

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

The Burke County Board of Commissioners held a regular meeting on Tuesday, March 15, 2022, at 6:00 p.m. The meeting was held at the Commissioners' Meeting Room, located at the Burke County Services Building, 110 N. Green Street, Entrance E, in Morganton, N.C. 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 this date due to the global COVID-19 pandemic. Those present were:

COMMISSIONERS PRESENT: Scott Mulwee, Chairman
Johnnie W. Carswell, Vice Chairman
Wayne F. Abele, Sr.
Jeffrey C. Brittain
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 Mulwee called the meeting to order at 6:00 p.m.

INVOCATION

Rev. Dr. Eddy Bunton, Jr., Minister of Student Ministries and Missions, Burkemont Baptist Church, delivered the invocation.

PLEDGE OF ALLEGIANCE

County Attorney, J.R. Simpson, II, led the pledge of allegiance to the American flag.

APPROVAL OF AGENDA

Motion: To approve the agenda.

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

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes of the November 16, 2021 (Regular), December 6, 2021 (Pre-Agenda) and December 21, 2021 (Regular) meetings as written.

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

PRESENTATIONS

AS - PET OF THE MONTH

Kaitlin Settlemyre, Animal Services Director, and Elizabeth Guffey, Animal Services Coordinator, presented Barney, a dog, who is need of his "furever" home and responded to questions from the Board.

RESULT:	NO ACTION TAKEN.
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SCHEDULED PUBLIC HEARINGS

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2022-01 & PUBLIC HEARING - 6:00 P.M.

Alan Glines, Deputy County Manager/Planning Director, presented information regarding ZMA 2022-01 as follows:

SUMMARY OF INFORMATION/BACKGROUND:

REQUEST

Burke County has received a rezoning application from Mickey Evans to rezone one parcel of land totaling 1.15 acres. The request is to rezone the property from its current zoning of Residential Two (R-2) to the General Business (G-B) zoning district.

BACKGROUND AND SITE ANALYSIS

This is a resubmittal of a rezoning application which the Board of Commissioners denied last August 2021. According to Section 8.11(5) of the zoning ordinance, an applicant must wait a minimum of ninety (90) days before resubmitting a rezoning application for the same request. The applicant is again requesting the rezoning in order to establish a Contractor's Storage Yard for his existing business (Evans Construction) which is adjacent to the subject property. The applicant has shared that he has purchased property elsewhere to store the recycled asphalt. This issue was part of the complaint of the neighbor to the southwest during the original application request. The applicant submitted a site development plan for the property (REID# 39219) and staff approved that plan on February 2, 2022. On February 3, 2022, the applicant was issued a Zoning Permit to establish a Contractor's Storage Yard on that land.

The parcel is described as follows:

The parcel is further identified in county records as (REID# 59577 / PIN# 2773135760). The subject parcel does not have a 911 address; however, Mr. Evans' adjoining business address is 2646 Raintree St., Connelly Springs, NC, 28612. The parcel is located within the Icard Township and Fire District of Burke County. The parcel is located within a WS-IV PA Water Supply Watershed.

Records indicate that the properties are served by public water and private onsite septic. The parcel is at the end of a dead-end street Ashton Dr. Ashton Dr. is a private road with a 45' right-of-way. The road is partially paved and partially gravel.

SURROUNDING AREA

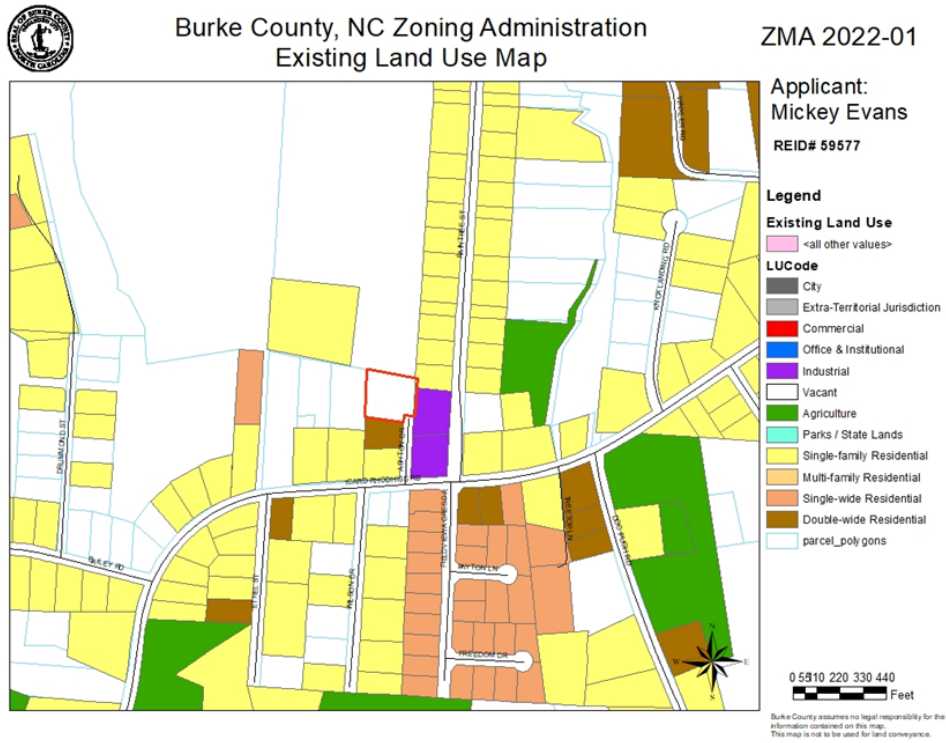
The surrounding area is predominantly high density residential in character. Mr. Evans' existing business and one other business on the corner of Icard Rhodhiss Road and Raintree St. are the only non-residential uses in the area. Mr. Evans' existing business is zoned General Business and the other parcel is zoned Industrial. The county zoning in this area consists of Residential-Two (R-2), Residential Three (R-3), Estate Lot Conservation, General Business, and Neighborhood Business Districts.

Existing Zoning and Land Uses within the Surrounding Area		
	Current Zoning	Existing Land Uses
North	R-2, R-3	Residences / Vacant land
South	R-2, R-3	Residences
East	R-2, R-1	Vacant, Residences
West	R-2, R-1	Vacant, Residences

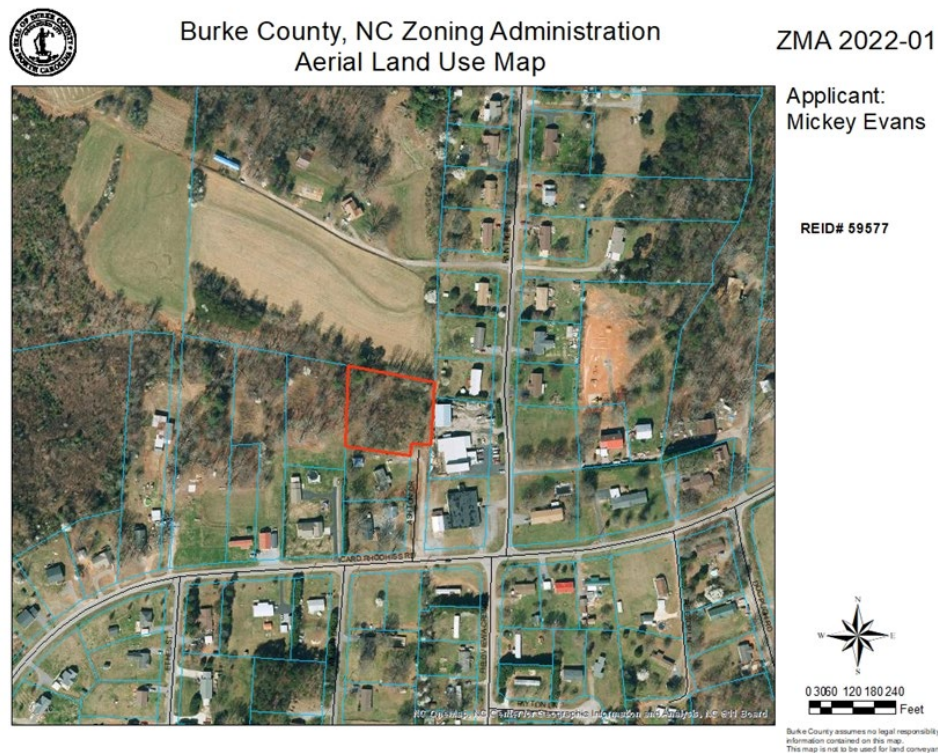
The Existing Land Use Map (Below) provides a visual representation of the existing uses outlined in the "Existing Zoning and Land Uses within the Surrounding Area" table (Above).

The subject parcel is outlined in red and are shown as vacant land. The property is adjacent to two parcels shown as Industrial uses. Mr. Evans business property is actually zoned General Business; however, the use was classified as an industrial use of land. The remaining parcels are shown as either residential or agriculture uses or vacant.

This space is intentionally left blank.

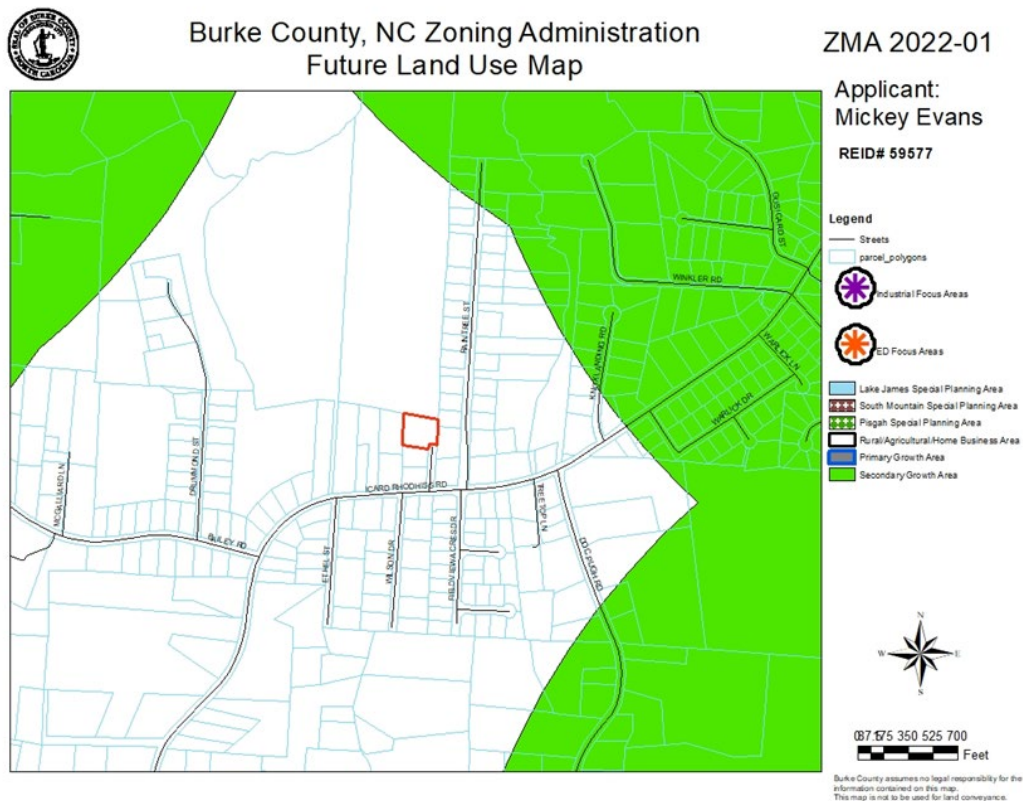


The Aerial Land Use Map (below) coincides with the Existing Land Use Map. Within this map, you are able to visually see the actual structures within the area.



Note: The photo was taken in 2018 and the lot outlined in red has been cleared.
CONFORMITY WITH THE COMPREHENSIVE PLAN

The current land use plan for Burke County is the 2016-2030 Blueprint Burke Strategic Land Use Plan. The subject parcel is located in the Rural/Agricultural Area (see map below). This designation is given to all areas of the county which are not designated as Primary Growth or Secondary Growth Areas. These areas are typically considered rural in nature and may allow a variety of land uses, although non-residential uses will be limited by the infrastructure and utilities found within the area. The existing construction business is considered an existing non-conforming use because it was established prior to zoning and does not comply with current zoning standards. Approval of the rezoning would allow the non-conforming use to expand.



CONFORMITY WITH THE BURKE COUNTY ZONING ORDINANCE

The current Zoning Map (below) shows the zoning for the subject parcels and surrounding area. As stated earlier, the "current" zoning district for this parcel is Residential Two (R-2). The applicant wishes to establish a contractor's storage yard on this property in order to park equipment and store materials used for his existing non-conforming paving business which adjoins this property. The subject property is adjacent to residential zoning and single-family residential dwellings. Although the existing business is well established, there was a complaint from a property owner when Mr. Evans expanded the business use onto the property proposed in the rezoning. Code Enforcement investigated the complaint and found the properties to be in violation of the R-2 zoning allowances. This prompted Mr. Evans to seek rezoning of the subject property. Since the BOC denied the original rezoning, Mr. Evans has moved most of the stored material from the property, however, he is still parking some business equipment on the

residential lot. Although the Land Use Plan classifies the area rural and expects a variety of different land uses to take place, consideration must be given to the residential character and existing residential uses in the area. Although screening would be required for the proposed storage yard, there may be other components of the operation such as noise which could impact the surrounding properties. Additionally, in the future, any use permitted under General Business would also be permitted there, such as general retail, mini storage, auto/body repair, bars, etc.

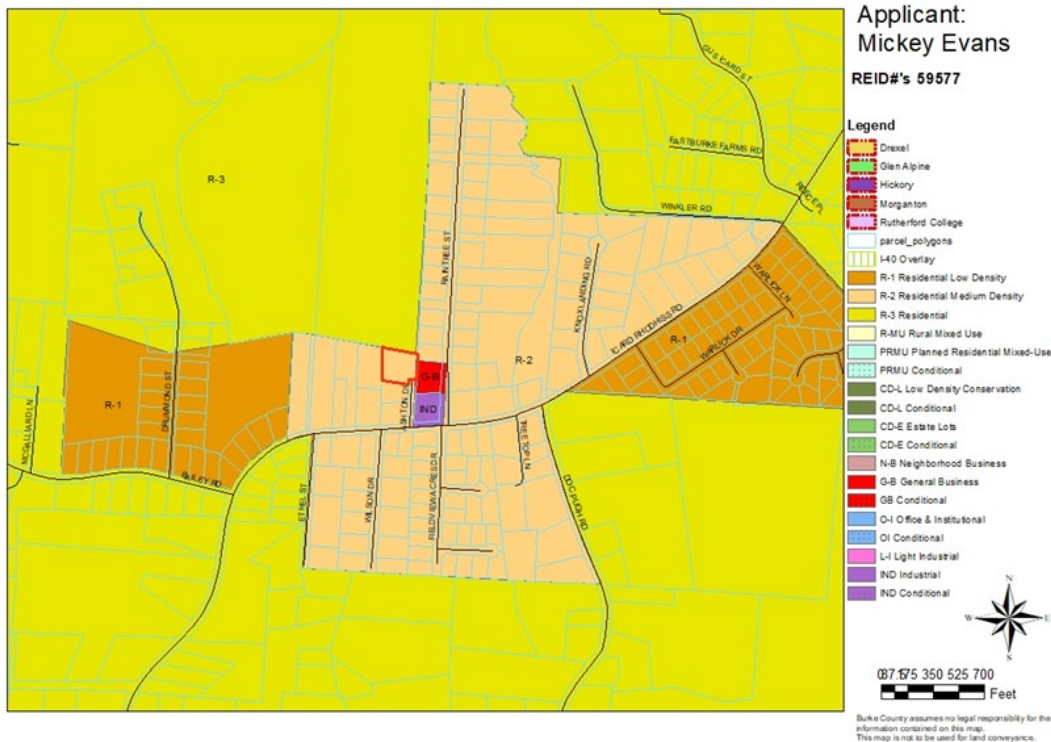


Burke County, NC Zoning Administration
Current Zoning Map

ZMA 2022-01

Applicant:
Mickey Evans

REID#s 59577



STAFF COMMENTS

Staff's comments are very similar to those of the previous report since the only potential change is the storage of asphalt may be moved to another site. The applicant has an existing construction business and would like to expand the business to the adjoining parcel in his ownership. Although the applicant is proposing to establish another site for the business, if a contractors storage yard is approved on the proposed Ashton Dr. location, then the applicant would be able to store equipment, vehicles, and materials which are related to the work being performed by the business. The fact that the business is surrounded by residential development could have a negative impact on the surrounding property owners. State Statutes prohibit conditions to be placed on a "general" rezoning approval. Therefore, only the non-residential development regulations within the zoning ordinance would apply to the proposed use.

From a staff perspective, there are several questions to consider.

- Will the traffic down Ashton Dr. increase by approving the rezoning? Would the road deteriorate more quickly if the property is used for the proposed use? There is no data or insight to share other than the county has no control over roads. Ashton Dr. is a private road and therefore, NCDOT would have no involvement either.
- Will the required screening be sufficient to visually and audibly negate the impact of the contractor's storage yard to the surrounding property owners? The zoning ordinance requires the non-residential use to be screened from all residential zoning and uses. Page 205 of the zoning ordinance requires either a vegetative buffer or a fence to be installed. The vegetation must reach seven (7) feet in height within five (5) years. A fence would need to be seven feet in height. The fence must have opaque slats in order to provide a visual screen.
- Would the property setbacks provide some additional buffer from the proposed use? The county setbacks are 40'-Front (from road right-of-way), 30'-Side, and 30' Rear (from property lines) pertaining to new structures. Material and equipment storage do not have to meet setbacks.
- Will the contractor's storage yard create any odors which might impact the surrounding property owners? There is nothing in the zoning ordinance that addresses odors generated from a use of property.
- Would it negatively impact the values of the surrounding properties? Only a real estate professional could make that determination. In order for that argument to be considered by the Board, written factual evidence showing reduced property values due to a similar situation must be submitted to verify the claim.

PLANNING BOARD RECOMMENDATION

The Burke County Planning Board held a public meeting on January 27, 2022, to hear this rezoning request. The applicant and four members of the public were in attendance. Staff presented the rezoning case report. The applicant was then asked to present their request. Following the applicants request, the Board asked if any members of the public wished to speak. Two (2) citizens spoke against the rezoning and one (1) citizen spoke in favor of the rezoning. One of the citizens speaking against has a residence and a second property which adjoin the subject property. The other citizen who spoke against is the daughter of the first person. She stated that she and her husband intend to build a new residence on the property that adjoins the subject parcel. She further stated that, if the rezoning is approved, they will cancel those plans. The citizen that spoke in favor of the rezoning owns two parcels on Ashton Dr. One of those parcels adjoin the subject parcel. That citizen does not reside on either parcel. Both parcels are rented out. The renter of the parcel (to the south) adjoining the subject parcel emailed staff and shared their experiences and concerns of the subject parcel being rezoned to business. That citizen is in opposition to the rezoning. Hearing from all in attendance, the Board asked several questions and then the public comment session was closed. The Board Chairman asked for a motion. Board member Evey made a motion to deny the rezoning request. That motion was seconded by Board member Palmer. The Chairperson asked for a full vote of the Board and the motion to deny the rezoning request was upheld 5/1.

Emails staff received concerning the rezoning request:

From: SWANSON Terri
To: Bradley Kirkley
Cc: Peter Minter
Subject: RE: Mickey Evans _Industrial (Business) on Residential lot
Date: Thursday, February 3, 2022 9:49:50 AM
Attachments: image001.png
 image002.png

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Hi Bradley,

I was at the Planning Committee meeting and have kept as up to date as I can on the current status.

However, since this original request was denied in August last year Mr Evans has NEVER discontinued using the lot for his business. It was my understanding from discussion with yourself and Peter, that Mr Evans had to remove ALL business materials from the site and discontinue use or he would be in violation and the matter would be turned over to legal for additional actions.

I have videos that I am trying to upload of work continuing earlier this week. Mr Evans knows the laws and knowingly continues to violate those laws. He laughingly said in the Planning meeting that his driver did dump materials and they were still picking up small loads from the site. He said something along the lines of "I guess I didn't tell my guys not to use this site". I absolutely know those drivers do not just dump loads where they choose to, they dump and pick up were Mr Evans directs them to.

Thank you for looking into this matter further.

BR,
 Terri

Essity Internal

From: Bradley Kirkley <bradley.kirkley@burkenc.org>
Sent: Wednesday, February 2, 2022 8:56 AM
To: SWANSON Terri <Terri.Swanson@essity.com>
Cc: Peter Minter <peter.minter@burkenc.org>
Subject: RE: Mickey Evans _Industrial (Business) on Residential lot

Terri:

I will be that way later this morning and will take a look at what is ongoing for the site on Ashton Drive. I do know that Mr. Evans is involved with staff on another rezoning request of the parcel, which to my understanding was voted down last week with the Planning Board. Pete will forward

your notes and email to the BOC for their consideration in voting on the matter when it arrives with them within the coming weeks. I also know that Mr. Evans is close to a permit for the relocation of the materials to a separate site off Rhodhiss Road, which has been ongoing with a site plan for several months. For questions regarding the rezoning request, please let Pete know those concerns.

Bradley N. Kirkley
 Zoning Administrator/CZO
 828-764-9036

From: SWANSON Terri <Terri.Swanson@essity.com>

Sent: Tuesday, February 1, 2022 9:34 AM

To: Bradley Kirkley <bradley.kirkley@burkenc.org>

Subject: RE: Mickey Evans _Industrial (Business) on Residential lot

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Hi Bradley,

Unfortunately I must follow-up as Mr Evans has recently escalated his business use of the Residential lot he owns. He has shown a blatant disregard of Burke counties rulings and of the regulations provided to him.

He continues to use the property everyday as a turn around to allow his trucks to use excessive speed in entering his headquarters.

He also continues to use the property to dump out and pick up materials such as dirt, gravel, etc. He readily admitted this to the Planning Committee last Thursday when the picture provided by Peter Minter clearly showed materials stored on the lot.

Yesterday afternoon, it became very loud for a while due to some machine operating on the site. I actually thought there was an accident outside due to the vibrations, but my neighbor (Mandy Crooks) who has better visibility to the site reported that it was in fact a machine operating on the lot (see following).

This space is intentionally left blank.

M crazy.

Well there was this drilling noise and my whole house started shaking. I went outside to see abs one of their construction machines was running. Dogs went

2:45 PM

This should not continue to be allowed. Mr Evans is supposed to be a reputable business owner; he understands the regulations required for business operations and chooses to disregard those regulations. I reported in Dec that Mr Evans continued to violate the regulations and nothing has changed.

I would appreciate anything you can do that would prevent this infraction from continuing.

BR,
Terri

Essity Internal

From: Bradley Kirkley <bradley.kirkley@burkenc.org>
Sent: Wednesday, December 1, 2021 1:20 PM
To: SWANSON Terri <Terri.Swanson@essity.com>
Cc: Peter Minter <peter.minter@burkenc.org>; Shane Prisby <shane.prisby@burkenc.org>
Subject: RE: Mickey Evans_Industrial (Business) on Residential lot

Terri:

I am aiming to speak with Mr. Evans later today concerning what has been reported in your email. The business use is not allowed for the site, for the parcel is zoned (Residential) in nature. I appreciate you bringing the situation to our attention. My apologies for the delay in reply, for I have just returned from vacation and are catching up on emails and events. I will keep you posted.

Bradley N. Kirkley
Zoning Administrator/CZO
828-764-9036

From: SWANSON Terri <Terri.Swanson@essity.com>
Sent: Monday, November 29, 2021 11:37 AM
To: Bradley Kirkley <bradley.kirkley@burkenc.org>
Cc: Peter Minter <peter.minter@burkenc.org>; Shane Prisby <shane.prisby@burkenc.org>
Subject: Mickey Evans_Industrial (Business) on Residential lot

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Hi Bradley,

Just a quick follow-up to let you know that the residential lot owned by Micky Evans continues to be used for his business. While I appreciate that he has move the huge mound of asphalt, he still has building materials located on the lot.

On Nov 23 a large truck come onto the lot and backed up for a load of something. I was working inside my house and heard loud noises coming from the lot. I assume the truck was dropping off or picking up some of the remaining materials that you can see in the 1st photo below. As I was working, I could only hear the activities until my meeting was finished. The first picture is while the truck was backed up and stopped near my back yard and the 2nd as they are driving off.



This space is intentionally left blank.



As you can see, Mr. Evans has planted some Leland Cypress. As discussed earlier, this does little to block the view or dust and nothing to block the noise.

I would appreciate anything you can do to ensure "business activities" are stopped on the lot.

BR,
Terri

Essity Internal

From: SWANSON Terri
Sent: Wednesday, September 22, 2021 6:30 AM
To: Bradley Kirkley <bradley.kirkley@burkenc.org>
Cc: Peter Minter <peter.minter@burkenc.org>; Shane Prisby <shane.prisby@burkenc.org>
Subject: RE: Mickey Evans_Industrial (Business) waste on Residential lot

Hi Bradley,

Thank you very much for your update.

I did notice activity yesterday on the lot; it appears some of the old asphalt debris was being moved.

That does make me hopeful that Mr. Evans will now comply with the ruling.

BR,
Terri

Terri Swanson

Project Manager, GM&I Medical
PMO



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 Hickory, NC 28602-4206
 Phone: +828-879-5100 ext 528143
 Fax: +828-291-0390
 Mobile: +803-979-3454

Terri.Swanson@Essity.com

From: Bradley Kirkley <bradley.kirkley@burkenc.org>
Sent: Tuesday, September 21, 2021 3:48 PM
To: SWANSON Terri <Terri.Swanson@essity.com>
Cc: Peter Minter <peter.minter@burkenc.org>; Shane Prisby <shane.prisby@burkenc.org>
Subject: RE: Mickey Evans_Industrial (Business) waste on Residential lot

Terri:

Pete and I have been in conversation with Mr. Evans concerning the status of things and his progression and plans. We spoke at length with him on Friday and he has provided information for the surveyor who is preparing a plat and deed for review, before week's end. The property he is seeking to relocate to is off Rhodiss Road and is zoned in a district that would allow the use and materials.

Pete and I visited his property yesterday and noted that his equipment or trucks were gone from the site, or at least they were yesterday during our visit. Photos were collected to note this for the file. The asphalt did not appear removed, as noted by your photos today. As such, compliance as requested has not been achieved.

I informed Mr. Evans via phone on Friday of what would be coming his way concerning cleanup, a citation, and the fixed timeline before legal action is pursued. In short, Mr. Evans will be issued a \$50.00 penalty, and if after 30 days the debris and materials remain, and the fine is not paid, then legal action is pursued. My hope is that with a surveyor plan being provided by week's end, and with our pending review of the plan and relocation provided to us in that same time, then relocation of all waste debris should be able to occur inside of that 30 day window. Surveyors, especially since COVID have been heavily delayed, so getting a plan and sketch does take time, which Mr. Evans is trying to comply with. I will be issuing the fine before end of business tomorrow, and the order of action will be noted within it. For any additional updates or information, please let our office know. We appreciate your concerns and efforts to keep us informed of the situation there.

Bradley N. Kirkley
Zoning Administrator/CZO

This space is intentionally left blank.

From: SWANSON Terri <Terri.Swanson@essity.com>
Sent: Monday, September 20, 2021 10:22 AM
To: Bradley Kirkley <bradley.kirkley@burkenc.org>; Shane Prisby <shane.prisby@burkenc.org>
Subject: FW: Mickey Evans, Industrial (Business) waste on Residential lot

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Hello Gentlemen,

Please find following some of the photos I submitted to the board of the rubbish dumped on Mickey Evans residential lot.



Following is a photo I snapped this morning. As you can see, Mr Evans continues to show his blatant disregard of Burke County's laws and the Board of Commissions ruling. To date, as far as I can see, he has made no attempt to comply with the Boards ruling that the site remain residential and all industrial rubbish be removed by Saturday 18 Sept.



Please review and enforce any/all measures at your disposal to ensure Mr Evans clears this lot as instructed.

BR,
 Terri Swanson

Terri Swanson
 Project Manager, GM&I Medical
 PMO



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 Phone: +828-879-5100 ext 528143
 Fax: +828-291-0390
 Mobile: +803-979-3454

Terri.Swanson@Essity.com

Case photos from the agenda packet:





Mr. Glines said this request was heard last year and at the time, the Planning Board supported the request with a 4-2 split vote, but it was denied by the Board of Commissioners with a 2-1 vote.

Chairman Mulwee opened the floor for questions and comments from the Board. Mr. Glines responded to several questions from Commissioner Taylor concerning the road itself and road access.

At 6:20 p.m., Chairman Mulwee opened the public hearing. The public hearing notice was published in the NEWS HERALD on March 3, 2022 and March 10, 2022. Further, the notice was posted to the County's website, www.burkenc.org, on March 3, 2022. There were several citizens who signed up to address the Board.

Terri Swanson asked the Board to deny the rezoning request and noted she lives directly beside the parcel in question. Ms. Swanson said since the initial request, Mr. Evans has not done anything different except plant trees around a portion of the fence. She alleged that he continues to do business even after the original request was denied. Ms. Swanson presented photos to the Board and said she has made calls to Community Development regarding Mr.

Evans' business activities. She noted that she lived through this last year when there were 25-foot tall piles of asphalt on the property as well as the frequent coming and going of trucks. Ms. Swanson mentioned another similar rezoning request that occurred 13 years ago in the neighborhood that was denied and said that should be a precedent. Ms. Swanson said the property in question is surrounded on three (3) sides by other homes and noted she learned that one (1) is zoned industrial, but it just has old trucks sitting on the property, not day to day noisy business activity. Ms. Swanson said her home is on the front of their property and they allocated the second half of the property for her daughter to construct a house on and they do not want to have Mr. Evans' business beside of their house. Ms. Swanson compared how much property tax revenue Mr. Evans' lot generates compared to how much her daughter's new house would generate. She then commented on the potential increase for wrecks, the speed limit, and the negative impacts from debris / dust from Mr. Evans' business and how it negatively impacts their enjoyment of their property. Ms. Swanson said this is a bad decision for Burke County and stated it is bad for tax values and the neighborhood. She noted that the Board of Commissioners already denied the request once and she asked them to, once again, do what is best for the county and set aside any personal relationships with Mr. Evans.

Cindy Stancavage said Ms. Swanson is her mother and noted that she looks after her children frequently while she is at work as a public health nurse. Ms. Stancavage said there are children who run around the neighborhood and the noise and dust would interfere with their use and enjoyment of the pool. She said she plans on constructing a farmhouse that will be at least \$350,000 and they are waiting to see what the Board decides before committing to building their house next to Mr. Evans' business. Ms. Stancavage commented on the amount of stacked debris on Mr. Evans' property and how the fencing does not conceal the debris and expressed concern that if the property is zoned industrial, Mr. Evans' can do whatever he wants with the property. She then questioned if the Board would want to live next to Mr. Evans' business and said if not, they should deny the request.

Mickey Evans, President of Evans Construction, said his third-generation company has been in the same location for 52 years and noted their operating hours are 7:30 a.m. – 4:00 p.m. Monday – Friday and during those 52 years they have never had a complaint from the neighbors. Mr. Evans said they want to rezone the property in question for equipment storage and it is becoming a safety issue with the movement of trucks, equipment, and personnel. Mr. Evans said all his 12 employees, are all Burke County residents, have signed a petition requesting the Board to approve the rezoning request. Regarding the first time his request was denied, he said there were only three (3) Commissioners in attendance and the decision to deny was based on the complaints of one (1) landowner. Mr. Evans said after the request was denied the first time, he spoke to the other adjoining property owners and asked them if they objected to his rezoning request. He said no one objected to his request and there were a lot of positive comments about his company, and he noted that 29 neighbors signed a document stating that they do not object to his request. In reference to a previous objection regarding asphalt piles, Mr. Evans said he has purchased another lot to store the millings on so that will no longer be an issue. He said if Ms. Stancavage builds a house, they will be as respectful as they can and noted that neighbors from Ashton Drive are here in support of his request. He said they have been on their property for over 50 years, and they have never had an issue with anyone.

Commissioner Abele asked Mr. Evans if he lives on the property in question. Mr. Evans said he lives approximately two (2) miles away.

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

Chairman Mulwee asked what is the pleasure of the Board. Commissioner Taylor said he had several questions and examples to present. Chairman Mulwee said the Board already had an opportunity to ask questions and make comments before the public hearing. Commissioner Taylor asked for a point of order and cited the Commissioners' meeting notes. Chairman Mulwee reiterated that the Board members already had an opportunity to ask questions or make comments before the public hearing. The County Attorney, at the request of the Chairman, confirmed that the Board had an opportunity to ask questions or make comments before the public hearing. Commissioner Taylor and Chairman Mulwee reviewed the procedures listed in the Commissioners' notes.

Motion: To deny Ordinance No. 2022-01 amending the Burke County Zoning Map as it relates to ZMA 2022-01 for a 1.15-acre property (REID# 59577) located at Ashton Dr. from Residential Two (R-2) to General Business (G-B), and find that the request is inconsistent with the Blueprint Burke Plan which shows the area as Rural/Agricultural/Home Business Area, and further find that the request is not reasonable nor in the public interest because the character of the surrounding area may be negatively affected by impacts from the current or potential uses at the site.

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

Commissioner Taylor reiterated that he had additional questions and examples to present. Chairman Mulwee said the Board had an opportunity to ask questions regarding this item earlier and that the Board was moving on.

INFORMAL PUBLIC COMMENTS

Chairman Mulwee opened the floor for informal public comments and asked the speakers to keep their comments to three (3) minutes. There were several citizens who signed up to address the Board.

Dr. Leslie McKesson, Lafayette Drive, gave a brief overview of her professional activities and noted that in her current professional role, she is often teaching on the premises of the Historic Courthouse Square under the shadow of the confederate monument. Dr. McKesson said since the armed incident that took place on June 29, 2020, a cloud hovers over the monument that impacts how people surveil the monument during the class. She asked: how are they supposed to interpret the acts of surveillance, are they supposed to stay away from the monument and do they not have the right to feel safe and unthreatened on any public municipal property that their county tax dollars support. Dr. McKesson said since January of 2021, 420 minutes of commentary have been submitted regarding the confederate monument at BOC meetings. She continued, the 420-minute public record consists of at least 51 comments of which five (5) have spoken in favor keeping the monument on the public square and 46, or 90 percent, have respectfully spoken in favor of removing or relocation. Dr. McKesson said she thinks it reasonable and just to expect that their elected officials directly engage citizen requests for removal or relocation in ways that are not dismissive, passive, and genuinely address the

concerns of citizens who want a brighter Burke County that lives up to its motto "All About Advancing".

Kara Sevensma, 5097 White Rock Lane, said she is an educator and three (3) questions she asks all her future teachers to consider anytime they enter a shared space are: 1) who is valued, 2) who is welcomed, and 3) who belongs. Dr. Sevensma then relayed a story of when she was volunteering at a university for freshman drop off day in which a student's father, who was in a wheelchair, crawled up three (3) flights of stairs to assist his son move in because there was no elevator despite recent renovations. She said to this day, she feels the harm that space caused the man and his family, and she cringes at the message of exclusion it sent to everyone. Dr. Sevensma said the renovated Historic Courthouse Square with the confederate monument has the same effect as those stairs, it sends a powerful message and inflicts hurt on members of the community. She said at the heart of our beautiful community, we can do better than this, we can remove the monument, we can use our shared space to tell every citizen that they are valued, welcomed, and they belong.

Mike Logan, 110 Kela Drive, said he was hesitant to speak before the Board regarding the confederate monument because others have done so before him and questioned what he could add. Mr. Logan said he grew up during segregation and went to a segregated school that later integrated. He spoke of the challenges of integration and the backlash a white coach received for encouraging him and some of his friends to play on the baseball team. Mr. Logan commended the gentleman and said he had courage and a kingdom agenda. Mr. Logan said he is a veteran and spent 33 years in the military, Army, National Guard, and the Reserves, noting that he is a Vietnam era veteran and served in Afghanistan. Mr. Logan said as a veteran, he is not against the soldier on the monument, but he is against the cause of the statue. Mr. Logan then read statistics regarding slave owners and then read the definition from the United Nations on human trafficking.

Naomi Smith, 104 Inglewood Drive, said she was thinking about the ongoing war in Ukraine and thought what if Vladimir Putin decided to erect a statue of a no-name Russian soldier in every city that they took. She said it would be difficult to accept and the world would have an outcry. After acknowledging the similarity in the hypothetical scenario and the no-name confederate soldier in Morganton, she said it is easy to hide behind a statute and a law. She asked the Board to remember that for hundreds of years there were laws that would be considered atrocious today. Ms. Smith said we erected a statue of a confederate soldier who fought for the right to make the lives of whites better. However, the people (slaves) that made life better have not been honored. She encouraged the Board to have a conversation with God, like she has done, and ask if there is anything that they are participating in that is hurting one of their own.

Kelly Surratt said she is looking in the faces of family members, and she is their sister. She said the Board has an opportunity to fight for the family. Ms. Surratt said they stand for love and the only way the world knows what family they belong to is by their love. After additional comments regarding family, she asked what it would look like to offer the opportunity for conversation, to honor the one who matters the most, to stare opposition in the face and say together that they are choosing to slay Goliath, and to not just say they have an idea of community but to learn to be community. Ms. Surratt said she challenges the Board, as her brothers, and asked if they will together fight for the family.

George Logan thanked the Board for their service to the community. Pastor Logan spoke about the golden rule and asked what is it about the confederate monument that fits the golden rule. He asked is it the reminder of a time when blacks were not considered human but instead property, is it the reminder that blacks were displaced from their families, it is the reminder of the abuse that took place under the banner of the south, the confederacy, and slavery. Pastor Logan then read a quote from Frederick Douglass. He echoed Ms. Surratt's statement about being amongst brothers and if so, does the confederate monument fit within all that we know about the golden rule, do unto others as you would have them do unto you.

Carla Kincaid, 1276 NC Highway 126, spoke about her recent trip to Myrtle Beach, SC / Charleston, SC. During her journey, she encountered a gentleman from Africa selling baskets along the roadside who apologized for his broken English. She told him that no apology was necessary, but that conversation reminded her that slaves also lost their native language. She said she hopes we can come to a conclusion and that they can draw on a historical memory to facilitate community unity in regard to removing the confederate statue from the county seat in Morganton.

Gene Gouge, 2300 Liberty Church Road, said he is here tonight to speak about the communist takeover of Ukraine. Pastor Gouge said his greatest concern is not the communist takeover of Ukraine, but the communist takeover of America. He said America, North Carolina, and Burke County are in danger. He expressed concern over critical race theory and pornography being taught and encouraged in public schools which is a part of the communist takeover of America. Pastor Gouge said we must take a stand and fight back for the truth. He said the rewriting, removing, and rethinking of American history is all a part of the communist takeover of this country. Pastor Gouge then read from Proverbs Chapter 2:28 and stated if we do not learn from history, we are going to repeat the same mistakes over and over. He said he has visited multiple communist countries and noted we do not want America to be taken over by communism.

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

CONSENT AGENDA

At the Chairman's request, County Manager Steen reviewed the items on the consent agenda. He also advised that representatives from Partners Health Management (PHM) wished to address the Board. Chairman Mulwee invited them to address the Board.

Rhett Melton, PHM CEO, said Medicaid transformation in North Carolina is continuing and it affects PHN in a significant way, noting that the state created two (2) Medicaid plans, tailored and standard. Mr. Melton continued; the standard plan launched with the commercial managed care companies last June. PHM is transitioning to becoming a tailored plan and they will be responsible for the financial reports and the information the county has received for many years, they will also be responsible for managing the pharmacy and medical costs of those same individuals, which begins in December. Mr. Melton said another program is called Medicaid Direct and noted there will be an upcoming information session to provide detailed information.

BDI - MODIFICATION TO ECONOMIC DEVELOPMENT GRANT FOR ZRODELTA

The County executed a \$500,000 local grant agreement with Critical Resources, LLC dated February 16, 2018. To be eligible for the grant, the company was required to, among other

things, create 82 new full-time jobs within two years of the Agreement, and maintain those new jobs at least six months, according to NCU1 101 records. Since entering into the Grant Agreement, the company has created 56 full time jobs, and is short by 26 jobs. According to Hope Hopkins of BDI, this is because of COVID and labor issues. The company has received a Rural Economic Development Grant from the State of North Carolina that has a similar job creation provision. The Rural Economic Development Division has given the company an extension to meet its job creation goal until December 14, 2022. The company is requesting that the local grant agreement be modified to extend its time to create new jobs until December 14, 2022, as well.

Motion: To modify the Local Grant Agreement with Critical Resources, LLC dated February 16, 2018, to allow Critical Resources until December 14, 2022 to create and maintain 82 full time jobs and to allow the County Manager to sign a modification agreement on behalf of the County reflecting such change.

RESULT: APPROVED [UNANIMOUS]

MOVER: Jeffrey C. Brittain, Commissioner

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

BOC - JOINT RESOLUTION DISSOLVING THE INDUSTRIAL FACILITIES AND POLLUTION FINANCING AUTHORITY

As indicated in the following minutes, the Industrial Facilities and Pollution Financing Authority (aka Industrial Revenue Bond Board) met on February 21, 2022, to take action on some old business, voted unanimously to dissolve itself as the Authority is no longer needed and authorized the County Finance Director to execute any remaining documentation on behalf of the Authority. The following joint resolution is required to complete the dissolution.

Motion: To adopt Resolution No. 2022-04.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Jeffrey C. Brittain, Commissioner

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

Res. No. 2022-04 and the meeting minutes reads as follows:

BURKE COUNTY
NORTH CAROLINA

JOINT RESOLUTION DISSOLVING THE INDUSTRIAL FACILITIES & POLLUTION FINANCING AUTHORITY

WHEREAS, The Burke County Industrial Facilities and Pollution Control Financing Authority was created pursuant to Chapter 159C of the North Carolina General Statutes; and

WHEREAS, All of the Authority's loans have now been repaid, and all Deeds of Trust securing these loans have been cancelled; and

WHEREAS, The Authority held a special meeting on February 21, 2022, and voted to dissolve, as the Authority's useful life is concluded; and

WHEREAS, the Authority, by a unanimous vote taken at its February 21, 2022 special meeting, authorized the County Finance Director, Margaret Pierce, to execute any remaining documents on behalf of the Authority; and

WHEREAS, Pursuant to NCGS Section 159C-21, the Board of the Authority and the Board of Commissioners may adopt a joint resolution determining that the purposes for which the Authority was formed have been substantially fulfilled, and that all bonds and other obligations have been satisfied, and therefore the Authority is dissolved.

NOW, THEREFORE BE IT RESOLVED by the Burke County Board of Commissioners and the Industrial Facilities & Pollution Financing Authority that the Authority is hereby dissolved in accordance with its dissolution action that was approved by a unanimous vote of the Authority at a duly called special meeting held on February 21, 2022.

Adopted this 15th day of March 2022.

/s/: Scott Mulwee
Scott Mulwee, Chairman
Burke County Board of Commissioners

/s/: Margaret M. Pierce
Margaret M. Pierce
Burke Co. Dep. Co. Mgr./Finance Director
Industrial Facilities & Pollution Financing Authority

Attest:

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

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February 21, 2022 (Special Meeting)

**MINUTES
BURKE COUNTY INDUSTRIAL FACILITIES AND POLLUTION FINANCING AUTHORITY
SPECIAL MEETING**

The Burke County Industrial Facilities and Pollution Financing Authority held a special meeting on Monday, February 21, 2022 at 2:00 p.m. in the Burke County Board of Commissioner's meeting room, Burke Services Building, 110 N. Green Street (Entrance E) in Morganton. The special meeting notice was published on Thursday February, 17, 2022. The purpose of the meeting was to consider satisfying two (2) deeds of trust to the Emery Corporation and the dissolution of the Burke County Industrial Facilities and Pollution Financing Authority.

BOARD MEMBERS PRESENT: Bryan Steen, Chairman
John Branstrom
Sally Sandy
Margaret Pierce
Hope Hopkins
Ronnie Thompson

BOARD MEMBERS ABSENT: Jerry LaMaster

STAFF PRESENT: J.R. Simpson, II, County Attorney
Lance Riddle, Executive Asst. to the Co. Mgr. / Dep. Clerk

CALL TO ORDER

Chairman Steen called the meeting to order at 2:00 p.m.

SATISFACTION OF DEEDS OF TRUST TO EMERY CORPORATION

Margaret Pierce said Emery Corporation was going to sell their building but realized as they did their title search, that there were still two (2) unsatisfied deeds of trust. After their attorney contacted the County, staff researched records to ensure there were no other unsatisfied deeds. Ms. Pierce continued, Emery is confident the deeds were paid, but they could not find any records that confirm they were paid in the last 15 years. She said the County did not carry anything regarding the deeds in their audit books and the County's auditors, Lowdermilk Church & Co LLP, also had no recollection of anything being carried in the audit books. Ms. Pierce said the two (2) deeds were for \$1.5 million each, one (1) was for a collateral deed of trust, and the other was for a project deed of trust. She said that previous minutes of the Board only reference one (1) deed of trust, noting that their purpose today is to vote to close out the deeds of trust. Ms. Pierce said after speaking with Attorney Simpson, these are the last deeds that need to be closed out.

Motion: To approve satisfaction of the two deeds of trust to Emery Corporation as the Company and Leo D. Emery and Beverly A. Emery as Obligors, authorize Burke County Attorney, J.R. Simpson, to draw up and execute the satisfaction documents to release the deeds. County Attorney, J.R. Simpson, will replace David C. Swann as trustee under the deeds of trust.

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February 21, 2022 (Special Meeting)

RESULT: APPROVED [UNANIMOUS]
MOVER: Ronnie Thompson
SECOND: John Branstrom
AYES: Bryan Steen, John Branstrom, Sally Sandy, Margaret Pierce, Hope Hopkins and Ronnie Thompson
ABSENT: Jerry LaMaster

DISSOLUTION OF THE BURKE COUNTY INDUSTRIAL FACILITIES AND POLLUTION FINANCING AUTHORITY

Motion: To dissolve the Burke County Industrial Facilities and Pollution Financing Authority and authorize the Burke County Finance Director to execute any future documents necessary for the Authority.

RESULT: APPROVED [UNANIMOUS]
MOVER: John Branstrom
SECOND: Sally Sandy
AYES: Bryan Steen, John Branstrom, Sally Sandy, Margaret Pierce, Hope Hopkins and Ronnie Thompson
ABSENT: Jerry LaMaster

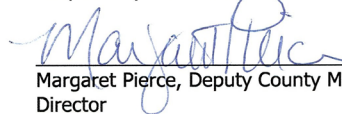
Attorney Simpson said the Board of Commissioners will need to adopt a resolution to terminate the Authority. Chairman Steen suggested that could take place at the Board of Commissioners regular meeting in March.

ADJOURN

Motion: To adjourn at 2:05 p.m.

RESULT: APPROVED [UNANIMOUS]
MOVER: John Branstrom
SECOND: Ronnie Thompson
AYES: Bryan Steen, John Branstrom, Sally Sandy, Margaret Pierce, Hope Hopkins and Ronnie Thompson
ABSENT: Jerry LaMaster

Respectfully submitted,

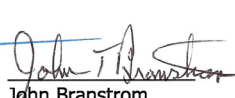


Margaret Pierce, Deputy County Manager/Finance Director

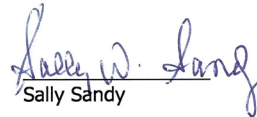
Attested and approved by the members present at the meeting.



Bryan Steen



John Branstrom



Sally Sandy

February 21, 2022 (Special Meeting)



Hope Hopkins



Ronnie Thompson

CLERK - APPOINTMENT TO ADULT CARE / NURSING HOME COMMITTEE

The appointment of Donna W. AuBuchon to the Adult Care / Nursing Home Committee, Seat No. 5 (vacant), is requested by Christina Franklin, Regional Ombudsman, for a 3-year term ending May 31, 2025. Ms. AuBuchon has prior service experience in a neighboring county and

comes to us via a relocation to Burke County.

Motion: To appoint Donna W. AuBuchon to the Adult Care / Nursing Home Committee, Seat No. 5, for a 3-year term ending May 31, 2025.

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

CLERK - APPOINTMENTS / REMOVALS TO THE BOARD OF HEALTH

The reappointment of Isaac Crouch to Seat No. 5 (optometrist or private citizen) on the Board of Health is requested to complete the remainder of a 3-year term ending December 31, 2024. Carol Largent, Seat No. 9 (at-large), has served the maximum number of terms allowed. As such, her removal is requested.

The Board of Health requests the appointment of Dr. Laura Gratton to fill vacant Seat No. 10 (at-large) to complete the remainder of a 3-year term ending December 31, 2023.

Motion: To reappoint Isaac Crouch to the Board of Health, Seat No. 5, to complete the remainder of a 3-year term ending December 31, 2024.

To remove Carol Largent's name from the official roster for the Board of Health and express appreciation for her service to the community.

To appoint Dr. Laura Gratton to Seat No. 10 on the Board of Health to complete the remainder of a 3-year term ending December 31, 2023.

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

CM - AMENDMENT TO DEED FOR THE HISTORY MUSEUM OF BURKE COUNTY, INC.

The History Museum of Burke County, Inc. (THMOBCI) desires to lease portions of the property located at 203 West Meeting Street to other nonprofit corporations engaged in the same or similar museum pursuits, but the conditions in the 2016 Deed forbid it. The following amendment to the deed allows the Museum to lease portions of the property to other nonprofit, tax-exempt corporations if:

- the lease is for less than a two-year period;
- the lease is in writing, signed by the Grantee and the Lessee;
- the Board of Commissioners shall approve the proposed lease in writing.
- the County may deny any lease for any reason and may revoke its approval at any time.
- less than half of the Property is subject to any lease or leases at any time.

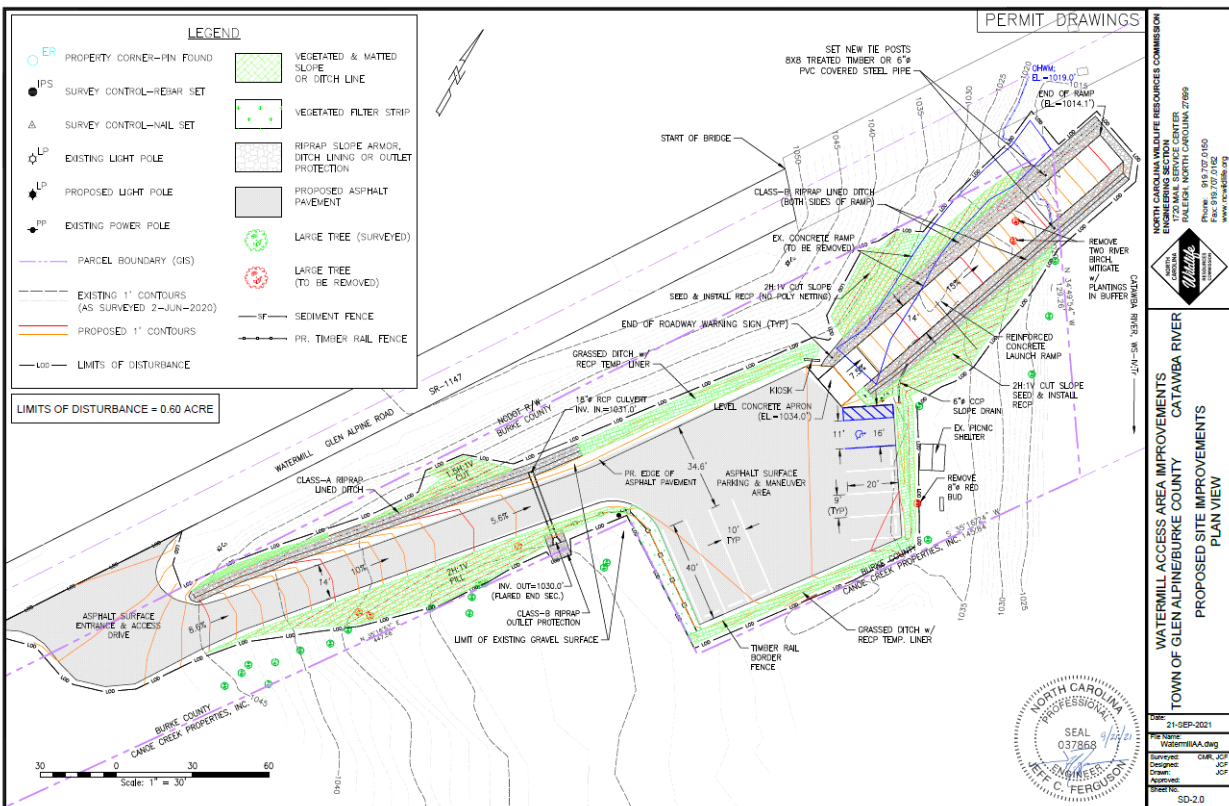
Motion: To approve the "Amendment to Deed" between Burke County and The History Museum of Burke County, Inc. as presented and authorize the Chairman to execute the Amendment on behalf of the Board.

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

COMM. DEV. - WATERMILL ACCESS - TEMPORARY EASEMENT AGREEMENT

Burke County is working with the Wildlife Resources Commission to upgrade the facilities at Watermill Access Area. In order to improve the parking lot and overall drainage, the County will need a temporary construction easement from the owner of the adjacent property, Canoe Creek Properties, Inc.

Canoe Creek Properties is in support of the project and improvements proposed. As part of the agreement, they have requested permission to clear vegetation in front of their new subdivision and replace it with landscaping. At this location, the County's property is about 40 feet wide and lies between the subdivision and the road right-of-way. The proposed landscaping would not affect the Watermill project.



Motion: Approve the Temporary Easement Agreement with Canoe Creek Properties. Further, authorize the County Manager to execute the agreement on behalf of the Board, subject to review and/or revision by the County Attorney.

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

FINANCE - LEASE WITH BDI FOR OFFICE SPACE

**BURKE COUNTY
BOARD OF COMMISSIONERS
NOTICE OF INTENT TO
LEASE REAL PROPERTY**

Notice is hereby given in accordance with NCGS 160A-272, that the Burke County Commissioners intends to lease approximately 2,000 sq. ft. of real property located at 2128 S. Sterling Street, Suite 150 in Morganton, NC, to Burke Development Inc. for a term beginning 1-12-2021 to 6-30-2022, with a monthly rent of \$816. The lease also includes eight additional 12-month terms with an annual rent of \$10,000. The Board will consider a resolution authorizing the execution of the lease agreement at its regular meeting on March 15, 2022, at 6 p.m.
Notice given this 10th day of Feb. 2022.

Burke Partnership for Economic Development (BDI) leases approximately 2,000 square feet of office space located at the Foothills Higher Education Center, 2128 S. Sterling St., Suite 150, Morganton, NC. The current lease has expired, and a new lease is required. BDI and the County have both reviewed the new lease and are agreeable to the terms.

Motion: Authorize the County Manager to execute a lease agreement with Burke Partnership for Economic Development (BDI) for approximately 2,000 square feet of office space located at 2128 S. Sterling St., Suite 150,

Morganton, NC.

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

FM - CONTRACTS FOR FIRE PROTECTION SERVICES

Approval of the 10-year contracts for fire protection services for Longtown, South Mountain, Jonas Ridge, Enola, Oak Hill, Lovelady, Icard, Triple Community, Lake James, George Hildebran, Salem, Brendletown, Chesterfield, West End, Drowning Creek, and North Catawba Fire Departments are requested.

Based on changes to accounting standards, all contracts required updating for the end of the fiscal year. Fire Departments were briefed on the contract changes and renewal, and they support the change effect with this agreement.

Motion: To approve contracts for fire protection services between Burke County and the Longtown, South Mountain, Jonas Ridge, Enola, Oak Hill, Lovelady, Icard, Triple Community, Lake James, George Hildebran, Salem, Brendletown, Chesterfield, West End, Drowning Creek, and North Catawba Fire Departments. Further, authorize the Chairman to execute the agreements on behalf of the Board, subject to review and/or revision by the County Attorney.

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

FM - CONTRACT FOR RESCUE SERVICES

Approval of the 10-year contract for rescue services is requested. This contract expired January 17, 2022. A contract with the County is one of the requirements by which all rescue agencies in North Carolina must meet and/or retain to be certified to the North Carolina Association of Rescue and EMS standards.

Motion: To approve the contract for rescue services between Burke County and the Burke County Rescue Squad. Further, authorize the Chairman to execute the agreement on behalf of the Board, subject to review and/or revision by the County Attorney.

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

PHM - PARTNERS HEALTH MANAGEMENT FINANCIAL REPORTS FOR THE PERIOD ENDING JUNE 30, 2021 & DEC. 31, 2021

At the pre-agenda meeting, the Board received financial updates from Dr. Katie Varnadoe, Partners Health Management, for the periods ending June 30, 2021 and Dec. 31, 2021. The information reads as follows:

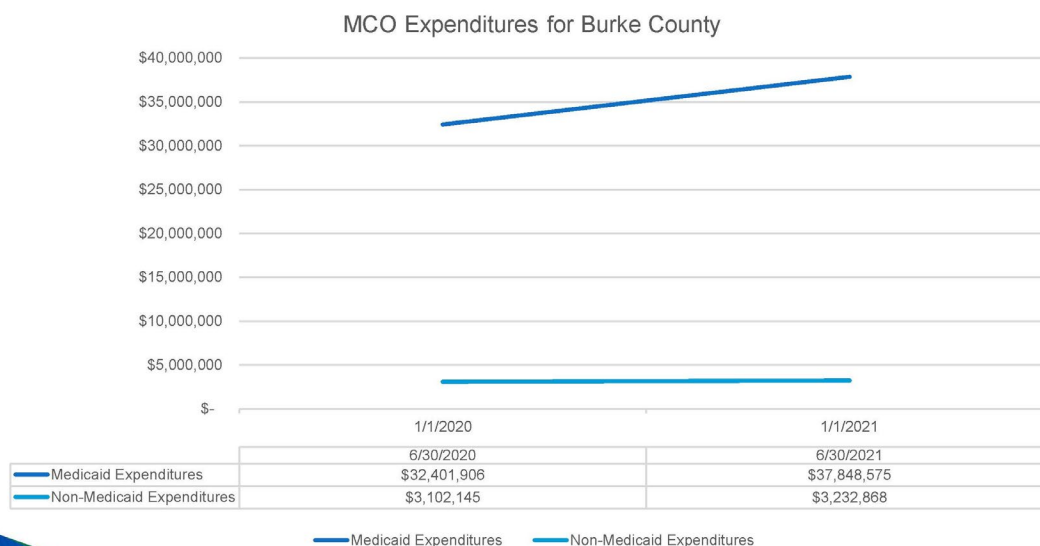
FY 2020-2021 Expenditures

	FY 2021	FY 2021	Remaining
	Annual Budget	YTD Expenses	Balance
FY 2021 County Approved FB			
County Approved Allocation	265,000.00		
ABC Funds			
Carry over (fund balance) from June 30, 2020			
	265,000.00		
Expenditure Plan:			
Care Coordination Liaisons	10,000.00	10,000.00	-
SOC Collaborative Expenses	8,000.00	7,916.69	83.31
Consumer Reserves IDD	3,000.00	-	3,000.00
Consumer Reserves MHSU	3,000.00	125.00	2,875.00
A Caring Alternative- BIH SOAR	26,750.00	26,750.00	-
CVBH- Embedded Peer Support Specialist Jail	39,000.00	31,770.60	7,229.40
CVBH - MH/SA Services in Jail	30,052.00	30,052.00	-
CVBH - MORES Program Family Partner	20,000.00	20,000.00	-
CVBH - Psychiatric Support	72,140.00	72,140.00	-
Good Samaritan Clinic	10,000.00	9,613.76	386.24
Greater Hickory CCM (Soar/HUD)	7,500.00	7,500.00	-
Housing Reserves-various providers	5,000.00	4,859.79	140.21
Nami - Support Groups	3,000.00	3,000.00	-
		-	-
	237,442.00	223,727.84	13,714.16

Expenditures through 2nd Quarter FY 2022

	FY 2022			FY 2022	Remaining
	Annual Budget	Q1 2022	Q2 2022	YTD Expenses	Balance
FY 2022 County Approved FB	\$54,305.00				
County Approved Allocation	210,695.00				
ABC Funds					
Carry over (fund balance) from June 30, 2021					
	265,000.00				
Expenditure Plan:					
Care Coordination Liaisons	10,000.00	2,500.00	2,500.00	5,000.00	5,000.00
SOC Collaborative Expenses	8,000.00	-	-	-	8,000.00
Consumer Reserves IDD	3,000.00	-	561.60	561.60	2,438.40
Consumer Reserves MHSU	3,000.00	-	232.23	232.23	2,767.77
CVBH- Embedded Peer Support Specialist Jail	39,000.00	6,533.16	13,213.00	19,746.16	19,253.84
CVBH - MH/SA Services in Jail	30,052.00	7,513.00	22,539.00	30,052.00	-
CVBH - MORES Program Family Partner	20,000.00	5,000.00	12,295.96	17,295.96	2,704.04
CVBH - Psychiatric Support	72,140.00	18,035.00	32,820.00	50,855.00	21,285.00
Good Samaritan Clinic	10,000.00	939.63	1,257.77	2,197.40	7,802.60
Greater Hickory CCM (Soar/HUD)	7,500.00	1,875.00	-	1,875.00	5,625.00
Housing Reserves-various providers	5,000.00	100.00	380.00	480.00	4,520.00
Nami - Support Groups	3,000.00	-	-	-	3,000.00
		-	-	-	-
	210,692.00	42,495.79	85,799.56	128,295.35	82,396.65

Annual MCO Expenditures



Current Services and Outcomes

Service Category / \$\$	Impact	Recommended for FY 22-23
Care Coordination Liaisons \$10,000	DSS/DJJ Transitional Case Management (167 last fiscal year)	Yes
System of Care Collaborative \$8,000	Recovery Rally- BSAN	Yes
Consumer Reserves IDD \$3,000	2 Members Crisis Housing Psychological Evaluation	Yes
Consumer Reserves MH/SU \$3,000	1	Yes

Current Services and Outcomes

Service Category / \$\$	Impact	Recommended for FY 22-23
Embedded Peer Support Specialist- Jail \$39,000	46 individuals in jail	Yes
MH/SA Services in Jail \$30,052	226 individuals in jail	Yes
MORES Program Family Partner \$20,000	30 Families	Yes
Psychiatric Support \$72,140	918 individuals	Yes

Current Services and Outcomes

Service Category / \$\$	Impact	Recommended for FY 22-23
Good Samaritan Clinic \$10,000	Served 214 patients and filled over 1,000 mental health drug prescriptions	Yes
Greater Hickory Cooperative Christian Ministry \$7,500	Moved to internal	No- Move to street outreach
Housing Reserves \$5,000	7 households	Yes
NAMI Support Groups \$3,000	Ongoing monthly support groups	Yes

Motion: To accept the report as presented.

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

TAX DEPT. - TAX COLLECTION REPORT FOR FEBRUARY 2022

The Board of Commissioners is presented with the Tax Collection Report for the period between July 1, 2021, and February 28, 2022. 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	\$44,666,316.85	99.26%	\$333,683.15
Motor Vehicle Tax	\$5,200,000.00	\$3,577,337.80	68.79%	\$1,622,662.20
Current Year Taxes	\$50,200,000.00	\$48,243,654.65	96.10%	\$1,956,345.35
Delinquent Taxes	\$700,000.00	\$594,481.57	84.93%	\$105,518.43
Late List Penalty	\$315,000.00	\$257,900.28	81.87%	\$57,099.72

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	\$46,295,681	\$44,666,316.85	96.48%	\$1,629,364.41

Motion: To accept the Tax Collection Report for February 2022 as presented.

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

TAX DEPT. - RELEASE REFUND REPORT FOR FEBRUARY 2022

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)	\$951.05	\$0.00	\$951.05	\$74.48

VTS Refunds Over \$100	
	Refund Amount
VTS Adjustments	\$271.30

*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 February 2022 as presented.

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

The tax reports read as follows:

TR-304 BILL RELEASE REPORT FOR FEBRUARY 2022								
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: Business Closed								
0000071589-2019-2019-0000-00-REG	EFFICIENT COMFORT SYSTEM INC	7/1/2019	LINDA WILBUR	2/14/2022	432.37	432.37	0.00	0.00
Subtotal						432.37		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Deceased								
0000084999-2021-2021-0000-00-REG	BRUNS, GEORGE MARTIN JR	7/1/2021	LINDA WILBUR	2/2/2022	6.12	6.12	0.00	0.00
Subtotal						6.12		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Duplicate Billing								
0024050065-2021-2021-0000-00-REG	NORRIS, ROGER DALE	7/1/2021	LINDA WILBUR	2/1/2022	212.67	212.67	0.00	0.00
Subtotal						212.67		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Not in Burke County								
0000093346-2021-2021-0000-00-REG	SMITH, ERIC J	7/1/2021	LINDA WILBUR	2/1/2022	10.40	10.40	0.00	0.00
0000140734-2012-2012-0000-00-REG	FENSTERER, ELIZABETH	7/1/2012	LINDA WILBUR	2/16/2022	7.04	7.04	0.00	0.00
0024025754-2021-2021-0000-00-REG	MCCOMBS, THOMAS HUFFMAN	7/1/2021	LINDA WILBUR	2/7/2022	375.10	51.57	323.53	0.00
Subtotal						69.01		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Over Assessment								
0024057895-2021-2021-0000-00-REG	COLLINS, PATRICIA ATKINS	11/10/2021	LINDA WILBUR	2/4/2022	47.19	44.76	2.43	0.00
Subtotal						44.76		0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Penalty Correction								
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Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0024053848-2021-2020-0000-00-REG	ORDERS, KIM MICHELLE	3/29/2021	LOIS WHITESID	2/1/2022	1.37	1.37	0.00	0.00
Subtotal						1.37	0.00	
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Process Correction								
0024045993-2020-2019-0000-00-REG	KEFFER, KENNETH LAMAR JR	3/27/2020	PEGGY SEATON	2/1/2022	0.93	0.93	0.00	0.00
0024046053-2020-2019-0000-00-REG	MCGEE, JOSHUA DEAN	3/27/2020	PEGGY SEATON	2/1/2022	1.06	1.06	0.00	0.00
0024046103-2020-2019-0000-00-REG	SURRATT, ANSON DUVAL	3/27/2020	PEGGY SEATON	2/1/2022	1.36	1.36	0.00	0.00
0024046153-2020-2019-0000-00-REG	JACOBS, RICHARD	3/27/2020	PEGGY SEATON	2/1/2022	1.31	1.31	0.00	0.00
0024046309-2020-2019-0000-00-REG	RHONEY, JOEY MICHAEL	3/27/2020	PEGGY SEATON	2/1/2022	1.40	1.40	0.00	0.00
0024046339-2020-2019-0000-00-REG	CHILDERS, TIMMIE BERL	3/27/2020	PEGGY SEATON	2/1/2022	1.44	1.44	0.00	0.00
0024046355-2020-2019-0000-00-REG	BARBER, DONALD LOUIS	3/27/2020	LINDA WLBUR	2/1/2022	1.01	1.01	0.00	0.00
0024046378-2020-2019-0000-00-REG	MCGALLIARD, KEELY ALEXIS	3/27/2020	PEGGY SEATON	2/1/2022	1.18	1.18	0.00	0.00
0024046604-2020-2019-0000-00-REG	MOLCHAN, LINDA LUTTRELL	3/27/2020	PEGGY SEATON	2/1/2022	1.08	1.08	0.00	0.00
0024046624-2020-2019-0000-00-REG	PATTON, MARGIE LYNN	3/27/2020	PEGGY SEATON	2/1/2022	1.15	1.15	0.00	0.00
0024046642-2020-2019-0000-00-REG	HEAD, DANIELLE WALLACE	3/27/2020	PEGGY SEATON	2/1/2022	1.30	1.30	0.00	0.00
0024046723-2020-2019-0000-00-REG	HENSLEY, JAMES DAVID	3/27/2020	LINDA WLBUR	2/1/2022	0.91	0.91	0.00	0.00
0024046809-2020-2019-0000-00-REG	COLEMAN, CHRISTOPHER NEAL	3/27/2020	PEGGY SEATON	2/1/2022	1.10	1.10	0.00	0.00
0024046872-2020-2019-0000-00-REG	LITTMAN, PAUL GAITHER	3/27/2020	PEGGY SEATON	2/1/2022	1.10	1.10	0.00	0.00
0024046881-2020-2019-0000-00-REG	COURTNEY, DAVID LEE	3/27/2020	PEGGY SEATON	2/1/2022	1.09	1.09	0.00	0.00

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0024046887-2020-2019-0000-00-REG	TAYLOR, RICHARD SCOTT	3/27/2020	PEGGY SEATON	2/1/2022	1.19	1.19	0.00	0.00
0024046893-2020-2019-0000-00-REG	MORGAN, MICHAEL VANCE	3/27/2020	PEGGY SEATON	2/1/2022	1.45	1.45	0.00	0.00
0024046901-2020-2019-0000-00-REG	COOK, TERRY LAMAR	3/27/2020	PEGGY SEATON	2/1/2022	0.93	0.93	0.00	0.00
0024047167-2020-2019-0000-00-REG	MCDIVITT, JONATHAN ROY	3/27/2020	PEGGY SEATON	2/1/2022	1.12	1.12	0.00	0.00
0024047203-2020-2019-0000-00-REG	HIGHTOWER, RICKY TODD	3/27/2020	PEGGY SEATON	2/1/2022	1.40	1.40	0.00	0.00
0024047258-2020-2019-0000-00-REG	HUFFMAN, DORINDA CHAPMAN	3/27/2020	PEGGY SEATON	2/1/2022	1.45	1.45	0.00	0.00
0024047263-2020-2019-0000-00-REG	BRISTOL, DESSIREE SMITH	3/27/2020	PEGGY SEATON	2/1/2022	1.26	1.26	0.00	0.00
0024047271-2020-2019-0000-00-REG	CURTIS, LISA MORRIS	3/27/2020	PEGGY SEATON	2/1/2022	1.31	1.31	0.00	0.00
0024047416-2020-2019-0000-00-REG	DALE, JEFFREY BRITT	3/27/2020	PEGGY SEATON	2/1/2022	0.78	0.78	0.00	0.00
0024052959-2021-2020-0000-00-REG	BARLUP, WYANET ADIA	3/29/2021	LOIS WHITESID	2/1/2022	1.00	1.00	0.00	0.00
0024053186-2021-2020-0000-00-REG	GOINS, KATHRYN MARY-LOUISE	3/29/2021	LOIS WHITESID	2/1/2022	1.32	1.32	0.00	0.00
0024053198-2021-2020-0000-00-REG	WEBB, GARY VERNON	3/29/2021	LOIS WHITESID	2/1/2022	1.12	1.12	0.00	0.00
0024053199-2021-2020-0000-00-REG	WRIGHT, KATHY WISE	3/29/2021	LOIS WHITESID	2/1/2022	1.00	1.00	0.00	0.00
0024053424-2021-2020-0000-00-REG	EVANS, CYNTHIA MARIE	3/29/2021	LOIS WHITESID	2/1/2022	1.46	1.46	0.00	0.00
0024053796-2021-2020-0000-00-REG	HENSLEY, JASON LEE	3/29/2021	LOIS WHITESID	2/1/2022	1.02	1.02	0.00	0.00
0024053835-2021-2020-0000-00-REG	MARTIN, ELIZABETH TOMAS	3/29/2021	LOIS WHITESID	2/1/2022	1.24	1.24	0.00	0.00
0024053933-2021-2020-0000-00-REG	SAYLES, RICHARD PHILLIP	3/29/2021	LOIS WHITESID	2/1/2022	1.25	1.25	0.00	0.00
0024053936-2021-2020-0000-00-REG	CHILDERS, LARRY	3/29/2021	LOIS WHITESID	2/1/2022	1.03	1.03	0.00	0.00

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0024053986-2021-2020-0000-00-REG	EDGINS, JIMMY ALLISON	3/29/2021	LOIS WHITESID	2/1/2022	0.90	0.90	0.00	0.00
0024054124-2021-2020-0000-00-REG	MATIAS, JAIRI RAMIREZ	3/29/2021	LOIS WHITESID	2/1/2022	0.93	0.93	0.00	0.00
0024054208-2021-2020-0000-00-REG	HUTCHINSON, JAMES EDWARD JR	3/29/2021	LOIS WHITESID	2/1/2022	0.93	0.93	0.00	0.00
0024054286-2021-2020-0000-00-REG	HARRIS, DAVID SCOTT	3/29/2021	LOIS WHITESID	2/1/2022	1.25	1.25	0.00	0.00
0024054294-2021-2020-0000-00-REG	AGUILAR-BERNARDO, ANTONIO FELIPE	3/29/2021	LOIS WHITESID	2/1/2022	1.41	1.41	0.00	0.00
0024054380-2021-2020-0000-00-REG	HOUSTON, CYNTHIA DAWN	3/29/2021	LOIS WHITESID	2/1/2022	0.87	0.87	0.00	0.00
0024054397-2021-2020-0000-00-REG	FRANKLIN, MANDY VIRGINIA	3/29/2021	LOIS WHITESID	2/1/2022	1.40	1.40	0.00	0.00
0024054519-2021-2020-0000-00-REG	SMITH, MICHAEL DEAN	3/29/2021	LOIS WHITESID	2/1/2022	0.86	0.86	0.00	0.00
0024054527-2021-2020-0000-00-REG	OLIVER, DARRIN MICHAEL	3/29/2021	LOIS WHITESID	2/1/2022	0.93	0.93	0.00	0.00
0024054556-2021-2020-0000-00-REG	BRYANT, JESSICA LEIGH	3/29/2021	LOIS WHITESID	2/1/2022	1.18	1.18	0.00	0.00
0024054599-2021-2020-0000-00-REG	PATTERSON, ALISHA CHERELLE	3/29/2021	LOIS WHITESID	2/1/2022	1.23	1.23	0.00	0.00
0024054628-2021-2020-0000-00-REG	XIONG, KER KONG	3/29/2021	LOIS WHITESID	2/1/2022	1.16	1.16	0.00	0.00
0024056806-2021-2021-0000-00-REG	CURTIS, LOUISE	7/19/2021	LINDA WLBUR	2/1/2022	0.75	0.75	0.00	0.00
Subtotal						52.55	0.00	
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Release LFUF								
0000045486-2021-2021-0000-00-REG	BRITTAIN, CYNTHIA C	7/1/2021	AMANDA CONLEY	2/23/2022	191.98	76.00	115.98	0.00
Subtotal						76.00	0.00	
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Sold/Traded								

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)	Notes and Rebilled Amount
0000043634-2021-2021-0000-00-REG	BRUNS, HUNTER L	7/1/2021	CONNIE HOLDER	2/22/2022	15.63	15.63	0.00	0.00
0000092711-2021-2021-0000-00-REG	RIDDLE, RAYMOND	7/1/2021	CONNIE HOLDER	2/4/2022	12.51	12.51	0.00	0.00
0024040939-2021-2021-0000-00-REG	DUNCAN, KENNETH WAYNE	7/1/2021	PEGGY SEATON	2/4/2022	28.06	28.06	0.00	0.00
Subtotal						56.20	0.00	
Total						951.05	0.00	
						951.05		

NCVTS PENDING REFUND REPORT OVER \$100 DESC VTS: FEBRUARY 2022																	
Payee Name	Primary Owner	Address 1	Address 3	Refund Type	Transaction #	Refund Description	Tax Jurisd.	Levy Type	Change	Interest Change	Total Change						
CROOM, WILLIAM EARL	CROOM, WILLIAM EARL	213 MORGAN ST SE	VALDESE, NC 28690	Adjustment >= \$100	160296292	Refund Generated due to adjustment on Bill #0060034225-2020-2020-0000-00	01	Tax	(\$90.35)	\$0.00	(\$90.35)						
							56	Tax	(\$70.85)	\$0.00	(\$70.85)						
										Refund	\$161.20						
FRANKLIN, RICHARD ELWOOD	FRANKLIN, RICHARD ELWOOD	507 BURKEMONT AVE STE A	MORGANTON, NC 28655	Adjustment >= \$100	320610932	Refund Generated due to adjustment on Bill #0046285534-2020-2020-0000	01	Tax	\$0.00	\$0.00	\$0.00						
							57	Tax	(\$109.27)	\$0.00	(\$109.27)						
							57	Vehicle Fee	(\$20.00)	\$0.00	(\$20.00)						
							31	Tax	\$19.17	\$0.00	\$19.17						
										Refund	\$110.10						
										Refund Total	\$271.30						

ITEMS FOR DECISION

FINANCE - RESOLUTIONS APPOINTING INTERIM TAX ADMINISTRATOR AND NEW TAX ADMINISTRATOR

Information from the agenda packet:

With Danny Isenhour's retirement on March 18, 2022, the following actions require Board approval:

1. Accept the current Tax Administrator's settlement report for the period ending March 14, 2022. The report will be presented at the March 15th regular meeting.
2. Adopt a resolution appointing an interim tax administrator, effective March 15, 2022, at 8 a.m. and approve the required bond.
3. Adopt a resolution appointing a new tax administrator, effective April 4, 2022, at 8 a.m. to complete a term ending June 30, 2023, and approve the required bond. The identity of the new Tax Administrator will be presented at the March 15th regular meeting.

Danny Isenhour, Tax Administrator, presented the settlement report for the period ending March 14, 2022.

March 15, 2022
Burke County Board of Commissioners:

I respectfully submit the following Tax Collections Settlement for the period July 1, 2021, through March 14, 2022.

In compliance with NCGS 105-373 (a) (1) & (3)(d), included are the amounts collected using the Property Tax System (PTS) and the Vehicle Tax System (VTS) for the county, fire districts and municipalities. These amounts include current and delinquent taxes collected and uncollected for the period July 1, 2021, through March 14, 2022. The County also collects for:

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

SECTION 1 – Property Tax – County Only (From NCPTS Report TR-401E)

Total Tax Collections (County Only)

	Collected	Uncollected
Tax - Current (2021)	\$44,877,263.91	\$1,420,778.21
Delinquent Tax (2020-prior)	\$ 617,058.43	\$ 966,586.88
Total	\$45,494,322.34	\$2,387,365.09

Total of Taxes and Tax Related Collections (County Only) (2021-prior)
Collected Uncollected

Advertisement Fee	\$ 11,142.78	\$ 75,025.29
Garnishment	\$ 17,096.90	\$ 12,765.04
Interest	\$ 170,690.52	\$ 0.00
Land Fill User Fee	\$ 2,704,280.73	\$ 368,913.81
Land Fill User Fee Sr.	\$ 67,841.88	\$ 6,734.29
Late List penalty	\$ 53,721.77	\$ 36,961.87
Migrated LFUF	\$ 1,375.11	\$ 33,290.73
Migrated Cost	\$ 0.00	\$ 2,813.75
Miscellaneous Cost	\$ 0.00	\$ 0.00
NSF penalty	\$ 2,769.02	\$ 599.48
Tax All Years	<u>\$45,494,670.54</u>	<u>\$2,387,365.09</u>
Total	\$48,523,589.25	\$2,924,469.35

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

VTS Interest	\$ 21,202.06
VTS Tax	<u>\$ 3,793,592.71</u>
Total	\$ 3,814,794.77

SECTION 3 – Property Taxes and Charges for all Other Jurisdictions
(From NCPTS Report TR-401E)

Total of Tax and Tax Related Collections (All years, all other jurisdictions) (July 1, 2021 – March 14, 2022)	
Total Collections	\$4,965,087.23
Total Uncollected	\$ 327,597.41

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

VTS Tax	\$ 1,234,025.49	
VTS Interest	\$ 7,109.14	
Vehicle Fee	\$ 400.00	\$ 5.00 - Hickory
Vehicle Fee	<u>\$ 183,520.00</u>	\$20.00 - Morganton
Total	\$ 1,425,054.63	

SECTION 12 – Summary of Enforced Collection Activity

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

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

I certify that the collections staff has made diligent efforts using the collection remedies available by statute (notices, second notices, wage garnishment, bank attachment, debt set-off, and foreclosure) to collect all delinquent debts. These

delinquent debts are for tax years 2011 through 2020 including those 2021 taxes that became delinquent after January 5th, 2022.

I respectfully request the Burke County Board of Commissioners to accept this report as the Settlement for Fiscal Year beginning July 1, 2021, ending March 14, 2022.

Respectfully Submitted,
/s/: Daniel Isenhour
 Daniel Isenhour
 Tax Administrator

cc: Dawn Hutchins, Revenue Collections Supervisor
 Margaret Pierce, Deputy County Manager/Finance Director

In response to a question from Commissioner Taylor concerning procedure, Mr. Isenhour said submission of the tax settlement report is required by NC General Statutes before he retires. For accuracy, he ran the numbers today which is why they were not presented at the pre-agenda meeting.

Motion: To accept the tax settlement report as presented by Danny Isenhour, the current Tax Administrator, through March 14, 2022.

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

On behalf of the Board, Vice Chairman Carswell presented Mr. Isenhour with The Order of the Long Leaf Pine award. Mr. Isenhour received a standing ovation and took commemorative photos with his family and the Board. Mr. Isenhour thanked his family, co-workers, and the Board. Chairman Mulwee commended Mr. Isenhour for his service and congratulated him on his retirement.



Left to right: Maynard Taylor, Wayne Abele, Danny Isenhour, Scott Mulwee, Johnnie Carswell and Jeff Brittain.



Danny Isenhour with his wife and family.

Margaret Pierce, Deputy County Manager/Finance Director, said this resolution retroactively appoints Dawn Hutchins as the interim Tax Administrator until the new Tax Administrator starts on April 4th. Ms. Pierce the read the resolution.

Motion: To adopt Resolution 2022-05 appointing Dawn Hutchins as Interim Tax Administrator (Tax Collector / Assessor) effective March 15, 2022, at 8:00 a.m. and approve the required bond.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Johnnie W. Carswell, Vice Chairman

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

Res. No. 2022-05 reads as follows:

RESOLUTION APPOINTING DAWN HUTCHINS AS THE BURKE COUNTY INTERIM TAX ADMINISTRATOR (COLLECTOR AND ASSESSOR)

WHEREAS, N.C.G.S. 105-294 and 105-349 delegates the responsibility of appointing the County Tax Administrator (Collector and Assessor) to the Board of Commissioners; and

WHEREAS, Danny Isenhour was initially appointed by the Burke County Board of Commissioners to serve a four-year term as the Burke County Tax Administrator (Collector and Assessor) on July 1, 2019 and he is retiring effective March 18, 2022; and

WHEREAS, N.C.G.S. 105-294 and 105-349 require an individual be appointed as Tax Collector and Assessor at all times and Dawn Hutchins has been selected as the Interim Tax Administrator.

NOW, THEREFORE, BE IT RESOLVED, by the Burke County Board of Commissioners, that Dawn Hutchins is hereby appointed to serve as the Burke County Interim Tax Administrator (Collector and Assessor), retroactive to at 8:00 a.m. on March 15th, for a term that expires on April 4, 2022 at 8:00 a.m.

ADOPTED this the 15th day of March 2022.

/s/: Scott Mulwee
Scott Mulwee, Chairman
Burke County Board of Commissioners

ATTEST:

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

Margaret Pierce, Deputy County Manager/Finance Director, introduced, John Bridgers who will be the new incoming Tax Administrator. She then reviewed Mr. Bridgers educational / professional experience and read the resolution.

Motion: To approve Resolution 2022-06 appointing John Bridgers as the new Tax Administrator (Tax Collector / Assessor), effective April 4, 2022, at 8:00 a.m., to complete a term ending June 30, 2023. Further, approve the required bond.

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

Res. No. 2022-06 reads as follows:

RESOLUTION APPOINTING JOHN BRIDGERS
AS THE BURKE COUNTY TAX ADMINISTRATOR (COLLECTOR/ASSESSOR)

WHEREAS, N.C.G.S. 105-294 and 105-349 delegates the responsibility of appointing the County Tax Administrator (Collector / Assessor) to the Board of Commissioners; and

WHEREAS, Danny Isenhour was appointed by the Burke County Board of Commissioners to serve a four-year term as the Burke County Tax Administrator (Collector / Assessor) on July 1, 2019 and he is retiring effective March 18, 2022; and

WHEREAS, John Bridgers has been hired as the new Burke County Tax Administrator (Collector / Assessor) effective April 4, 2022; and

WHEREAS, the new Tax Administrator will need to complete the remainder of Mr. Isenhour's term ending June 30, 2023.

NOW, THEREFORE, BE IT RESOLVED, by the Burke County Board of Commissioners, that John Bridgers is hereby appointed as the Burke County Tax Administrator (Collector / Assessor), effective April 4, 2022, at 8:00 a.m., to complete a term expiring on June 30, 2023.

ADOPTED this the 15th day of March 2022.

/s/: Scott Mulwee
Scott Mulwee, Chairman
Burke County Board of Commissioners

ATTEST:

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

Mr. Bridgers said he appreciates the opportunity to come to Burke County.

CM - CONTRACT APPROVAL FOR ARCHITECTURAL SERVICES FOR DRUG TREATMENT FACILITY

County Manager Steen presented the following request:

A contract for architectural services for converting the former Burke-Catawba District Confinement Facility into a regional long-term drug treatment facility will be presented at the regular meeting.

Budgetary Effect: \$256,000. Funding from the State of N.C. is available and earmarked for this project. Further, funding from the settlement of the opioid litigation is expected to be received in the next few months.

Chairman Mulwee opened the floor for questions and comments from the Board. Commissioner Abele asked how old will the patients at the treatment facility be and will it be only for one gender or mixed. County Manager Steen said they would be at least 18 and it would be for both males and females. Commissioner Abele said the former jail was not good enough for Burke County prisoners and noted the building will always be known as the Burke County jail and it is a sin to put people in that building with the stigma of a jail.

Commissioner Taylor asked what company will utilize the building. County Manager Steen responded, the local substance abuse treatment providers in conjunction with Partners Health Management (PHM). Commissioner Taylor asked what the terms / length of the proposed contract are. County Manager Steen said the only contract before the Board is for the architect to remodel the facility. Commissioner Taylor asked if the firm(s) will end up owning the building. County Manager Steen said no, they are not that far along in the process and that would need to come before the Board. Commissioner Taylor asked are there minutes for the secret meetings. County Manager Steen said he is not aware of any secret meetings. County Manager Steen and Attorney Simpson responded to additional questions from Commissioner Taylor concerning provisions in the architect's contract.

Commissioner Abele said he has never seen a jail turned into a substance abuse treatment facility. He reiterated that there will be a stigma attached to the facility and the people who

enter it for treatment. He questioned if it was not good enough for a jail, then why is it good enough to put youth in.

Commissioner Taylor said there is a lot of protection in the contract for the company but not any for the county and he questioned who wrote the contract. Attorney Simpson said it is an AIA form contract, the County is in the driver's seat, and they cannot do anything without the County's consent or permission. Attorney Simpson also noted that they do not have an agreement with the contractor yet, that comes later after the construction documents are drawn up. Commissioner Taylor asked if the County has any input into the contract. County Attorney Simpson responded that the County Manager negotiated the contract and there are areas that differ from the form contract. Commissioner Taylor asked what happens to the patients upon their release and questioned if this will make Burke County and especially the City of Morganton a drug hangout. He then questioned if the company has a track record of treating patients and what happens to them after release. County Manager Steen said those are all unknowns at this time and noted there will probably be support groups to assist those who choose to stay in the area after treatment. Further, he said this facility will be for the western region of North Carolina. Commissioner Taylor asked how many additional employees will Burke County entities need to hire to handle the project. County Manager Steen said he has no way to estimate that cost and reiterated all that is before the Board tonight is the design services from an architect. Commissioner Taylor said he spoke with someone from the UNC School of Government, who is also an attorney, regarding this project and he was told in order to protect the Board and each Commissioner, this item was presented by an unauthorized committee, they should form a new committee because so much of this was done in secret and they know so little about this project. Commissioner Taylor then read from a UNC School of Government document regarding official meetings and made several comments regarding secret meetings being held. Commissioner Taylor said, initially, he liked the idea and that the old Burke County jail needs to be utilized, noting that Burke County taxpayers have a lot of money invested in the building. However, he continued, that he was told by the individual at the UNC School of Government, that if she was a member of the Burke County Board of Commissioners, she would vote no on this item.

Commissioner Abele said he believes this is wrong and the facility will always have the stigma as the Burke County jail. He said they are trying to help people and putting them in a facility like this will not help them. It is still part of the Sheriff's Office.

Chairman Mulwee called for a vote and Commissioner Abele said they should give this item more consideration and noted that he did not know this item was proceeding until the pre-agenda meeting. He said the County is going to spend \$256,000 and it appears as if the County is going to proceed with the entirety of the project. Commissioner Abele asked if the statistics show the need for a substance abuse treatment facility and noted the absence of subject matter experts. Commissioner Taylor requested the minutes from the committee meetings or at least how many times they met. He then made a motion to deny accepting the contract.

Motion: To not accept this, start afresh and follow proceedings as laid out for county commissioners.

RESULT:	FAILED [2 TO 3]
MOVER:	Maynard M. Taylor, Commissioner
AYES:	Wayne F. Abele, Sr. and Maynard M. Taylor
NAYS:	Scott Mulwee, Johnnie W. Carswell and Jeffrey C. Brittain

Motion: To approve a contract between Burke County and Hemphill-Randel Associates in the amount of \$256,000 for architectural design services for converting the former BCD CF into a regional long-term drug treatment facility. Further, authorize the County Manager to execute the agreement on behalf of the Board.

RESULT:	APPROVED [3 TO 2]
MOVER:	Jeffrey C. Brittain, Commissioner
AYES:	Scott Mulwee, Johnnie W. Carswell and Jeffrey C. Brittain
NAYS:	Wayne F. Abele, Sr. and Maynard M. Taylor

CLERK - APPOINTMENTS TO THE PARKS & RECREATION COMMISSION

Clerk Draughn reported the appointments of Nikki Costello (Seat No. 1, Forest Hill), Sandy Clark (Seat No. 2, Glen Alpine), Curtis Hildebran (Seat No. 8, Ray Childers), Scott Bollinger (Seat No. 9, Mull), Brandon Clontz (Seat No. 11, Salem) and LaPorsche Cuthbertson (Seat No. 13, Mtn. View) to the Parks & Recreation Commission are requested by the Recreation Director.

The terms of appointment are:

Seat 1 - to complete the remainder of a term expiring March 31, 2024.
 Seat 2 - to complete the remainder of a term expiring March 31, 2024.
 Seat 8 - to complete the remainder of a term expiring March 31, 2023.
 Seat 9 - to complete the remainder of a term expiring March 31, 2024.
 Seat 11 - to complete the remainder of a term expiring March 31, 2023.
 Seat 13 - to complete the remainder of a term expiring March 31, 2023.

For Seat 13, there is an additional application on file from Damion Patton of Morganton who resides in the Mtn. View elementary school district.

Motion: To appoint the following citizens to the Parks & Recreation Commission: Nikki Costello (Seat No. 1, Forest Hill) to complete the remainder of a term expiring March 31, 2024; Sandy Clark (Seat No. 2, Glen Alpine) to complete the remainder of a term expiring March 31, 2024; Curtis Hildebran (Seat No. 8, Ray Childers) to complete the remainder of a term expiring March 31, 2023; Scott Bollinger (Seat No. 9, Mull) to complete the remainder of a term expiring March 31, 2024; Brandon Clontz (Seat No. 11, Salem) to complete the remainder of a term expiring March 31, 2023 and LaPorsche Cuthbertson (Seat No. 13, Mtn. View) to complete the remainder of a term expiring March 31, 2023.

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

CM - CONTRACT APPROVAL FOR ARCHITECTURAL SERVICES FOR DRUG TREATMENT FACILITY (CONTINUED)

Commissioner Abele asked when the pre-work was done for the substance abuse treatment facility project and who was involved with the project / committee. He said he was blindsided. Chairman Mulwee encouraged Commissioner Abele to speak with County Manager Steen after the meeting. Commissioner Abele said this is wrong and a group of Commissioners did not know about the project.

Vice Chairman Carswell stated the Commissioners have been told about this project for over one and a half years, noting that reports were presented on the project, and that Commissioners Abele and Taylor were present at those meetings. Further, any information that he or the Chairman learned at private meetings was shared with the whole Board. While the former jail may not be the most ideal location, the County owns it and other jails have been converted into rehabilitation centers.

Commissioner Abele requested the minutes from the meetings where this project was discussed and wanted them by the next meeting date. He acknowledged hearing of the project but said he did not realize the County was that close to putting money in it. In addition, he said he and Commissioner Taylor must have been left out. Commissioner Taylor advised that this started with the addition to the Board's budget retreat and that he raised many of the same concerns at the pre-agenda meeting.

Chairman Mulwee asked the Clerk to provide the minutes as requested. Note: A search of the meeting minutes and agendas revealed seven (7) references on the substance abuse treatment facility project from 2020 – 2022. These meeting minutes / agenda materials were provided to the Board via email on March 22, 2022.

BOC - REPORTS & COMMENTS

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

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

For continuing education, Clerk Draughn reported she is attending a county clerks conference from tomorrow until Friday.

Commissioner Taylor regarding the rezoning request presented earlier in the meeting, said Chairman Mulwee did ask the Board if they had any questions for Mr. Glines and he asked his questions. However, Chairman Mulwee did not ask for comments after he closed the public hearing, which is normal procedure for public hearings.

Commissioner Taylor then read the following statement:

1. To: Burke County Commissioners
Date: 2.08.21
Subject: News Herald Article /Request for "Joint Resolution"

FACTS

2. The information and request were E-mailed to all five (5) commissioners which by protocol dictates it is a 5-person decision, not one. (Note: The same information was mailed to all School Board members at the same time.)

3. Information was sent from her personal/private computer and not the SCHOOL BOARDS computers/facilities.
4. She represented herself, NOT the School Board and included her desire to have BOTH boards to consider the resolution.
5. You do not give up your rights to "Free Speech" when you are an elected official on any board! Since the information was ONLY sent to the School Board and the Board of Commissioners, who and why did someone contact the News Herald and do a story without first addressing the full board.
6. This is a simple "Request to Consider a Joint Resolution". There were no demands, threats or ill will insinuated.

TRUTHS

- A. The subject matter of her request is an ongoing topic with most school systems. Keeping kids out of school is top-of-mind awareness for every parent, teacher, and child.
- B. Mrs. Taylor was quick to address the reasons for her request. She listed in paragraphs 2 through 4 the reasons that contact is hurting more than helping and could give students more time in school.
- C. Understanding that teachers get paid if they teach 10 days a month or 20+ days (and they should) but if the students are not present, they miss that lesson because the teacher must teach the next day's lesson tomorrow.
- D. She provided a copy of the joint resolution approved by Union County Board of Commissioners and the Union County Board of Education. It basically resolves to keep children in the classroom when they are healthy. I reviewed the resolution and would have no problems or concerns of supporting the "Resolution".
- E. She also provided us with a copy of updated criteria concerning COVID, AND Burke County current rules and directives for COVID.
- F. Her information also included three (3) testimonials from parents whose children attend Burke County Schools. They support a desire for change.
7. Mrs. Taylor could have signed up under "Informal Public Comments" agenda item and presented this item without complaint or comments from the board.

FROM BURKE COUNTY "CODE OF ETHICS", SECTION 4-B-4 YOU'LL FIND THIS RULE- "BOARD OF COMMISSIONERS MEMBERS SHOULD ACCORD TO EVERY PERSON WHO IS LEGALLY INTERESTED IN A PRECEDING BEFORE THE BOARD FULL RIGHT TO BE HEARD ACCORDING TO LAW."

OPINIONS

- I. For item "B", I give her a grade "A" for her research and documentation.
- II. For Item "D", I give her a "A+" grade for examples from another County.
- III. For item "E", I would give her a "Double AA" grade for thoroughness of her presentation!!
- IV. The full board was omitted from due process on this item. We were not allowed to support or deny. Our opinions and input were not considered. If we denied the request, written justification should have been forwarded to the full School Board and the presenter.
- V. We held our Pre-agenda meeting last Tuesday and two budget

workshops on Thursday and Friday. On Friday we added 4 new items to the agenda for Tuesday, 2.15.22. We could have easily added this item as well. Since it was not asked to be discussed, I assumed it would be on our Pre-agenda items on March 1st. The question, why wasn't it?

VI. It would have been much wiser if our board would have at least heard and considered the request instead of publicly degrading and belittlement of an elected public officer!

Added on 2.11.22 – Mrs. Taylors' request was really on target. As of yesterday, the DHHS resolved the issue by eliminating "Contact Tracing" for the entire state!!!

Commissioner Taylor noted he is not related to Board of Education member Leslie Ritchie Taylor. He said this situation is an embarrassment to both boards. Commissioner Taylor said this Board is usually a good Board and approximately 95 percent of the time, they are in agreement, and they do not have underhanded type activities happening on the Board. He continued, if anyone on the Board breaks the rules of their own county organizations, everyone needs to bring it to each other's attention, that is what makes a good Board. Commissioner Taylor said they do not move as individuals but as an entire Board and the things that created friction on the Board should have never happened.

Chairman Mulwee asked everyone to spay / neuter their pets, pick up trash, secure your loads to keep Burke County clean. He then reminded everyone of the following:

March 18 - Danny Isenhour's retirement party is from 3:00 p.m. - 5:00 p.m.

March 31 – WPCOG Annual Meeting.

April 28 – NCACC District 13 / 15 meeting will be held at the Morganton Community House beginning at 5:30 p.m.

RESULT: NO ACTION TAKEN.

VACANCY ANNOUNCEMENTS

CLERK - BOARDS AND COMMITTEES VACANCY REPORT

Clerk Draughn announced the following vacancies on county boards or committees:

- Adult Care & Nursing Home Community Advisory Committee
- Burke County Parks & Recreation Commission
- City of Morganton - Board of Adjustment (ETJ)
- City of Morganton - Planning Board (ETJ)
- Burke Senior Center Advisory Council
- Child Protection & Child Fatality Prevention Team
- East Burke Senior Center Advisory Board
- Burke County Board of Adjustment
- Council on Aging
- Burke County Board of Health
- Partner's CFAC (Consumer and Family Advisory Committee) – Traumatic Brain Injury

Chairman Mulwee encouraged citizen participation.

RESULT: NO ACTION TAKEN.

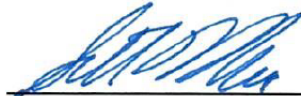
CLOSED SESSION

RESULT: NOT NEEDED. NOT HELD.

RECESS

With there being no further business to come before the Board, Chairman Mulwee recessed the meeting at 8:15 p.m. until March 16, 2022, at 3:00 p.m. in the Commissioners' Meeting Room.

Approved this 16th day of August 2022.



Scott Mulwee, Chairman
Burke Co. Board of Commissioners

Attest:


Kay Honeycutt Draughn, CMC, NCMSC
Clerk to the Board