
PRELIMINARY COST OPINION
AUGUST 2021**

	Item	Quantity	Unit	Unit Cost	Total
1.	14" Force Main (DIP or PVC)	9,400	LF	\$90.00	\$846,000
2.	Air/Vacuum Valve w/Manhole	5	EA	\$5,000.00	\$25,000
3.	Flusher Connection	2	EA	\$10,000.00	\$20,000
4.	14" Plug Valve and Box	5	EA	\$3,500.00	\$17,500
5.	24" Dia. Steel Bored Encasement	360	LF	\$600.00	\$216,000
6.	Driveway Repairs				\$50,000
7.	Connect to Existing Manhole, Tie Old Force Main to New, reconnect Longview's force main				\$50,000
8.	Rock Excavation	200	CY	\$150.00	\$30,000
9.	Pump Station Upgrades (convert Duplex to Triplex)				
a.	One new Suction Lift Pump Assembly (equivalent to existing)				\$75,000
b.	Masonry Building				\$125,000
c.	Piping, Valves & Mag Meter				\$100,000
d.	Electrical and Controls				\$150,000
e.	Generator Set				\$150,000
f.	Valve Vault for Connecting New and Old Force Mains (for redundancy)				\$40,000
g.	New Channel Grinder Structure (rebuild for straight-through flow); Yard Piping				\$100,000
h.	Fill site to raise above flood plain elevation; stabilize stream bank	6,000	CY	\$25.00	\$150,000
i.	Relocate existing Pump Assemblies to New Building				\$50,000
j.	Improve Access Road (drainage, paving)	1,200	LF	\$100.00	\$120,000
k.	Demolition				\$20,000
l.	Fencing	700	LF	\$40.00	\$28,000
10.	Bonds, Insurance, Mobilization				\$70,875
	Subtotal				\$2,433,375
	Contingencies (10%)				\$155,650
	Engineering Design (7%)				\$170,336
	Construction Administration/Observation (5%)				\$121,669
	Funding Administration				\$10,000
	Legal, Permit Fees, Advertising, Misc				\$10,000
	Land Acquisition				\$50,000
	TOTAL				\$2,951,030

Note: Costs are not included for conveyance and treatment capacity fees that may be assessed by Town of Long View and/or City of Hickory.

Mr. Thomas then reviewed the following information concerning past improvements to the Indian Hills and Island Creek pump stations:

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Indian Hills Pump Station Impvts & Upstream Sewer Rehab

Description: duplex self-priming 1,000 GPM pump station, channel grinder, standby generator set, 560 LF of 10" force main replacement, and other associated improvements

Contractors Shiloh Utilities & Locke Lane

Notice to Proceed 11/23/2011

Substantial Completion 7/14/2012

Funding Source(s):

NC Commerce Industrial Revenue Funds \$500,000

NC Rural Economic Development Center – Economic Infrastructure Fund \$512,500

Transfer from Water Sewer Fund Balance \$25,625

Total Revenues **\$1,038,125**

Island Creek Pump Station

Description: one pump station, complete; one standby generator set (1150 GPM at 199' TDH, pumps are Chicago submersibles)

Contractor Chid Corporation d/b/a/ Shoreline Enterprises

Notice to Proceed May 1, 2008

Substantial Completion 10/13/2008

Funding Source(s):

NC Clean Water Management Trust Fund, via Town of Rutherford College (CWMTF 2006-A-526) \$385,000

Burke County \$96,000

Total Revenues **\$481,000**

Mr. Thomas reported in 2011 – 2012, the Indian Hills Pump Station was converted from its original 1995 equipment and noted it was an underground steel pump station which was placed in a concrete structure and at the time, the capacity was increased from 670 gallons per minute (GPM) to 1,000 GPM. He said the funding was primarily from grants and was tied to job creation / retention for Geiger International in the Cline Industrial Park. Mr. Thomas said at the time of the project, the County desired to have a capacity larger than 1,000 GPM, but the 10" force main that connects the pump station to the Town of Long View's system had a restriction on it which would not allow it to exceed 1,000 GPM. He said what they are suggesting now is to not only make improvements to the Indians Hills site / equipment, but to replace the existing 10" force main with a larger 14" force main. Regarding the Island Creek Pump Station, Mr. Thomas said it was constructed in a similar way to Indian Hills and noted at the time, it was converted to a submersible pump station with a concrete wet well with an increased capacity of 1,150 GPM. He said presently, capacity is not an issue with Island Creek nor does the work done in 2008 need to be replaced other than the mechanical pumps themselves which are now obsolete and no longer made. Grant funding covered most of the cost. In response to comments from Chairman Brittain, Mr. Thomas said Indian Hills Pump Station connects to the Town of Long View's sewer system which then flows by gravity into the City of Hickory's system. Under the current proposal, the plan is to replace the 10" force main with a 14" force main to increase flow at the same pressure which is safer and more efficient. Mr. Delehant said in 2017, there was a collection system assessment completed by West Consultants which recommended the replacement of the force main at Island Creek and to increase the capacity at Indian Hills. Both recommendations are included in the proposal.

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Chairman Brittain opened the floor for questions and comments from the Board. Commissioner Taylor asked by going from a 10" force main at Indian Hills, what will the capacity be increased by. Mr. Thomas said approximately 100 percent, by going from approximately 1,000 GPM to 2,000 GPM, contingent upon Long View's and Hickory's systems accommodating the additional flow. He further advised that only a preliminary discussion with Long View and Hickory staff has occurred to date. In responding to additional questions from Commissioner Taylor, he advised that inflow and infiltration should be addressed, recommended using the existing 10" pipe for backup and or future growth. However, he cautioned that flow greater than 2,000 GPM may create capacity limitations with Long View's and Hickory's physical infrastructure and possibly necessitate a regional solution. Discussion continued. Vice Chairman Mulwee asked if these projects are put out to bid, they could be substantially different than the cost estimate presented this evening, noting that if the Board does not like the bids, then they are not obligated to pursue it. Mr. Thomas responded in the affirmative and then commented on addressing inflow and infiltration as well as the replacement of clay pipes at East Burke High School in response to a question from Commissioner Carswell. Mr. Delehant advised that an I-I (inflow and infiltration) study was originally requested but may not be an ARP eligible expense; however, staff will know more when the final rules are released. Mr. Thomas said in 2011 the original size of the force main line at the Indian Hills Pump Station was tied to grant funding and job creation as well as equipment reliability. In response to additional questions from Commissioner Carswell about how the meeting went with staff from Long View and Hickory, Mr. Thomas advised that it was a good exchange of ideas and that a proposal to amend the current contracts will be needed. Commissioner Carswell advocated for fixing the problem once and for all and addressing I-I. Discussion continued on installing a 16" line and the amount of gravity fed lines in the sewer system with Mr. Thomas and Mr. Delehant responding to multiple questions from the Board. Chairman Brittain called for a motion. Commissioner Taylor expressed support for moving forward.

Motion: To direct staff to proceed with bidding the ARP sewer projects for the Island Creek and Indian Hills Pump Stations as presented.

ARP Cat.	Type	Location, if applicable	Item/Project Description	Est. Cost	Determined Eligible Per:
#5	Sewer	Island Creek Pump Station	Pump Change Out (3)	\$165,000	CWSRF Elig. - Cat. #4 - WW systems
#5	Sewer	Island Creek Pump Station	Grinder Install	\$150,000	CWSRF Elig. - Cat. #4 - WW systems
#5	Sewer	Island Creek Pump Station	Force Main Replace (5,380 LF)	\$750,000	CWSRF Elig. - Cat. #4 - WW systems
#5	Sewer	Indian Hills Pump Station	Total Upgrade & Increase Capacity	\$2,951,030	CWSRF Elig. - Cat. #4 - WW systems
Estimated Subtotal:				\$4,016,030	

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

CD - LETTERS OPPOSING HB 865, PRIVATE INSPECTORS OF COMMERCIAL BUILDINGS / STRUCTURES

Shane Prisby, Community Development Operations Manager, presented information regarding the letters opposing House Bill 865 as follows:

Staff has reviewed the proposed House Bill 865 regarding the authorization of private inspectors of commercial buildings and structures in North Carolina and has many concerns. County staff are concerned that if enacted, this bill could cause serious problems for our county and others across the state.

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The major concerns that staff has are as follows:

- §160D-1110(c1)- For any applicant opting to use a private commercial inspector, the County would be required to issue the building permit for the project and discount the permit by 80%.
- §160D-1105.3 - The County would be required to hold insurance coverage or a bond for 125% of the expected inspection costs for the permit in case the private commercial inspector abandons the project.
- §160D-1105.4 - Private commercial inspectors are legally immune from any actual or alleged act, error, or omission for their inspections or any issued certification of compliance excepting intentional, willful, or wanton misconduct.
- §160D-110(c2), §160D-403(e), §160D-403(g) - The County would not be able to address any issue they may observe with the exception of the final Fire Inspection.
- §160D-1116(b1) - The County would be required to issue a Certificate of Occupancy for any project where a private inspector issued a Certificate of Compliance.
- §160D-1116(b2) - While the County would be absolved of liability regarding the certificate of compliance issued by the private commercial inspector but may not be absolved of all legal responsibilities for the permit or certificate of occupancy which may not be withheld.
- Because the private commercial inspectors are hired directly by the commercial applicant, it could create a perverse incentive towards leniency regarding the code to ensure that their client receives their certificate of completion. The only disciplinary actions a private commercial inspector would be subject would be the revocation of their certificates as provided under §143-151.17(a).
- §160D-1102(b)(c) - Allowing private commercial inspectors may exacerbate the current shortage of building inspectors across the state. Many current building inspectors may move into the private sector where the work could be more lucrative. This could create a situation where a local government cannot fill vacancies and the Commissioner of Insurance would arrange for services to be provided which could include the private commercial inspectors.

Approval and issuance of the following letters of opposition to HB 865 is requested.

Mr. Prisby said it is the Department's recommendation that this bill not be supported and letters to that effect were drafted to Burke County's elected representatives.

Chairman Brittain said the proposed legislation does not seem helpful to Burke County and opened the floor for questions and comments from the Board.

In response to a question from Commissioner Taylor regarding the 80 percent discount on building permits, Mr. Prisby gave the example of a commercial construction permit costing \$1,000, this bill would drop the permit fee to \$200, discussion ensued, and Mr. Prisby noted that the County would have to do a tremendous amount of administrative work for 20 percent of the permit fee. Mr. Prisby responded to additional questions from Commissioner Taylor

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regarding the proposed legislation and discussion ensued regarding the permit discount and insurance coverage / bond. Margaret Pierce, Deputy County Manager/Finance Director, addressed the loss of revenues associated with HB 865, costly software modifications that N.C. counties will be charged to rewrite the financial software. After additional questions, Chairman Brittain said it is his understanding that this legislation is specific to commercial properties, not residential. He said one of the most significant risks he sees is that the County would have the burden of trying to inspect a complicated commercial building if the private inspector walked off the job and that throughout the entire process, the County is held liable.

Motion: To approve the issuance of letters of opposition to HB 865 as presented.

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

BOC - REPORTS & COMMENTS

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

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

County Manager Steen presented photos of a recent COVID-19 vaccination clinic held by the Health Department that took place at Catawba Brewing Company.

Commissioner Taylor said in addition to his regular reports the Board received in their agenda packet, he reported he received an email identifying the top places to retire to in North Carolina. He also reported the Clean Air and Water Conference will take place on October 28 – 29 at the Western Piedmont Council of Governments. Commissioner Taylor noted the Burke County Republican Party held their annual Reagan Dinner on Saturday which was attended by himself, Commissioner Carswell, County Manager Steen, and Attorney Simpson. The dinner was attended by multiple State / federal officials and there were approximately 180 people in attendance. Commissioner Taylor, in reference to the County's audit, said the full Board should either approve or reject each yearly audit.

Chairman Brittain offered condolences on behalf of the Board to the family of William "Mac" McMurtry, III, a Sheriff's Deputy who recently passed away. He also reminded everyone of the following:

- Do not litter and secure your trash when driving.
- Consider adopting / fostering a pet from the Animal Services Center.
- Consider getting a COVID-19 vaccine.
- November 2, 2021 is Election Day and early voting ends on October 30, 2021.
- County offices will be closed on November 11 in observance of Veterans Day.

RESULT:	NO ACTION TAKEN.
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VACANCY ANNOUNCEMENTS

CLERK - BOARDS AND COMMITTEES VACANCY REPORT

Clerk Draughn announced the following vacancies on County boards and committees:

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- Adult Care & Nursing Home Community Advisory Committee
- 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
- Burke County Planning Board & Board of Adjustment

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

RESULT: NO ACTION TAKEN.

CLOSED SESSION

Chairman Brittain announced that a closed session is needed to discuss threatened or pending litigation, to preserve the attorney-client privilege, to discuss economic development matters, to discuss contractual matters (land acquisition) and to discuss personnel matters as authorized by NCGS 143-318.11(a) (3), (4), (5) and (6). Chairman Brittain invited Jason Black, EMS Director, to join the Board in closed session.

Motion: To go into 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

Motion: To come out of closed session.

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

RETURN TO OPEN SESSION

PURCHASE OF REAL PROPERTY

Motion: To approve the purchase of 2.5 acres of real property (PIN # 2712791633, REID #31865, and appropriate \$290,000 (\$265,000 - property and \$25,000 - due diligence/surveys) of General Fund, Fund Balance.

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

Note: Due to an excessive amount of utility right-of-way on the property, the purchase did not go through.

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RECESS – 8:29 P.M.

Motion: To recess to November 2, 2021 at 2:00 p.m.

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

Approved this 21st day of December 2021.



Scott Mulwee, Chairman
Burke Co. Board of Commissioners

Attest:



Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board