

**MINUTES
BURKE COUNTY BOARD OF COMMISSIONERS
PRE-AGENDA MEETING**

The Burke County Board of Commissioners held a pre-agenda meeting on Tuesday, July 5, 2022, at 3:00 p.m. in the County Board Room, Burke Services Building, 110 N. Green Street in Morganton, N.C. The meeting was streamed live on the County's YouTube channel, BurkeCountyNC, and it was broadcast on the local cable systems. The agenda, in its entirety, was posted to the County's website, www.burkenc.org, several days prior to the meeting as usual. Both Burke County and the state of North Carolina had previously declared a state of emergency which was ongoing as of 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 3:00 p.m.

APPROVAL OF THE AGENDA

Motion: To approve the agenda as presented.

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

GS - RECOGNITION OF EMPLOYEES RECEIVING CERTIFICATIONS

Mark Delehant, General Services Director, reported Beryl Cook, Water & Sewer Supervisor and Brian Tart, Assistant Director of General Services, are now certified "Grade B Water Distribution Operators" which allows them to serve as ORC (Operator in Responsible Charge) for Burke County's water systems. He asked to have them recognized at the regular meeting and in response to questions from the Board, he advised that these certifications will no longer have to be outsourced which will save the County approximately \$12,000 a year.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

BOC - PRESENTATION ON BRIGHTER HOUSE (PLACE HOLDER)

Chairman Mulwee announced that at the regular meeting, Sherri and Eddie McGimpsey will present information on a new planned mental health clubhouse called the "Brighter House".

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

SCHEDULED PUBLIC HEARINGS

CM - ORD. AMENDING THE FY 22-23 BUDGET ORDINANCE & PUBLIC HEARING - 6:00 PM

County Manager Steen presented the following request:

In 2020, the Board adopted Resolution No. 2020-04 authorizing the County Manager to reduce or waive fees as needed when the shelter is at or near capacity, for "clear the shelter" and other local and national adoption events, to prevent the spread of illness and/or disease to healthy animals at the shelter and for any other reason deemed reasonably necessary by the County Manager and the Animal Services Director. The flexibility granted by this resolution has been instrumental in clearing the shelter during peak breeding seasons, when capacity issues arise due to increased owner surrenders, when large numbers of abused or neglected pets are seized, when the shelter floors are re-epoxied and when an outbreak of disease occurs.

The proposed ordinance removes the following provision from Section VIII, Managerial Authority, of the budget ordinance adopted on June 21st: *"To approve requests from departments for temporary fee decreases during the budget year for not more than one 90-day period per fiscal year and notify the Deputy County Manager/Finance Director of said reductions"*.

A public hearing is recommended since one was held when the original budget ordinance was adopted.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2022-04 & PUBLIC HEARING - 6:00 P.M.

Alan Glines, Deputy County Manager/Planning Director, presented the following information related to ZMA 2022-04:

REQUEST

Staff has received a rezoning application from Nebo Crossing Church to rezone one parcel of land totaling 3.53 acres. The request is to rezone the property from its current zoning of Residential Two (R-2) to the Office Institutional (O-I) zoning district.

BACKGROUND AND SITE ANALYSIS

The applicant is requesting the rezoning in order to make it more consistent with the current use of the property. The new district would also allow for additional non-residential uses. According to the applicant, there is no other proposed use at this time.

The parcel is described as follows:

The parcel is identified in county records as (REID# 20512). The parcel has an address of 4035 Frank Whisnant Road, Morganton, NC. The parcel has two existing structures on it. The primary structure is the Church building which was built in 1950. A second structure on the site is an open-floor Family Life Center/Gymnasium totaling approximately 20,000 s.f. which was added to the property in 2004. The parcel is located within the Quaker Meadows Township and the Oak Hill Fire District of Burke County. Records indicate that the property is served by public water. The structures utilize private onsite septic. The parcel is addressed to Frank Whisnant Rd. (SR# 1248); however, it also has road frontage on NC 126. Both are state-maintained roads. The parcel is also located within the Scenic Overlay District and the Protected Area of the Lake James Watershed. The parcel is not located within a Special Flood Hazard Area (SFHA).

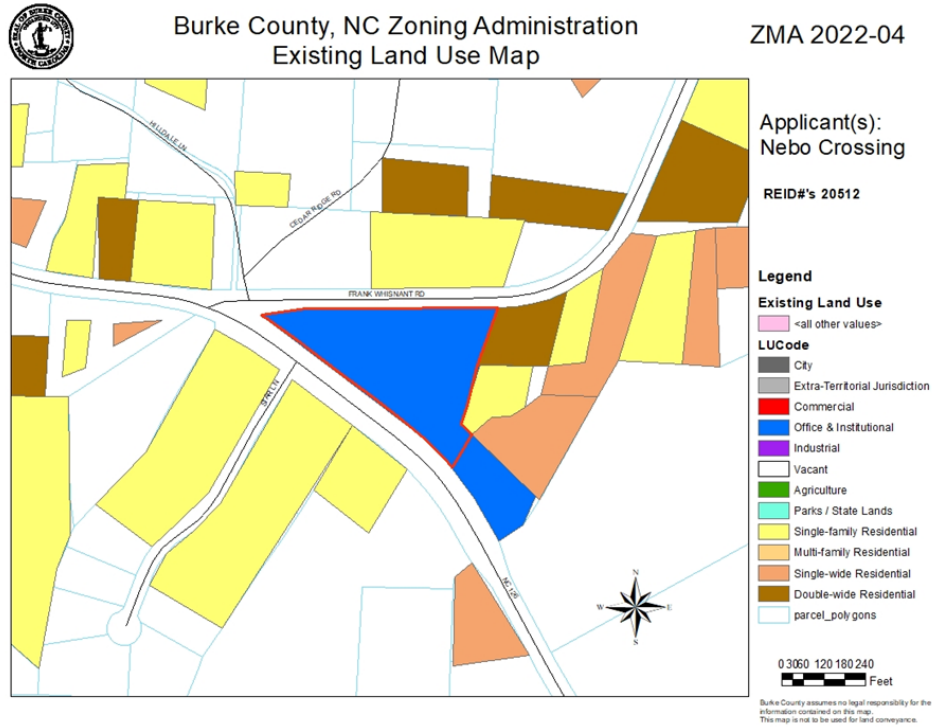
SURROUNDING AREA

The subject parcel is located approximately 4.5 miles from the City of Morganton and approximately 1.87 miles from Lake James. The property is a crossroad of Frank Whisnant Road, a state maintained secondary road and NC 126, a state major collector road which serves primarily intra-county travel. NC 126 is a 2-lane road which provides a main access to the Lake James Area.

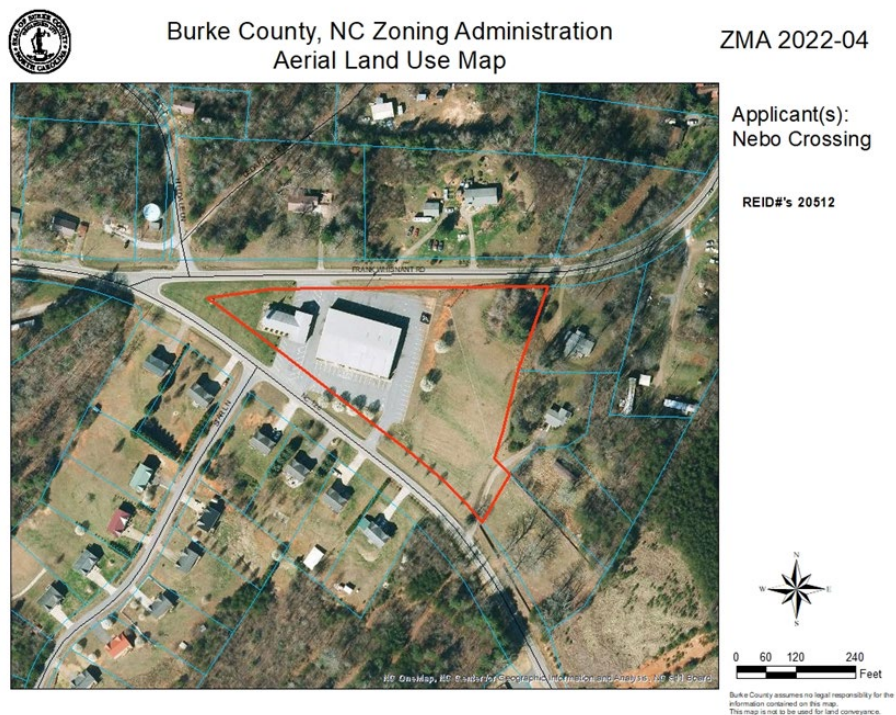
Existing Zoning and Land Uses within the Surrounding Area		
	Current Zoning	Existing Land Uses
North	R-3, R-1 – S/O	Scattered Residences / Subdivision / Vacant Land
South	R-2, CON – S/O	Two Small Subdivisions / Vacant Land
East	R-2, R-1, R-3 – S/O	Several Residences / Vacant Land
West	R-2, R-3, R-1, G-B – S/O	Scattered Residences / Vacant Land /

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

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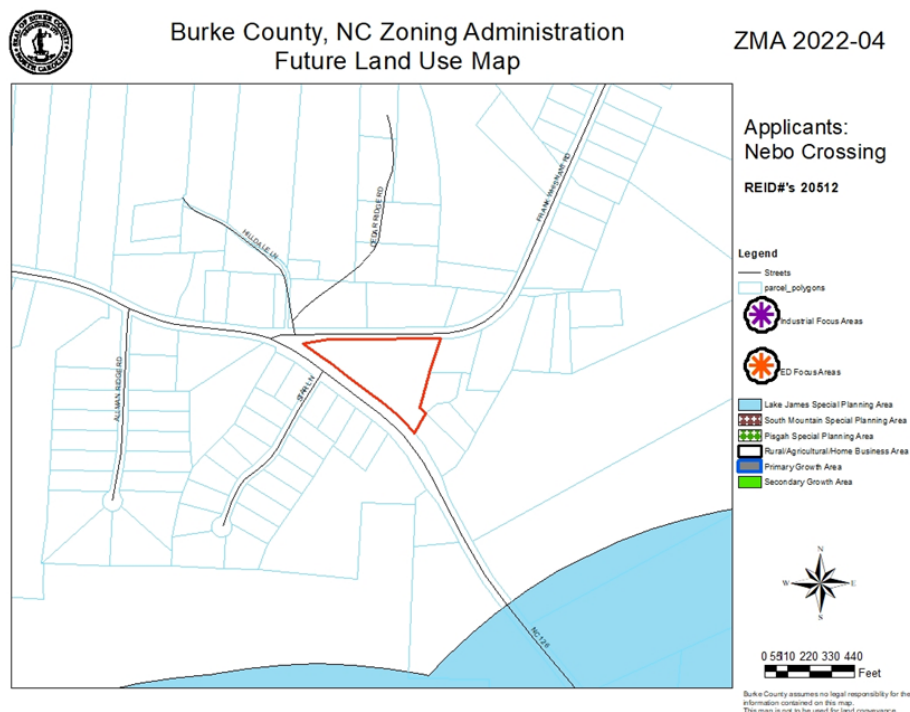
The following photos show the properties in the immediate vicinity of the subject property. Those photos show the rural residential character of the area. The Aerial Land Use Map (below) shows the Church, some scattered homes, and the Grandview Estates Subdivision to the south. To the west and east are scattered homesites, another small subdivision (Grandview III) and vacant land.



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 planning area applies to all areas of the county which are not within a Primary Growth Area or a Secondary Growth Area.

These areas are typically considered rural in nature and access to infrastructure and utilities will be more limited. Suitable uses include farming, pastureland, forestry, scattered site housing, and rural residential subdivisions. Other non-residential development can be expected to support the residential and agricultural uses in the area.



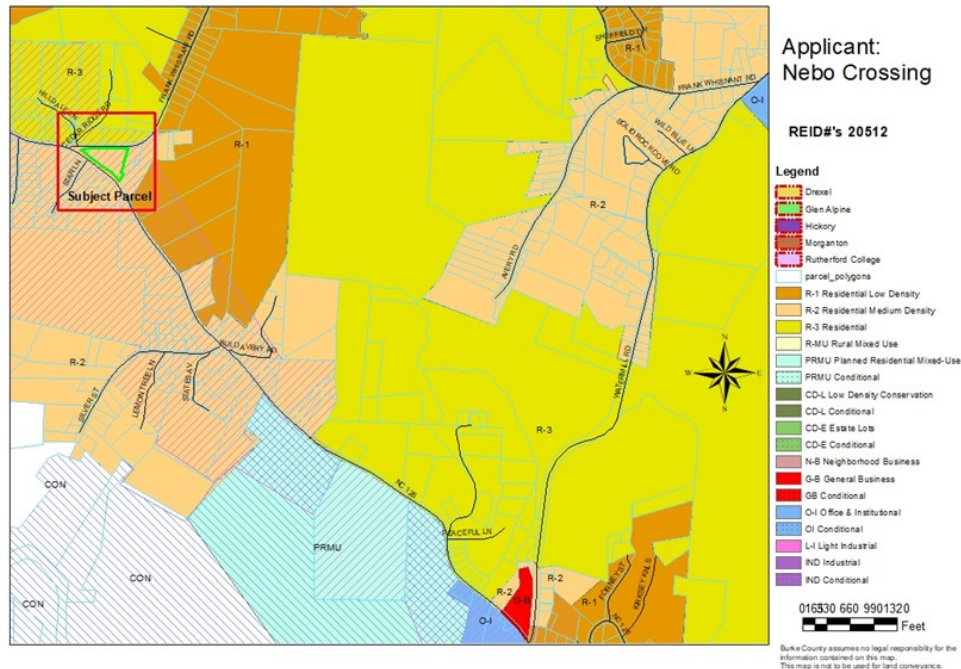
CONFORMITY WITH THE BURKE COUNTY ZONING ORDINANCE

The current Zoning Map (below) shows the current zoning for the subject parcel and surrounding area. As stated earlier, the "current" zoning district for this parcel is Residential Two (R-2). It is most likely that the property was zoned this way when the county adopted county-wide zoning back in 1999. Examination of individual parcels to determine the most appropriate zoning district is just not feasible at the county level. As such, large areas of land were zoned based on how and where the county viewed future development would take place. For this reason, many parcels exist where a conflict exists between the present "use" of land and the current zoning district.

Churches are permitted in all residential districts because it is considered to fit in with the traditional neighborhood fabric. However, a church is obviously not a residential use of land. The most appropriate zoning district for a church is the

ZMA 2022-04

REID#'s 20512



In staff's opinion, rezoning the parcel from the Residential-Two (R-2) zoning district to the Office/Institutional District is not a necessity to operate as a church. Other than churches, the R-2 district would only allow certain types of residential development and limited recreational uses. The Office/Institutional District would allow such uses as noted previously. Any additional use(s) or change of use would require prior approval, including site development plan approval. A Site Development Plan depicts the general layout and configuration of a site, including building footprints, parking and street layout, conceptual landscaping and lighting, site cross section drawings, and building elevations. The neighbors have concerns about traffic and the long list of non-church related uses in the O-I district. The current R-2 zone keeps those uses out of a neighborhood setting. The site however has good access on two state-maintained roads, but with general district zoning, the commissioners are unable to narrow down the list of possible uses to those that are most appropriate at the center of a neighborhood.

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PLANNING BOARD RECOMMENDATION

The Burke County Planning Board met on May 26, 2022, to hear the rezoning request. Staff provided their report to the Board and the applicant gave their presentation. The Chairman opened the floor for Public Comment. There were five members of the public that spoke. All speakers were in opposition to the rezoning. The Board discussed the request and asked questions of staff and the applicant. The Chairman asked for a motion and a motion was made to "Approve" the rezoning request. There was no second to that motion. The chairman then asked for another motion. A motion was made to "Deny" the rezoning request. This motion received a second motion. The motion to Deny was called to the Board. The Board voted 3/2 to deny ZMA 2022-04.

ADDITIONAL INFORMATION

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





Chairman Mulwee opened the floor for comments or questions from the Board. Mr. Glines responded to several questions from Commissioner Taylor concerning ownership and intended uses of the property. Commissioner Taylor also advised that he had received two (2) telephone calls in opposition to the proposed rezoning. A general discussion ensued, and Mr. Glines responded to additional questions from the Board related to zoning designations, prospective land uses for the property, the speakers at the Planning Board meeting, why the Planning Board denied the request and the Church's ability to sell the property regardless of its zoning designation.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

CONSENT AGENDA

AAA (WPCOG AREA AGENCY ON AGING) - HOME & COMMUNITY CARE BLOCK GRANT FY 22-23

Tina Miller, WPCOG Area Agency on Aging, presented the following request:

Each year Burke County receives funds through the Home and Community Care Block Grant ("HCCBG") program for the provision of services to the County's older adults. The Burke County Council on Aging, working with the Western Piedmont Council of Governments, makes recommendations to the Board of County Commissioners as to the use of these funds. The recommendations of the Burke County Council on Aging, serving as the HCCBG advisory committee, are listed below. There are no changes in services or providers for FY 22-23.

HCCBG ALLOCATIONS - SFY 2023**BURKE COUNTY**

SERVICE	PROVIDER	STATE/FEDERAL FUNDS	LOCAL MATCH	TOTAL BUDGET	INCREASE
Adult Day Care	Blue Ridge Community Action	\$95,400	\$10,600	\$106,000	\$7,000
Med. Transportation	Handi-Care, Inc.	\$49,729	\$5,525	\$55,254	\$3,723
Congregate Meals	Burke County Senior Services	\$7,957	\$884	\$8,841	
Home Del. Meals	Burke County Senior Services	\$124,453	\$13,828	\$138,281	
Sr. Center Operations	Burke County Senior Services	\$49,037	\$5,449	\$54,486	
Housing & Home Imp.	Foothills Service Project, Inc.	\$117,000	\$13,000	\$130,000	\$5,000
In-Home Aide, Level II	Catawba Valley Medical Services	\$41,400	\$4,600	\$46,000	\$400
In-Home Aide, Level III	Catawba Valley Medical Services	\$164,700	\$18,300	\$183,000	\$600
General Transportation	Greenway	\$10,800	\$1,200	\$12,000	\$2,000
TOTAL		FY23 \$660,476	\$73,386	\$733,862	\$18,723

Budget approved by Burke Council on Aging 4/20/2022 with \$18723 increase

Budgetary Effect: Grant requires 10% local match which is the responsibility of the provider organization. The \$660,476 allocation includes an increase of \$56,977 in State/Federal funds from the initial SFY 21-22 allocation.

County Attorney Simpson, Ms. Miller and Margaret Pierce, Deputy Co. Manager/Finance Director, responded to procedural questions from Commissioner Taylor.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

ARP - FOOTHILLS HIGHER EDUCATION HVAC REPLACEMENTS

Brian Niefert, Senior Fiscal Analyst, presented the following request:

On October 19, 2021, the Board of Commissioners approved several projects using American Rescue Plan (ARP) funds. One of the projects is the replacement of 11 rooftop HVAC units at the Foothills Higher Education Center. The replacement of several older units will improve the air quality at the Higher Education Center.

A Request for Proposals (RFP) was issued on May 20, 2022, and was posted on the County and North Carolina Historically Underutilized Businesses (HUB) websites. Bids were received from two (2) vendors with Triangle Contractors of Morganton being the most responsive and responsible bidder.

The initial estimate for the cost of the project, based on information provided by Burke County General Services was \$250,000. However, due to changing market conditions and ongoing inflation, the project is estimated at \$382,500. While this is significantly over the initial cost estimate, there are funds available within the approved ARP HVAC projects to cover the additional costs. There are two ARP HVAC approved projects, replacement of the Sheriff's Office boiler and the Courthouse chiller replacement, that may be covered by alternative funding sources.

Budgetary Effect: Funding is available using already approved American Rescue

Plan funds, no funds from the General Fund will be used.

Chairman Mulwee opened the floor for questions for comments from the Board. Mr. Nieft as well as Margaret Pierce, Deputy Co. Manager/Finance Director, responded to several questions from Commissioner Taylor about HVAC projects approved by the Board. A short discussion ensued.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

BDI - AUTHORIZATION REQUEST - ONENC FOR UNIX PACKAGING

Alan Wood, BDI President & CEO, presented the following request:

BDI seeks support on behalf of Unix Packaging. Authorization is requested for the County Manager to send a letter to the North Carolina Department of Commerce Finance Center - OneNC for the release of funds on behalf of the company. Unix Packaging has increased their tax base in Burke County meeting eligibility for the OneNC funds.

Budgetary Effect: Matching funds per the local agreement.

Mr. Wood further reported that approval from the County is required to release 3/4s of the OneNC grant funds prior to payout of the local match because the company has met the following OneNC grant requirements ahead of schedule: invested \$24.8 million (40% over projection) which more than covers Morganton's and the County's 25% local match payment of \$180,000 due in March of 2023, they have installed 4 of the 5 lines as well as created and held 160 of the 203 jobs. BDI has verified the company's performance measures and has the required documentation. Once the company installs the second manufacturing line, their local investment is expected to exceed \$30 million.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

BDI - IDF SEWER PROJECT - BURKE BUSINESS PARK

Alan Wood, BDI President & CEO, presented the following request:

Burke County would like to submit an application for a North Carolina Department of Commerce Industrial Development Fund (IDF) grant with a request of \$503,330. The county would be the applicant with BDI serving as a partner to administer the grant. This request would require a 25% match or \$125,833.

This funding would extend sewer to the graded pads throughout the Business Park. This would include pads for Project It's About Time and future development on any remaining pads. A pre-application was submitted in May and chosen to submit a full application.

Budgetary Effect: The IDF Grant request is for \$503,330. This request would

require a 25% match or \$125,833. This grant would be handled in the same manner as the water tank. The match would be recovered when a new project starts paying property taxes before any other partners distribution.

Chairman Mulwee opened the floor for comments or questions from the Board. Mr. Wood responded to questions from Vice Chairman Carswell and Commissioner Taylor about the location of the sewer line within the Business Park and the service provider, the City of Morganton. He further reported that the road will be extended past the second largest pad with ARC (Appalachian Resource Commission) grant funds later in the year.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

CLERK - APPOINTMENT TO THE CPCFPT

Clerk Draughn reported Seat No. 5 (at-large, No. 2) on the Child Protection Child Fatality Prevention Team is vacant. The appointment of Chris Norman for the remainder of a 3-year term ending April 30, 2025, is requested.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

CLERK - APPOINTMENT TO THE PARKS & RECREATION COMMISSION

Clerk Draughn report this is a request to reappoint Mo Beam to Seat No. 10, (Oak Hill) on the Parks and Recreation Commission to complete the remainder of a term ending March 31, 2025.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

CLERK - REMOVAL FROM AND APPOINTMENT TO THE REGIONAL AGING ADVISORY COMMITTEE

Clerk Draughn reported Mr. Jerry Propst has served the maximum number of terms allowed on the Regional Aging Advisory Committee and although his six (6) consecutive years of service is very commendable, his removal is requested for compliance.

Rosie O'Hearn has applied to fill the vacancy created with Mr. Propst's removal from Seat No. 3. The term is for two (2) years ending June 30, 2024. The County appoints four (4) members to this committee.

3	Jerry Propst	A	10/18/2016
		R	9/18/2018
		R	8/18/2020
		TE	6/30/2022

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

CLERK - RESOLUTION UPDATING PLAT REVIEW OFFICER FOR TOWN OF HILDEBRAN

Clerk Draughn reported the following resolution updates the plat review officer for the Town of Hildebran.

RESOLUTION UPDATING PLAT REVIEW OFFICERS

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

WHEREAS, Todd Justice is listed as the current plat review officer for the Town of Hildebran; and

WHEREAS, the Town has formally requested that Mr. Justice be removed from the list of Plat Review Officers and that the Town Administrator, Logan Shook, be added to the list of plat review officers for the Town of Hildebran.

NOW, THEREFORE, BE IT RESOLVED, that the Burke County Board of Commissioners appoint Logan Shook, Hildebran Town Administrator, as the Plat Review Officer for the Town of Hildebran.

BE IT FURTHER RESOLVED, that a copy of this resolution designating the Plat Review Officer be recorded in the Burke County Register of Deeds Office and indexed in the name of the Review Officers.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

TAX DEPT. - TAX COLLECTION REPORT FOR JUNE 2022

John Bridgers, Tax Administrator, presented the Tax Collection report for June 2022 as follows:

Category	Annual Budget	Amount Collected YTD	% Collected	Balance to Collect
Property Tax	\$45,000,000.00	\$45,547,027.25	101.22%	(\$547,027.25)
Motor Vehicle Tax	\$5,200,000.00	\$5,169,170.21	99.41%	\$30,829.79
Current Year Taxes	\$50,200,000.00	\$50,716,197.46	101.03%	(\$516,197.46)
Delinquent Taxes	\$700,000.00	\$740,966.33	105.85%	(\$40,965.33)
Late List Penalty	\$315,000.00	\$393,025.63	124.77%	(\$78,025.63)

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	\$46,298,001.00	\$45,547,027.25	98.38%	\$750,973.41

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

TAX DEPT. - RELEASE REFUND REPORT FOR JUNE 2022

John Bridgers, Tax Administrator, presented the Tax Release Refund report for June 2022 as follows:

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	\$308.27	0.00	\$308.27	0.00

VTS Refunds Over \$100	
	Refund Amount
VTS Adjustments	228.86

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

Mr. Bridgers also responded to questions from the Board about business closures.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

ITEMS FOR DECISION

CM - RFQ FOR ARCHITECTURAL / ENGINEERING SERVICES FOR EMS BASE 1 (PLACE HOLDER)

County Manager Steen reported qualifications for architectural / engineering design services for EMS Base 1 are due on July 18, 2022. The submittals will be reviewed, and a recommendation provided at the regular meeting. Authority for the Manager to negotiate with the recommended firm or firms is requested. The architectural / engineering contract will be presented to the Board for approval in August.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

CLERK - APPOINTMENTS TO THE ANIMAL ADVISORY BOARD

Clerk Draughn reported this is a request to reappoint the following members to the Animal Advisory Board for 2-year terms ending July 31, 2024:

Seat No. 1 (501-c-3 Rescue or Foster): Gwen Hood, A Better Life Animal Rescue

Seat No. 3 (Board of Health Member): Gwen Stephens
(Unanimously approved by the BOH at their June meeting.)

Seat No. 5 (Law Enforcement): Jeff Robinson

An appointment is needed for vacant Seat No. 7 (At-large Pet Owner). Applications and pet ownership documentation are on file for: Denise Smith, Morgan Bollinger, Jamie Allman and Jennifer Terry.

She also responded to questions from Board members concerning the attendance of existing members and was asked to obtain a recommendation from the AAB Chair and Vice Chair for the appointment to vacant Seat No. 7.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING: JULY 19, 2022, AT 6:00 P.M.

REPORTS

Chairman Mulwee asked Board members to submit their reports to the Clerk as soon as possible for inclusion in the agenda packet.

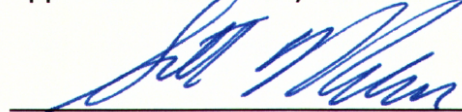
OTHER DISCUSSION ITEMS - NONE

ADJOURN

Motion: To adjourn at 3:57 p.m.

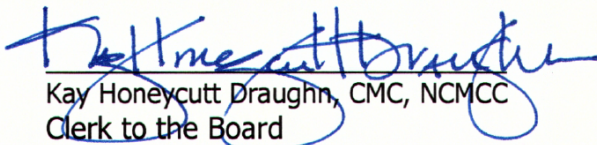
RESULT: APPROVED [UNANIMOUS]
MOVER: Maynard M. Taylor, Commissioner
AYES: Scott Mulwee, Johnnie W. Carswell, Wayne F. Abele, Sr., Jeffrey C. Brittain and Maynard M. Taylor

Approved this 20th day March 2023.



Scott Mulwee, Chairman
Burke Co. Board of Commissioners

Attest:



Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board