

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

The Burke County Board of Commissioners held a regular meeting on Tuesday, April 16, 2024, at 6:00 p.m. in the County Board Room, Burke Services Building, 110 N. Green Street in Morganton, N.C. The meeting was streamed live on the County's YouTube channel, BurkeCountyNC, and it was broadcast 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:

Jeffrey C. Brittain, Chairman
Scott Mulwee, Vice Chairman
Randy Burns
Johnnie W. Carswell
Phil Smith

STAFF:

Brian Epley, County Manager
Margaret Pierce, Finance Director/Deputy County Manager
J.R. Simpson, II, County Attorney
Kay Honeycutt Draughn, Clerk to the Board

CALL TO ORDER

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

INVOCATION

Pastor Tamika Garrison, Carolina Caring, delivered the invocation.

PLEDGE OF ALLEGIANCE

J.R. Simpson, County Attorney, delivered the Pledge of Allegiance to the American flag. Then Chairman Brittain encouraged youth or youth groups to sign up to deliver the Pledge of Allegiance at future meetings.

APPROVAL OF AGENDA

Motion: To approve the agenda as presented.

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

APPROVAL OF MEETING MINUTES

Motion: To approve the meeting minutes of January 16, 2024 (regular), February 6, 2024 (pre-agenda) and February 8, 2024 (special) as written.

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

PRESENTATIONS

BOC - RECOGNITION OF KATHY BAILEY, PRESIDENT, UNC HEALTH BLUE RIDGE

The Board recognized Kathy Bailey, President and CEO of UNC Health Blue Ridge, for her 19 years of leadership and dedicated service at the hospital. Ms. Bailey is retiring in June.



Photo taken by Dannette Brackett, Executive Director, UNC Health Blue Ridge.
Depicted from left to right: Commissioner Smith, Commissioner Burns, Kathy Bailey, Vice Chairman Mulwee, Chairman Brittain, and Commissioner Carswell.

Chairman Brittain opened the floor for questions or comments. Ms. Bailey expressed what an honor it has been to serve the community and noted the hospital's motto, "We are friends and neighbors, taking care of friends and neighbors."

RESULT: NO ACTION TAKEN.

DE - PROCLAMATION DECLARING APRIL 18, 2024, AS LINEMAN APPRECIATION DAY

Chairman Brittain extended appreciation to Rutherford Electric Membership Corporation and ElectriCity, who did not have representatives present but emphasized their valued contributions alongside Duke Energy. He then proceeded to read directly from the proclamation. Robin Nicholson, Duke Energy, thanked the Board for their recognition of linemen and acknowledged the hazards they face in the line of duty. There being nothing further, Chairman Brittain called for a motion.

Motion: To approve Proclamation No. 2024-04.

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

Proclamation No. 2024-04 reads as follows:

BURKE COUNTY
NORTH CAROLINA

PROCLAMATION
LINEMAN APPRECIATION DAY
APRIL 18, 2024

WHEREAS, linemen are often first responders during storms and other catastrophic events, working to make the scene safe for other public safety heroes; and

WHEREAS, linemen work with thousands of volts of electricity high atop power lines 24 hours a day, 365 days a year, to keep electricity flowing; and

WHEREAS, linemen must work under dangerous conditions far from their families to construct and maintain the energy infrastructure of the United States; and

WHEREAS, linemen put their lives on the line every day with little recognition from the community regarding the danger of their work.

NOW, THEREFORE, the Burke County Board of Commissioners, do hereby proclaim the day of

April 18, 2024
as
"Linemen Appreciation Day"

in Burke County and thanks all linemen, whether employed by a local ElectriCity such as the Town of Drexel and the City of Morganton or by a local energy cooperative like Rutherford Electric Membership Corporation or by a large private provider like Duke Energy, for all they do for our citizens that makes us able to enjoy health, safety, comfort and quality of life every day.

Approved this 16th day of April 2024.

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

LJAWNS - LAKE JAMES LITTER CLEAN-UP REPORT

Mr. Howard Morgan from the Lake James Area Wildlife and Nature Society reported that the 20th annual Lake James clean-up effort took place on March 16, 2024. This year, they set a new record by collecting 5.16 tons of garbage. The event saw 200 volunteers, including 77 high school students. Mr. Morgan acknowledged the significant contributions of Jerry Fenter, President of the Lake James Area Wildlife and Nature Society, for coordinating the road cleaning aspect of the event and relayed that participants were provided with clean-up supplies and safety gear.

Mr. Morgan shared some pictures from the cleanup, shown below, and introduced Rick Craig,

who was the first to recognize the need to expand the cleanup efforts to the surrounding roads. Mr. Craig addressed the issue of increased litter due to people parking in a no-parking area, "The Bridgewater Dam Portage," at Lake James. He reported on the excessive amount of litter removed from this site biannually and requested Burke County's and Duke Energy's assistance with deterring campers and littering. Then Mr. Morgan highlighted Cliff Becktel's role in organizing the food for the event. Mr. Bechdel gave a brief overview of the day's itinerary and thanked the following restaurants for their contributions: Chick-fil-A for providing 200 chicken sandwiches, Burger King for 50 sandwiches, Arby's for 50 prime roast beef sandwiches, and Papa John's for 10 pizzas. He praised the generosity of the Burke County community. Mr. Morgan then expressed gratitude to Republic Services, Burke County Public Schools, the Sheriff's Department (specifically Sheriff Hinceman, Deputy Green, and Deputy Gant), EMS, Lake James State Park, Lake James Environmental Association, Catawba Riverkeeper, Foothills Conservancy, and Mimosa Boat Landing for their assistance in making the event possible. He concluded by thanking the Board for their support.





Chairman Brittain recognized those who participated in the cleanup. Vice Chairman Mulwee requested County Manager Epley discuss the County Beautification initiative. Mr. Epley explained that the County contracted with a company used by the NC DOT to help keep the roads clean. He encouraged people to report areas with litter that need to be addressed to make their reports via an icon on the home page of the county's website. Since rolling out the initiative in July of 2023, there have been hundreds of bags of trash collected.



Chairman Brittain presented Howard Morgan with walking sticks for his team.

Motion: To accept the report as presented and express appreciation.

RESULT: APPROVED [UNANIMOUS]

MOVER: Scott Mulwee, Vice Chairman

AYES: Jeffrey C. Brittain, Scott Mulwee, Randy Burns, Johnnie W. Carswell and Phil Smith

CM - RECOGNITION OF ANIMAL SERVICES EMPLOYEES FOR CERTIFICATE COMPLETION

On behalf of County Manager Epley who was having mobility issues, Alan Glines, Planning Director / Deputy County Manager, related the importance of the Animal Service profession which calls for proficiency with a complex skill set in order to be successful. Over the past 20 years, Animal Welfare has evolved quickly, and leaders have had little guidance in this discipline.

Southern Utah University has developed 6-month certificate programs, the Management Leadership Certification and the Executive Leadership Certification, for animal welfare professionals. The curriculum includes the evolution of animal welfare, personal leadership defined, data-driven decision making, leading people and leading change, performance metrics, pilot programs, community relationships and marketing, non-profit relationships, legislation and advocacy, and wellbeing and resiliency. For both courses, participants are nominated by Best Friends regional and national leadership and approved by a selection team.

Elizabeth Guffey, Animal Services Coordinator, completed the Management Leadership Certification (MLC) program, which provides animal services managers, coordinators and supervisors with the knowledge and support necessary to influence and manage change within their organizations. The MLC program prioritizes efforts to align organizations with the culture and needs of the communities they serve. The program facilitates the development of management leadership skills for the purpose of increasing lifesaving in animal shelters.

Kaitlin Settlemyre, Animal Services Director, completed the Executive Leadership Certification (ELC) program which strengthens leadership skills and provides support for existing top-level animal welfare leaders. The ELC is intentionally designed to focus on the areas most critical to creating lifesaving organizations. The program strengthens connectivity with other animal services leaders across the nation and connects



practitioners with experts for targeted support. The program is also an opportunity for professionals who are transitioning into animal services from another field.

These courses are helping align goals and missions through best practices for current and future leaders. Mr. Glines presented Ms. Guffey (left) and Ms. Settlemyre (right) with framed certifications. Chairman Brittain congratulated them for their achievements then opened the floor for a motion.

Motion: To recognize and congratulate Kaitlin Settlemyre and Elizabeth Guffey for completion of 6-month certificate programs from Southern Utah University in Executive Leadership and Management Leadership for Animal Services respectively.

RESULT: APPROVED [UNANIMOUS]

MOVER: Scott Mulwee, Vice Chairman

AYES: Jeffrey C. Brittain, Scott Mulwee, Randy Burns, Johnnie W. Carswell and Phil Smith

SCHEDULED PUBLIC HEARINGS

COMM. DEV. - ZONING TEXT AMENDMENT ZTA 2024-01 & PUBLIC HEARING - 6:00 P.M.

Alan Glines, Planning Director / Deputy County Manager, presented a text amendment to add conditional zoning as an option for land use decisions. In North Carolina, cities and counties operate within the regulations and powers granted by the State Legislature, a principle known as Dillon's Rule. Local governments can only exercise powers explicitly provided by state law.

Since 2020, cities and towns have followed land use and process requirements outlined in NC GS §160D. Previously, counties and cities had different sections governing land uses. The consolidation of these into a new code, which is used today, was a significant effort.

In Burke County, Community Development staff, in collaboration with the planning board, initiated a rewrite of the zoning regulations, approved by the Board of Commissioners in spring 2021. Shortly after, Mr. Glines began updating the Future Land Use Map and refining recommendations in the Blueprint Burke Plan, which was adopted by the Board of Commissioners in 2022.

N.C.G.S. §160D provides the framework for land use decisions in North Carolina. Specifically, N.C.G.S. §160D-703 outlines five (5) zoning regulation options: conventional districts, conditional districts, overlay districts, form-based codes, and charter districts. Currently, Burke County uses only conventional zoning and overlay districts. Staff proposes this text amendment to include conditional zoning, giving the Board of Commissioners more tools for land use decisions when rezoning applications are appropriate.

Zoning activities reviewed by the Board of Commissioners follow a legislative approval process. Proposals go to the Planning Board for recommendation, then to the Board of Commissioners for a public hearing and consideration. Conditional zoning allows for customized conditions tied

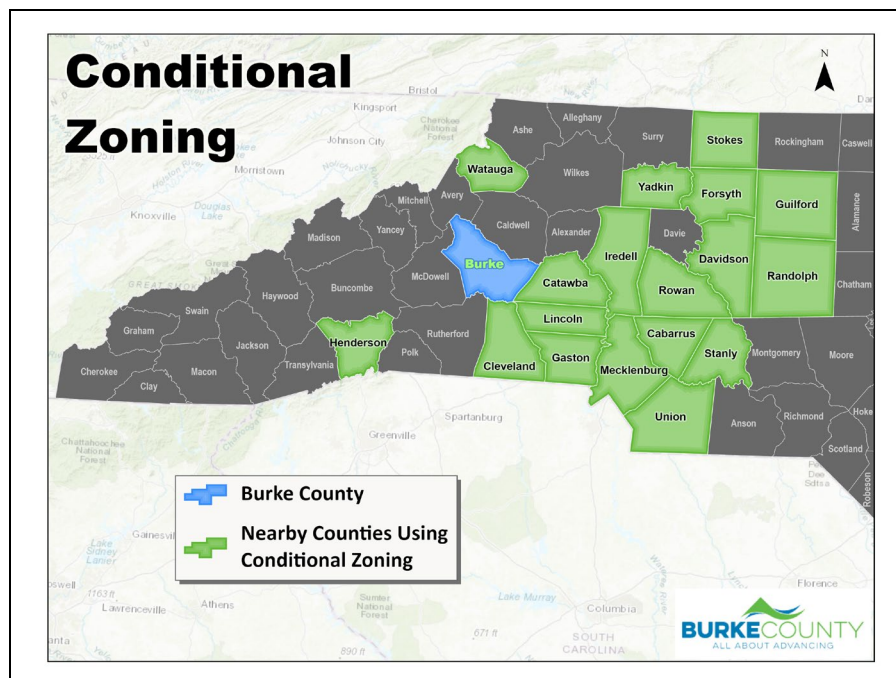
to a specific property in a rezoning application. It differs from conventional zoning by enabling limitations on the actual land uses proposed on the site. Property owners can submit either:

1. A specific site development plan linked to a development proposal with specified land uses, and / or
2. A list of development conditions for the parcel(s) that will apply to future development uses and plans.

This flexibility is absent in conventional zoning, where only the uses allowed in the zoning table are available to the parcel and similarly zoned parcels, with only general development standards applying. Conditional zoning would be available throughout Burke County, but staff review applications only when submitted by property owners. Conditions for a specific parcel and use must have a nexus or rough proportionality to manage the potential impacts of the proposed development. Proposals and conditions are also reviewed for alignment with adopted community plans, like those in the Blueprint Burke Plan.

The Board of Commissioners must approve these conditions, which must also be consented to by the property owner. Additionally, the Board cannot include conditions or requirements not authorized by applicable law, such as specific impact fees and taxes, unless agreed to in writing by the petitioner.

Conventional zoning is expected to remain the standard tool, while conditional zoning would be reserved for unusual zoning requests where special conditions are warranted. Mr. Glines noted that there are several nearby counties that also use conditional zoning.



Mr. Glines thoroughly reviewed the current proposed ordinance changes as noted below:

Exhibit A

The Zoning Ordinance of Burke County be amended in the following ways:

Item A, Under section 8.11 Creating Other Use Districts and / or Changes Between Other Use Districts, a new section number be added at the top of the first paragraph: "**8.11.1 Conventional Zoning**"

Item B, Section 2., in compliance with NC § 160D-604, the timeframe for the Planning Board to submit its recommendation to the Board of Commissioners be changed from ~~sixty (60) days~~, to, **thirty (30) days**;

Item C, A new section be added pertaining to *Conditional Zoning*:

"8.11.2 Zoning Amendment via Conditional Zoning is a rezoning process that incorporates with it a site plan and / or a list of development conditions related to the specific use(s) of the property as permitted by N.C.G.S. §160D-703(b).

1. Conditional zoning is available in lieu of any of the general zoning classifications enumerated in this ordinance. Conditional zoning is a means by which the Board of Commissioners, by designating a conditional district, may allow for the proper accommodation into the community of land uses which may be suitable only if such uses are designed in a particular manner utilizing site plans and individualized development conditions agreed upon for the development. The purpose of conditional zoning is to facilitate proposals that meet one or more of the following goals:
 - a) To cluster development or manage uses on a parcel in a way that may not be permitted by conventional zoning while maintaining or enhancing the goals of the ordinance.
 - b) To provide more options for conservation subdivisions that conserve and preserve natural resources and features and account for individual lots in ways unavailable under the ordinance.
 - c) To provide areas for a mix of uses that function better under a single development plan sharing features such as amenities, access, parking, utilities, and open space.
 - d) To provide flexibility for a site plan from specific dimensional or numerical standards of the zoning code where the intent of the ordinance is preserved or enhanced through the approval of a specific site plan and customized conditions.
 - e) To provide for the design and operational requirements for some uses that might otherwise be difficult to manage or be out of character for an area without the benefit and approval of a specific site plan and related conditions.
2. Process. Property may be placed in a conditional district only in response to an application by all owners of the property to be included. The application shall describe by address, property identification (PIN), Real Estate Identification Number (REID), or deed book and page reference for all property to be considered for conditional zoning. Specific conditions applicable to the district may be proposed by the owner or the county, but only those conditions mutually agreed to by the Board of Commissioners and the owner shall be incorporated into the conditional district. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of

the development and use of the site to county ordinances, the Blueprint Burke Plan and other officially adopted plan(s), and those that address the impacts reasonably expected to be generated by the development of the site. The property owner or agent will select a zoning district utilizing the most basic zoning category that permits the proposed use(s) and from this base district, the conditional district will be designated (for example R-2 to R-2CD) followed by a unique numerical identifier for each conditional district.

The process for the review of the application will follow the steps outlined in section 8.11.1, Conventional Zoning, outlining the activities in sections 1, 2, and 3, for the Zoning Administrator, the Planning Board and the Board of Commissioners. For applications that include a site plan, the plan will be reviewed following the site plan review procedures found in 7.6 Site Plan Review.

3. Application. An application for a conditional zoning shall be submitted in one of the following formats:
 - a) Application With a Site Plan and General Conditions- The application shall include the information outlined in the site plan submittal form, containing locations of structures, parking and activities, access, and other site features and completed to the level of preliminary site and engineering study (commonly referred to as a 30% plan or concept plan). These preliminary plans will be reviewed by the site plan committee members who will provide a comment letter concerning the submittal.
 - b) Application With General Conditions Only- The application shall include a list of generalized conditions, uses, and development standards as applicable.
4. Uses. No use shall be permitted except those enumerated in the ordinance adopting the conditional district. No uses may be contemplated for a conditional zoning application unless they are a permitted use by right or a special use within the underlying zoning district. Reference the zoning districts and the table of permitted uses found in section 3.0, Zoning Districts.
5. Conditions. All standards and requirements of the corresponding general use zoning district shall be met except for those conditions agreed to in the site plan and development conditions. The conditions imposed by the conditional district may be more or less restrictive than the standards of the corresponding general use zoning district.
6. Modifications. Minor modifications to the approved conceptual plan may be reviewed and approved administratively. A minor modification is a change(s) to the plan that alters the placement of structures or driveways so that they are only moderately adjusted compared to the locations approved on the plans, adjustments for additional heights of structures that are less than ten (10) percent of the height of structures on approved plans, or expansions of the size of approved structures by five (5) percent or less. Major modifications include a change in permitted uses, changes that increase the overall density of the proposal, and substantial changes to the configuration of the site that affect the operation or impacts of the development. Any other modification of the conditions and standards in a conditional district shall be approved by the Board of Commissioners following this review process including a recommendation of the Planning

Board, as an amendment to the ordinance creating the conditional district. It will be at the sole discretion of the planning director whether the modification(s) proposed is of a minor nature or is substantial enough to require Board of Commissioner review and approval.

7. Approvals. Approvals of conditional districts shall be by ordinance approved by a majority of the Board of Commissioners in the manner required by Chapter 160D Article 6 of the North Carolina General Statutes and designated by the underlying zoning classification and "Conditional District" (zoning classification -CD) and the applicable numerical identifier on the official zoning map of the county.
8. Final Plans. If the application is approved by the Board of Commissioners, final complete plans will be submitted to zoning staff for review and compliance with the development conditions and the approved site plan, following the process for section 7.6 Site Plan Review Process. If the final plans are approved, a zoning permit will be issued for the project."

Chairman Brittain opened the floor for questions or comments. Commissioner Smith highlighted that, based on his understanding, conditional zoning serves to address the concerns of the citizenry, to which Mr. Glines confirmed that it does. Chairman Brittain inquired about how conventional zoning would be impacted by conditional zoning from a legal perspective. Mr. Glines stated that staff will parse out more controversial zoning applications or applications that would be better served by conditional zoning, but even if it is missed by staff, the Planning Board could come to a consensus in recommending an application be resubmitted for conditional zoning. He highlighted the biggest question people have with a rezoning is what will be done with the parcel, and under conventional zoning, the applicant may have an idea of the future intended use, but that plans could change, limited only by the use table for the zoning type. Mr. Glines explained that conditional zoning has a lot of dialogue when crafting the proposal because staff is ensuring that the applicant, citizens, and commissioners are all comfortable with the request and the results.

There being no further questions, Chairman Brittain opened the public hearing at 6:41 p.m. The Public Hearing Notice was published in the News Herald on April 4, 2024, and in The Paper on April 13, 2024. Further, the notice was also posted on the County's website (www.burkenc.org) on April 4, 2024.

Tim Rouche raised concerns about the timing of the zoning text amendment in relation to the proposed megasite. He pointed out that the section allowing for standards to be more or less restrictive than those of the corresponding general use zoning district was a major source of his unease. Mr. Rouche emphasized that he did not want to see a reduction in citizen input if these modifications were adopted.

Cliff Becktel expressed support for deferring to the wisdom of the Board in deciding this matter.

Maureen Jobes, 2242 Lake Forest Cove, spoke in favor of conditional rezoning, highlighting its potential as a valuable tool for addressing controversial rezoning requests. While she had no issue with more restrictions, she opposed the inclusion of less restrictive conditions for rezoning requests. She mentioned that the Planning Board shared this sentiment, which led to their vote

against recommending the zoning text amendment to the Board of Commissioners as it is currently written. Ms. Jobes urged the Board to vote against conditional zoning in its present form. Then she identified several key areas of her concern:

- Section 1(a): Allows for uses on a parcel that may not be permitted by conventional zoning.
- Section 1(e): Permits uses that are out of character for an area.
- Section 3(a): She advocated for including proposed uses in addition to the current listings.
- Section 3(b): She called for the application to include specific, rather than generalized, conditions.
- Section 5: She recommended removing the provision that allows conditions to be less restrictive than the standards of the corresponding general use zoning district.

Rob Nelson, 114 Edgewood Avenue, admitted his unfamiliarity with the rezoning process and expressed uncertainty about how the public would have more input if the zoning text amendment were adopted. Although he was not opposed to the megasite, he wanted more information from the Board about it. He also requested that more information be provided to citizens regarding the various ways they can provide feedback on rezoning requests.

Dudley Greene, Burke County resident, spoke against conditional zoning. He expressed curiosity about whether the land within the proposed megasite that is not zoned for industrial use would be used for housing, which he opposed. He also questioned where workers would come from if a factory were built on that site. Mr. Greene asserted that low-priced housing would depreciate the value of the surrounding area.

Teresa Stewart, 1629 Pisgah Preserve Drive, expressed concerns about the zoning text amendment. She advocated for the removal of provisions allowing for less restrictive standards than those of the corresponding general use zoning district, arguing that this undermines the purpose of conditional zoning. Ms. Stewart believes that conventional zoning already allows for variances through the Board of Adjustment and noted that N.C.G.S. §160D-703(b) does not mention the possibility of less restrictive standards in conditional zoning. She criticized the process, highlighting that the draft presented at the March 28th Planning Board meeting did not allow for public comment and was not provided in advance. Ms. Stewart also alleged that a change in notice type hindered public input beforehand. She referenced N.C.G.S. §160D-301(b)(2), which states that one of the Planning Board's duties is to facilitate and coordinate citizen engagement and participation in the planning process, a duty she felt was neglected in this case. Ms. Stewart expressed concerns that the existing review processes were bypassed in a rush to present the conditional zoning amendment to the Board of Commissioners, excluding public participation. She also noted that the draft amendment was included in the BOC's pre-agenda published on March 27th, a day before it was presented to the Planning Board, implying that the Planning Board's recommendation had no bearing on the amendment.

There being no one else present to address the Board, the public hearing was closed at 6:41 p.m. and then Chairman Brittain invited Mr. Glines back to the podium to address some of the concerns raised by the citizens.

Mr. Glines explained that all rezoning requests follow a similar notification process, which includes a public meeting by the Planning Board. While N.C.G.S. §160D has only a few requirements for public notification, Burke County aims to exceed these minimums by sending letters to neighboring parcels and placing Z-signs to provide early notice and inform citizens. The Planning Board holds a public meeting, and the Board of Commissioners (BOC) conducts a public hearing. Although public comment is not required, the Planning Board chooses to allow it. Mr. Glines also outlined the regulation requiring public hearing notices to be published in the newspaper. Additionally, he mentioned that the Clerk to the BOC creates and publishes the agenda online for citizens to reference upcoming matters, but the Planning Board lacks a dedicated staff member for this task. He encouraged citizens to contact Community Development if they had questions and assured them that he would look into improving the Planning Board's agenda process.

Chairman Brittain opened the floor for questions or comments. Commissioner Smith noted concerns about Section 5, which allows conditions to be less restrictive than the standards of the corresponding general use zoning district, a concern he shared. Mr. Glines responded that in some cases, an applicant might not meet certain conditions, such as lot size requirements for residential zoning, due to constraints like wetlands or buffers. As long as public safety, water and sewer are not issues, the application could be approved even if the parcel is less than the required acre if it meets a community goal. He further explained that while the Board of Adjustment (BOA) can allow modifications to conventional zoning requirements for hardship cases, conditional zoning must go before the BOC, not the BOA. Chairman Brittain added that while "less restrictive" might give a negative impression, there are situations where it benefits the community. Without this flexibility, the Board would have no options in certain scenarios.

Commissioner Smith requested an amendment to limit less restrictive conditions to residential zoning only, excluding industrial or business zoning. Chairman Brittain argued for maintaining the option across all zoning types, noting that any conditional zoning applications would still require approval from both the Planning Board and the BOC, where they could be voted down at the discretion of the Board.

Motion: To adopt Ordinance No. 2024-04 to add a new section 8.11.2 Conditional Zoning and other minor changes to the Burke County Zoning Ordinance and to adopt the following consistency statement:

Zoning Text Amendment ZTA 2024-01 is reasonable and in the best interest of the county because, conditional zoning is approved by the North Carolina General Assembly with the outline for its use and implementation provided in the governing legislation, specifically N.C.G.S. §160D-703. Further, conditional zoning is a useful tool to have available in making zoning decisions for Burke County as a way to approve specific developments with conditions and manage potential impacts. Furthermore, the Blueprint Burke Plan, Action Item 1.9 recommends adopting conditional zoning as a new way to promote development and investment in the county.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Randy Burns, Commissioner
AYES:	Jeffrey C. Brittain, Scott Mulwee, Randy Burns, and Johnnie W. Carswell
NAYS:	Phil Smith

Ordinance No. 2024-04 read as follows:

Burke County
North Carolina

An Ordinance Amending the Burke County Zoning Code
ZTA 2024-01

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

A new section 8.11.2 concerning conditional zoning is added along with other minor amendments as outlined in Exhibit A.

Adopted this 16th day of April 2024.

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

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

Exhibit A reads as follows:

Exhibit A

The Zoning Ordinance of Burke County be amended in the following ways:

Item A, Under section 8.11 Creating Other Use Districts and / or Changes Between Other Use Districts, a new section number be added at the top of the first paragraph: "**8.11.1 Conventional Zoning**"

Item B, Section 2., in compliance with NC § 160D-604, the timeframe for the Planning Board to submit its recommendation to the Board of Commissioners be changed from ~~sixty (60)~~ days, to, **thirty (30) days;**

Item C, A new section be added pertaining to *Conditional Zoning*:
"**8.11.2 Zoning Amendment via Conditional Zoning is a rezoning process that incorporates with it a site plan and / or a list of development conditions related to the specific use(s) of the property as permitted by N.C.G.S. §160D-703(b).**

1. **Conditional zoning is available in lieu of any of the general zoning classifications enumerated in this ordinance. Conditional zoning is a means by which the Board of**

Commissioners, by designating a conditional district, may allow for the proper accommodation into the community of land uses which may be suitable only if such uses are designed in a particular manner utilizing site plans and individualized development conditions agreed upon for the development. The purpose of conditional zoning is to facilitate proposals that meet one or more of the following goals:

- a) To cluster development or manage uses on a parcel in a way that may not be permitted by conventional zoning while maintaining or enhancing the goals of the ordinance.
 - b) To provide more options for conservation subdivisions that conserve and preserve natural resources and features and account for individual lots in ways unavailable under the ordinance.
 - c) To provide areas for a mix of uses that function better under a single development plan sharing features such as amenities, access, parking, utilities, and open space.
 - d) To provide flexibility for a site plan from specific dimensional or numerical standards of the zoning code where the intent of the ordinance is preserved or enhanced through the approval of a specific site plan and customized conditions.
 - e) To provide for the design and operational requirements for some uses that might otherwise be difficult to manage or be out of character for an area without the benefit and approval of a specific site plan and related conditions.
2. Process. Property may be placed in a conditional district only in response to an application by all owners of the property to be included. The application shall describe by address, property identification (PIN), Real Estate Identification Number (REID), or deed book and page reference for all property to be considered for conditional zoning. Specific conditions applicable to the district may be proposed by the owner or the county, but only those conditions mutually agreed to by the Board of Commissioners and the owner shall be incorporated into the conditional district. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to county ordinances, the Blueprint Burke Plan and other officially adopted plan(s), and those that address the impacts reasonably expected to be generated by the development of the site. The property owner or agent will select a zoning district utilizing the most basic zoning category that permits the proposed use(s) and from this base district, the conditional district will be designated (for example R-2 to R-2CD) followed by a unique numerical identifier for each conditional district.

The process for the review of the application will follow the steps outlined in section 8.11.1, Conventional Zoning, outlining the activities in sections 1, 2, and 3, for the Zoning Administrator, the Planning Board and the Board of Commissioners. For applications that include a site plan, the plan will be reviewed following the site plan review procedures found in 7.6 Site Plan Review.

3. Application. An application for a conditional zoning shall be submitted in one of the following formats:
- a) Application With a Site Plan and General Conditions- The application

shall include the information outlined in the site plan submittal form, containing locations of structures, parking and activities, access, and other site features and completed to the level of preliminary site and engineering study (commonly referred to as a 30% plan or concept plan). These preliminary plans will be reviewed by the site plan committee members who will provide a comment letter concerning the submittal.

- b) Application With General Conditions Only- The application shall include a list of generalized conditions, uses, and development standards as applicable.
4. **Uses.** No use shall be permitted except those enumerated in the ordinance adopting the conditional district. No uses may be contemplated for a conditional zoning application unless they are a permitted use by right or a special use within the underlying zoning district. Reference the zoning districts and the table of permitted uses found in section 3.0, Zoning Districts.
5. **Conditions.** All standards and requirements of the corresponding general use zoning district shall be met except for those conditions agreed to in the site plan and development conditions. The conditions imposed by the conditional district may be more or less restrictive than the standards of the corresponding general use zoning district.
6. **Modifications.** Minor modifications to the approved conceptual plan may be reviewed and approved administratively. A minor modification is a change(s) to the plan that alters the placement of structures or driveways so that they are only moderately adjusted compared to the locations approved on the plans, adjustments for additional heights of structures that are less than ten (10) percent of the height of structures on approved plans, or expansions of the size of approved structures by five (5) percent or less. Major modifications include a change in permitted uses, changes that increase the overall density of the proposal, and substantial changes to the configuration of the site that affect the operation or impacts of the development. Any other modification of the conditions and standards in a conditional district shall be approved by the Board of Commissioners following this review process including a recommendation of the Planning Board, as an amendment to the ordinance creating the conditional district. It will be at the sole discretion of the planning director whether the modification(s) proposed is of a minor nature or is substantial enough to require Board of Commissioner review and approval.
7. **Approvals.** Approvals of conditional districts shall be by ordinance approved by a majority of the Board of Commissioners in the manner required by Chapter 160D Article 6 of the North Carolina General Statutes and designated by the underlying zoning classification and "Conditional District" (zoning classification -CD) and the applicable numerical identifier on the official zoning map of the county.
8. **Final Plans.** If the application is approved by the Board of Commissioners, final complete plans will be submitted to zoning staff for review and compliance with the development conditions and the approved site plan, following the process for section 7.6 Site Plan Review Process. If the final plans are approved, a zoning permit will be issued for the project."

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2024-01 & PUBLIC HEARING - 6:00 P.M.

Alang Glines, Planning Director / Deputy County Manager, presented highlights of the following rezoning request:

REZONING REQUEST

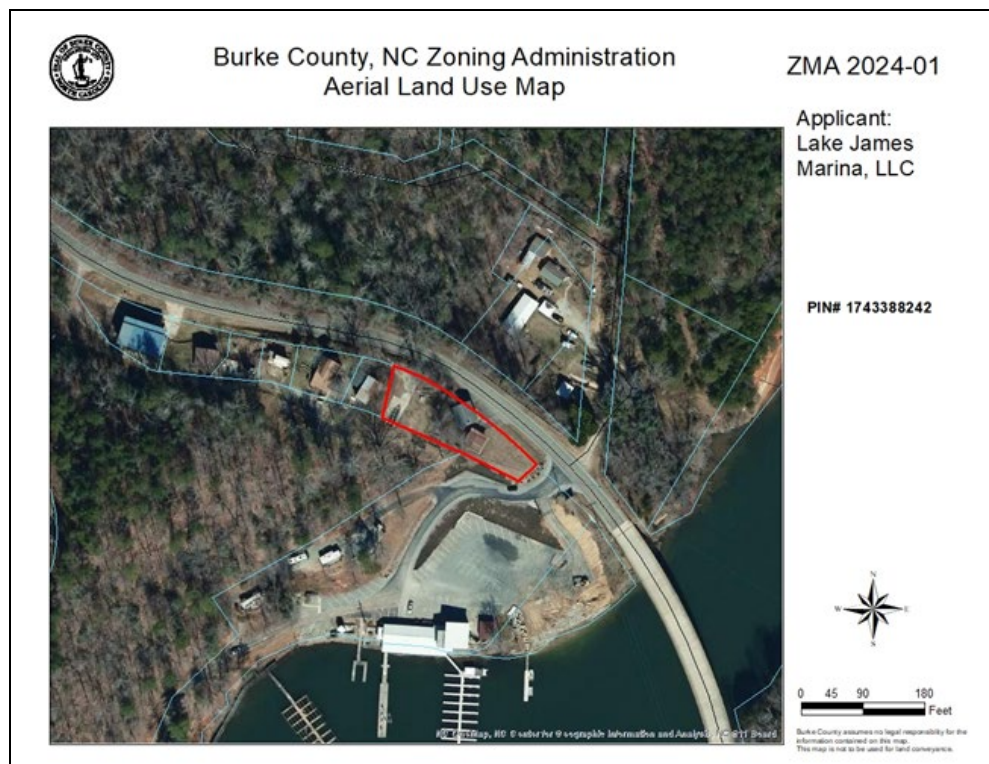
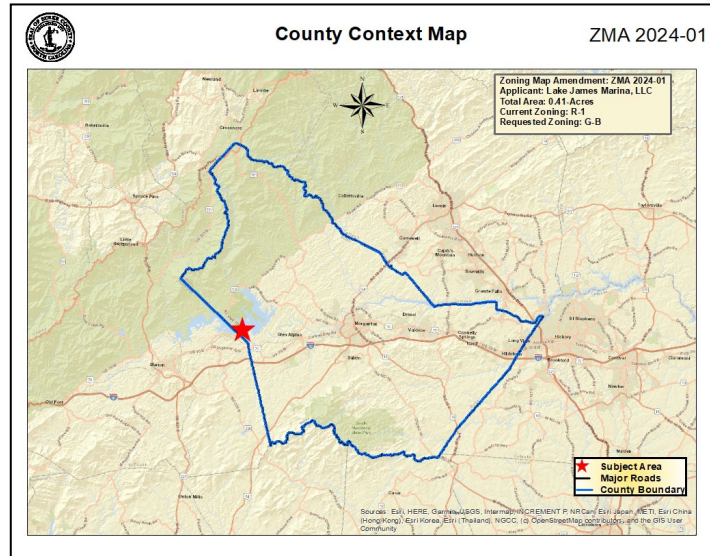
Applicant: Tim Newton / Lake James Marina, LLC

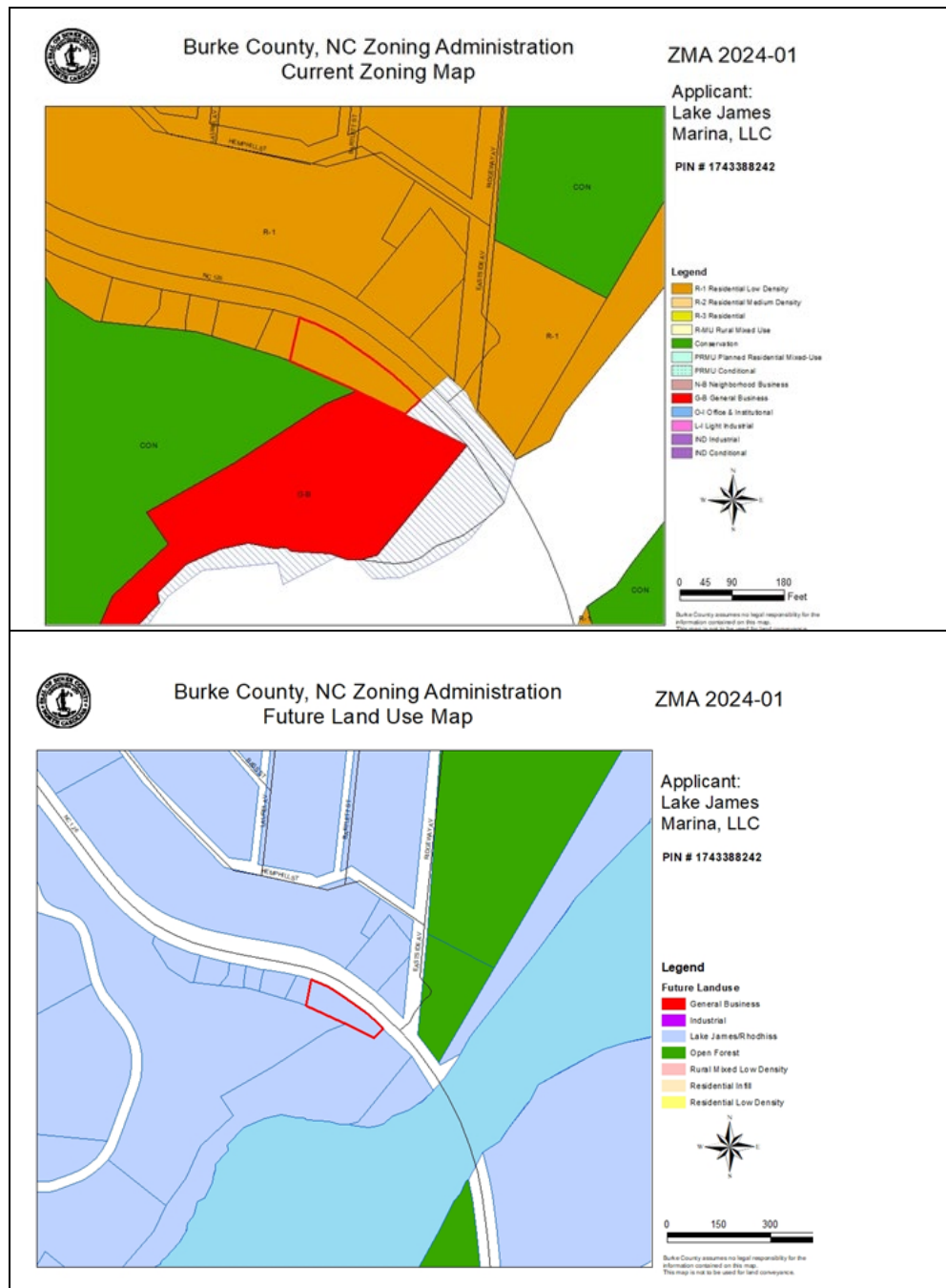
PIN#: 1743388242

Request: Change the zoning district *from* Residential One (R-1) *to* General Business (G-B).

Property Area: Approximately 0.41-acre.

Location: The parcel is located at 8896 NC 126 Nebo, NC 28761





BLUEPRINT BURKE LAND USE PLAN

Lake James Scenic Area: This area includes Lake James and parts of the surrounding lake overlay and scenic overlay zoning districts as well as Lake James State Park and some lands belonging to North Carolina Wildlife. The natural and environmental resources in the area make it a center for multiple outdoor recreation uses as well as major residential subdivisions. Lake James Marina is one such recreational use that provides a popular and useful service to boaters and anglers on the eastern side of the lake.

STAFF COMMENTS

In staff's opinion, rezoning the parcel from the Industrial District to the Residential Three District is appropriate for this area for the following reasons:

- The Blueprint Burke Future Land Use Map supports recreation and tourism uses in this area. The map would not need to be amended for this property.
- Lake James Marina is located on the adjacent property and is zoned General Business (G-B). The marina would use the subject property and building as an office.
- There is limited commercial business around the lake. In appropriate locations, more commercial businesses could support and enhance the area.
- The subject property is located on a Rural Major Collector Road maintained by the NC Department of Transportation.

For these reasons, staff supports the rezoning request.

PLANNING BOARD RECOMMENDATION

The Planning Board met on February 22, 2024, to hear the rezoning request. Staff presented the report, and the Chair asked the applicant if they wanted to speak about the request. The applicant stated that the marina building was out of space, and they wanted to use the property for office use. The Chair then opened the floor to public comment. One person spoke to inform the Board that the old structure on the property, which dates from 1820, should be preserved due to its historic significance. His family owned the marina when it was first developed. The Chair asked for a decision from the Board and a motion to approve the rezoning was made and seconded. The Board voted 5/0 to recommend approval of the rezoning request.

ADDITIONAL INFORMATION





Chairman Brittain opened the floor for questions or comments. There being none, Chairman Brittain opened the public hearing at 7:07 p.m. The Public Hearing Notice was published in the News Herald on April 4, 2024, and in The Paper on April 13, 2024. Further, the notice was also posted on the County's website (www.burkenc.org) on April 4, 2024.

Tim Newton, rezoning applicant, thanked the Board for their support of the Lake James Marina Project which has revitalized the area.

There being no one else present to address the Board, the public hearing was closed at 7:08 p.m. Chairman Brittain opened the floor for a motion.

Commissioner Smith disclosed a potential conflict of interest due to his position as a realtor with Coldwell Banker Newton Real Estate. JR Simpson, the County Attorney, explained that the Board can excuse a member from voting only if it involves the member's financial interest or matters prohibited under N.C.G.S. §160D-109(a). This statute states that a governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. Based on the context, Mr. Simpson indicated that Commissioner Smith's situation falls under N.C.G.S. §160D-109(a).

Motion: To recuse Commissioner Smith from voting on Ordinance No. 2024-05 as it relates to ZMA 2024-01 due to a conflict of interest pursuant to N.C.G.S. §160D-109(a).

RESULT:	APPROVED
MOVER:	Jeffrey C. Brittain, Chairman
AYES:	Jeffrey C. Brittain, Scott Mulwee and Randy Burns
NAYS:	Johnnie W. Carswell
ABSTAIN:	Phil Smith

Motion: To adopt Ordinance No. 2024-05 as it relates to ZMA 2024-01, a request to rezone 0.41 acres of land located at 8896 NC 126 Nebo, NC and corresponding to PIN# 1743388242 from Residential One (R-1) to the General Business (G-B) Zoning District. The Board finds the rezoning to be consistent with the Future Land Use Map because the Lake James Scenic Overlay allows a mix of residential and commercial activities supporting lake uses.

Furthermore, the Board finds that the request is reasonable and in the public interest because:

- 1. The rezoning will support the growth of an existing Lake James business.**
- 2. The Blueprint Burke Plan recommends the development of lake-focused recreational and tourism uses to enhance the area.**

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

Ordinance No. 2024-05 reads as follows:

An Ordinance Amending the Official Burke County Zoning Map
ZMA 2024-01

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

A 0.41-acre parcel located at 8896 NC 126 Nebo, NC and identified by PIN: 1743388242 shall be rezoned from the Residential One (R-1) zoning district to the General Business (G-B) district.

Consistency Statement:

The Commissioners find that Ordinance No. 2024-05 related to rezoning application ZMA 2024-01 and located at 8896 NC 126 Nebo, NC, to be consistent with the broader goals of the Blueprint Burke Plan and is consistent with the Future Land Use map. Further, the Commissioners find that the plan supports commercial lake-focused growth and the owner is seeking to expand the commercial marina business on the adjacent property. The Future Land Use Map will remain Lake James Scenic Overlay.

Adopted this 16th day of April 2024.

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

Attest:

/s/: Kay Honeycutt Draughn

Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board

COMM. DEV. - ZONING MAP AMENDMENT ZMA 2024-02 & PUBLIC HEARING - 6:00 P.M.

Alang Glines, Planning Director / Deputy County Manager, presented highlights from the following rezoning request:

REZONING REQUEST

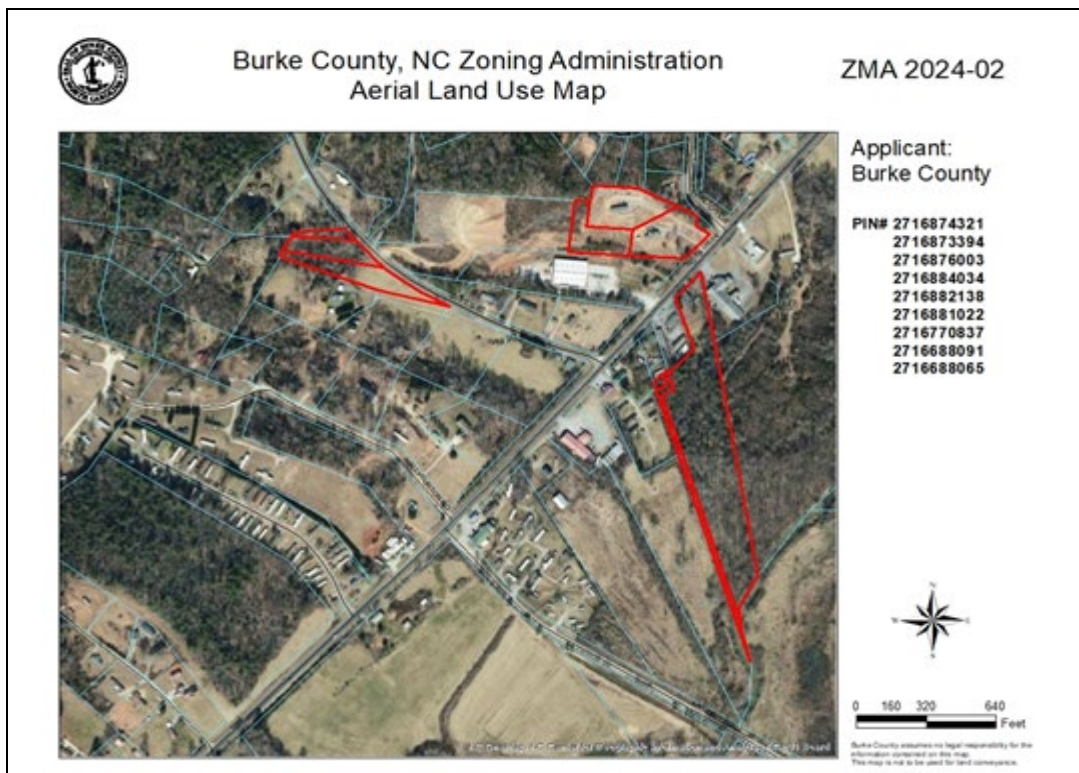
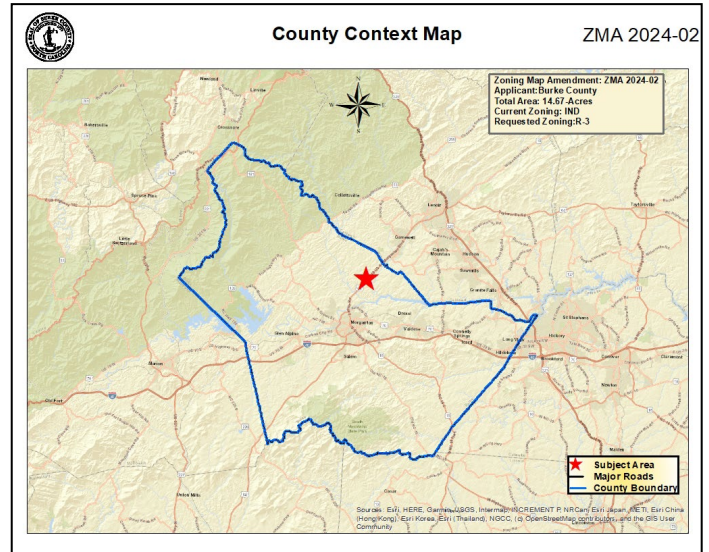
Applicant: Burke County Community Development

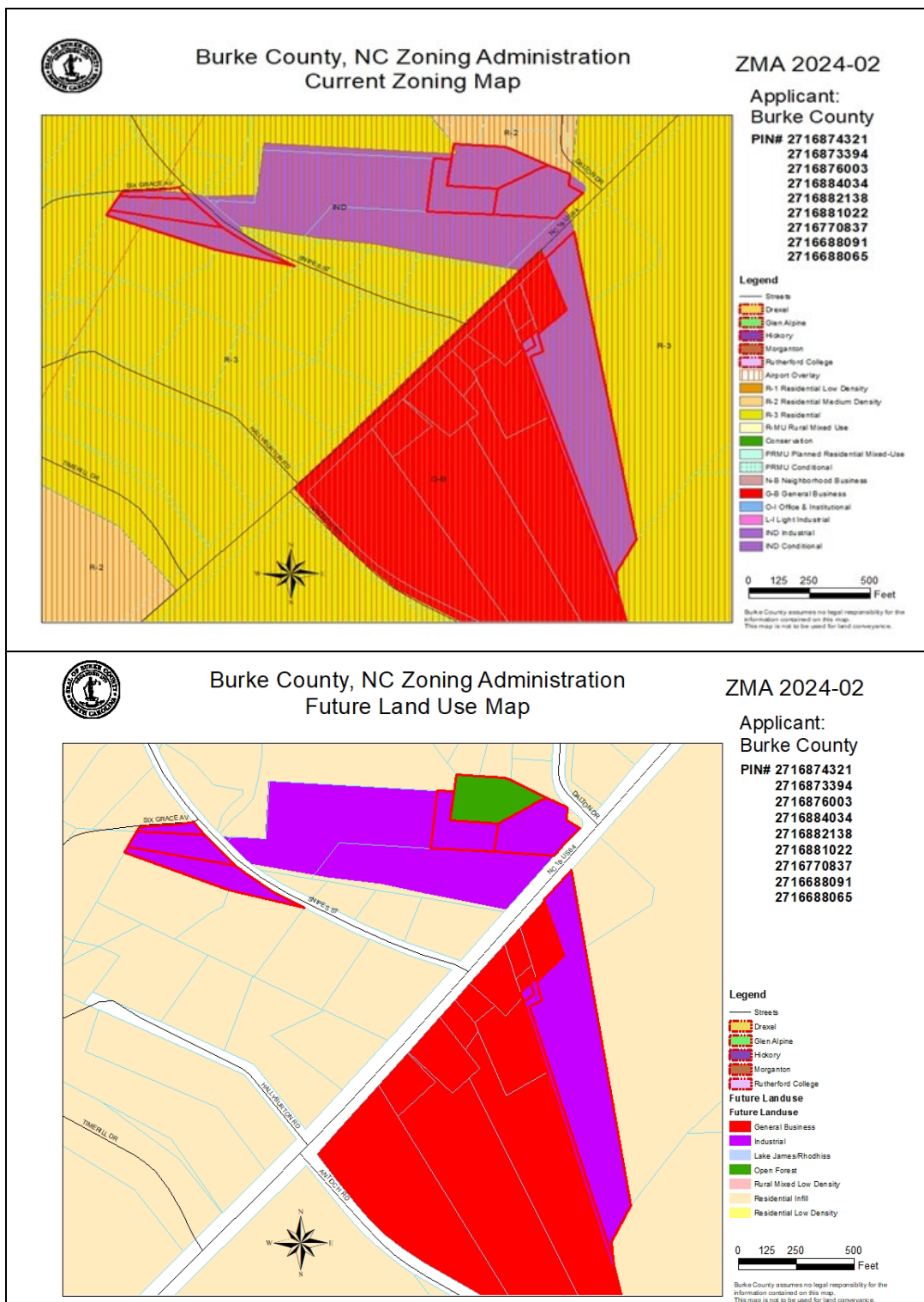
PIN#'s: 2716874321, 2716873394,
2716876003, 2716884034, 2716882138,
2716881022, 2716770837, 2716688091, and
2716688065

Request: Change the zoning district from Industrial (IND) to Residential Three (R-3).

Property Area: Approximately 14.67-acres.

Location: The parcels are located off Snipes St. and NC-18 / US-64.





BLUEPRINT BURKE LAND USE PLAN

Both the Zoning Map and the Future Land Use Map identify this area as Industrial. This land use category was established to accommodate the existing and future expansion of the

furniture and woodworking businesses that are based on one of the properties in the area. The parcel colored in green (Open Space) received that designation in error.

STAFF COMMENTS

In staff's opinion, rezoning these parcels from the Industrial District to the Residential Three District is appropriate for this area for the following reasons:

- Although the Blueprint Burke Future Land Use Map shows industrial uses for these properties, upon review, the parcels are relatively small, are mostly individually owned, and are either vacant or have existing residential homes on them. Rezoning the properties to a residential district would be more consistent with the actual use(s) of the properties and the surrounding area. A favorable rezoning would amend the Future Land Use Map to Residential Infill.
- The county has made contact with all affected property owners, and they are in full support of rezoning the parcels to residential.
- The zoning change would bring existing non-conformities (residential uses) into compliance.

For these reasons, staff supports the rezoning request.

PLANNING BOARD RECOMMENDATION

The Planning Board met on February 22, 2024, to hear the rezoning request. Staff presented the report, and the Chair asked the applicant if they wanted to speak about the request. Staff acknowledged the report was their comment. The Chair then opened the floor to public comment and the owner of a neighboring parcel spoke in favor of the application. The Chair asked for a decision from the Board and a motion to approve the rezoning was made and seconded. The Board voted 5/0 to recommend approval of the rezoning request.

ADDITIONAL INFORMATION





Chairman Brittain opened the floor for questions or comments and then clarified what the requested action from the Board was for the motion. There being no further questions, Chairman Brittain opened the public hearing at 7:15 p.m. The Public Hearing Notice was published in the News Herald on April 4, 2024, and in The Paper on April 13, 2024. Further, the notice was also posted on the County's website (www.burkenc.org) on April 4, 2024. There being no one present to address the Board, the public hearing was closed at 7:15 p.m. Chairman Brittain opened the floor for a motion.

Motion: To adopt Ordinance No. 2024-06 as it relates to ZMA 2024-02, a request to rezone 14.67 acres of land located off Snipes St. and NC-18 / US-64 and corresponding to the property table:

PIN#	ADDRESS	ACREAGE
2716874321	0 NC-18/US-64	0.31-ac.
2716873394	0 NC-18/US-64	0.05-ac.
2716876003	3086 NC-18/US-64	8.14-ac.
2716884034	3101 NC-18/US-64	1.4-ac.
2716882138	3105 NC-18/US-64	1.4-ac.
2716881022	0 NC-18/US-64	1.0-ac.
2716770837	0 Snipes St.	1.36-ac.
2716688091	0 Six Grace Ave.	0.79-ac.
2716688065	0 Snipes St.	0.22-ac.

from Industrial (IND) to the Residential Three (R-3) Zoning District. The Board finds

the rezoning to be inconsistent with the Future Land Use Map but consistent with the existing or proposed uses. Conditions have changed in that the properties have never been used for industrial purposes and the owners plan to utilize them for residential purposes. The Future Land Use Map is changed to Residential Infill. Furthermore, the Board finds that the request is reasonable and in the public interest because:

- 1. The rezoning will bring these properties into compliance with their current uses and future goals.**
- 2. There is a shortage of available residential parcels in the county.**

RESULT: ADOPTED [UNANIMOUS]

MOVER: Scott Mulwee, Vice Chairman

AYES: Jeffrey C. Brittain, Scott Mulwee, Randy Burns, Johnnie W. Carswell and Phil Smith

Ordinance No. 2024-06 reads as follows:

An Ordinance Amending the Official Burke County Zoning Map
ZMA 2024-02

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

Nine (9) parcels totaling 14.67 acres located off Snipes St. and NC-18 / US-64 in the Lower Creek Township and identified by PIN #: 1743388242 shall be rezoned from the Industrial (IND) zoning district to the Residential Three (R-3) district.

PIN#	ADDRESS	ACREAGE
2716874321	0 NC-18/US-64	0.31-ac.
2716873394	0 NC-18/US-64	0.05-ac.
2716876003	3086 NC-18/US-64	8.14-ac.
2716884034	3101 NC-18/US-64	1.4-ac.
2716882138	3105 NC-18/US-64	1.4-ac.
2716881022	0 NC-18/US-64	1.0-ac.
2716770837	0 Snipes St.	1.36-ac.
2716688091	0 Six Grace Ave.	0.79-ac.
2716688065	0 Snipes St.	0.22-ac.

Consistency Statement:

The Commissioners find that Ordinance No. 2024-06 related to rezoning application ZMA 2024-02 and located off Snipes St. and NC-18 / US-64 in the Lower Creek Township to be consistent with the broader goals of the Blueprint Burke Plan as it shows the surrounding area to be both Industrial and Residential Infill, but inconsistent with the Future Land Use Map which denotes the specific parcels as Industrial. Conditions have changed in that the parcels have been subdivided from the original tract and are too small for industrial development and furthermore some have residential homes on them. Rezoning the parcels to Residential Three (R-3) is reasonable since there is a need for additional residential development in the county. The Future Land Use Map be amended to be consistent with Residential Infill.

Adopted this 16th day of April 2024.

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

Attest:

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

COMM. DEV. - JONAS RIDGE CRANBERRY BOG PARK MASTER PLAN PARTF GRANT - PUBLIC HEARING - 6:00 P.M.

Alan Glines, Planning Director / Deputy County Manager, reported that the Cranberry Bog at Jonas Ridge is a rare example of a high-elevation mountain bog with many wetland species including native cranberry plants. The site was formerly farmland but in spite of this high-impact use, the ecological values were not diminished. Recognizing the unique qualities of the property, the Foothills Conservancy of North Carolina sought to purchase the property for its protection in partnership with Burke County.

Since that time, Burke County has been developing plans for the new community park in Jonas Ridge. The proposed park master plan is being shared with the Board of Commissioners to seek public comment and to apply for Parks and Recreation Trust Fund (PARTF) funding for the project. The following is a timeline of activities for the land and the plan development:

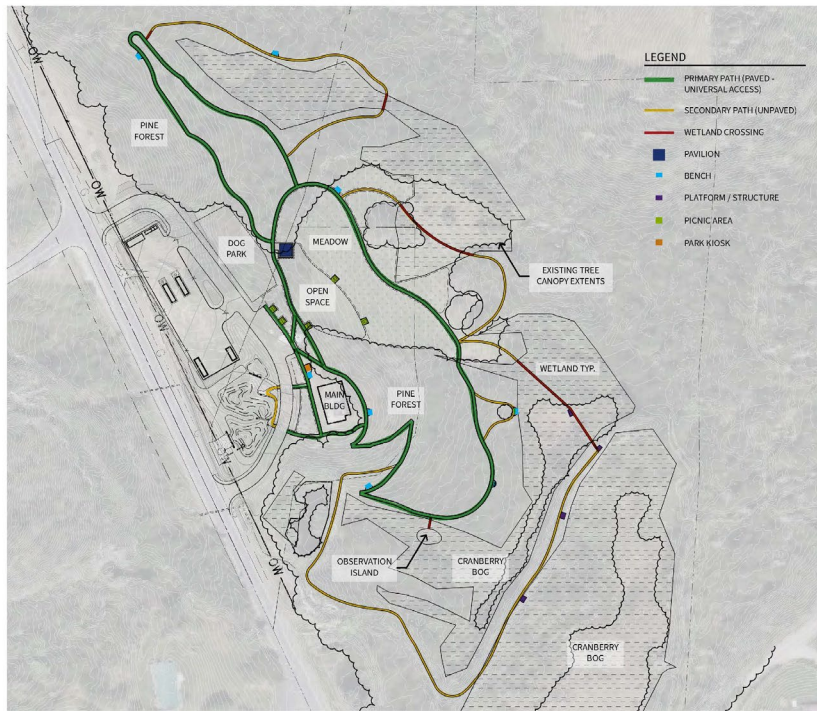
- 2019 – the approximately 20-acre tract is purchased as a partnership with the Foothills Conservancy of North Carolina and Burke County. There was a carve-off of three (3) acres for the county to develop a new convenience site for the residents of Jonas Ridge; an initial budget was provided to develop initial masterplan concepts.
- 2020 – Equinox Environmental and McGill and Associates were selected via an RFQ process to develop plans for Cranberry Bog Park and the new convenience site located on the three (3) acre neighboring tract. The concept plans for the park were posted to the county website and left at the Jonas Ridge Volunteer Fire Department and with the attendants at the Jonas Ridge Convenience Site for the month of September. Over 50 comment sheets and letters were collected. The concept plans were shared with the Board of Commissioners at their formal meeting on October 20, 2020.
- 2021 – the Burke County Board of Commissioners accepted the Cranberry Bog property from the Foothills Conservancy. The North Carolina Clean Water Management Trust Fund holds a conservation easement on the property.
- 2023 – Burke County entered into a contract with Equinox Environmental to complete the final master plan and construction documents for Cranberry Bog Park. The concept plan was reviewed with the Board of Commissioners at their formal meeting on September 19, 2023.

The master plan provides several features for community members to enjoy the park, as well as

observe the natural beauty and ecology of this unique site. The plan proposes a small dog park adjacent to the parking area. This could be utilized by community members to let their pets get some exercise off-leash. The plan provides an approximately .75-mile paved walking path circulating around a natural wildflower meadow with benches and picnic tables throughout. A covered picnic pavilion is located near the parking spaces. Closer to the wetland areas are a series of boardwalks that meander into the bog to allow visitors to experience the flora and fauna of this unique high-elevation habitat. Several areas of viewing platforms will be provided and accessed from sections of natural surface trail that total about .7 miles in length. Last but not least, the proposal includes renovating the old existing home on the site and transforming it into a small visitor center with restrooms and a meeting room that can hold up to 20 people. Opportunities for historical displays and environmental educational opportunities abound on this exciting property. There are some funds available to develop the park but the grant, if successful, will provide a 50% match. A rough estimate of costs to fully develop the park is \$900,000. If the grant is not successful, then some features will need to be phased in at a later date.

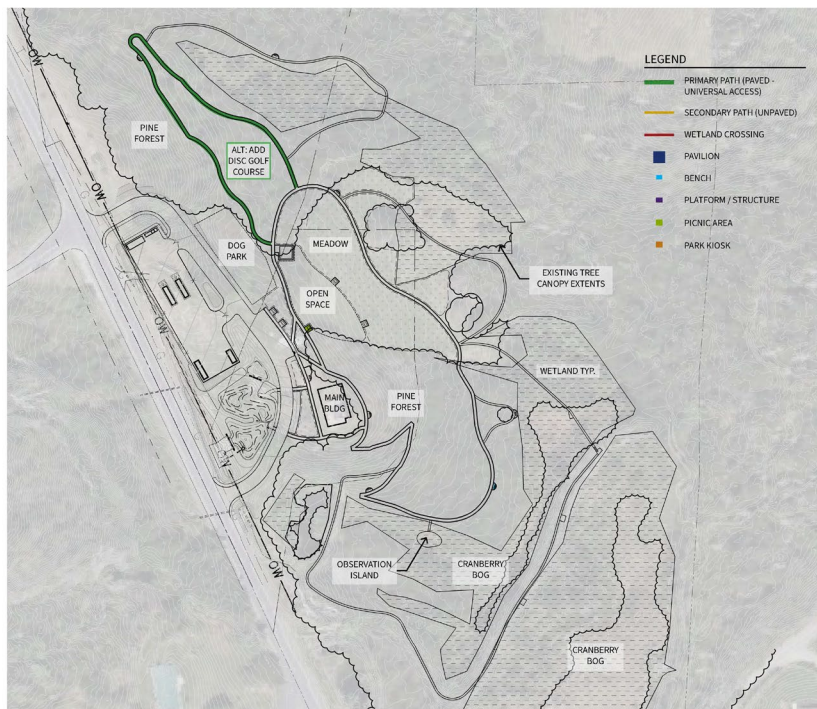
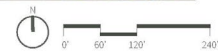
Highlights of Mr. Glines' presentation were as follows:





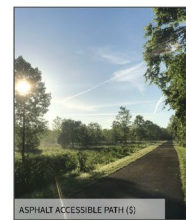
OVERALL CONCEPT PLAN

2 | JONAS RIDGE PHASE 2



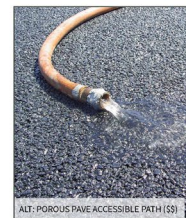
NORTH WOODS LOOP

3 | JONAS RIDGE PHASE 2



ASPHALT ACCESSIBLE PATH (\$)

- PROS**
- durable surface
 - accessible
 - low maintenance
- CONS**
- more intensive installation than natural surface
 - not permeable



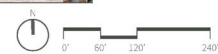
ALT: POROUS PAVE ACCESSIBLE PATH (\$)

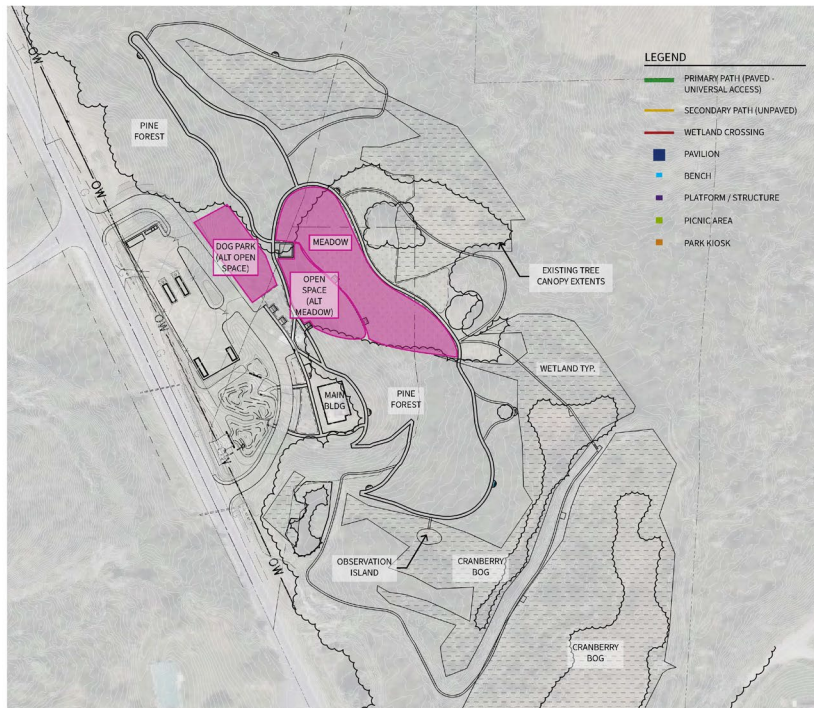
- PROS**
- durable surface
 - accessible
 - permeable
- CONS**
- more intensive installation than natural surface
 - more expensive than asphalt
 - requires removal of sediment over time



ALT: DISC GOLF COURSE (\$)

- PROS**
- recreational amenity
 - utilizes natural surface trail
- CONS**
- expense of equipment





MEADOW / OPEN SPACE

4 | JONAS RIDGE PHASE 2



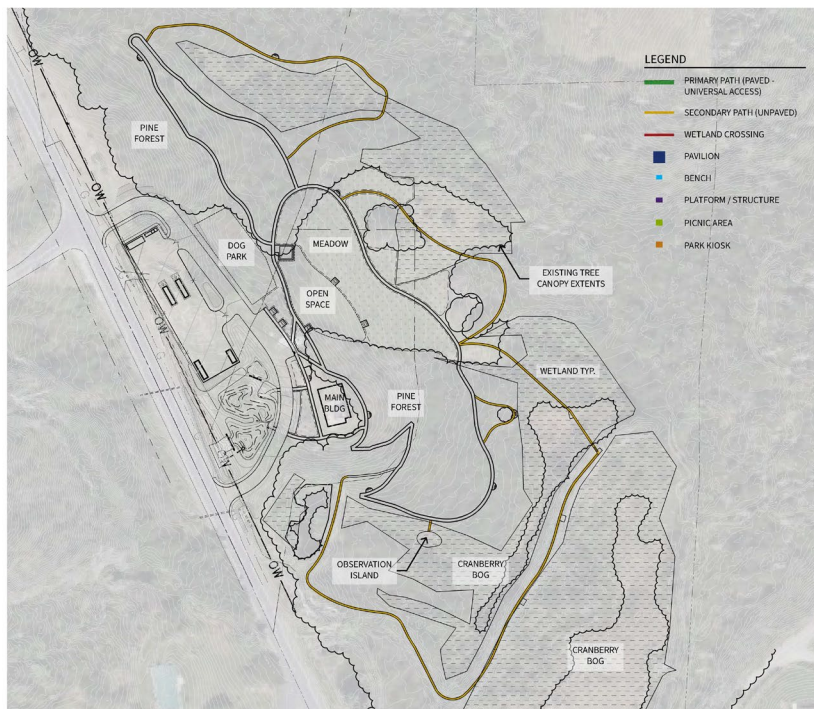
- PROS**
- provides flexible use area to local residents for activities and events
 - suitable over septic
- CONS**
- mowing required



- PROS**
- provides amenity to local residents
 - localizes dog waste
 - suitable over septic
- CONS**
- fence requires maintenance
 - mowing required
 - waste management required



- PROS**
- maintains natural condition
 - attracts pollinators and wildlife for a balanced ecosystem
- CONS**
- new meadow along path would require 3+ years to establish



SECONDARY PATH

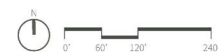
5 | JONAS RIDGE PHASE 2

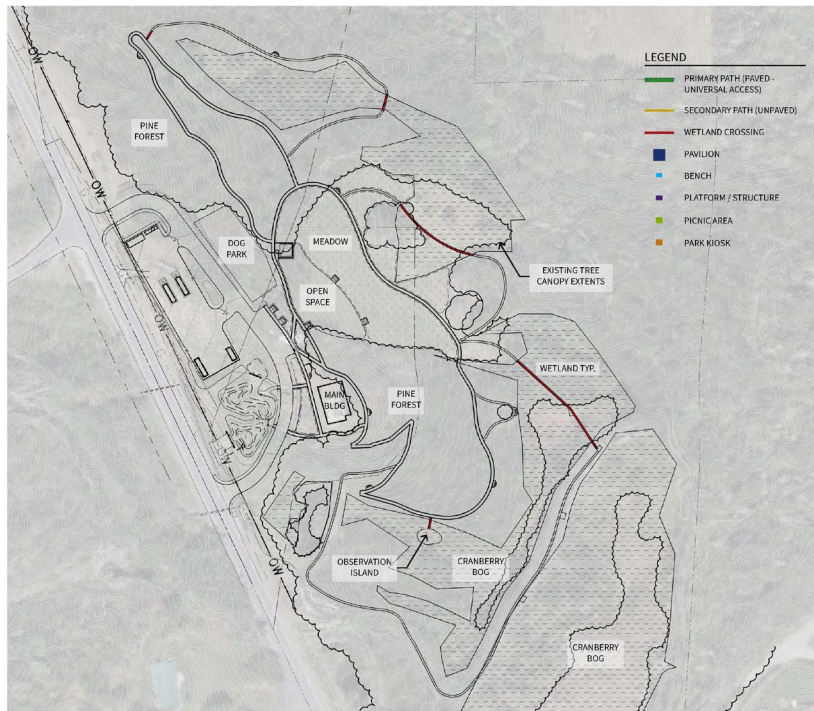


- PROS**
- inexpensive
 - natural material
- CONS**
- potential lack of trail delineation in some areas



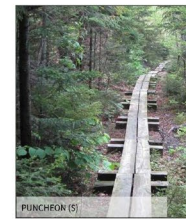
- PROS**
- creates level surface
 - natural aesthetic
- CONS**
- possible need to replace or refresh granite lines
 - more expensive





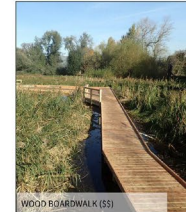
WETLAND CROSSING

6 | JONAS RIDGE PHASE 2



- PROS**
- inexpensive
 - moveable if needed
 - natural material
 - easy to replace segments

- CONS**
- may degrade faster than other options due to contact with ground and water



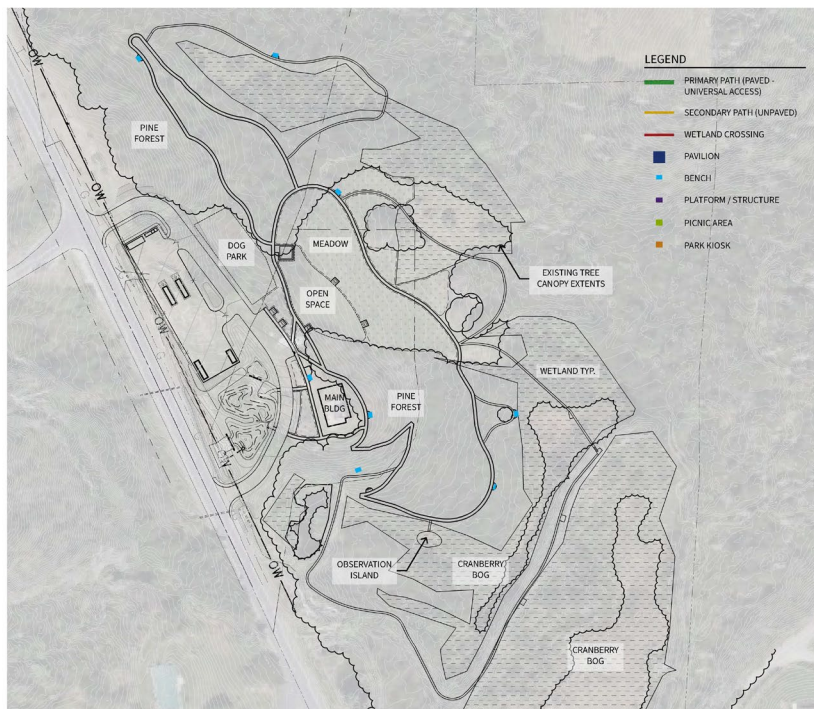
- PROS**
- out of water
 - more durable than punchgrass
 - natural material

- CONS**
- may require some maintenance of wood over time
 - more intensive construction requirements



- PROS**
- most durable
 - smooth finishes available
 - grating surface allows vegetation to grow below

- CONS**
- most expensive
 - more intensive construction requirements



BENCHES

7 | JONAS RIDGE PHASE 2



- PROS**
- less expensive
 - moveable if needed
 - natural material

- CONS**
- may wear faster than other materials



- PROS**
- less expensive
 - durable
 - lightweight, moveable options available
 - recycled material

- CONS**
- may fade in sun
 - could get hot in sun



- PROS**
- durable
 - smooth finishes available

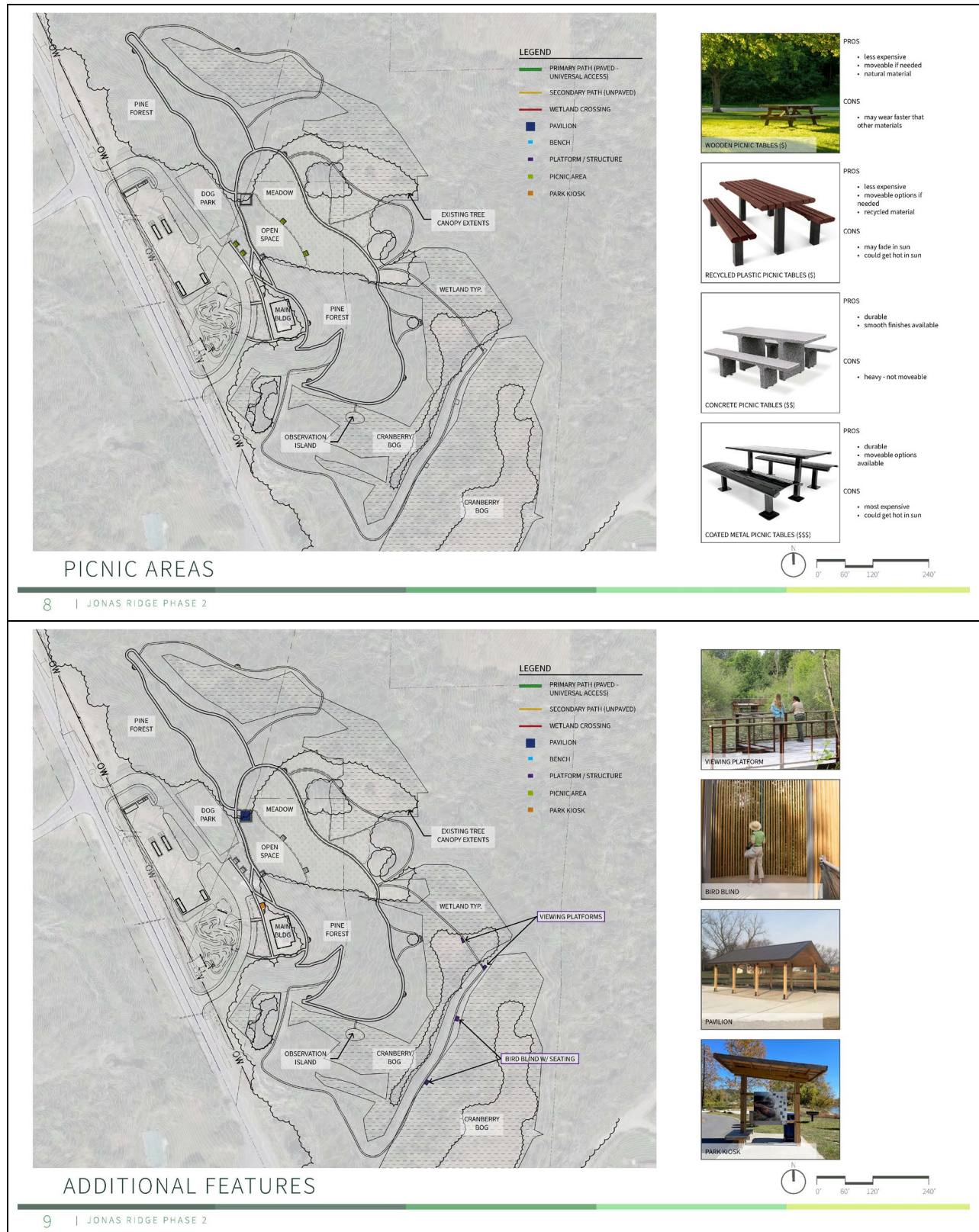
- CONS**
- heavy - not moveable

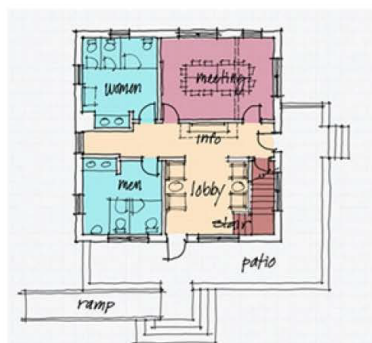


- PROS**
- durable
 - lightweight, moveable options available

- CONS**
- most expensive
 - could get hot in sun







FIRST FLOOR CONCEPTUAL SKETCH



SECOND FLOOR CONCEPTUAL SKETCH

	Description	Allowance	Cost	Description	Allowance	Cost
MICHAEL BUILDERS 66 MITCHELL RD AUGA 1200 ADELPHI, ON. N2B0T1	Perms- Building, Mechanical, Electrical, Gas, Zoning, Stormwater		\$12,000.00	Drywall- moisture board as needed, hang, mud, sand.	\$11,460.00	
	Architectural/Design, Engineering, Survey/Drawings/Detail			Paint- interior walls, ceiling, doors, trim/ exterior base & soffit.	\$16,400.00	
ESTIMATE	Site Work- Install double wire salt tolerance around perimeter per spec.		\$1,800.00	Falling- For Ramps and Stairs.	\$6,000.00	
	Demolition- wall panels/ceiling/windows, Doors, plumbing/electrical/painting, hvac ducts, fixtures, floor surfaces, shingles. Hauling		\$11,600.00	Elevator- windwood Doors, Aluminum clad, wood interior	\$26,000.00	
Cairberry Bog House				Install exterior/interior Doors & Windows		\$2,800.00
	Plumbing all drops		\$10,000.00	Framing- Ramp, Exterior/interior Steps, Interior beams, headers, walls, sheathing and roof, and soffits. Sleepers as needed, epa/plysheat's Throughout, New roof sheathing, asphalt rafters were a obligation		\$27,000.00
	Sinks, Toilets, Urinals, Soap Dispensers, VHL, Shower/Waterless			Materials- 2xrs, 4xLs, Flashing, hangers, 1/2x6s, specially fasteners, O.D.B., sub-floor glue, screws, galvanized nails, beam brks, window ties, 1/2x6, all seal, hurricane ties, h-p-ops, anchors		
	Electrical- New Panel, Receptacles, Switches, Can Lights, Scones, Exterior lights (Floor/Landscape/ Lights Etc.) Per NC Code		\$16,960.00	Roofing- Flat underlayment, Metal Roof/Ging- patch as need walls and walking surfaces, Self-leveling where necessary.	\$16,000.00	
	HVAC- Per NC code		\$21,760.00	Subtotal		222,680.00
	Giding - vented soffit, fascia, flashing		\$0,640.00	OC Fee		45,000.00
	Outside-6" Half round - downspout, flange, corrugated pipe line to drain		\$7,200.00	Total Construct in Cost		367,680.00
	Cabinets	\$7,500.00				
	Counter Tops	\$6,200.00				
	Main Floor- commercial grade vinyl	\$4,460.00				
	Main Floor- toilet, urinal partitions	\$3,000.00				
	2nd floor Stairs and WbA Rooms- leave as is					
	Interior Trim/Doors		\$0,600.00			
	Insulation-spray foam, attic		\$7,800.00			



ALT: REPLACE BUILDING WITH PAVILION / RESTROOM COMBO

BUILDING IMPROVEMENT SCENARIOS

10 | JONAS RIDGE PHASE 2



Jonas Ridge Bog / Meadow



Visitors & NCSSM Summer Intern Students



Grassy Meadow



Existing Home

Budgetary Effect: If a PARTF grant is successful, it will provide 50% of local match dollars. Match money has been set aside in the CIP.

Chairman Brittain opened the floor for questions or comments. There being none, Chairman Brittain opened the public hearing at 7:28 p.m. The Public Hearing Notice was published in the News Herald on April 4, 2024, and in The Paper on April 13, 2024. Further, the notice was also posted on the County's website (www.burkenc.org) on April 4, 2024. There being no one present to address the Board, the public hearing was closed at 7:28 p.m. Chairman Brittain opened the floor for a motion.

Motion: To adopt Resolution No. 2024-07, approving the master plan for the Jonas Ridge Cranberry Bog Park and directing staff to submit the application for the Parks and Recreation Trust Fund Grant. Further, authorize the Chairman to execute the Basic Facts and Assurances on behalf of the Board, and authorize the County Manager to execute any remaining grant related documentation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Scott Mulwee, Vice Chairman
AYES:	Jeffrey C. Brittain, Scott Mulwee, Randy Burns, Johnnie W. Carswell and Phil Smith

Resolution No. 2024-07 reads as follows:

BURKE COUNTY
NORTH CAROLINA

RESOLUTION
JONAS RIDGE CRANBERRY BOG PARK MASTER PLAN AND
PARKS AND RECREATION TRUST FUND (PARTF) GRANT

WHEREAS, the County of Burke is pursuing funding for the development of a new park facility, Jonas Ridge Cranberry Bog Park; and

WHEREAS, the Jonas Ridge Cranberry Bog site is a rare example of a Southern Appalachian high-elevation cranberry bog that is a one-of-a-kind special ecological community in Burke County and rare in the southern mountains; and

WHEREAS, the site is protected by the North Carolina Land and Water Fund through an easement through the wetland portions of the site; and

WHEREAS, the County of Burke is seeking to develop a park on the property that is sensitive to the special habitat and provide education about the unique features of the land; and

WHEREAS, the Jonas Ridge Cranberry Bog Park would be the first park in the special community of Jonas Ridge which is separated from other Burke County parks by at least 20 miles through the Pisgah National Forest lands; and

WHEREAS, the County hired a design firm to develop a set of plans after a lengthy request for qualification process and a thoughtful master plan was developed; and

WHEREAS, the Jonas Ridge Cranberry Bog Park was shared with the community at numerous Burke County Commissioner meetings and was the subject of a survey that was shared locally to gather feedback for the park proposal; and

WHEREAS, the Jonas Ridge Cranberry Bog Park plans have been finalized and ready for implementation with trails, viewing platforms, a dog park, a picnic area and a community meeting room with restrooms; and

WHEREAS, the North Carolina Parks and Recreation Trust Fund provides funding for communities to develop recreation opportunities and facilities for their residents; and

WHEREAS, the Burke County Commission is unanimously supportive of the development of the proposed Jonas Ridge Cranberry Bog Park.

NOW THEREFORE BE IT RESOLVED, that the Burke County Board of Commissioners supports the adoption of the master plan for Jonas Ridge Cranberry Bog Park and submission of a grant application to the Parks and Recreation Trust Fund.

Adopted this 16th day of April 2024.

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

Attest:

/s/: Kay Honeycutt Draughn

Kay Honeycutt Draughn, CMC, NCMCC

Clerk to the Board

INFORMAL PUBLIC COMMENTS

Chairman Brittain opened the floor for informal public comments and asked speakers to limit their comments to three (3) minutes.

Clint Patton, 4085 Dysartsville Road, expressed no objection to industrial development in the county but noted he would prefer the land remain undeveloped as he lives directly across from the proposed megasite. He acknowledged the need to increase tax revenue to fund county operations but questioned how this project, which was previously under the radar, has suddenly become a major undertaking. He suggested that this urgency stems from Raleigh. Mr. Patton highlighted the numerous properties for sale throughout the county that could be used for industrial development and expressed his preference for a slower pace if the project must proceed.

Carla Adams, Highway 70, has a home near the proposed megasite. She pointed out a perceived hypocrisy in the County Beautification initiative, noting that the megasite development would inevitably impact the natural environment of those parcels. She voiced her opposition to placing a lithium battery factory on the site, citing potential health harms associated with such an industry. Ms. Adams stated she would be disappointed in the Board if they permitted a lithium battery plant to be developed in Burke County.

Ann Chapman, Highway 70 West, asserted that the Board's desire to adopt conditional zoning implies they have a specific use in mind for the site. She opposed placing industries related to electric vehicles at the proposed megasite, arguing that these vehicles are not popular and that related industries could harm the community. Ms. Chapman emphasized that Burke County is rural and should not be treated like larger cities and counties. She also expressed concern that developing a large megasite could negatively impact tourism.

Patrick Stephens, 3515 Seals Road, spoke against the proposed megasite, noting that a train would pass through his front yard. He argued that a megasite is not the best use for the parcels, suggesting it would be better to leave the land as it is. He pointed out that the parcel's uneven terrain and elevation changes would make development difficult and expensive. Mr. Stephens also expressed concern about the housing limitations in Burke County, questioning where workers for the megasite would live.

Alyce Johnson, 3794 Rose Boulevard, stated that she lives near the proposed megasite and that the community has asked the Board to reconsider the project, urging them to consider its impact on nearby residents. She highlighted that Burke County is already struggling with an influx of new residents over the past few years and that the infrastructure and public safety services can barely keep up with the growing population. She argued that adding a megasite would only exacerbate these issues. Ms. Johnson asserted that the megasite is not in the best interest of Burke County and cited the lifespan and harm associated with other megasites. She emphasized that a megasite contradicts Burke County's motto of being "nature's playground" and thanked Commissioner Smith for voting against the conditional zoning.

Carla Kincaid, Oak Hill community, discussed the NCAA women's championship, highlighting Dawn Staley, the head coach of the University of South Carolina Gamecocks women's basketball team. She noted that Ms. Staley was the first African American coach to lead a team through an undefeated season. Ms. Kincaid then addressed the hatred and racism directed towards the NCAA University of Utah's team, expressing concern over the discrimination they faced.

Debbie Pearson asked to speak but had not signed up. After a brief consultation with the County Attorney and input from Commissioner Burns, Chairman Brittain called Ms. Pearson to the podium.

Debbie Pearson spoke about her childhood experiences living near Morganton Dyeing and Finishing, having a hand-dug well for a water source and playing in the woods. She recommended that the Board watch the film about Erin Brockovich, who exposed a factory's pollution that caused harm to a community.

There was no one else to address the Board; therefore, Chairman Brittain closed this portion of the meeting.

CONSENT AGENDA

At the request of the Board, Brian Epley, County Manager, reviewed the following 16 items on the consent agenda, which were approved by a single motion.

CLERK - APPROVAL OF AMENDMENTS TO COUNCIL ON AGING BYLAWS

The Council on Aging requested approval of the following amendments to their bylaws:

Article IV, Meetings

The Council on Aging will abide by North Carolina General Statute §143-318.9-18, commonly called the "open meetings" statute. The Council will meet ~~ten (10)~~ **four (4)** times per year.

Article V, Officers

Section 1. Election and Terms of Office

Officers shall be elected by a majority of the Council at the ~~November~~ **fourth** meeting **of the year** and will begin their terms of office the following January.

Article VII, Committees

A Nominating Committee will be named by the Chairperson ~~each September~~ at the third meeting of the year. **The Committee will** present a slate of officers ~~at the October meeting~~ **for the coming year at the fourth meeting**. Officers will be elected at the ~~November~~ **fourth** Council meeting and take office the following January.

The Council approved these amendments on February 28, 2024. These modifications align the Burke Council on Aging with the other COA's in the WPCOG Area Agency on Aging. Further, the reduction in meetings may aid in attracting new members.

Motion: To approve the aforementioned amendments to the bylaws for the Council on Aging as presented.

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

CLERK - APPOINTMENT TO LEPC SEAT NO. 11, MEDIA

Seat No. 11 on the Local Emergency Planning Committee is designated for a media representative. Lisa Propst has held this position since 2016 but has decided not to seek reappointment. Marty Queen, the county government reporter for The Paper, has submitted an application for this seat which has an unexpired term ending January 31, 2027. Mr. Queen is a resident of McDowell County; therefore, a waiver of the residency requirement was requested.

Motion: To remove Lisa Propst's name from the official roster for the LEPC (Local Emergency Planning Committee) and express appreciation for her service to the community. To grant an exception to Section 2-88, membership requirements of the Burke Co. Code of Ordinances and appoint Marty Queen to the Local Emergency Planning Committee, Seat No. 11, Media, to complete an unexpired term ending January 31, 2027.

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

CLERK - REAPPOINTMENTS TO THE PARKS & RECREATION COMMISSION

The terms of appointment for the following members of the Parks & Recreation Commission ended March 31st. Nikki Costello (Forest Hill), Sandy Clark (Glen Alpine), Valerie Mullis (George Hildebrand), Chris Newton (WA Young), and Scott Bollinger (Mull). All members except Ms. Mullis and Mr. Newton desire reappointment for new 3-year terms ending March 31, 2027. Their removals were requested along with the appointment of Rose Cook representing George Hildebrand.

Motion: To remove the names of Valerie Mullis and Chris Newton from the roster and thank them for their service to the community. To reappoint Nikki Costello (Forest Hill), Sandy Clark (Glen Alpine), and Scott Bollinger (Mull) to the Burke Co. Parks & Recreation Commission to complete the remainder of 3-year terms ending March 31, 2027. To appoint Rose Cook (George Hildebrand) to the Burke Co. Parks & Recreation Commission to complete the remainder of 3-year terms ending March 31, 2027.

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

CLERK - RUTHERFORD COLLEGE PB / BOA ETJ APPOINTMENTS

The County appoints two (2) ETJ members to the Rutherford College Planning Board / Board of Adjustment. Mr. Icard (Seat No. 1, Regular) and Mr. Van Horn (Seat No. 2, Alternate) have served in this capacity since 2014. Both members are seeking reappointment. The unexpired terms end December 15, 2026.

Motion: To reappoint Douglas Icard to the Rutherford College Planning Board / Board of Adjustment, Seat No. 1, ETJ Regular, and to reappoint Glenn Van Horn to the R. C. Planning Board / Board of Adjustment, Seat No. 2, ETJ Alternate to complete the remainder of unexpired terms ending December 15, 2026.

RESULT: APPROVED [UNANIMOUS]

MOVER: Phil Smith, Commissioner

AYES: Jeffrey C. Brittain, Scott Mulwee, Randy Burns, Johnnie W. Carswell and Phil Smith

CM - APPROVAL OF BUDGET AMENDMENT NO. 8 - \$75,000

Approval of Budget Amendment No. 8 in the amount of \$75,000, which recognizes grant funding awarded from the Homeland Security Search Exercise Grant, was requested.

Budgetary Effect: \$75,000 of funds received over the original estimated appropriation. This amendment will allow for those additional funds to be used for the purpose of participating in the state training exercise.

Motion: To approve Budget Amendment No. 8 as presented.

RESULT: APPROVED [UNANIMOUS]

MOVER: Phil Smith, Commissioner

AYES: Jeffrey C. Brittain, Scott Mulwee, Randy Burns, Johnnie W. Carswell and Phil Smith

Budget Amendment No. 8 reads as follows:

BUDGET AMENDMENT NO. 8			
REVENUES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
100-46503-01-433404	HOMELAND SECURITY GRANT	\$75,000	
EXPENSES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
100-46503-10-533404	SECURITY EXERCISE GRANT	\$75,000	
Purpose: The NC Department of Public Safety sent a notification that the Burke County Emergency Management will receive a total of \$75,000 in state grant aid for FY 23 / 24. These funds will cover a state exercise on flood disaster response. No local funding will be required.			
A copy of these amendments shall be furnished to the Budget Officer and the Finance Officer of the County to be kept on file for direction in the disbursement of funds.			

Approved this 16th day of April 2024.

/s/: Jeffrey C. Brittain
Jeffrey C. Brittain, Chairman

Burke Co. Board of Commissioners

Attest:

/s/: Kay Honeycutt Draughn

Kay Honeycutt Draughn, CMC, NCMCC

Clerk to the Board

CM - APPROVAL OF BUDGET AMENDMENT NO. 9 - \$75,000

Approval of Budget Amendment No. 9, for \$75,000 was requested. It recognizes grant funding provided to the WPCOG by Dogwood Health Trust / Institute of Emerging Issues to implement strategies in the County's Digital Access Plan.

Budgetary Effect: \$75,000 of funds received over the original estimated appropriation. This amendment will allow for those additional funds to be used to implement strategies in the County's Digital Access Plan.

Motion: To approve Budget Amendment No. 9 for \$75,000 as presented.**RESULT: ADOPTED [UNANIMOUS]****MOVER:** Phil Smith, Commissioner**AYES:** Jeffrey C. Brittain, Scott Mulwee, Randy Burns, Johnnie W. Carswell and Phil Smith

Budget Amendment No. 9 reads as follows:

BUDGET AMENDMENT NO. 9			
REVENUES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
100-00000-06-433400	DOGWOOD DIGITAL ACCESS PLAN GRANT	\$75,000	
EXPENSES			
ACCOUNT NUMBER	DESCRIPTION	INCREASE	DECREASE
100-44500-05-533400	DOGWOOD DIGITAL ACCESS PLAN GRANT	\$75,000	
Purpose: Western Piedmont Council of Government sent a notification that Burke County will receive a total of \$75,000 in grant aid for FY 23/24. These funds were provided to WPCOG by Dogwood Health Trust/Institute of Emerging Issues. These funds are to be used to implement strategies in the County's Digital Access Plan. No local funding will be required.			
A copy of these amendments shall be furnished to the Budget Officer and the Finance Officer of the County to be kept on file for direction in the disbursement of funds.			

Adopted this 16th day of April 2024./s/: Jeffrey C. Brittain

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

Attest:

/s/: Kay Honeycutt Draughn

Kay Honeycutt Draughn, CMC, NCMCC

Clerk to the Board

CM - PROJECT ORDINANCE FOR 201 AVERY AVENUE PROPERTY

Adoption of the capital project budget ordinance for the purchase and renovation of real property located at 201 Avery Avenue property was requested.

Motion: To adopt Ordinance No. 2024-02.

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

Ordinance No. 2024-02 reads as follows:

201 AVERY AVENUE PROPERTY
CAPITAL PROJECT BUDGET ORDINANCE

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

Section 1. The project authorized is the purchase and renovation of the 201 Avery Avenue property, to be financed by a transfer from the General Fund.

Section 2. The officers of the County are hereby directed to proceed with the capital project within the budget contained herein.

Section 3. The following revenues are available to complete this project:

Burke County General Fund - Transfer	<u>\$ 888,328</u>
Total	<u>\$ 888,328</u>

Section 4. The following amounts are appropriated for the project:

Property purchase	\$ 578,213
Renovation and furnishing	<u>\$ 310,115</u>
Total	<u>\$ 888,328</u>

Section 5. The Finance Director is hereby directed to maintain within the Capital Project fund sufficient specific detailed accounting records.

Section 6. Copies of this capital project budget ordinance shall be furnished to the Clerk to the Board, for direction in carrying out this project.

Adopted this 16th day of April 2024.

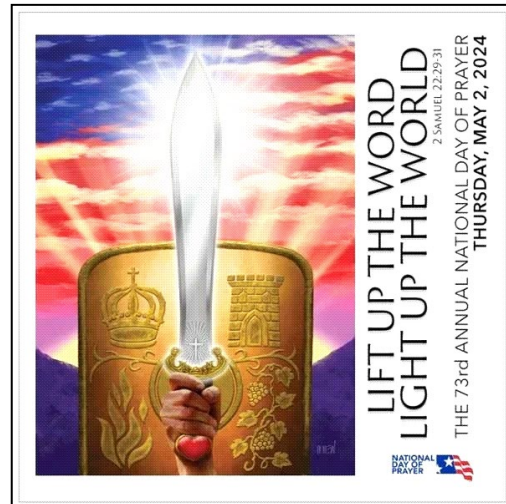
/s/: Jeffrey C. Brittain
 Jeffrey C. Brittain, Chairman
 Burke County Board of Commissioners

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

CM - PROCLAMATION DECLARING MAY 2, 2024, AS NATIONAL DAY OF PRAYER

The National Day of Prayer tradition predates the founding of the United States of America, evidenced by the Continental Congress' proclamation in 1775 setting aside a day of prayer. In 1952 Congress established an annual day of prayer and in 1968 that law was amended, designating the National Day of Prayer as the first Thursday in May.

Though the National Day of Prayer focuses most of its efforts on promoting the annual day of prayer, we realize that true life-altering, world-changing prayer cannot happen in a single day. It must become a discipline. The theme for the 2024 National Day of Prayer is "Lift up the Word, Light Up the World." The Board was requested to approve a proclamation.



Motion: To approve Proclamation No. 2024-03.

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

Proclamation No. 2024-03 reads as follows:

BURKE COUNTY
 NORTH CAROLINA

PROCLAMATION
 NATIONAL DAY OF PRAYER
 THURSDAY, MAY 2, 2024

WHEREAS, civic prayers and national days of prayer have a long and venerable history in our constitutional republic dating back to the First Continental Congress in 1775; and,

WHEREAS, the Declaration of Independence, our first statement as Americans of national

purpose and identity, made "the Laws of Nature and Nature's God" the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and,

WHEREAS, the Supreme Court has affirmed the right of state legislatures to open their sessions with prayer, and the Supreme Court and the United States Congress themselves begin each day with prayer, and,

WHEREAS, in 1988 legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan; and,

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and her citizens; and,

WHEREAS, it is fitting and proper to give thanks to God by observing a day of prayer in Burke County when all may acknowledge our blessings and express gratitude for them while recognizing the need for strengthening religious and moral values in our state and nation; and,

WHEREAS, this year's theme is "Lift Up the Word, Light Up the World".

NOW, THEREFORE, we, the County Commissioners for Burke County, North Carolina, do hereby proclaim Thursday, May 2, 2024, to be designated as "A Day of Prayer in Burke County" and encourage the citizens of Burke County to observe the day in ways appropriate to its importance and significance.

Approved this 16th day of April 2024.

/s/: Jeffrey C. Brittain

Jeffrey C. Brittain, Chairman

Burke Co. Board of Commissioners

FINANCE - APPLICATIONS FOR PUBLIC SCHOOL BUILDING CAPITAL FUNDS

A portion of lottery proceeds are deposited into a special fund administered by the North Carolina Department of Public Instruction called the Public School Building Capital fund. This fund is used by counties to address their school capital needs. Monies deposited into the fund accumulate and earn interest until drawn down by the county. In order to draw down funds, the Board of County Commissioners and the Board of Education must approve and submit an application for an eligible project. Historically, the County has used debt service on school construction as their projects. Attached for the Board's consideration is an application for debt service on Patton and Draughn High Schools. This application will be presented for approval by the Board of Education at their April 2024 meeting.

A portion of lottery proceeds are deposited into a special fund administered by the North Carolina Department of Public Instruction called the Public School Building Repair and Renovation fund. This fund is used by counties to address their school capital needs. Monies deposited into the fund accumulate and earn interest until drawn down by the county. In order

to draw down funds, the Board of County Commissioners and the Board of Education must approve and submit an application for an eligible project. The Burke County Public Schools are requesting \$1,000,000 from these funds to replace Freedom High School HVAC units that are at end-of-life. This project meets the guidelines for the use of these funds.

Budgetary Effect: None.

Motion: To approve the Public School Building Capital Fund, North Carolina Education Lottery application in the amount of \$821,000 and authorize the Chairman to execute the application on behalf of the Board. Further, to approve the Public School Building Repair and Renovation Fund application in the amount of \$1,000,000 and authorize the Chairman to execute the application on behalf of the Board.

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

FINANCE / FC - CANOE CREEK RESTORATION GRANT BID - \$200,000 & BUDGET AMENDMENT

A \$200,000 grant from the North Carolina Department of Environmental Quality was awarded to Burke County in partnership with Foothills Conservancy and Catawba Riverkeepers to begin the restoration of Canoe Creek. Canoe Creek runs through Foothills Conservancy's 652-acre Oak Hill Community Park that, due to historical land use, is severely degraded with steeply incised banks, poor floodplain connection, and inadequate habitat for wildlife. The plan is to restore this creek with a two-phase project, with this grant helping to fund Phase I.

A Request for Qualifications (RFQ) was issued on December 13, 2023, for qualified professional firms, and proposals from four (4) firms were received. A committee made up of representatives from Foothills Conservancy, Catawba Riverkeepers, and the County met to review the submissions. Two (2) firms were selected for virtual interviews on February 5, 2024: Wildlands Engineering, Inc. and Ecosystem Planning and Restoration. The committee has recommended Wildlands Engineering, Inc. for the project.

BID #:
2024-0110

PROJECT:
CANOE CREEK STREAM RESTORATION - PHASE I

Vendor:	Contact:	Phone:	Email:
Civil & Environmental Consultants, Inc	Gregory Babbit	865-314-2244	gbabbit@cecinc.com
Wildland Engineering, Inc	Shawn Wilkerson	704-458-1836	swilkerson@wildlandseng.com
Ecosystem Planning and Restoration	Kevin Tweedy	919-999-0262	ktweedy@eporusa.net
Michael Baker International	Dwain Hathaway	919-455-6318	dhathaway@mbakerintl.com

Budgetary Effect: None. Funding is provided by a grant from the North Carolina Department of Environmental Quality. Burke County is the pass-through agency for the funding. This funding was included in Budget Amendment No. 2, approved on Sept. 19, 2023. However, approval is

requested to move the \$200,000 from the General Fund (100-00000-01-433100) to the Governmental Capital Projects Fund (215-21513-25-569007).

Motion: To authorize the County Manager to negotiate and enter into a contract with Wildlands Engineering, Inc. If an agreement cannot be reached with the recommended firm, the County Manager is authorized to negotiate and contract with the 2nd ranked firm. To approve the aforementioned technical modification to Budget No. 2 as presented.

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

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

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

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

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

GAL - PROCLAMATION DECLARING APRIL 2024 AS CHILD ABUSE PREVENTION MONTH

The following proclamation declares the month of April 2024 as Child Abuse Prevention Month in Burke County.

Motion: To approve Proclamation No. 2024-06.

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

Proclamation No, 2024-06 reads as follows:

NORTH CAROLINA
BURKE COUNTY

PROCLAMATION

CHILD ABUSE PREVENTION MONTH – APRIL 2024

WHEREAS, children’s healthy development and well-being is a priority for our county and children need safe, stable, and nurturing families, schools, and communities; and

WHEREAS, childhood trauma, including abuse and neglect, is a serious problem affecting communities across our state and has long-term negative effects on children, families, and future generations; and

WHEREAS, children who live in families with access to economic, health, educational, and social supports are less likely to experience abuse and neglect; and

WHEREAS, nurturing positive, healthy childhoods and preventing child maltreatment requires action by all Burke County residents and is achieved through partnerships built among families, prevention advocates, child welfare professionals, schools, health care providers, community and faith-based organizations, businesses, law enforcement agencies, and local, state, and national governments; and

WHEREAS, in order to solve the public health issue of abuse and neglect we must work together to ensure all children and families are healthy and thriving and invest more in effective child abuse prevention initiatives and family-strengthening policies and supports.

NOW, THEREFORE, the Burke County Board of Commissioners, do hereby proclaim April 2024 as “CHILD ABUSE PREVENTION MONTH” in Burke County, North Carolina, and commend its observance to all citizens.

Approved this 16th day of April 2024.

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

HEALTH - PUBLIC HEALTH MONTH PROCLAMATION

This was a request to proclaim April as Public Health Month in Burke County.

Motion: To approve Proclamation No. 2024-05.

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

Proclamation No. 2024-05 reads as follows:

BURKE COUNTY
NORTH CAROLINA

PROCLAMATION
PUBLIC HEALTH MONTH

WHEREAS, the Burke County public health workforce is a critical component of our emergency response to natural and man-made disasters and widespread disease outbreaks in our County; and

WHEREAS, public health measures to control and eliminate infectious diseases, improve environmental sanitation, and promote healthy lifestyle practices have been the greatest cause of improved health status and increased life expectancy for the residents of our County and all residents of North Carolina; and

WHEREAS, public health plays a critical role in advancing health equity and preventing chronic diseases and injuries, resulting in improved productivity and decreased healthcare costs for all North Carolinians; and

WHEREAS, the Burke County Board of Commissioners is committed to a continued emphasis on prevention in public health, and to help our County and North Carolina reach a better state of health through actions outlined in the Healthy North Carolina 2030 objectives; and

WHEREAS, communities, local health departments, employers, hospitals and health care providers, individuals and families, insurers, County leaders and policymakers, faith-based communities, and schools and childcare facilities must work together to identify and develop innovative solutions to health problems facing the people of Burke County; and

WHEREAS, the Burke County Board of Commissioners encourages all residents to recognize that public health is working to ensure that all residents are protected from threats such as COVID-19, influenza, foodborne disease, injury, and chronic diseases such as diabetes, heart disease, and asthma.

NOW, THEREFORE, BE IT PROCLAIMED that the Burke County Board of Commissioners hereby recognizes the month of April 2024 as Public Health Month in Burke County, encourages all citizens of Burke County to take steps to protect and promote the health and wellbeing of their families by making healthy personal lifestyle choices in addition to seeking regular preventive health care, and conveys our deepest gratitude to public health professionals who serve our County every day.

Approved this 16th day of April 2024.

/s/: Jeffrey C. Brittain

Jeffrey C. Brittain, Chairman

Burke Co. Board of Commissioners

HEALTH / OPIOID - RFQ VENDOR SELECTION VIDEOGRAPHY

On February 29, 2024, Burke County Public Health initiated a search for qualified consulting firms to conduct a qualitative research project focused on collecting information from individuals with lived experience related to opioid use disorder. The primary medium for data collection will be videography, and the final deliverables to include videos in both English and Spanish. The request for qualifications (RFQ) concluded on March 21, 2024, with five (5) submissions received. Following a thorough review and scoring process in accordance with Burke County

Finance's requirements, EW Visions LLC is the recommended vendor for this service.

BID #:				
2024-0321				
PROJECT:				
Videography Services to Design & Develop a Qualitative Data Collection Project for the County's Collaborative Strategic Plan for the Use of Opioid Settlement Funding				
Vendor:	Contact:	Phone:	Email:	Bid:
EW Visions LLC	Eddie Williams Jr	850-570-7378	ewvisions@gmail.com	\$ 15,000.00
Eye Candy Digital Video	Mike Martine	757-560-9512	mmartine@eyecandydv.com	\$ 19,650.00
Springer Studios	David Springer	910-769-7855	david@springerstudios.com	\$ 24,765.00
Initium Health	James Corbett	303-928-8511, ext 702	james@initiumhealth.org	\$ 24,953.91
Three Dog Films	David Sabbath	503-739-1951	sabbath@threedogfilms.com	\$ 34,199.00
NCITE Creative LLC	Christopher Campbell	208-916-8868	chris@ncitecreative.com	\$ 52,500.00

Budgetary Effect: None. The funds will be allocated from Opioid Settlement funds that were designated for this project under Option A: Collaborative Strategic Planning, not to exceed the approved amount of \$30,000.

Motion: To approve EW Visions LLC to complete the county's qualitative data collection project through videography services as presented. To authorize the Local Health Director to negotiate and execute the contract, subject to review and / or revision by the County Attorney. If an agreement cannot be reached with EW Visions LLC, the Local Health Director in consultation with the County Manager is authorized to negotiate and contract with the second and third ranked firms.

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

TAX DEPT. - TAX COLLECTION REPORT FOR MARCH 2024

The Board of Commissioners was presented with the Tax Collection Report for March 2024 at the pre-agenda meeting. 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	\$52,699,577.00	\$52,499,546.75	96.62%	\$200,030.25
Motor Vehicle Tax	\$6,200,000.00	\$4,104,000.54	66.19%	\$2,095,999.46
Current Year Taxes	\$58,899,577.00	\$56,603,547.29	96.10%	\$2,296,029.71
Delinquent Taxes	\$700,000.00	\$571,331.74	81.62%	\$128,668.26
Penalty & Interest	\$329,000.00	\$347,280.73	105.56%	(\$18,280.73)

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
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Property Tax	\$52,833,740.04	\$52,499,546.75	97.52%	\$1,664,193.29
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Motion: To accept the Tax Collection Report for March 2024 as presented.**RESULT: APPROVED [UNANIMOUS]****MOVER:** Phil Smith, Commissioner**AYES:** Jeffrey C. Brittain, Scott Mulwee, Randy Burns, Johnnie W. Carswell and Phil Smith**TAX DEPT. - RELEASE REFUND REPORT FOR MARCH 2024**

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 of real or personal property.
- ☐ The postmark reveals a payment was timely sent.

The Board of Commissioners was presented with the following list of releases and refunds for consideration at the pre-agenda meeting. 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
\$31,217.27	\$24,667.26	\$6,550.01	\$0.00

Bill #	Taxpayer Name	Bill Date	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after Release(\$)
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Adjustment							
0024010121-2023-2023-0000-00-REG	WALKER ROAD MHP	7/3/2023	LINDA WILBUR	3/15/2024	982.26	982.26	0.00
Subtotal					982.26	982.26	0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Billing Correction							
0000005712-2019-2019-0000-00-REG	BLUE RIDGE HEALTHCARE	3/1/2024	AMANDA	3/1/2024	169.98	169.98	0.00
0000018799-2024-2024-0000-00-PRV	BECK, ERNEST JERRY	1/29/2024	ADJUSTMENT	3/7/2024	867.43	867.43	0.00
0000040797-2024-2024-0000-00-PRV	BURNS, B SCOTT	2/19/2024	ADJUSTMENT	3/21/2024	105.73	105.73	0.00
Subtotal					1,143.14	1,143.14	0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Exempt Property							
0024072634-2023-2023-0000-00-REG	FLAIRSHIP LLC	7/3/2023	LINDA WILBUR	3/12/2024	726.88	726.88	0.00
Subtotal					726.88	726.88	0.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Listed In Error							
0000057352-2022-2022-0000-00-REG	CLARK, PETER D	7/1/2022	LINDA WILBUR	3/5/2024	8,124.56	712.03	7,412.53
0000057352-2023-2023-0000-00-REG	CLARK, PETER D	7/3/2023	LINDA WILBUR	3/5/2024	8,450.14	567.98	7,882.16
Subtotal					16,574.70	1,280.01	15,294.69
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Release LFUF							
0000003994-2023-2023-0000-00-REG	BROWN, ALAN	7/3/2023	AMANDA	3/22/2024	1,460.60	704.00	756.60
0000025463-2022-2022-0000-00-REG	BYRD, ERIC E	7/1/2022	AMANDA	3/12/2024	191.80	164.00	27.80
0000025463-2023-2023-0000-00-REG	BYRD, ERIC E	7/3/2023	AMANDA	3/12/2024	209.60	176.00	33.60
Subtotal					1,862.00	1,044.00	818.00
TAX DISTRICT: BURKE COUNTY RELEASE REASON: Value Change							
0000005402-2022-2022-0000-00-REG	JIFFY STORES INC	7/1/2022	AMANDA	3/19/2024	4,785.71	622.36	4,163.35
0000005402-2023-2023-0000-00-REG	JIFFY STORES INC	7/3/2023	AMANDA	3/19/2024	5,142.58	751.36	4,391.22
Subtotal					9,928.29	1,373.72	8,554.57
Total					31,217.27	6,550.01	24,667.26

VTS Refunds Over \$100	
	Refund Amount
VTS Adjustments	\$946.58

Payee Name	Primary Owner	Address 3	Bill #	Plate Number	Transaction #	Refund Description	Refund Reason	Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
CALDWELL COUNTY TAX	LIBERA, BILLY STEVENSON II	LENOIR, NC 28645	0075124164	KKS6452	304482951	Refund Generated due to adjustment on Bill #0075124164-2023-2023-0000-00	Change of County	01	Tax	(\$418.29)	\$0.00	(\$418.29)
								57	Tax	(\$373.48)	\$0.00	(\$373.48)
								57	Vehicle Fee	(\$20.00)	\$0.00	(\$20.00)
								Refund			\$811.77	
TAYLOR, THOMAS DORSEY	TAYLOR, THOMAS DORSEY	MORGANTON, NC 28655	0076159197	VAC6427	405350616	Refund Generated due to adjustment on Bill #0076159197-2023-2023-0000	Situs error	01	Tax	\$0.00	\$0.00	\$0.00
								57	Tax	(\$134.00)	\$0.00	(\$134.00)
								57	Vehicle Fee	(\$20.00)	\$0.00	(\$20.00)
								25	Tax	\$19.19	\$0.00	\$19.19
											Refund	\$134.81
											Refund Total	\$946.58

*Note: The net release amount is a result of the reported amount minus the rebilled amount.

Motion: To approve the Tax Releases and Refunds for March 2024 as presented.

RESULT: APPROVED [UNANIMOUS]

MOVER: Phil Smith, Commissioner

AYES: Jeffrey C. Brittain, Scott Mulwee, Randy Burns, Johnnie W. Carswell and Phil Smith

ITEMS FOR DECISION

HR - HR POLICY MODERNIZATION- PHASE I

Joe Lutz, HR Policy & Project Manager, presented revisions to the Burke County Personnel Policy concerning recruitment, selection, and advancement, pursuant to the petition for substantial equivalency with the Office of State Human Resources (OSHR) policy. Adoption of the following resolution was requested. Highlights of his presentation were as follows:

Burke County Policy Modernization Part 1
Executive Overview
Burke County Human Resources Department



Commissioners' Strategic Plan



FOCUS AREA 1: COMMUNITY ADVANCEMENT
To invest in cultural capital and advancement strategies that promote participative governance that elevates a community to live, work and play – while also positioning Burke County as a community of choice.

FOCUS AREA 4: FISCAL STEWARDSHIP
Pursuit of the high-performing organization model that ensures high quality, transparent and efficient use of public resources.

FOCUS AREA 2: ECONOMIC GROWTH & SUSTAINMENT
Promotion of Burke County as a business and economic center in the region through recruitment of new industry, creating a healthy business climate for existing businesses.

FOCUS AREA 5: EMPLOYER OF CHOICE
To promote a professional value-based employee centric workplace that promotes innovation, performance, and integrity, and differentiation.

FOCUS AREA 3: PUBLIC SAFETY & WELL BEING
To ensure the safety of our residents through efficient and effective public safety agencies.

Policy Modernization – Why?  Employer of Choice: 2023 – 2024 Focus Area 5 Operating objectives align with the organization's Focus Area 5 ➤ Compensation and Classification Study – policies must be in sync with upcoming strategies, career ladders, and market methodologies for determining fair pay grades and salary. ➤ Substantial Equivalency – policies that reflect OSHR guidance and position us to receive certification. ➤ Modernization of HR Policies and Procedures– best practices, more empowerment and culture-defining, less control focused. ➤ Reduce Risk – compliance with current federal, state and local employment law. ➤ Clarity - clear mission, vision and expectations to achieve them for the citizens of Burke County.	Policy Modernization – Part 1  Several policy areas need action immediately to underpin Substantial Equivalency initiative: ➤ Article IV – “Recruitment and Employment” of current Burke County Personnel Policies - Hiring ➤ Article II – “Classification Plan” – Job duties, responsibilities and relative weight ➤ Article III – “Wage and Salary Administration” – How we determine pay ✓ Crucial to underpin our upcoming Compensation and Classification Plans ✓ Critical to obtaining Substantial Equivalency ✓ Will make us more competitive for the best talent ✓ Will reset the playing field and realign our job classifications for a more reasonable balance ✓ Will take advantage of all our employment upgrades to attract the best employees ✓ Will aid retention: a well-staffed and fairly compensated workforce will perform better
Policy Modernization – First Revision  Article IV – “Recruitment and Employment” of current Burke County Personnel Policies This is how we will fill open positions in County Government Staff Proposed Policy: Recruiting, Selection and Advancement Policy Philosophy: Professionally define and describe positions: basing required education, experience, knowledge, skills and abilities on objective assessment of the job. Use that description to advertise, search for and select candidates for employment in a lawful and fair manner which ensures the County is choosing from the best available talent for every position while encouraging development and promotion of internal staff.	Policy Revision Process: Recruitment and Selection  Proposed Policy: Recruiting, Selection and Advancement Policy Major differences between the old policy (Article IV) and the proposed Recruiting policy. Proposed Policy: ➤ Establishes preference for recruiting externally and internally for all vacant positions ➤ Charges HR with developing and administering consistent professional staffing practices ➤ Stipulates pre-planning and purposeful execution of staffing tasks and selection methods ➤ Centralizes HR as an integral partner in staffing of all departments ➤ Complies with Equal Employment Opportunity ➤ Hopefully meets the OSHR standard for substantial equivalency certification in recruitment Our consultant, Drake Maynard, former Director, Employee Relations Division, OSHR has advised us on the language of our policy to meet OSHR standards.
Policy Revision Process Overview – How?  Revision Process Workflow Steps Update ➤ What policies should be included/excluded? Research best practices. ➤ Consistent formatting so all policies are structured uniformly. ➤ Identify which policies have been problematic and make changes/updates/deletions accordingly Review- Review policy draft with employees, Department Heads, legal counsel, and County Manager. Approve- Review final draft with Commissioners; Commissioners approve. Implement- Implement policies, update procedures and rollout to the organization.	Stakeholder Groups – Who?  ➤ Steering Committee = Human Resources Subcommittee ➤ Leadership focus Group: all Department Heads, County Executive Leadership, and Directors ➤ Employee Listening Groups: ➤ Three listening groups ➤ 6-10 members each (half from Service and half from Administrative Departments) ➤ Each Listening Group will cover the same agenda, and feedback will be consolidated ➤ 3 groups provide greater employee involvement while maintaining a manageable process ➤ Legal Counsel (Board and specialized employment outside counsel) ➤ Board of Commissioners
Human Resources Subcommittee  Current members: ➤ County Manager ➤ Deputy County Manager/Finance Director ➤ HR Director ➤ Register of Deeds ➤ County Social Services Director ➤ Parks and Recreation Director ➤ Assistant HR Director ➤ Budget Strategy and Performance Analyst ➤ HR Project/Policy Manager HR Subcommittee drives all issues relating to the human capital of the organization.	Human Resources Subcommittee  What things is the HR Subcommittee working on right now: ➤ Recruitment Policy ➤ Compensation and Classification studies ➤ Substantial Equivalency ➤ Performance Evaluations and Performance Management ➤ FMLA and FLSA regulatory compliance ➤ MUNIS upgrade more functionality and better reporting and analysis ➤ KPIs for Human Capital: i.e. Turnover, separations voluntary and involuntary, grievance processes ➤ Wellness and Benefits ➤ New Hire Orientation: culture, expectations, values ➤ Vertical integration, one team, service is our purpose ➤ Employer of Choice ➤ Overall Policy Revision/Update

Questions?   11	Human Resources Requested Actions  The requested actions of the Board of Commissioners are: 1. Approve the Recruiting- Selection - Advancement Policy as presented, and 2. Approve the resolution to petition the North Carolina Human Resources Commission (HRC) for certification of Substantial Equivalency for Burke County in the Area of Recruitment and Selection of Employees as established in N.C.G.S. §126-11. 12
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Chairman Britain opened the floor for questions or comments; there being none, he opened the floor for a motion.

Motion: To approve the revisions to the Burke County Personnel Policy as presented and adopt Resolution No. 2024-04 petitioning the NC Human Resources Commission for certification of substantial equivalency with the Office of State Human Resources' policy.

RESULT: ADOPTED [UNANIMOUS] MOVER: Phil Smith, Commissioner AYES: Jeffrey C. Brittain, Scott Mulwee, Randy Burns, Johnnie W. Carswell and Phil Smith
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Resolution No. 2024-04 reads as follows:

BURKE COUNTY
NORTH CAROLINA

RESOLUTION DEALING WITH SUBSTANTIAL EQUIVALENCY

WHEREAS, the Burke County Board of Commissioners has identified making the County an "Employer of Choice" as a Strategic Priority for fiscal year 2023-2024; and

WHEREAS, the Burke County Board of Commissioners has identified pursuing "Substantial Equivalency" as an Operating Objective for fiscal year 2023-2024 in support of the Strategic Priority of becoming an "Employer of Choice"; and

WHEREAS, North Carolina General Statute § 126-11 allows local personnel systems to be established for all employees of the county subject to its jurisdiction with prior approval by the State Human Resources Commission as substantially equivalent to the standards established; and

WHEREAS, The State Human Resources Commission is authorized to promulgate rules and regulations to implement the federal merit system standards and these regulations at a minimum shall include: recruitment and selection of employees; position classification; pay administration; training; employee relations; equal employment opportunity; and records and reports; and

WHEREAS, the staff and resources are available to Burke County to maintain a substantially equivalent human resources system in the area of Recruiting, Selection and Advancement; and

WHEREAS, Burke County Board of Commissioners may petition for a determination of substantial equivalency in the area of Recruiting, Selection and Advancement.

NOW, THEREFORE, BE IT RESOLVED, that the Burke County Board of Commissioners approves and supports this resolution to the North Carolina Human Resources Commission to determine if Burke County meets the requirements for substantial equivalency with the State Human Resources Act.

Adopted this the 16th day of April 2024.

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

Attest:

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

Burke County personnel policy changes read as follows:

POLICY NAME	Recruiting, Selection and Advancement	POLICY NO.	001
EFFECTIVE DATE		LAST REVISION DATE	March 6, 2024
PUBLISH METHOD		DATE PUBLISHED	

SCOPE OF POLICY: (Applies to these groups/situations)

This policy applies to all Burke County employees, including employees subject to NCGS Chapter 126 The Human Resources Act. Employees of the Sheriff's Office, Register of Deeds' Office and Board of Elections may be subject to this policy if the elected/appointed officials that head those offices so choose.

PURPOSE OF THE POLICY: (What gave rise to the policy)

Burke County is committed to recruiting and retaining a diverse workforce consistent with Burke County's Equal Employment Opportunity policies and principles. The goal is to recruit and retain a management team and staff that reflect the qualified population of the service area and are each the best available candidate in their respective occupations as determined by objective selection based on merit.

POLICY STATEMENT: (What is the policy)**1. Statement of Equal Opportunity**

- a. Burke County is committed to providing equal employment opportunity (EEO) to all persons regardless of race, color, religion, sex, gender, sexual orientation, gender identity, national origin, political affiliation, physical or mental disability, age, veteran status, family medical or genetic information, pregnancy, or other non-merit-based factors.

2. Reasonable Accommodation

- a. Any applicant, or current employee, with a disability as defined by the Americans with Disabilities Act (ADA) may request a reasonable accommodation under the guidelines established by the ADA in the recruitment and selection process by contacting the Burke County Human Resources Office for further guidance.

3. Recruitment

- a. Burke County will meet their workforce needs through systematic recruitment and career support programs which identify, attract, select, and develop the human resources necessary for present and future workforce needs. It is the policy of Burke County to fill vacancies with the best qualified candidates available. Burke County is committed to making all hiring and promotional decisions based on merit. Burke County management is also committed to providing career development opportunities for existing Burke County staff.
- b. The Human Resources Director and other designated HR staff are responsible for an active recruitment program to meet current and projected staffing needs, using procedures that will ensure equal employment opportunities based on job-related requirements. Recruitment efforts may include outreach through various media to all segments of the communities served by Burke County and outside those communities to improve and maintain the diversity of staff providing services. Burke County employees are encouraged to refer potentially qualified persons to the Human Resources Department. Department Heads and Directors are also encouraged to use their special knowledge of their fields to aid in recruiting. Burke County Human Resources Department is responsible for managing the recruitment and selection process for all County employees (including those subject to the N. C. Human Resources Act) and for providing technical advice and assistance to hiring authorities as needed.
- c. **Outreach to Underrepresented Minority and Disabled Populations**
 - i. Burke County is committed to a diverse and inclusive workforce. To that end, the Human Resources Department annually initiates outreach and recruitment efforts to attract, recruit, retain, and promote targeted underrepresented minorities, women and the disabled. For example, these efforts include a range of practices, including targeted advertisement placed or posted to organizations dedicated to reaching underrepresented populations.

d. Before a Position is Posted

- i. Vacant regular full-time or part-time open positions will be publicized and recruited as described below to permit an open opportunity for all interested and qualified employees and applicants to apply. A vacancy exists when an employee retires, resigns, dies or is discharged from an open position or a new open position is added by the Board of Commissioners.
- ii. Prior to posting any job vacancy announcements, the Human Resources Director and the hiring authority will review the duties and responsibilities of the position description to ensure that it accurately reflects the minimum, required experience, knowledge, education and skills and physical abilities required by the position. Any critical interpersonal relationship, customer service, client service or other soft skills of the position may also be considered required qualifications. The pay grade assigned to the position will also be reviewed and updated as necessary by Human Resources.
- e. All persons who have completed a Burke County employment application are considered for employment with Burke County based on merit. All applicants for employment or promotion shall meet the minimum standards for training, education, and experience, as well as any certification or licensure requirements established for the position, except for established trainee positions (and those in work-against status).

4. Posting and Announcement of Vacancies

- a. When it is determined that a position is ready to be recruited for and filled, the Burke County Human Resources Department will post the vacancy on Burke County's website, list it with the local Job Service Office of the NC Division of Employment Security (NCWorks) and on any other website deemed appropriate, for a minimum of 7 calendar days and a maximum of the length of the application period stated in the position posting. Other recruiting efforts, including publicity and vacancy postings may be used as appropriate. Position vacancy announcements shall contain, at a minimum, the following information:
 - i. The job title
 - ii. The hiring compensation range;
 - iii. The closing date, if applicable, or the initial application review date
 - iv. A summary of the duties of the position;
 - v. A summary of the minimum education and experience requirements;
 - vi. The procedures for making application; and
 - vii. A statement of equal employment opportunity.

5. Internal Recruitment

Burke County as a matter of policy and procedure will announce all vacancies internally and externally as described in Section 4 above. Only an open and competitive recruiting process will give the County the advantage of selecting from the widest and most qualified pool of applicants. Nothing in this policy or elsewhere in Burke County policy shall prohibit a current employee from making an application for any vacancy, being objectively considered for any vacancy and being appointed to any vacancy if that person possesses the necessary

education, experience, skills, knowledge and abilities required by the position and has been deemed the best candidate for the vacancy as described below in Section 8. Selection. The Human Resources Director may make an exception to the requirement that all vacant positions be advertised externally and internally if he/she determines the best interest of the County is served by advertising internally only first to facilitate career advancement.

6. Application Process

Every vacancy that is advertised/posted shall be open for application for at least 7 calendar days and a maximum of the length of the application period stated in the position posting. Burke County will accept applications only for vacant positions that are currently being recruited. Applications shall be made using the Burke County employment application. Applications may be submitted either in hard copy or electronically. Initial contact pursuant to a job posting may take the form of a resume, or electronic "apply now" submission from an electronic/digital job board. Candidates cannot be offered a position without first completing an official Burke County application. It is the responsibility of the Human Resources Department to receive all applications for posted vacancies. After the application period has closed, the Human Resources Department shall review all applications and screen out any applicants or current employees who do not meet the minimum qualification standards for the position. Only applicants or current employees who meet the minimum requirements will be referred to the hiring authority.

7. Types of Appointments & Durations

a. Probationary Appointment and "At-Will" Periods of Employment:

- i. An employee appointed to a regular position shall serve a probationary period of six (6) months. This period is an essential extension of the selection process and provides the time for effective adjustment of the new employee or identification of those whose performance will not meet acceptable standards. This probationary period may be extended up to an additional three months (total of 9 months), according to the judgment of the Department Head/Director, the Human Resources Director or designated HR Staff and the immediate supervisor if additional time is necessary for determining the capabilities and performance of the new employee. Written explanation will be provided to the employee if the probationary period is extended.
- ii. During the probationary period, the employee is an "at-will employee". Any employee serving a probationary period following an initial appointment or who has not attained regular ("career") status as described below, may be dismissed without appeal rights at any time during the probationary period. The employee will be given notice of dismissal, including reasons for such.
- iii. Following successful completion of the probationary period, the employee is considered to have achieved "Regular" status as described below, which primarily means he/she is typically disciplined as prescribed under the Disciplinary Policy, Article IX of Burke County Policy, subject to any applicable grievance procedures. Burke County always reserves the right to take the appropriate level of disciplinary action based on the severity or impact of any policy infractions. This is commonly referred to as the "At-will Employment" doctrine.

- iv. The time an employee is on approved leave during the employee probationary period will extend the probationary period for an equivalent period of time, up to six or nine months as applicable.
- v. Employees are informed at time of employment of probationary period requirements.
- vi. Performance evaluation is utilized in making determination for regular appointments.

b. Trainee Appointments

- i. A trainee appointment may be made to a position in any class or series for which the specification includes special provisions for a trainee progression leading to a regular appointment. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for their job class.
- ii. The specification for each class in which a trainee appointment is authorized will define the minimum qualifications for the trainee appointment and the minimum qualifications for a regular probationary appointment. It is expected that the individual will progress through supervised experience to a minimum level of satisfactory performance in the position during a period of time indicated by the difference between the amounts of experience required for the two types of appointments. An employee may not remain in a trainee appointment beyond the time he/she meets the educational and experience requirements for the class. After the employee has successfully completed their probationary period and all educational and experience requirements, he/she shall be given regular status in the position or shall be separated.

c. Regular Appointment:

An appointment to a permanently established position when the incumbent is expected to be retained on a regular basis. Regular appointments follow the satisfactory completion of a probationary and/or trainee appointment or may be made upon the rehire or reinstatement of a qualified employee.

Once regular status is achieved by successfully completing the prescribed probationary period, the provisions described in Burke County's Personnel Policy, Article IX, Disciplinary Actions are typically applied, including any applicable grievance procedures. Burke County always reserves the right to take the appropriate level of disciplinary action based on the severity or impact of any policy infractions. This is commonly referred to as the "At-will Employment" doctrine.

Note: Sworn law enforcement officers and forensic scientists do not attain regular status until completion of their respective formal training program which typically stipulates length of service requirements.

d. Natural Progression Within Position (Career Ladder or lattice):

As explained in more detail in the Compensation and Classification sections of Burke County Policy, some job classifications have measurable, objective, specific criteria which separate them from jobs in the same job series, but do not take them into a higher pay grade or different classification or position. These advancements, made by natural progression within position, are not vacancies and are not regulated by this policy.

e. Time-Limited Appointment

i. A time-limited appointment may be made to:

1. A regular position that is vacant due to the incumbent's leave of absence and when the replacement employee's services will be needed for a period of one year or less, or
2. To a regular position which has an established duration of no more than two years. Such appointment shall not be made for less than six months (appointments less than six months should be Temporary Appointments as described below). If at the end of the two-year time-limited appointment, the work is expected to continue and the position becomes permanent, the employee may be offered a regular appointment. A time-limited appointment is distinguished from a temporary appointment by the greater length of time, and from the regular appointment by its limited duration.

f. Temporary Appointment:

A temporary appointment may be made to a regular or temporary position. The appointment shall be limited to a maximum duration of twelve months. Examples of this are to fill a short-term vacancy due to death or temporary disability (incumbent out on leave), or to provide continuity of the department/operation when the incumbent has been separated from employment and a new candidate for appointment has not been hired (interim assignment status).

g. Emergency Appointment:

An emergency appointment may be made when an emergency exists requiring the services of an employee before it is possible to identify a qualified applicant through the regular selection process. When it is determined that an emergency appointment is necessary, all other requirements for appointments will be waived. This is limited to Department Heads and those critical positions/situations when vacancy will jeopardize effective operation or seriously impact public safety or service. The County Manager will be responsible for making this determination.

h. **Work Against Appointment:** When the best qualified applicant does not yet possess the experience for the vacancy, the appointing authority may appoint an employee below the level of the regular classification in a work-against situation. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on-the-job experience. The appointee must meet the minimum training and experience standard for the class to which initially appointed. The employee's compensation will be assigned within the range for

the class to which initially appointed, and the compensation will be adjusted incrementally, as the employee meets the minimum qualifications for the established position.

8. Selection

- a. The Department Head/Director, the Burke County Human Resources Director and the hiring authority will determine the legal and merit-based selection tool or tools to be used in hiring/promotion situations. The Burke County Human Resources Department is responsible for working with the hiring authority to maintain documents relevant to each selection decision. These employee selection documents will be maintained by HR after the position is filled.
- b. Department Heads shall develop, use, and document, on a consistent, routine basis, a selection process that best suits the County's needs in filling positions within each department. All selection methods developed and utilized by the department head/director shall be legal and valid measures of job performance or predictors of future job performance.
- c. Essential job functions that have been identified and recently edited as applicable (see Section 3. (d). (ii) above) will form the basis of selection criteria and any selection methods developed/used to aid in the process.
- d. All selection methods will be documented and individual results of applicants will be included in the employee selection record in HR after the position is filled.
- e. Whenever interviews are conducted with applicants, in person, virtual or other, a base list of questions to be asked during all interviews for that position will be prepared based on defined job requirements, used and retained for purposes of comparison of applicants and will be included in the employee selection record in HR after the position is filled.
- f. The Human Resources Department will periodically offer training to supervisors in the use of selection tools and will be responsible for vetting all selection tools and for providing technical advice and consultation as needed.
- g. Promotion: Candidates for promotion shall be chosen based on their qualifications and meeting the experience, knowledge, education, and interpersonal and technical skills required for the position and in accordance with the County's Equal Employment Opportunity Policy. Current employees may be given preference for certain promotional opportunities over outside candidates providing they possess equivalent or superior qualifications (including applicable interpersonal relationship, customer service, client service or other soft skills) than any outside candidate. The disciplinary history of the current employee must be taken into account and given due weight in this process, for example presence of an active disciplinary action may preclude the candidate from promotion.

NOTE: Employees with Regular Status: Employees with Regular Status who are promoted or transferred into a new position will retain Regular Status.

- h. Transfer: If a vacancy occurs and an eligible employee from another department wishes to be considered for the appointment, the employee shall follow the application process for that position.
- i. All appointments, both initial appointments and promotions, shall be made based on merit. All appointments, both initial appointments and promotions shall be made based on open competition. All initial or promotional appointments will be filled by applicants who meet at least the minimum requirements of education and experience of the position except as set out above in Section 7(b) Trainee Appointments and (h) Work Against Appointments.
- j. Once the hiring authority has completed the selection process, he/she will forward a recommendation for selection and all employee selection records to the Department Head for a selection decision. All selection processes and decisions will be monitored by HR for adverse impact and for compliance with Burke County's EEO Policy. Once a selection decision has been made and a verbal conditional offer has been made, the Burke County Human Resources Director or other designated HR Staff is responsible for issuing a conditional offer letter and ensuring the selected candidate completes a pre-employment drug test (if a new hire) and gives written authorization to perform a criminal background check and if applicable a driving record check.
- k. Dedicated HR staff will be trained to consistently evaluate a candidate's qualifications related to established minimum job requirements. Established equivalencies based on different types of education and amounts of experience will be used as necessary to evaluate a candidate's qualifications.

9. Pre-Employment Drug Testing/Background Check

- a. All applicants who receive a written offer letter are required to undergo a criminal background check, and if applicable a driving record check, and a pre-employment drug screen prior to starting work. Pre-employment drug screen must be completed within 24 hours of notice from the Human Resources Department. Applicants who do not successfully complete or refuse to submit to these pre-employment requirements will have their offer withdrawn.
- b. For more information on these processes, see the Burke County Personnel Policies for Drug & Alcohol Screening and Drug Free Workplace and Background Check policies.

10. Credentialing and Primary Verification of Licensed (Certified) Practitioners

- a. The Burke County Human Resources Director or designated HR Staff is responsible for verifying the credentials of all licensed or certified individuals. As part of the application and conditional offer processes.

11. Maintenance of Position Records and Annual Monitoring of New Hires

- a. Employee selection documents will be maintained in the Human Resources Department for each job vacancy in compliance with state and federal rules and laws. Periodic reviews will be conducted to determine if there is any adverse impact in hiring decisions based on policies or procedures in the recruitment and selection process. These employee selection records may be hardcopy/physical records or electronic records.

EXCEPTIONS: (If any apply)

The Sheriff and Register of Deeds are elected officials and as such are free to choose to comply with these policies themselves personally, and for their employees may alter appointment and dismissal procedures at will. The Director of Board of Elections serves at the pleasure of the Burke County Board and the NC Board of Elections.

OTHER POLICIES RELATED TO THIS POLICY OR ISSUE:

Credentialing & Privileging Policy, Equal Employment Opportunity Policy, Drug & Alcohol Screening and Drug Free Workplace Policy, Background Check Policy, Classification Policy, Wage and Salary Administration (Compensation) Policy

ROLES AND RESPONSIBILITIES: (WHO/Which Department does)

ROLE	RESPONSIBILITY
Department	Ensures need, qualifications, salary and selection process for appointee.
Hiring Supervisor	Identifies need, qualifications and conducts selection process for appointee.
HR Director/HR Staff	Oversees recruiting, selection process and documentation, post-offer
County Manager	Verifies need for new positions, unusual salary offers, and internal only recruiting.
Board of Commissioners	Approves Compensation and Classification Plans, budget, and number of FTEs

TERMS AND DEFINITIONS: (Unique to this policy)

TERM	DEFINITION AS IT RELATES TO THIS POLICY
Regular Employee	Has completed probation and in an established, budgeted position
At-Will Status	Judicial concept: employers and employees can separate at any time,

PROCEDURES/PROCESSES RELATED TO THIS POLICY

List here procedures, processes, forms that are used to administer this policy. Recruiting and Selection SOP. Various selection methods, interview questions, role playing exercises, etc. used to make selections.

REVISION HISTORY: (When revised, approved by Commissioners or Designee)

DATE	DATE REVISED	SUMMARY OF CHANGES	APPROVED
	3/6/24	Revised and modernized, OSHR compliant.	

BOC - RESOLUTION ESTABLISHING THE BURKE CO. AMERICA 250TH PLANNING COMMITTEE

Chairman Brittain relayed that in 2026, America will celebrate its 250th birthday. In preparation

for the semiquincentennial anniversary, Dr. Linda Bryant and Dr. Bryant Lindsey have participated in the NC Department of Natural & Cultural Resources' America 250 planning meetings since they began several years ago. Local grant funds are available during FY 2023 - 2024 and FY 2024 - 2025 to underwrite the costs of local commemorative events and programming. One type of local grant is available exclusively to official county committees during FY 2023 - 2024. To access the grant funding, an official America 250 Committee must be created by the following authorizing resolution. The following 15 names are suggested candidates to serve on the Burke County America's 250 Committee:

Name	Representing	Term
Phil Smith	County Commissioner	1 Year
Butch McSwain**	Morg. City Council Member	2 Years
Robert Patton**	Historic Burke Foundation	3 Years
Dr. Linda Lindsey	Revolutionary War Days Committee	1 Year
Waits Gordon**	History Museum	2 Years
Laurie Johnson**	Burke Co. Library NC Room	3 Years
Ed Phillips	Tourism Development Authority	1 Year
Deborah Jones**	Burke Arts Council	2 Years
Kevin Hancock**	Sons of American Revolution	3 Years
Patricia Wells*	Daughters of American Revolution	1 Year
Bryant Lindsey	OVNCST	2 Years
Mike Swan**	BC Public Schools	3 Years
Dr. Joel Welch	WPCC	1 Year
Leslie McKesson	Citizen At-large	2 Years
Sam Wilkenson**	Citizen At-large	3 Years

The citizens/public officials mentioned above are willing to serve on this committee if appointed.

* A waiver of the residency requirement is needed for Dr. Wells who resides in McDowell County.

After expressing appreciation for their service, Chairman Brittain opened the floor for questions or comments. There being none, he opened the floor for a motion.

Motion: To adopt Resolution No. 2024-06 and appoint the following citizens and / or public officials to the Burke County America's 250 Committee as presented:

Name	Representing	Term
Phil Smith	County Commissioner	1 Year
Butch McSwain	Morg. City Council Member	2 Years
Robert Patton	Historic Burke Foundation	3 Years
Dr. Linda Lindsey	Revolutionary War Days Committee	1 Year
Waits Gordon	History Museum	2 Years

Laurie Johnson	Burke Co. Library NC Room	3 Years
Ed Phillips	Tourism Development Authority	1 Year
Deborah Jones	Burke Arts Council	2 Years
Kevin Hancock	Sons of American Revolution	3 Years
Patricia Wells	Daughters of American Revolution	1 Year
Bryant Lindsey	OVNCST	2 Years
Mike Swan	BC Public Schools	3 Years
Dr. Joel Welch	WPCC	1 Year
Leslie McKesson	Citizen At-large	2 Years
Sam Wilkenson	Citizen At-large	3 Years

Further, to approve a waiver of Section 2-88 - Membership Requirements (residency) for Dr. Patricia Wells, Chapter Regent, Quaker Meadows Chapter, NSDAR.

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

Resolution No. 2024-06 reads as follows:

RESOLUTION OF COUNTY RECOGNIZING AND APPROVING
OF THE COUNTY OFFICIAL AMERICA 250 NC COMMITTEE

A resolution of County, North Carolina, supporting the America 250 NC committee for the United States semiquincentennial (AMERICA 250 NC).

WHEREAS, Roy Cooper, Governor of North Carolina, created AMERICA 250 NC to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the United States and North Carolina's integral role in that event and the role of its people on the nation's past, present, and future: and

WHEREAS, AMERICA 250 NC has a mission to engage ALL North Carolinians and ALL 100 counties through their many signatures and officially recognized programs, projects, and events over the commemoration by inspiring future leaders and celebrating North Carolina's contributions to the nation over the last 250 years; and

WHEREAS, by adoption of America 250 NC's mission, the County Committee is officially formed to achieve the goals of AMERICA 250 NC.

NOW, THEREFORE, BE IT RESOLVED, that the County of hereby endorses AMERICA 250 NC and its mission; and

RESOLVED, the County of Burke officially establishes an AMERICA 250 NC Committee made up of a diverse group of citizens to work with AMERICA 250 NC on any and all activities. The

participants of the County Committee will be strictly voluntary roles and there will be no compensation for participation.

IT IS FURTHER RESOLVED that a copy of this resolution be sent to the legislative delegation and the AMERICA 250 NC Committee.

ADOPTED this 16th day of April 2024.

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

Attest:

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

Note: As required, a copy of the aforementioned resolution was provided to the County's legislative delegation and the America 250 NC committee.

BCPS - FORM OF AGREEMENT FOR NEW ELEMENTARY SCHOOL IN EASTERN BURKE COUNTY

Keith Lawson, Finance Officer, BCPS, reported that in February, Burke County Public Schools received a \$42 million grant from the North Carolina Department of Public Instruction to build a new elementary school in eastern Burke County. This school construction grant is funded by the Needs-Based Public School Capital Fund, which gets its revenue from the North Carolina Education Lottery and is provided to help districts build new schools or make additions or repairs and renovations to existing buildings.

Per N.C.G.S. §115C-546.12, a county receiving funds through the Needs-Based Public School Capital Fund must enter into an agreement with the Department of Public Instruction detailing the use of the grant funds. Therefore, authorization for Chairman Brittain to execute the "Form of Agreement - FY 2023 - 2024" on behalf of the Board was requested.

Chairman Brittain opened the floor for questions or comments; there being none, he opened the floor for a motion.

Motion: To authorize the Chairman of the Burke County Board of Commissioners to execute the "Form of Agreement - FY 2023 - 2024" as presented.

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

REPORTS AND COMMENTS

Chairman Brittain opened the floor for reports and comments from Board members and professional staff. Brian Epley, County Manager, expressed appreciation to staff and the Board for accommodating his remote work these past few weeks during his recovery. Commissioner

Burns reported that the annual banquet for the Western Piedmont Council of Governments was held last week, which he attended with several Commissioners. Chairman Brittain shared information on upcoming meetings, and community events, in addition to inviting youth groups to sign up to lead the Pledge of Allegiance at Commissioners' meetings. He then issued friendly reminders to not litter, to pick up trash, to cover your loads when transporting trash to the landfill or a convenience site.

RESULT: NO ACTION TAKEN.

VACANCY ANNOUNCEMENTS

CLERK - BOARDS AND COMMITTEES VACANCY REPORT

Kay Draughn, Clerk to the Board, announced the following vacancies on county boards or committees as follows:

- Adult Care & Nursing Home Community Advisory Committee
- City of Morganton - Board of Adjustment (ETJ)
- City of Morganton - Planning Board (ETJ)
- Burke County Board of Health
- Hickory Regional Planning Commission
- Burke County Board of Adjustment

RESULT: NO ACTION TAKEN.

CLOSED SESSION

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

Motion: To go into closed session to discuss threatened or pending litigation, to preserve the attorney-client privilege, to discuss economic development matters, to discuss contractual matters (land acquisition) and to discuss personnel matters as authorized by NCGS 143-318.11(a) (3), (4), (5) and (6).

RESULT: APPROVED [UNANIMOUS]

MOVER: Randy Burns, Commissioner

AYES: Jeffrey C. Brittain, Scott Mulwee, Randy Burns, Johnnie W. Carswell and Phil Smith

RETURN TO OPEN SESSION

After returning to open session, Chairman Brittain announced that a proper motion was made to come out of closed session and that the Board gave direction to the County Attorney to move forward with a legal matter.

ADJOURN

Motion: To adjourn the meeting at 11:06 p.m.

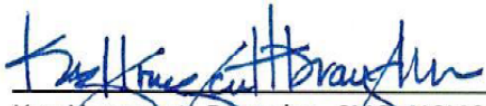
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Scott Mulwee, Vice Chairman
AYES:	Jeffrey C. Brittain, Scott Mulwee, Randy Burns, Johnnie W. Carswell and Phil Smith

Approved this 16th day of July 2024.



Scott Mulwee, Vice Chairman
Burke Co. Board of Commissioners

Attest:



Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board