MINUTES
BURKE COUNTY BOARD OF COMMISSIONERS
PRE-AGENDA MEETING

The Burke County Board of Commissioners held a pre-agenda meeting on Monday, December 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. Those present were:

COMMISSIONERS:	Scott Mulwee, Chairman Jeffrey C. Brittain, Vice Chairman Randy Burns Johnnie W. Carswell Phil Smith
STAFF:	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 with the addition of Consent Item. No. 21, resolution updating plat review officers.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Johnnie W. Carswell, Commissioner
AYES:	Scott Mulwee, Jeffrey C. Brittain, Randy Burns, Johnnie W. Carswell, and Phil Smith

PRESENTATIONS

AS - PET OF THE MONTH
Kay Draughn, Clerk to the Board, stated that the Animal Services Director, Kaitlin Settlemyre, will present a dog and cat in need of its "furever" home at the regular meeting.

Chairman Mulwee opened the floor for questions or comments and asked for an update on the animal population level. Clerk Draughn did not have the status off hand but informed that the shelter is usually full.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

F3ST - RECOGNITION OF JOHNNIE W. CARSWELL
Kay Draughn, Clerk to the Board, reported that Beth Heile, on behalf of the Friends of the Fonta

Flora State Trail (F3ST), wishes to recognize Commissioner Carswell for his service as a founding member of the F3ST Board and for his leadership at the regular meeting. Commissioner Carswell served on the Board from January 2020 - December 2022.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

BOC - RECOGNITION OF MABEL LOWMAN'S 47 YEARS OF PUBLIC SERVICE
On behalf of the Board, Kay Draughn, Clerk to the Board, requested to honor Mabel Lowman who served as the Burke County Clerk of Superior Court for the past 24 years at the regular meeting. Before taking the helm, she also served as a Deputy Clerk for seven years and as an Assistant Clerk for 16 years. Recognition of her honorable and distinguished 47 years of combined public service to the citizens of Burke County is well deserved.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

FINANCE - PRESENTATION OF FY 21-22 AUDIT
Margaret Pierce, Deputy County Manager / Finance Director, reported the County's auditor, Lowdermilk Church & Co. LLP, will present highlights of the audit for FY 21-22 at the regular meeting. The annual comprehensive financial report has been submitted for a national award. Ms. Pierce referred to the charts below to present a few key metrics to the Board. Assets and outflows exceeded liabilities and deferred inflows by approximately $73,000,000. The unassigned fund balance is just over $30,000,000, which is 32% of general fund, giving the County four (4) months' worth of working capital on hand. This allows the County just enough excess to stay afloat for a few months in the event something catastrophic occurs.

	Governmental Activities		Business-type Activities		Total	
	2021	2022	2021	2022	2021	2022
Current and other assets	$ 79,067,331	$ 102,710,612	$ 2,573,028	$ 3,143,791	$ 81,640,359	$ 105,854,403
Net capital assets	56,250,065	53,045,655	19,736,319	19,663,999	75,986,384	72,709,654
Total assets	135,317,396	155,756,267	22,309,347	22,807,790	157,626,743	178,564,057
Total deferred outflows of resources	13,470,254	14,809,405	363,659	336,737	13,833,913	15,146,142
Long-term liabilities outstanding	92,822,923	77,091,769	7,777,899	7,478,139	100,600,822	84,569,908
Other liabilities	15,038,516	22,495,158	598,572	499,715	15,637,088	22,994,873
Total liabilities	107,861,439	99,586,927	8,376,471	7,977,854	116,237,910	107,564,781
Total deferred inflows of resources	1,095,401	12,732,541	34,780	335,081	1,130,181	13,067,622
Net position:						
Net investment in capital assets	37,852,760	36,079,462	18,551,001	18,547,453	56,403,761	54,626,915
Restricted	30,790,157	45,140,758	-	-	30,790,157	45,140,758
Unrestricted	(28,812,107)	(22,974,016)	(4,289,246)	(3,715,861)	(33,101,353)	(26,689,877)
Total net position	$ 39,830,810	$ 58,246,204	$ 14,261,755	$ 14,831,592	$ 54,092,565	$ 73,077,796

Burke County, North Carolina
Governmental Funds
Balance Sheet
June 30, 2022

	General Fund	School One cent Sales Tax Fund	American Rescue Plan Grant Project Fund	Non-Major Governmental Funds	Total Governmental Funds
ASSETS					
Cash and cash equivalents	$ 7,746,084	$ 3,975,835	$ 3,205,315	$ 2,716,922	$ 17,644,156
Cash held by fiscal agents	-	-	-	57	57
Investments	33,364,089	16,830,321	13,568,592	11,024,350	74,787,352
Restricted cash and cash equivalents	117,512	-	-	-	117,512
Taxes receivable, net	780,746	-	-	164,537	945,283
Due from other governments	3,089,825	2,646,235	-	1,410,831	7,146,891
Due from other funds	56,952	-	-	-	56,952
Loan receivable	394,439	-	-	-	394,439
Accounts receivable, net	1,453,280	-	-	-	1,453,280
Total assets	$ 47,002,927	$ 23,452,391	$ 16,773,907	$ 15,316,697	$ 102,545,922
LIABILITIES					
Accounts payable and accrued liabilities	$ 4,450,635	$ -	$ 19,578	$ 167,773	$ 4,637,986
American Rescue Plan Act funds paid in advance	-	-	16,739,277	-	16,739,277
Opioid Settlement funds paid in advance	-	-	-	517,174	517,174
Due to other governments	170,131	-	-	5,419	175,550
Due to other funds	-	-	-	56,952	56,952
Liabilities to be paid from restricted assets	-	-	-	-	-
Total liabilities	4,620,766	-	16,758,855	747,318	22,126,939
DEFERRED INFLOWS OF RESOURCES					
Taxes receivable	780,746	-	-	164,537	945,283
EMS fees receivable, net	1,024,137	-	-	-	1,024,137
Prepaid taxes	42,741	-	-	-	42,741
Total deferred inflows of resources	1,847,624	-	-	164,537	2,012,161
FUND BALANCES					
Restricted for:					
Stabilization for State Statute	7,034,255	-	-	-	7,034,255
Public safety	261	-	-	1,090,256	1,090,517
Register of Deeds Automation/Enhancement	24,635	-	-	-	24,635
Human Services	59,070	-	15,052	94,541	168,663
Education	-	23,452,391	-	6,413,039	29,865,430
Environmental Protection	23,546	-	-	-	23,546
Economic and Physical Development	-	-	-	893,744	893,744
Committed for:					
Capital projects	10,000	-	-	5,913,262	5,923,262
Assigned for:					
Subsequent year's budget	3,076,935	-	-	-	3,076,935
Unassigned	30,305,835	-	-	-	30,305,835
Total fund balances	40,534,537	23,452,391	15,052	14,404,842	78,406,822
Total liabilities, deferred inflows of resources, and fund balances	$ 47,002,927	$ 23,452,391	$ 16,773,907	$ 15,316,697	$ 102,545,922

Amounts reported for governmental activities in the Statement of Net Position (Exhibit A) are different because:

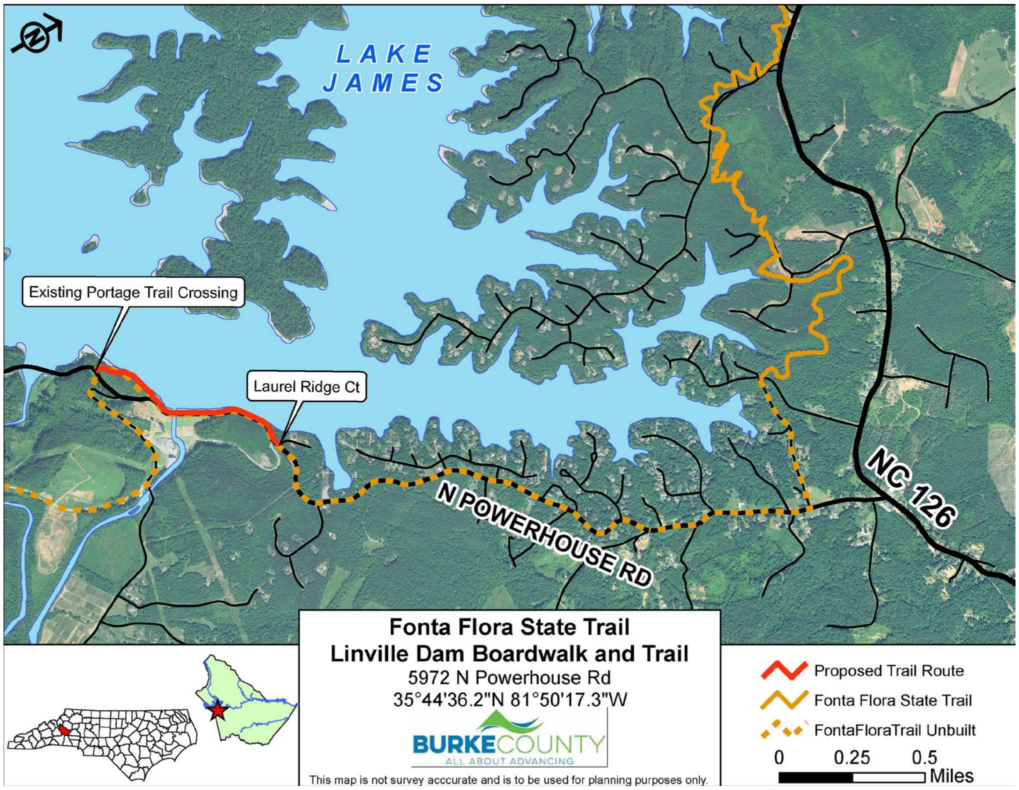
Total Fund Balance, Governmental Funds	78,406,822

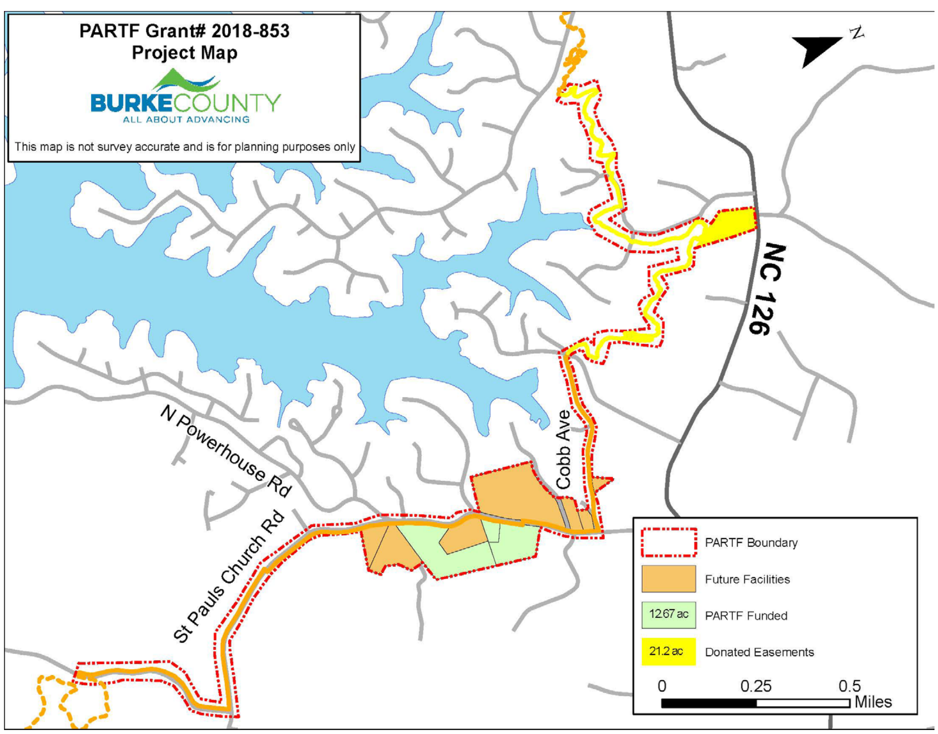
RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

SCHEDULED PUBLIC HEARINGS

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

Alan Glines, Deputy County Manager / Planning Director, reported the Community Development Department is proposing the dissolution of the Fonta Flora Trail - N. Powerhouse Road and Cobb Avenue project and the withdrawal from both the Parks and Recreation Trust Fund (PARTF) grant and the Surface Transportation Block Grant - Direct Attributable (STBG-DA) grants associated with the project. The lack of right-of-way acquisition was the primary reason for the withdrawal. The funds spent thus far on the project are not reimbursable.





Background information from the agenda packet:

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

The STBG-DA grant is funded through the Federal Highway Administration and dictates the design parameters, as well as the process and order in which the project can proceed. The STBG-DA grant requires that the trail be built as a paved 10-foot-wide multi-use path. This is significantly larger for the 5-foot-wide natural surface sections of the rest of the Fonta Flora Trail at Lake James. The current construction estimate for the 10-foot-wide side path is around $3,500,000, not including engineering or ROW acquisition costs. In addition to the cost, there would be a significant impact on the residents of the area given the amount of ROW needed to build a trail of this size and scope. It was determined that the federal requirements for the path were not feasible given the specific road and right of way challenges.

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

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

When the timeframe to complete the PARTF grant became an issue again, a 1-year extension was approved in October of 2021. The Department made progress, property owners were contacted and surveys in the area were completed. Several property owners were interested in the trail but were not quite ready to commit to the easement or sale of their tracts. One property owner verbally agreed to sell some property and easements but in late September, the property owner backed out of the deal and sold the property to someone else. This rendered the Department unable to successfully close out the grant by October 31, 2022. The Department contacted State Parks and they agreed with Burke County to withdraw from this PARTF project. They do require a public hearing to withdraw from the grant which is what this Board of Commission action is about. Burke County could apply in the future for another PARTF grant if we find a suitable project.

The Community Development Department is proposing the withdrawal from both the PARTF and STBG-DA grants. In order to withdraw from the STBG-DA project, the County will provide a letter to the NC Department of Transportation and will be required to absorb the entirety of the $273,887 spent to date on engineering.

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

Budgetary Effect: A $273,887 appropriation of General Fund, Fund Balance is necessary.

Chairman Mulwee opened the floor to question or comments. Commissioner Carswell inquired about the future of the trail. Mr. Glines informed him that is still unknown at this time and that they are working on determining how to proceed forward. Commissioner Carswell wanted to know why the funds were needed, to which Mr. Glines informed him that there was surveying and engineering services done that would have originally been covered by the grant but are no longer eligible due to the trail restrictions imposed by the grant that the County was unable to meet. Vice Chairman Brittain asked if any of the work involved in the expenses could be capitalized on for future use. Mr. Glines stated they had acquired a lot of survey data which could be useful and that withdrawing from the PARTF grant in the proper way means the County will be in good standing and able to apply for future grants. Chairman Mulwee asked about the length of the area surveyed, to which Mr. Glines informed him that it was roughly a mile and a half.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

CONSENT AGENDA

BCPS - PRESENTATION OF FINANCIAL DATA FOR THE PERIOD ENDING SEPT. 30, 2022

Keith Lawson, Finance Officer, Burke County Public Schools (BCPS), in accordance with the Memorandum of Agreement approved by the County and the Board of Education, presented a quarterly financial report on the 2022-2023 budget year, showing the application of the County's local funding. A brief update on the year ending June 30th was also presented. Mr. Lawson informed that Burke County Public Schools rank 19th out of 115 in Elementary and Secondary Schools Emergency Relief Fund (ESSER) spending. There is approximately $12 million left of ESSER funds remaining. The bulk of the funding has been spent on air improvement projects and on summer tutoring programs to assist with educational loss impacts from Covid-19. After receiving funding from the County, the school system was able to have one nurse per school. Vice Chairman Brittain inquired about the $53,898 in receivables showing a 407.3% increase compared to the previous fiscal year. Mr. Lawson explained that BCPS has a system in which the front office handles the upfront expenditures for a school's project, then the school will be invoiced to repay the central office thus causing receivables to fluctuate.

Note: This item was originally scheduled to be heard at the November meeting, but due to unforeseen circumstances, it was moved to the December meeting.

BCPS						
Estimated Revenues						
2022/2023						
	Annual		September YTD			% of Budget
	Previous	Current Fcst	Previous	Current	% Change	Received
State	89,567,747	90,463,424	17,794,768	20,248,830	13.8%	22.4%
Federal	23,693,312	23,930,245	7,379,056	5,039,796	-31.7%	21.1%
Local	14,542,099	14,385,243	3,771,072	3,785,752	0.4%	26.3%
School Nurses	893,155	1,146,958	76,638	102,828	34.2%	9.0%
Charter Schools	613,951	770,807	17,941	3,260	-81.8%	0.4%
Fines & Forfeitures	371,986	325,000	88,177	61,323	-30.5%	18.9%
Receivables	12,424	14,908	10,624	53,898	407.3%	361.5%
Special Revenues	5,406,186	5,389,838	1,237,393	1,119,275	-9.5%	20.8%
Total	$ 135,100,860	$ 136,426,423	$ 30,375,669	$ 30,414,962	**0.1%**	**22.3%**

BCPS						
Local Financials by Purpose & Function Level						
2022/2023						
			Audited	'22/'23		
Expenses	'19/'20	'20/'21	'21/'22	Budget	1st	Total
Regular Instructional Services	5,637,807	4,787,687	5,677,962	5,593,992	716,173	716,173
Instructional Support	9,759,099	10,358,944	10,186,900	10,583,325	3,313,004	3,313,004
Other Governmental Units	592,733	635,937	800,305	930,512	86,037	86,037
Revenues Over/(Under)	207,420	509,982	(170,801)	(464,913)	(108,153)	(108,153)
Grand Total	$ 16,197,059	$ 16,292,550	$ 16,494,366	$ 16,642,916	$ 4,007,061	$ 4,007,061
% of Annual Budget						24.1%
Revenue						
Burke County	14,552,494	14,602,211	14,542,099	14,326,691	3,785,752	3,785,752
Timber Receipts	-	58,552	-	58,552	-	-
Charter Schools	428,556	495,287	613,951	770,807	3,260	3,260
Fines & Forfeitures	279,114	230,225	371,986	325,000	61,323	61,323
School Nurses	893,153	893,155	893,155	1,146,958	102,828	102,828
Schools' Receivables	43,742	13,120	12,424	14,908	53,898	53,898
Grand Total	$ 16,197,059	$ 16,292,550	$ 16,433,615	$ 16,642,916	$ 4,007,061	$ 4,007,061

Chairman Mulewee opened the floor for questions or comments. Commissioner Carswell inquired as to whether DPI (Department of Public Instruction) sent additional funds to offset the increased cost of fuel and other operational expenses. Mr. Lawson explained that he has a meeting scheduled for the upcoming week to assess and discuss that matter but that at this time, there has been no increase in funding.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

BOC - 2023 COMMISSION APPOINTMENTS

Chairman Mulwee reviewed the following proposed Commission appointment for calendar year 2023. No changes were made to the proposed appointments.

Authority, Board or Commission	2022 Appointee	2023 Appointee
Burke Development Inc.		
Burke Co. BOC Chairman* (Designee)	Brittain	Brittain
Burke Co. Manager*	Steen	NEW CM TBD
Board of Health	Carswell	Carswell
Burke County Cooperative Water Board	Carswell	Carswell
EMS Peer Review Committee	Taylor	Burns
Foothills Regional Airport Authority	Abele	Burns
Juvenile Crime Prevention Council	Taylor	Smith
JCPC Oversight "Governance" Committee	Taylor	Smith
Library Board of Trustees	Carswell	Carswell
Local Emergency Planning Committee	Carswell	Carswell
Partners Health Management	Brittain	Brittain
Recreation Commission	Mulwee	Mulwee
Smart Start (Burke Partnership for Children)	Mulwee	Smith
Social Services Board	Brittain	Brittain
Tourism Development Authority	Mulwee	Mulwee
Transportation Advisory Committee	Taylor	Smith
Transportation Coordinating Committee	Steen	New CM TBD
WPCOG - Policy Board: Alternate	Carswell	Carswell
WPCOG - Policy Board: Delegate	Abele	Burns

*Based on BDI bylaws.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

BOC - RESOLUTION ADOPTING A CODE OF ETHICS

Chairman Mulwee introduced this agenda item and opened the floor for comments or questions. No one had any comments or questions.

Background information from the agenda packet: In 2011 and again in 2018, the Board of Commissioners adopted a Code of Ethics. With the election of Commissioners Burns and Smith, the makeup of the Board has changed. As such, it is prudent to have a new Code of Ethics on file containing the signatures of the current Board members. Other than the adoption date and signature block, there are no other changes to the Code which was included in the agenda packet and is hereby incorporated into the meeting minutes by reference.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

BOC - ADOPTION OF RULES OF PROCEDURE FOR 2023

It is the Board's practice to review, amend as needed and adopt its Rules of Procedures (ROP) on an annual basis. The DRAFT 2023 ROP is largely based on the 4th Edition, 2017, Suggested Rules of Procedure for the Board of County Commissioners, which was published by the SOG (School of Government) and authored by Trey Allen.

Chairman Mulwee opened the floor to question or comments. Commissioner Britain requested additional language on the requirement to preregister on a comment card for informal public comments that would allow for the citizen to speak regardless of preregistration status or to display that requirement on the monitors before the meeting starts to relay that information to the public. Chairman Mulwee explained that in that scenario, it can be up to the discretion of the Chairman to allow the person to speak even without preregistration, which has happened during a prior meeting, but he was not opposed to the additional language being added to the rule. Clerk Draughn informed the Board that she had been helping people preregister and that there is a section on the website on the Commissioners' page that allows the person to preregister via email directly to the Clerk. She further expressed that she is willing and able to amend or modify the rule as desired. A discussion ensued on what direction to take regarding this matter resulting in an agreement to modify the language around the rule expressly stating that the Chairman has the discretion to allow a non-preregistered person to speak during informal public comments and to address the order in which speakers appear before the Board.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

BOC - RESOLUTION ESTABLISHING THE BOC 2023 MEETING SCHEDULE

Chairman Mulwee reviewed a draft resolution setting the Board's meeting schedule for 2023 and discussed moving the February pre-agenda meeting to the second Tuesday of the month to accommodate his and Commissioner Carswell's training event. A date for the annual budget retreat has not been determined but it will be scheduled soon. Pre-agenda meetings were scheduled for 3:00 p.m. in the County Board Room (Commissioners' Meeting Room) on the following dates:

January 3, 2023	July 5, 2023**
February 14, 2023^	August 1, 2023
March 7, 2023	September 5, 2023
April 4, 2023	October 3, 2023
May 2, 2023	November 7, 2023
June 6, 2023	December 4, 2023*

^Second Tuesday
**Wednesday
*Monday

Regular meetings were scheduled for 6:00 p.m. in the County Board Room (Commissioners' Meeting Room) on the following dates:

January 17, 2023	July 18, 2023
February 28, 2023^^	August 15, 2023
March 21, 2023	September 19, 2023
April 18, 2023	October 17, 2023

May 16, 2023	November 21, 2023
June 20, 2023	December 19, 2023

^^Fourth Tuesday

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

CLERK - REAPPOINTMENTS TO BLUE RIDGE COMMUNITY ACTION

Kay Draughn, Clerk to the Board, reported that the County appoints three (3) members to the Blue Ridge Community Action Board of Directors. The terms of appointment for Michael Cloy (Seat No. 1), Barbara Myers (Seat No. 2) and James Smith (Seat No. 3) end December 15, 2022. All three seats are "public at-large" seats and have 2-year terms ending in 2024. All the current members desire reappointment.

Blue Ridge Community Action Three (3) Members 2-Year Terms				
Seat No.	**Position**	**Name-Address**	**Term**	
1	At-Large	Michael Cloy	A-UT	2/16/2021
	Public	127B Ridgeside Terrace	TE	12/15/2022
		Morganton NC 28655		
2	At-Large	Barbara Myers	A-UT	5/18/2021
	Public	102 New Orleans Blvd.	TE	12/15/2022
		Morganton NC 28655		
3	At-Large	James Smith	A-UT	2/19/2019
	Public	402 W. Union Street	R	12/15/2020
		Morganton NC 28655	TE	12/15/2022

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

CLERK - APPOINTMENT TO THE BURKE CO. BOARD OF ADJUSTMENT

Kay Draughn, Clerk to the Board, reported Seat No. 2 (East) on the Burke County Board of Adjustment is vacant. An application was received from Tommy Craig of Valdese to fill this vacancy to complete the remainder of a three (3) year unexpired term that ends September 30, 2024.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

CLERK - REAPPOINTMENTS TO THE EMS PEER REVIEW COMMITTEE
Kay Draughn, Clerk to the Board, reported that the terms of appointment on the EMS Peer Review Committee ended November 15 for: Leonora Mahoney (Seat No. 2, Nurse), April Traxler (Seat No. 4, Frye Medical Center), Mike Willis (Seat No. 5, Emergency Management) and Allen Hudson (Seat No. 8, First Responder South). All members desire reappointment and the terms are for two (2) years ending November 15, 2024.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

CLERK - REAPPOINTMENTS TO THE BOARD OF E & R
Kay Draughn, Clerk to the Board, reported that Ms. Betty Greer occupies Seat No. 1 on the Board of Equalization and Review, and her term ends December 31, 2022. She has served on this board since 2015 and is willing to serve another 3-year term ending December 31, 2025. Her reappointment is recommended by the Tax Administrator.

Seat No.		Position		Name-Address			Term
1				Betty Greer		A	2/17/2015
				6466 Rock Falls Road		A	12/15/2015
				Morganton NC 28655		R	2/21/2017
						R	12/17/2019
						TE	12/31/2022

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

CLERK - REAPPOINTMENTS TO THE BOARD OF HEALTH
Kay Draughn, Clerk to the Board, CMC, NCMCC, reported that the terms of appointments for the following members of the Board of Health end December 31st: Melinda Zimmerman (Pharmacist), Dr. Thomas Wallrichs (Veterinarian), Dr. Anthony Frank (Physician), Dr. Joel Welch (Engineer), and Gwen Stephens (at-large). Dr. Frank, Dr. Welch and Gwen Stephens desire reappointment and are eligible to complete additional 3-year terms ending December 31, 2025. The removals of Melinda Zimmerman (Pharmacist) and Dr. Thomas Wallrichs (Veterinarian) are requested. They have served the maximum number of terms allowed.

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

CLERK - REMOVALS FROM JCPC
Kay Draughn, Clerk to the Board, reported that the removal of Dorian Palmer (Seat No. 23) and Jeffrey Beck (Seat No. 21) from the JCPC (Juvenile Crime Prevention Council) is requested for attendance issues. Both members have failed to comply with the County's attendance criteria:

Code of Ordinances, Sec. 2-92. - Attendance.
(a) Regular attendance at board and commission meetings by the members is expected by the board of commissioners.
(b) No member of any board or commission shall, without good and sufficient reason, fail to attend three consecutive meetings or fail to attend 50 percent of all the regularly scheduled meetings in one calendar year. Any member who at any time does not comply with this requirement shall be deemed to have abandoned and forfeited membership on such board or commission and the term of office of such absentee shall thereby terminate. It shall be the responsibility of the chairperson to then notify the clerk to the board of commissioners that a vacancy exists on the board or commission.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

CLERK - REAPPOINTMENTS TO THE TDA
Kay Draughn, Clerk to the Board, reported the terms of appointment for the following members of the Tourism Development Authority end December 31, 2022: Samantha Reid (Seat No. 4, COT Hotel/Motel), Dianne Reihl (Seat No. 6, Travel/Tourism At-large), and Mitch Kerce (Seat No. 8, COT Hotel/Motel). All three (3) members desire reappointment and the terms are two (2) years. The reappointment of Scott Mulwee as chair of the TDA for 2023 is also requested.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

COMM. DEV. - CANOE CREEK STREAM RESTORATION GRANT
Alan Glines, Deputy County Manager / Planning Director, reported that Foothills Conservancy of North Carolina, in partnership with Catawba Riverkeeper and Wildlands Engineering, with grant support from Burke County, is seeking to restore a portion of Canoe Creek that flows within the boundaries of Oak Hill Community Park and Forest. The Oak Hill Community Park and Forest is a 650-acre community park being developed by the Foothills Conservancy. Due to historical use of this land in agriculture, much of the riparian area around Canoe Creek no longer functions naturally: the walls of the stream bank are so steep that water flows directly downstream during storms instead of spreading out across the floodplain. Foothills Conservancy's stream restoration project would regrade the bank, allowing the steam to flow properly.

Benefits from this project include habitat restoration for native wetland species, downstream flood mitigation, water quality improvement in the Catawba River, and increased tourism and educational opportunities at the park.

Foothills Conservancy is seeking the help from Burke County to be the actual applicant for the portion of the grant through the Department of Environmental Quality-Water Resources Development Grant Program (DEQ). Only cities and counties are eligible for the grant. The grant will be submitted no later than December 30, 2022. The grant request will be $200,000 which is the maximum amount available for this grant. Foothills Conservancy will pursue other grants to be the required match for the DEQ grant. The match is also expected to be $200,000 to be applied for from NC Land and Water Fund to complete the full project.

Foothills Conservancy would:
- write the DEQ Water Resources Development Grant, and
- manage the development of the construction plans, and
- submit for necessary permits
- oversee the construction process.

Burke County would:
- submit the grant to DEQ, and
- provide the actual construction bidding process based on the plans developed by Foothills Conservancy, and
- manage the reimbursement when the work is complete.

The budget amendment will come back to the Board of Commissioners for approval if and when the grant is awarded. The Memorandum of Agreement between Burke County and the Foothills Conservancy will also be prepared at that time.

Mr. Glines, with permission from Chairman Mulwee, introduced Michael Gaffney, Conservation Program Associate, Foothill Conservancy, to the Board. Mr. Gaffney handles restoration projects and land acquisition projects. He estimated that this project will cost approximately $530,000, of which, the Conservancy will apply for a $200,000 grant through the Division of Water Resources, $300,000 would come from the land and water fund, and the remaining $30,000 will be matched through Foothills Conservancy, Catawba Riverkeeper and a few other organizations. Mr. Gaffney emphasized that Foothills Conservancy would handle the writing of the grant, and the County would primarily handle distribution of the funding.

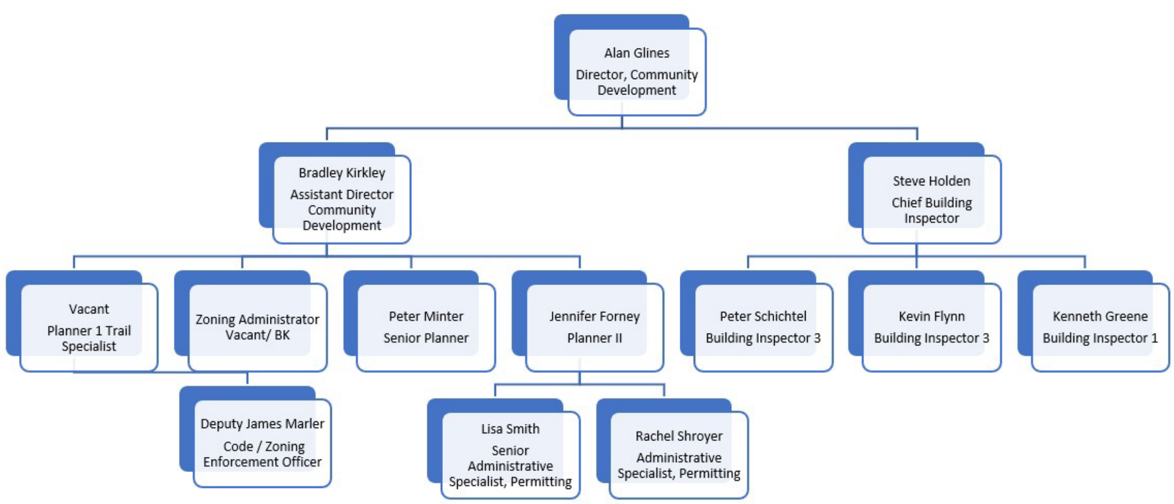
Chairman Mulwee opened the floor to questions or comments. Vice Chairman Brittain wanted to know what Margaret Pierce, Deputy Count Manager / Finance Director thought about what the cost to the County would be and if staff would be able to handle the County's responsibilities for this matter. Ms. Pierce stated that some of that would need to be addressed in the memorandum of agreement to ensure the match is provided by other parties, at the Board's discretion. Currently, as requested, there is no funding being provided by the County and the Senior Fiscal Analyst is able and willing to assist with the filing of the grant paperwork. Once the amount of the match is known, that will be when the County will know for sure how this will impact the books, and if an audit is required, that could create additional costs to the County. Vice Chairman Brittain requested the County Attorney be involved with reviewing the documents to ensure there are no other obligations in this matter. Commissioner Carswell requested clarity on whether this is being considered as a pass through. Ms. Pierce confirmed that the primary capacity Burke County would play is being a pass-through agency; however, $500,000 of State funding would create a single audit scenario for the County and it would be up to the auditors to determine if that could be part of the annual audit or if it would be an additional audit report that would incur additional expenses. Commissioner Carswell inquired about why Canoe Creek Stream needs to be cleaned. Mr. Gaffney stated the creek spans about 1.2 miles and flows into Catawba River, and where that creek meets the river, the water is murky. Upon assessment, the creek does not support flow or biodiversity well. The work being done will improve those factors as well as mitigate downstream flooding.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

COMM. DEV. - COMMUNITY DEVELOPMENT DEPARTMENT ORGANIZATION
Alan Glines, Deputy County Manager / Planning Director, requested on behalf of the Community Development Department to reclassify two (2) existing positions within the department. The reclassifications, if approved, will have the benefit of providing an added level of management within the department and an improved career path for planning staff who have the expertise and are taking on new duties.

The first reclassification is for an Assistant Director for Community Development. It would be helpful to formally develop the position within the department. The current position, Operations Manager, was the position that Shane Prisby held. Over time the duties of the operations manager evolved and were similar to what would be appropriate for an assistant director. Formalizing this position will provide greater coverage for department operations and assure continuation of department functions should the director be unavailable. The proposed pay grade level would be 31 which would be in-line with pay ranges for benchmark communities. If the reclassification is approved, the position of Operations Manager will be removed from the job classification. Bradley Kirkley, Zoning Administrator, is working as the interim Operations Manager and would move into the Assistant Director position if approved. Bradley has been employed with Burke County for 16 years.

The second reclassification is for a Planner II position for Community Development. Currently Burke County has a Planner position and Senior Planner. To improve career path options for staff the second tier of Planner II is something someone could work towards as their experience and expertise expands. Built into the Planner II description is the management of a specific program or component of work of the Community Development Department. Having tiered levels for planning positions is customary in many planning departments in North Carolina. The proposed pay grade level would be 27 which is higher than the Planner position but lower than the Senior Planner. Jennifer Forney is the current planner who would be recommended for this promotion and now manages the activities of the permit center along with other planning duties. Jennifer has been employed with Burke County for almost 20 years.



Staff is requesting that the changes be effective at the beginning of the next pay period and funding for the changes will be covered by the open positions within the department (Operations Manager and Trail Planner).

Budgetary Effect: None. Using lapsed funds, the budget changes for staff salaries will be covered within the current approved budget.

Chairman Mulwee opened the floor for questions or comments and commended both Bradley Kirkley and Jennifer Forney for the tremendous job they have done for the County. Chairman Mulwee had no objection to this item and asked if or when there would be a trail specialist for the department. Mr. Glines stated that he intended to start advertising the vacancy in January. Commissioner Carswell wanted to know if there was an urgency to this reclassification, which would typically be handled during budget retreat. Mr. Glines responded that he had to rethink how the workflow operated and how to make it sustainable after the resignation of a key position so early in the budget year. A conversation ensued on the purpose and cost of the positions.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

GENERAL SERVICES - ROOFING PROJECTS - ROD BUILDING AND SHERIFF DEPT BUILDING

Mark Delehant, General Services Director, reported a Request for Proposals (RFP) was posted on the county website on October 11, 2022, soliciting sealed bids from qualified vendors for the installation of insulation and TPO membrane on the existing roof of the Register of Deeds building. The County received seven (7) bids from vendors and after review, Barger-Ashe Roofing Company has been selected as the most responsive responsible bidder. The cost of the project is bid at $104,300. Funds are available for the project from a budget allocation in FY 22-23.

BID #:
2022-1104-ROD

PROJECT:
ROD Roof Replacement

Vendor:	**Total Quote**	**Note**
Barger-Ashe Roofing	$ 104,300.00	
Ajmeri Properties, LLC	$ 114,000.00	
AAR of North Carolina, Inc.	$ 122,510.00	
Land Roofing Company	$ 136,000.00	
BM Roofing Contractors	$ 148,387.00	
BAR Roofing & Maintenance	$ 161,250.00	
ATD Restoration	$ 162,000.00	

BID #:
2022-1104-BCSO

PROJECT:
Sheriff's Office Roof Replacement

Vendor:	**Total Quote**	**Note**
Johnson Roofing Concepts	$ 118,762.00	
ATD Restoration	$ 125,000.00	
Etheridge Roofing	$ 134,630.00	
BM Roofing Contractors	$ 141,977.00	
CJ Deans Roofing, Inc	$ 149,400.00	
AAR of North Carolina, Inc.	$ 157,500.00	
Land Roofing Company	$ 159,500.00	
BAR Roofing & Maintenance	$ 184,250.00	
Ajmeri Properties, LLC	$ 212,000.00	

Additionally, a Request for Proposals (RFP) was posted on the county website on October 12, 2022, soliciting sealed bids from qualified vendors for the installation of insulation and TPO membrane on the existing roof of the Sheriff's Office. The County received nine (9) bids from vendors and after review, Johnson Roofing Concepts has been selected as the most responsive responsible bidder. The cost of the project is bid at $118,762. Funds are available for the project from a budget allocation in FY 22-23.

Funding for several roof replacement projects was included in the budget. Mr. Delehant proposed using the funds designated for Burke Services' roof replacement to pay for the new roof at the Sheriff's Office because it was in worse shape.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

HEALTH - APPROVAL OF DOGWOOD TRUST GRANT - HARM REDUCTION & HEALTH
Danny Scalise, Health Director, advised that the Health Department was awarded a $350,000 grant from the Dogwood Health Trust to create a "Harm Reduction and Health Equity Support Program." This program will focus on addressing social determinants of health through harm reduction and extend health equity to high-risk populations including but not limited to inmates (recently released), unsheltered persons, LGBTQIA+ (lesbian, gay, bisexual, transgender, queer, intersex, and asexual) individuals and people who use drugs.

The Health Department will work with a nonprofit, Olive Branch Ministry, to accomplish the grant directives:

- To increase mobile syringe exchange services in Burke County,
- Hepatitis C screenings,
- Community education, including overdose/Naloxone training, and
- Purchasing harm reduction supplies.

Budgetary Effect: $350,000 in new grant funds.

Rev. Michelle Mathis, Olive Branch Ministry's Executive Director, was also in attendance. Chairman Mulwee opened the floor to comments or questions. Mr. Scalise responded to a question from Commissioner Carswell.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

HR - APPROVAL OF CONTRACT FOR NEOGOV SOFTWARE
Larenda Johnson, HR Director, reported that money was allocated in the FY 22-23 budget for a web-based employment application software called "NeoGov" which allows employment applications to be completed from a cell phone and in poor bandwidth regions. The software will improve efficiency in processing employment applications, and it is used by many counties across the state. Commissioners' approval is required due to it being a 3-year contract/expense exceeding $90,000 over the 3-year period.

Budgetary Effect: None. Funding is included in the FY 22-23 budget. Funding for FY 24 and FY 25 will be budgeted.

Chairman Mulwee opened the floor for questions or comments. Commissioner Burns commented that he had used the software before at WPCC and was in favor of using it at Burke County. Commissioner Carswell also expressed his support in favor of Neo Gov. Ms. Johnson added that the technical implementation and support would come from Neo Gov and would not create an additional burden to Burke County IT.

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

SHERIFF - NEW PROVIDER FOR INMATE MEALS

Sheriff Hinceman reported the current contract with Aramark Food Services, the vendor that provides inmate meals at the Burke County Jail, is set to expire December 31, 2022. Bids were solicited to select a new service provider and were due on November 4, 2022. Two (2) bids were received, and Summit Food Services is the recommended vendor.

Budgetary Effect: Funding is available in the FY 22-23 budget for the remainder of the fiscal year. The balance will be requested in the FY 23-24 budget.

Chairman Mulwee opened the floor to questions or comments. Sheriff Hinceman responded to a question about the need for a change in service providers from Commissioner Carswell. Vice Chairman Brittain asked how this vendor compared to the former vendor in terms of cost. Sheriff Hinceman stated the cost per meal is higher, but the new company has employees that would prepare the meals, instead of the Detention Officers doing it. Chairman Mulwee inquired as to the current jail population, to which Sheriff Hinceman responded it was around 130.

BID #:
2022-1102

PROJECT:
Inmate Food Services

Vendor:	**Contact:**	**Email:**	**Per Meal**	**Note**
Trinity Services Group	Stephen Sleigh	SteveS@trinityservicesgroup.com	No price Listed	Fixed Price
			\$2.429 - \$7.421	Sliding Scale from 70 - 310+ Inmates
			No price listed	Staff Meal Price
Summit Food Services	Karen Sorensen	karen.sorensen@summitfoodservice.com	\$ 4.30	Fixed Price
			\$3.372 - \$6.669	Sliding Scale from 60 - 150+
			\$ 5.00	Staff Meal Price

RESULT:	**MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.**

TAX DEPT. - TAX COLLECTION REPORT FOR NOVEMBER 2022

Dawn Hutchins, Revenue Collections Supervisor, presented the Tax Collection Report for November 30, 2022, as follows:

Category	Annual Budget	Amount Collected YTD	% Collected	Balance to Collect
Property Tax	\$45,800,000.00	\$35,007,749.67	76.44%	\$10,792,250.33

Motor Vehicle Tax	$6,000,000.00	Data was not available for the motor vehicle taxes.		
Current Year Taxes	$51,800,000.00			
Delinquent Taxes	$700,000.00	$389,161.52	55.60%	$310,838.48
Late List Penalty	$315,000.00	$112,626.37	35.76%	$202,373.63

Note: The State has been having issues with their system and the Motor Vehicle Collection data was not accessible.

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	$47,816,100.71	$35,007,749.67	73.21%	$12,808,351.04

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

TAX DEPT. - RELEASE REFUND REPORT FOR NOVEMBER 2022

Dawn Hutchins, Revenue Collections Supervisor, presented the Tax Release Refund Report as follows:

Tax System Refunds and Releases				
	Report Amount	Rebilled Amount	Net Release	Refund Amount
Releases (TR-304)	$1,874.36	$550.44	$1,323.92	$0.00

VTS Refunds Over $100	
	Refund Amount
VTS Adjustments	Data was not available.

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

RESULT: MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

CLERK - APPOINTMENT OF REVIEW OFFICER FOR MORGANTON & BURKE COUNTY

Kay Draughn, Clerk to the Board, reported the City of Morganton requests the designation of Wendy Smith, Development and Design Director, as the review officer the City of Morganton in accordance with a resolution (No. 22-40) to be adopted by the City Council later today, Dec. 5, 2022. The removal of Phillip Lookadoo, the former Director of Development and Design, as a review officer is also requested by the City. Further, the Commissioners are also asked to appoint Alan Glines and Bradley Kirkley as plat review officers for Burke County.

RESULT:	MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

ITEMS FOR DECISION

FINANCE - SIGNATURE CARDS UPDATE (PLACE HOLDER)
Margaret Pierce, Deputy County Manager / Finance Director, reported that the account signature cards for all county bank accounts need to be updated in accordance with NCGS 159-25 (b) due to County Manager Steen's retirement and Deputy Sheriff / Captain Greg Huntley's retirement. An interim county manager or temporary signer needs to be added as an authorized signatory to all accounts effective December 22, 2022. The County Manager to be named must be added as an authorized signatory to all accounts effective on his / her first date of employment. Further, the new Deputy Sheriff / Captain named will need to be designated as an authorized signatory for the Inmate Trust Account and as a Deputy Finance Officer with the sole duty of signing checks on this account, effective January 1, 2023, in accordance with NCGS 159-25 (b). Further, Kenneth B. Steen needs to be removed as an authorized signatory due to his retirement effective December 22, 2022, and Greg Huntley removed as an authorized signature due to his retirement effective December 31, 2022.

RESULT:	MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

GS - LEASE EXTENSION JONAS RIDGE CONVENIENCE SITE (PLACE HOLDER)
Mark Delehant, General Services Director, stated he is still waiting for a response from the property owner and requested this item be removed until such time he has something in hand to review.

Chairman Mulwee opened the floor for question or comments. Mr. Delehant responded to a question from Commissioner Carswell about the cause of the delay. Chairman Mulwee inquired as to the length of the lease, to which Mr. Delehant responded that this should be the last lease needed based on the timeline for the new convenience site being constructed. A conversation ensued between the Commissioners, Mr. Delehant and the Attorney on what would happen if the County did not renew the lease.

RESULT:	REMOVED FROM THE AGENDA.

BOC - ANNOUNCEMENT OF NEW COUNTY MANAGER & APPROVAL OF EMPLOYMENT AGREEMENT (PLACE HOLDER)
Chairman Mulwee stated that at the November regular meeting, there will be an announcement of the new county manager and a request to approve the employment agreement.

RESULT:	MOVED WITHOUT OBJECTION TO THE NEXT MEETING ON DECEMBER 20, 2022, AT 6:00 P.M.

REPORTS
Chairman Mulwee asked Board members to submit their reports to the Clerk for inclusion in the regular agenda packet. He also encouraged citizens to spay or neuter pets and to adopt or foster a pet from Animal Services. Further, he encouraged citizens to not litter, to pick up trash

and to cover their loads during transit to the landfill or convenience centers. Lastly, Chairman Mulwee issued reminders for several upcoming meetings, public events, and holiday office closures.

OTHER DISCUSSION ITEMS- NONE

ADJOURN
Motion: To adjourn at 4:10 p.m.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Randy Burns, Commissioner
AYES:	Scott Mulwee, Jeffrey C. Brittain, Randy Burns, Johnnie W. Carswell, and Phil Smith

Approved this 18th day of July 2023.

Scott Mulwee, Chairman
Burke Co. Board of Commissioners

Attest:

Kay Honeycutt Draughn
Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board